

**Democratising Regional Integration in
Southern Africa:**
SADC national committees as platforms
for participatory policy-making

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Research report122

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Democratising Regional Integration in Southern Africa

ABBREVIATIONS:

CSO: CIVIL SOCIETY ORGANISATIONS

FANR: FOOD, AGRICULTURE AND NATURAL RESOURCE

I&S: INFRASTRUCTURE AND SERVICES

MDG: MILLENNIUM DEVELOPMENT GOALS

NEPAD: NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT

NGO: NONE GOVERNMENTAL ORGANIZATION

ORGAN: ORGAN ON POLITICS, DEFENSE AND SECURITY

RISDP: REGIONAL INDICATIVE STRATEGIC DEVELOPMENT PLAN

RPO: REGIONAL POVERTY OBSERVATORY

SADC: SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

SADC-PF: SADC PARLIAMENTARY FORUM

SCU: SADC COORDINATING UNITS

SHD&SP: SOCIAL, HUMAN DEVELOPMENT AND SPECIAL PROGRAMMES

SIPO: STRATEGIC INDICATIVE PLAN OF THE ORGAN (ON POLITICS, DEFENSE AND SECURITY)

SNCS: SADC NATIONAL COMMITTEES

TIFI TRADE, INDUSTRY, FINANCE AND DEVELOPMENT;

DEFINITION OF KEY TERMS:

Public participation: Encompassing in terms of mechanisms; consultative forums; stakeholder membership, limited to groups;

SNCs as participatory platforms: the issue is examined from the wider question of SNC functionality
Functionality: The characteristics and effectiveness in the administration and operation of SNCs in relation to the SADC framework for SNCs

Civil Society: Inclusive of stakeholders stipulated in the SADC treaty provision for SNCs: NGOs, private sector, business, trade organisations

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1. INTRODUCTION

This research examines public participation and democratisation in SADC by investigating SADC National Committees (SNCs) as institutions that support regional participatory policy development. Since the 2001 amended SADC Treaty introduced SNCs, little research has been undertaken on the extent of SNC functionality and operations. Existing studies on this subject have focused largely on capacity issues such as the ability of the SADC secretariat to co-ordinate SNC activities in member states and the operational dynamics of SADC national implementation institutions such as the SNCs¹. This study looks at SNC functionality with particular focus on SNCs as platforms for participatory policy-making and implementation in SADC. The research is significant because, while existing reports and information on SNCs have focused on the capacity and operational areas of SNC functions, this study explores the stakeholder participation requirement for SNCs as an essential component of a functional SNC. It explores the perceptions of both government and civil society in this regard.

Research findings provide insights on the challenges in building functional and inclusive SNCs in SADC. The findings are based on a scan of the literature and reports (on SNCs and SADC regional governance in general), as well as the collection of primary material through in-depth interviews with key informants. A limited number of countries are selected as case studies. The research findings provide useful insights for comparative purposes on the successes and challenges facing SNCs in SADC. The findings should not be generalised to SNCs in other SADC countries, which may operate under different political contexts and organisational environments. Nevertheless they do provide valuable insights and suggestions on the functional issues that may face SNCs in other countries (outside the scope of this research) and SNCs' role as participatory policy-making forums.

1.1 Purpose of the research

This exploratory research project intends to be an action research intervention aimed at investigating the role of SNCs as national linkages to the SADC policy process. This means that SNCs function as implementation arms of SADC, infusing member state positions on various issues through broad public participation from civil society and other stakeholders. This undertaking is motivated by the view that the deepening of integration in southern Africa requires much greater engagement of citizens and civil society in the affairs of SADC. Indeed SADC SNCs represent an innovative effort in African regionalism to directly involve member state citizens in the regional policy process. The research is significant in as much as previous reports focused mainly on issues of capacity and the linkages between the SADC secretariat and SNCs. This report goes further, investigating the stakeholder participation requirement as part of a functional SNC. Thus the research aims to:

¹ Some of these research reports will be discussed later, eg 2008 SADC Secretariat Capacity Development Framework SADC/CM/2/2008/3.5; MetaCom 2005. Support to consolidation of SADC National Committees (SNCs) and the operationalisation/implementation of RISDP: Capacity needs assessment report October 2004 - March 2005. Annex 1

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- explore how functional² SNCs are
- investigate the extent of civil society's participation in and knowledge of SNCs (a requirement of functional SNCs).

1.2 RESEARCH PROBLEM

SNCs are a statutory implementation organ of SADC which provide an opportunity for national input in the formulation of regional policies and the co-ordination and implementation of these programmes at national level. A distinctive characteristic of SNCs is their position as participatory multi-stakeholder policy-making and implementation platforms. However, available information suggests that SNCs in SADC countries are, in some cases, virtually non-existent, or poorly constituted, managed and capacitated. The study therefore investigates whether SNCs are meeting the basic functional requirements as prescribed in the Treaty and, if not, why is this so and what types of interventions are necessary to enable them to function more effectively?

1.3 METHODOLOGY

This is a qualitative research project which collected both primary and secondary data. Primary data sources were gathered through semi-structured interviews with key respondents in five SADC countries: Malawi, Mozambique, Zambia, Botswana and South Africa. After the collection of the data was completed, in finalising the draft of the research report, the Centre for Policy Studies held a workshop on the draft report with civil society, government and donor agencies.³ Information coming from the workshop was useful, especially in terms of better contextualisation of the research findings for discussions at the end of the report.

1.3.1 Selection of respondents

Respondents targeted for interviews represented a cross-section of key informants. There were those respondents who were expected to have some knowledge of and/or experience with working with SNCs (these were largely country government officials at Foreign Affairs SADC desks). There were also respondents who have held high-level government positions in areas that involve SADC (these consisted of parliamentarians, a former national minister and an ambassador). Finally, there were respondents from the civil society sector representing both national and regional NGOs.⁴ To identify some of these respondents, CPS worked with the assistance of institutions in the various countries.⁵

² See definition of functionality at the beginning of the report.

³ The seminar, titled Democratising regional integration in southern Africa: SADC National Committees as platforms for participatory policy making and implementation, was held on 26 August 2009 at the Centre for Policy Studies premises.

⁴ For more information on the sample, see Annexure.

⁵ The Netherlands Institute for Multiparty Democracy (NIMD in Malawi, Mozambique and Zambia) and the MASC in Mozambique.

Table 1: Target groups and interview methods:

Country	Malawi	Zambia	South Africa	Mozambique	Botswana	Total respondents
Aim of data collection	SNC Case study	SNC Case Study	SNC Case study	SNC Case study	SADC Secretariat, and SADC-CNGO	
Interview method	Face to face	Face to face	Face to face, email and telephone	Face to face, email	Face-to face	
Government officials	2	1	3	2		8
Political office bearers /Parliamentarians	2			1	1	4
NGOs	4	4	2	7	1	18
Total respondents	8	5	5	10	2	30

A total of 30 respondents from five countries in SADC were interviewed. Four of the countries - South Africa, Malawi, Zambia and Mozambique - were targeted as SNC case study sites. Botswana was chosen to specifically interview officials of key SADC institutions (the SADC secretariat officials, and SADC Council of NGOs (SADC CNGO) officials). Views emanating from these institutions were important because of the central role the SADC secretariat plays in the co-ordination and monitoring of SADC national implementing structures, including SNCs, and the recognised position of the SADC CNGO as a civil society platform in SADC. Where it was not possible to undertake face-to-face interviews with respondents, because respondents were unavailable at the time of the request for the interview, telephonic or email interviews were used.

1.3.2 The interview guide

Semi-structured interviews were held with key informants using an interview guide. Based on findings from the desk research, the questions were developed to test SNC functionality in terms of the framework for SNCs outlined in the Treaty. The questions were also aimed at exploring the extent of public participation in SNCs within the context of functionality.

The interview guide comprised several themes aimed at different target groups; these are summarised below.

Questions for government respondents: These questions focused on the functional requirements for a working SNC as specified in the SADC frameworks - in particular stakeholder membership, which is a prerequisite for a functioning SNC. This deals with the level of government's engagement with civil society, business and labour as members of SNCs.

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Questions for civil society respondents: These questions explored civil society's awareness⁶ of the existence of SNCs and its membership of SNCs. The questions also tested the level of interest shown by organisations in respect of regional affairs, particularly their knowledge about avenues available for public participation in regional issues. These questions were asked not only to identify different opportunities for civil society to participate in regional affairs, but also to determine the level of awareness by civil society of SNCs as public participatory platforms in relation to other opportunities within the region for public participation.

Questions for SADC secretariat: These questions aimed to obtain information that will provide an understanding of SNCs in general in SADC, and exploring the vision behind establishing SNCs, as well as the secretariat's views on how well the SNCs are functioning and their role in SADC regionalism in general.

1.3.3 Limitations of the study

The scale of the study: Budgetary limitations meant that field trips to the selected case study countries were short, no more than two days per country. Interviews were thus set up before researchers visited these countries, although in Zambia, some interviews were secured in situ. Although the research team tried to interview as many respondents as possible in the short time available during their country visits, researchers would have been more successful in securing access to a wider array of key respondents if they had been able to schedule one or two days more in each country. Nonetheless researchers did secure interviews with many key respondents.

Identifying and selecting respondents: In the cases of Malawi, Zambia and Mozambique, respondents were identified through the assistance of CPS networks. While a cross-section of stakeholder groups were targeted to represent different views and perspectives, additional factors - including the lack of available information on SNCs in the various countries, the resource limitations and difficulties in assessing key respondents were the main constraints in limiting the number and range of respondents representing different interest groups. However, as there was very little information on SNCs in general (from sources such as government and SADC websites, published reports etc), the research team used its own networks to identify respondents and targeted CSO coalitions and umbrella groups, regional and national NGOs, officials working at government SADC desks, parliamentarians, and SADC regional experts. The issue of language in Mozambique was a challenge and interviews were conducted through an interpreter. It is possible that certain expressions and nuances may have been lost during the course of these interviews. However, the questions were understood and answers to the questions were satisfactory and demonstrated an understanding of the questions.

Difficulties in accessing identified respondents: Although numerous emails and phone calls were used to secure interviews with identified respondents at the SADC secretariat, and also government officials in South Africa directly involved with SNCs, these interviews were not forthcoming. In South Africa contact

⁶ The issue of awareness is a strong component of the Regional Indicative Strategic Development Plan provisions on the role of SNCs as a national implementing organ of SADC

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was made with the SADC desk and an interview was arranged with a South African diplomat in Botswana. Although this afforded an insight into some operational aspects of SADC in relation to South Africa it did not provide information directly related to SNCs. The research team then sent letters to the South African Department of Foreign Affairs for more interviews and also contacted various line departments, such as the Department of Social Development, by phone. Telephone conversations with the Social Development Department and email correspondence with a Department of Foreign Affairs official revealed some insights into the operation of SNCs in South Africa.

While the information gathered from the interviews contributed importantly to the research findings, face-to-face interviews may have elicited richer information. In Botswana, official letters and telephone requests were used to arrange appointments. However, despite these efforts, the secretariat was reluctant to make time available for an interview. Although the research team was unable to obtain the SADC official position on the issue of SNCs, two respondents were interviewed from Botswana, the SADC CNGO and a former political appointee to Botswana Cabinet, and these contributed perspectives on the SADC position on SNCs. Interviews were conducted with government SADC Desk officials dealing directly with SNC issues in Zambia, Malawi and Mozambique. These respondents also interacted with the SADC Secretariat and thus provided insights into the relationship between the SADC secretariat and SNCs.

1.4 Contextualisation of the study

This section highlights findings from a scan of key literature relating to SNCs and provides a backdrop against which to report on the research findings for this study. The section sets the scene for the research into SNCs, by briefly discussing the origins of SADC and the changing way in which SADC development projects are managed. A summary of the structure and functions of SNCs, as outlined in the 2001 SADC Treaty, then follows. Research findings from previous studies undertaken on SNCs are also highlighted.

SADC traces its beginnings from the 1969 Lusaka manifesto, which⁷ was signed by the southern and central African states that made up the Frontline States, an organisation concerned mainly with the political and security issues in the region in the face of aggression by the then South African apartheid state. The Lusaka Manifesto recognised the equality of all and the rights to human dignity and respect irrespective of colour, religion, race or sex. This was a declaration which represented the sentiment at the time in condemning the injustices and cruelty in the white-ruled regimes of Rhodesia (Zimbabwe), South West Africa (Namibia) and South Africa. By 1979, in Arusha, the Southern African Development Co-ordination Conference (SADCC) was founded with the main aim of minimising the dependence of these states on apartheid South Africa.⁸ Following the independence of Namibia in 1990 and with change imminent in South Africa, the SADC Declaration and Treaty was signed at the Summit of Heads of States and Governments on 17 August 1992 in Windhoek,⁹ with greater focus on socio-economic integration as well as political and security co-operation.

7 Plaut, M. Africa's new 'Frontline States', <http://news.bbc.co.uk>, BBC News, Africa analyst.

8 Loc. Cit.

9 Department of Foreign Affairs, South Africa, Southern African Development Community, <http://www.dfa.gov.za>

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The structure of SADC in 1992 provided for the decentralisation of sectoral programmes (Sector Co-ordinating Units), giving member states the responsibility of co-ordinating one or more sectors as a way to address national priorities through regional action. With only 20 per cent of SADC projects in member states accounting for priority regional projects, the sector-based decentralised approach was criticised as being unsustainable (in respect of the equitable distribution of integration transaction benefits and costs) due to the tendency for SADC policies to be driven by a sense of national ownership rather than being regionally driven.¹⁰ Nevertheless, the decentralised sectoral approach had its merits. It not only assured the inclusivity and responsibility of all SADC member states (both big and small) in SADC policies, it provided a sense of ownership by member states' governments in SADC policy-making processes. The decentralised approach was eventually scrapped on the recommendation of the SADC Council of Ministers in 2001¹¹ in favour of a centralised clustered approach. The centralised approach was seen as a way for member states to account to SADC in terms of its policies.¹²

The new approach saw the centralisation of sectoral policies at the level of the Summit and administered from the SADC secretariat through four closely connected directorates: Trade and Industry and Finance and Investment (TIFI), Infrastructure and Services (I&S), Food, Agriculture and Natural Resources (FANR), and Human and Social Development (HSD&SP). The Regional Indicative Strategic Development Plan (RISDP) is the institutional and planning framework that governs these clusters. There is a fifth sector, the Organ on Politics Defence and Security¹³. The origin of the ORGAN is separate from this SADC restructuring process that established the other four organs. Established under the Protocol on Politics, Defence and Security Cooperation, the ORGAN has its own indicative strategic plan (Strategic Indicative Plan of the ORGAN -SIPO) which stipulates its own institutional framework to carry out its activities. As such, the ORGAN, while seen as a sectoral cluster in SADC, is not governed by the Regional Indicative Strategic Development Plan (RISDP), although it is seen as complementary to it.¹⁴ Nevertheless, there is a lack of clarity as to how the ORGAN relates to the RISDP or any of its implementation frameworks such as the SADC National Committee.

10 SADC 2000, Report of the SADC Council of Ministers on the review of the operation of SADC institutions, 28 November 2000.

11 SADC Council of Ministers recommended restructuring during a meeting in February 2001 in Midrand South Africa, at an extraordinary meeting in March 2001. The heads of state and governments approved the restructuring.

12 Margaret C Lee, 2003. The political economy of regionalism in southern Africa, University of Cape Town Press; Cape Town.

13 The Organ on Politics, Defence and Security is also known as the ORGAN

14 See SADC Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation.

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Table 2: SADC Institutional Framework

Type of SADC institutional structures	Institution / Organisation	Levels of intervention
Governing & policy decision-making structures	SUMMIT; Double TROIKA, SADC COUNCIL, Ministerial Committees/Clusters, Standing Committees	Regional
Principal executive institution	SADC SECRETARIAT	Regional
Other SADC institutions	SADC Tribunal	Regional
SADC subsidiary organisations	Development Finance & Resource Centre (DFRC), River Basin Organisations (RBOs), SAPP, RERA; Regional Peace Training Centre (RPTC) ; etc	Regional
Centres of excellence	Gobabeb, CESPAM; etc	Regional
National co-ordination structures	SADC National Committees, National Contact Points,	National
National implementation structures	Sector Ministries, sector agencies at Member State level	national

(Source: SADC Secretariat Capacity Development Framework, 2008)

Table 2 shows the new SADC policy-making and implementation institutional framework and the levels of operations. As is shown, the locus of SADC policy implementation is at the national level and in response to that, SADC has created structures to co-ordinate and implement policies at the national level. In order to fill the vacuum created by the scrapping of the Sectoral Coordinating Units (SCU), SNCs were created.¹⁵ The amended SADC Treaty of 2001 created an avenue for broader participation of SADC member state publics in SADC decision-making through the SADC SNCs. It can be argued the SADC amended treaty attempted to address the issue of ownership and SNCs of SADC member states and their constituencies through the institution of the SNCs. By so doing SADC broadened the principle of inclusivity in SADC policy-making by structuring SNCs as platforms for public participation in SADC policy-making at the national level.¹⁶ Thus, although SADC heads of states decided to end the decentralised approach in favour of the cluster centralised approach as seen in the RISDP,¹⁷ by establishing SNCs, SADC heads of states demonstrated that the issue of ensuring public participation and a national ownership of projects and programmes is an important good governance imperative for regional integration in SADC.

However it is also important to consider the extent to which these initiatives are legitimate commitments by SADC heads of states to promote good governance principles in the administration of regional policies. The issue of good governance in SADC has come under immense scrutiny over the past few years. Good governance is hinged on the promotion of democratic values, accountability and transparency, which illustrates a people-centred leadership as well as the broad participation of the people and civil society in governance. These attributes necessitate the establishment of strong independent and democratic institutions with the responsibility of ensuring transparent and accountable leadership. However, the decisions made by SADC on pressing democratic and governance issues such as

15 Isaksen, J. 2002. Restructuring SADC - Progress and problems. Report R 2002: 15 Chr. Michelsen Institute Development Studies and Human Rights

16 Southern African development community (SADC) Regional Indicative Strategic Development Plan, p 87.

17 Southern African development community (SADC) Regional Indicative Strategic Development Plan.

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the decisions of the summit after the controversial 2002 and 2008 Zimbabwe elections¹⁸ as well as the attitude of SADC heads of states to strengthening regional good governance institutions, such as the SADC-Parliamentary Forum, have contributed to questions being raised about the level of commitment of SADC heads of state to good governance principles. For instance, in 2002 the SADC Parliamentary Forum made a critical assessment of Zimbabwe's presidential election, in which it reported that that "the electoral process could not be said to adequately comply with the Norms and Standards for Elections in the SADC region."¹⁹ It has since been sidelined from the affairs of SADC. These setbacks and difficulties in influencing regional policy-making experienced by institutions like regional parliaments provides a benchmark for assessing commitment to good governance in SADC regionalism, of which public participation is a component.

Strengthening regional institutions should also be taken within the sovereignty/intergovernmental realities of regional integration, both in African regionalism and as seen also in the European Union (EU).²⁰ As in the EU,²¹ the model of integration which Africa currently follows subscribes to a gradual process of states ceding powers to supranational regional institutions. However, in the highly politicised regional environment in Africa, where sovereignty concerns sometimes stall the pace of regional integration, gradualism²² tends to become a legitimate excuse for institutional failures, resulting in very slow progress in regional integration. Also the common history of political liberation struggles in the region²³ and the transmutation of liberation organisations into powerful political ruling parties, raises some concerns in terms of the monopolising of policy discourse and the stifling of policy debate by liberation political ruling parties and hegemons. Ideally, the locus of regional policy implementation is at the member state level, thus there needs to be strong linkages between national level implementation bodies and SADC institutions at the regional level. There is room for the participation of labour, business and civil society in SADC policy-making through regional institutions like the SADC-PF at the regional level and the SNCs and national parliaments at the national level. Without these linkages, regional integration and indeed regional governance will become a costly effort.

1.5 A SCAN OF THE LITERATURE

This scan of literature will focus attention on the institutional architecture of SADC's national implementation framework. It will also incorporate a review of reports undertaken to assess the

18 See Solidarity Peace Trust 2008: Punishing Dissent, Silencing Citizens: The Zimbabwe Elections 2008 Johannesburg http://www.solidaritypeacetrust.org/reports/punish_and_silence.pdf and also SADC Extraordinary Summit communique of 13 April 2008. www.foreign.gov.ls/.../FIRST_EXTRA-ORDINARY_SADC_SUMMIT.pdf

19 SADC Parliamentary Forum 2002, Zimbabwe Presidential Elections 2002 Observation Mission Report.

20 Pierson, P. 1996. The path to European integration: a historical institutionalist analysis, *Comparative Political Studies*, 29(2):123–63.

21 The EU over the years continued to introduce legislation which gradually devolved more decision-making powers to the EU institutions like the European Parliament. Nugent, N 1999. *The government and politics of the European Union*. (fourth edition). Duke University Press, Durham.

22 Gradualist approach focuses on economic co-operation as an obtrusive route to the political integration endpoint: preferential trade agreement, free trade areas, common custom unions, common markets, economic union, monetary union and then political union.

23 South Africa, Botswana, Namibia and Zimbabwe are examples.

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operations of SNCs as well research work into the extent of public participation in regional activities including SNC activities.

1.5.1 SADC National co-ordination and Implementation

The SADC Treaty and RISDP provisions for SNCs are key structures involved in all the stages of the SADC programme and policy-making process, from policy formulation or programme initiation, to implementation, monitoring and evaluation.²⁴ The SNC is designed to be the link between regional-level implementing institutions, such as the SADC secretariat, the SADC Technical Committee (which can receive project proposals or ideas from SNCs and help the SADC secretariat develop them into concrete development proposals) and the SADC Programme Steering Committees (PSCs) which can provide strategic advice to and liaise with SNCs involved in a particular programme.²⁵

Additionally, the SADC Secretariat Capacity Development Framework of March 2008 highlights the prerequisite steps for successfully driving SADC national policy co-ordination and implementation. The first is the need for the SADC secretariat to engage member states on the allocation of co-ordination and implementation responsibilities with regard to RISDP/SIPO implementation. Secondly, the framework proposes that there be agreement on the way in which co-ordination is to work between the SADC secretariat and SNCs, especially in relation to information flows and progress reporting.²⁶ Thirdly, there is the need to reaffirm the role of SADC national committees, which therefore make up part of the national co-ordination and implementation structures of the RISDP.

1.5.2 SNCs: a brief introduction

The SADC national committees are provided for in the amended SADC Treaty of 2001 as a national implementation institution of SADC. They are identified as key structures responsible for the implementation of particular SADC programmes.²⁷ SNCs are also vehicles for bottom-up policy-making within SADC. Yet, there are reports that SNCs in all SADC member states have largely been non-functional, with gross technical capacity and resource problems, as well as ineffective co-ordination mechanisms.²⁸ Needless to say, these problems have a negative effect on the implementation of activities in SADC.

The report goes on to discuss the importance of the SADC secretariat's position as a co-ordinator with regard to providing capacity development support to SNCs. Also, while one agrees with the SADC Capacity Development Framework that efforts should be towards developing the technical capacities of these institutions in order for them to carry out their functions more effectively and efficiently, there is still

²⁴ See Treaty and RISDP, pp 84-90.

²⁵ RISDP 2002, p 87.

²⁶ Loc. Cit.

²⁷ RISDP p 84.

²⁸ Giuffrida L., Muller-Godde H. Strengthening SADC institutional structures - capacity development is the key to the SADC secretariat's effectiveness, Chapter 6, and SADC 2008 SADC Secretariat Capacity Development Framework.

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the issue of political will. According to the SADC Capacity Development Forum, lack of effectiveness can be tied to the low priority accorded to SNCs by heads of states and governments at the national level.

Finally, these institutional challenges expressed in the form of poor co-ordination, technical capacity and communication channels represent the general challenges that exist in the SADC policy implementation mechanism. Lack of communication and effective co-ordination will result in limited shared knowledge and this has far-reaching consequences in terms of regional governance.

1.5.3 Functions of SNCs

SNCs are designed as a forum for civil society and the private sector to shape SADC policies at the national level. SNCs are thematically structured along the four core sectoral clusters of integration in SADC. In effect the SNCs should play a policy and co-ordinating role in all the key SADC sectoral policy clusters. According to the treaty the core functions of the SNCs are to:

- provide input at the national level in the formulation of SADC policies, strategies and programmes of action
- co-ordinate and oversee, at the national level, implementation of SADC programmes of action
- initiate projects and issue papers as an input to the preparation of the RISDP, in accordance with the priority areas set out in the SADC Common Agenda
- create a national steering committee, sub-committees and technical committees.

The SADC guidelines issued by the SADC secretariat also provides that SNCs shall in addition:

- promote and broaden stakeholder participation in SADC affairs in member states
- facilitate information flows and communication between member states and the SADC secretariat
- co-ordinate the provision of inputs for the development of the RISDP and monitor its implementation.²⁹

The SADC Treaty and RISDP provisions for SNCs indicate that SNCs are supposed to be key in all the stages of the SADC programme and policy-making process from policy formulation or programme initiation to implementation, monitoring and evaluation.³⁰ Yet, assessments from regional watchers and from SADC suggest that SNCs, although they exist in SADC member states, have largely been non-functional with

²⁹ Hansolim., Shilimela, R. Progress in economic integration within SADC, *Monitoring Regional Integration in Southern Africa*, p 28.

³⁰ See Treaty and RISDP pp 84-90.

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gross technical capacity and resource problems and ineffective co-ordination mechanisms.³¹ To this end, the strengthening of the SNCs was seen as one of the paramount objectives of the secretariat as outlined in the SADC Capacity Development Framework of 2008.³² The challenge of SNC capacity and co-ordination should be viewed from a wider perspective of challenges facing SADC and its institutions. Evidence from research, especially on African integration, shows that regional secretariats have a tendency to be weak in terms of influence and organisational support needed for policy implementation.³³

Article 16A of the SADC Treaty allocates the responsibility of funding and administration of SNC to member states. However, several reports³⁴ put the responsibility of SNC functionality on the SADC secretariat, arguing that the secretariat needs to take a more visible role in facilitating the co-ordination and implementation of SADC RISDP/SIPO at the national level. The SADC secretariat acknowledges the challenges of establishing functional SNCs in the different SADC countries, especially the low priority accorded to SNCs by Heads of States and governments at the national level.³⁵ This implies that while the political will and funding capacity of member states to maintain functioning SNCs is very important, the SADC secretariat's responsibilities in providing technical guidance in the activation of SNCs is equally vital.

1.5.4 Structure of SNCs

The SNC's organisational hierarchy is composed of the national steering committee (which is largely an intergovernmental ministerial level committee consisting of the SNC chairperson and the chairpersons of the various sub-committees in charge of the core integration areas or clusters), the sub-committees (which represent SADC sectoral clusters), and the technical committees, (which provide technical guidance and quality control on SNC key programme areas). According to the Treaty, engagement with relevant stakeholders is very important at this level. The SNC secretariat is responsible for the general administration of the SNCs and submits regular reports to the SADC secretariat on the activities of the SNC.

31 Giuffrida L., Muller-Godde H. Strengthening SADC institutional structures - capacity development is the key to the SADC Secretariat's effectiveness, Chapter 6 and SADC 2008 SADC Secretariat Capacity Development Framework.

32 2008 SADC Secretariat Capacity Development Framework SADC/CM/2/2008/3.5.

33 Gottschalk, K. & Schmidt, S. 2004. 'The African Union and the New Partnership for Africa's Development: strong institutions for Weak states?' *Internationale Politik und Gesellschaft (IPG)*, 4:pp138-158.

34 See the SADC Review of Operations Report of 2001; the 2008 SADC Secretariat Capacity Development Framework SADC/CM/2/2008/3.5.

35 See the SADC Review of Operations Report of 2001; the 2008 SADC Secretariat Capacity Development Framework SADC/CM/2/2008/3.5.

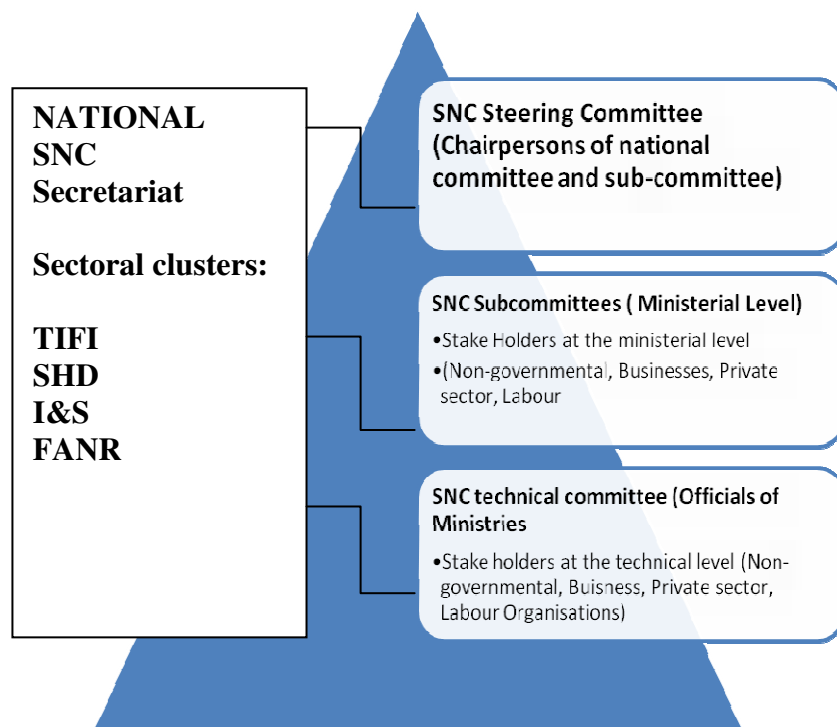


Figure 1: SADC National Committee operational framework (configuration by authors adapted from SADC treaty provisions.

1.5.5 Previous research undertaken on SNCs

Although research work and reports on the effectiveness of SNCs are few, some research has been done. Much of it has focused on SNC functionality, specifically highlighting capacity issues which affect SNC functionality. Some of the findings of two previous studies, dealing with citizen participation and functionality issues, are highlighted below.

Namibian Economic Policy Research Unit (NEPRU)

The NEPRU³⁶ carried out a survey of non-state actors in 10 SADC states, looking at the perceptions of business people and non-state actors on the issue of integration and the extent to which these actors participate in regional integration. This research approached participation in SADC from the civil society perspective and its results are worth highlighting because it explored in depth the participation in and awareness of SNCs by non-state actors (including civil society; organised labour; employer organisations, industry and professional organisations, etc). This was an extensive study, undertaken in 10 SADC

³⁶ See Deen-Swarray, M and K. Schade. 2006 Perception of business people and non-state actors on regional integration: A SADC-wide survey in Monitoring Regional Integration in Southern Africa Yearbook, Vol 6 pp 51-80. This report was commissioned by the FES in conjunction with the SADC secretariat and conducted by the Namibian Economic Policy Research Unit; findings were presented at the 2nd SADC Civil Society Forum organised by the SADC-CNGO in August 2006 in Lesotho. Full report can be found at NEPRU.

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countries with a total of 392 questionnaires received from business and 157 from non-state actors. The research found that only 20 per cent of respondents were members of SNCs. Of those respondents who were members, about 11 per cent stated that they participated in SNC meetings, while 14 per cent said they sometimes participated. Only 3 per cent of invited non-state actors did not participate. Sixty-four per cent reported that their lack of participation was because they were not invited, and, according to the report, only 7.2 per cent did not know if they had been invited or participated in SNC meetings.

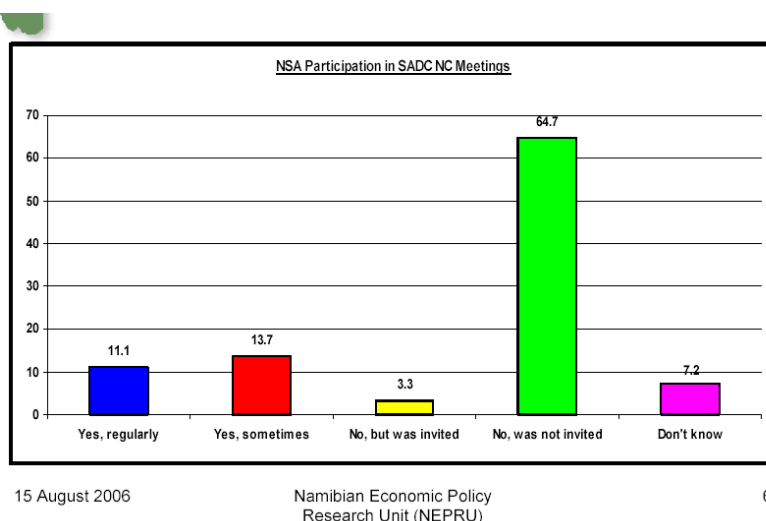


Figure 2: Non-state actors' participation in SNC meetings (source: NEPRU³⁷)

The findings provide some insights into public participation in SNCs in the region. While it is not clear from the report whether one must be a member to be invited to participate in SNC activities, the report suggests that if they are invited, civil society organisations are likely to attend SNC meetings. Thus, membership of SNCs is less a determining factor for civil society participating in SNC activities than getting an actual invitation to participate. The findings also suggest that although civil society may be members of SNCs on paper, in reality they do not participate because they are not invited to participate. The research highlights a particular need to focus on ways to strengthen public participation within existing structures that were themselves established to promote such participation in policy-making.

The MetaCom research

According to the SADC Review of Operations Report of 2001, in response to SADC restructuring, the timeline for the establishment of SNCs was the end of March 2002.³⁸ Four years later, the MetaCom consultants' 2005 Review showed that 12 SADC member states (all except DRC and Madagascar) had

³⁷ See Klaus Schade, Perceptions of Non State Actors of Regional Integration, presentation made at the 2nd SADC Civil Society Forum 15 August 2006, Maseru, Lesotho.

³⁸ Isaksen, J. 2002. Restructuring SADC - Progress and problems. Report R 2002: 15 Chr. Michelsen Institute Development Studies and Human Right.s

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established SNCs³⁹. Nine states have also established the SNC secretariat, and six states have officially launched these institutions.⁴⁰ According to the MetaCom 2005 Review⁴¹ none of these institutions correspond fully to the required structure. In terms of SNC functionality, a capacity-needs assessment carried out by MetaCom in 2005⁴² found that the challenges identified by the SADC secretariat workshop for SNC representatives in South Africa in July 2003, were:

- the lack of qualified and experienced personnel
- the lack of material resources (offices, equipment, etc)
- the lack of clarity on the SNC linkages to the SADC secretariat on budgetary provision for programmes and projects for implementation within the RISDP context
- the lack of a mechanism for integrating SNCs into government systems and procedures
- the lack of full comprehension of the function of SNCs by members of SADC
- the lack of internalisation and understanding of the roles of SNCs by stakeholders
- the lack of technical capacity in SNC sub-committees.

The MetaCom report highlights capacity, co-ordination and knowledge/awareness challenges in successfully managing SADC national implementation structures such as the SNCs.

2. RESEARCH FINDINGS AND ANALYSIS

The previous section provided a contextual and literature background to the political and institutional underpinnings of SADC's regional policy and governance environment, upon which discussions and analysis of SADC National Committees must be based. This section examines the research findings from the in-depth interviews and sets out the analysis of the findings based on the analytical framework as set out below.

39 MetaCom 2005. Support to consolidation of SADC National Committees (SNCs) and the operationalisation/implementation of RISDP: Capacity needs assessment report October 2004- March 2005. Annex 1.

40 However 'launching' the SNC while a clear statement of political intent is only the starting point towards establishing functioning SNCs.

41 MetaCom 2005. Support to consolidation of SADC National Committees (SNCs) and the operationalisation/implementation of RISDP: Capacity needs assessment report October 2004- March 2005. Annex 1.

42 MetaCom, 2005 Op cit p 6.

2.1 ANALYTICAL FRAMEWORK

Article 16a of the SADC 2001 Amended Treaty indicates that for an SNC to be considered functional, it must have the following attributes: a secretariat, it must conform to a prescribed institutional structure, be funded by the state, convene four meetings a year, and ensure stakeholder participation. The following Figure illustrates the aspects that are necessary for a functional SNC.

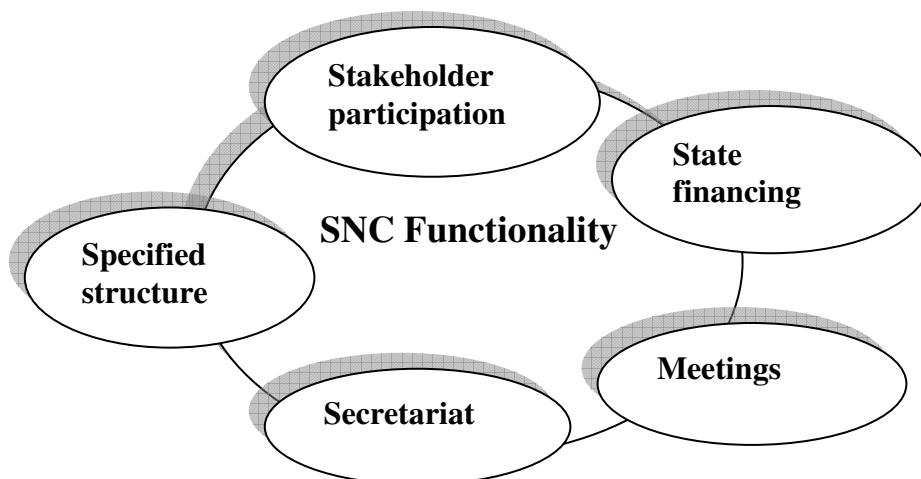


Figure 3: SADC treaty provisions for functioning SNCs (configured by authors adapted from SADC 2001 Amended Treaty)

The analytical framework will be based on the key indicators highlighted, as they constitute the minimum requirements that need to be in place for functional SNCs and that provide the space for citizen involvement and participatory governance at the regional level. The framework is thematically arranged into two parts. One part explores the broader functional and structural issues underpinning SNC performance, while the other part focuses particularly on public participation in SNCs.

2.1.1 Broader functional and structural issues

With regard to the broader structure and functional issues of SNCs, findings will be discussed and analysed based on the following:

- The specified structure of SNCs: Whether the basic institutional architecture is in place, including the national steering committee, sub-committees, technical committees representing the four sectoral clusters (Infrastructure and Services, Food Agriculture and Natural Resources, Trade Industry Finance and Development, Social and Human Development).

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- Meetings: Whether the SNCs have a set of basic activities, including if meetings are being convened at least four times a year. If not, how often meetings are being convened.
- SNC secretariat and co-ordination: The existence of an SNC secretariat in each country and the role it plays in co-ordinating and managing SNC activities, whether the SNC secretariat functions as a link between the SNC structure itself and the SADC secretariat.
- Whether SNCs are integrated into national government systems. SNCs are meant to play an important role in integrating the RISDP of SADC into national development plans. The lack of a mechanism for integration of SNCs into government systems and procedures has been highlighted as a challenge for SNCs.⁴³
- Determine the capacity of SNCs, including the human resource capacity of SNCs to carry out their basic functions, including technical and administrative skills within the SNC secretariat and government line ministries to manage the activities of and information flow from the sectoral clusters.
- Financial arrangements: Are there sufficient funds available for the proper functioning of SNCs and where do the funds come from? The SADC Treaty identifies each member state as the responsible authority for funding SNCs.

2.1.2 Public participation as a functional component

With regard to public participation in SNCs, findings will be discussed and analysed based on the following:

- Civil society knowledge of and responsiveness to avenues for civil society public participation in SADC.
- The level of awareness of the existence of SNCs; this is key, because as seen from the RISDP of SADC, member states should create awareness on the activities of SNCs.
- Composition of members of SNC: this investigates the extent of government engagement with stakeholders and the extent of civil society involvement in SNC activities as stakeholders.

⁴³ See MetaCom report in the literature review.

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2.2 Analysis of findings

Table 3: Overview of findings

Broader functional issues ⁴⁴					
Case	Specified structure	Secretariat	Financing arrangements	Meetings	Public participation
Malawi	CH(MIN of Foreign Affairs), SC and TC(the most active sector is TIFI) ⁴⁵	Focal point ⁴⁶ (located at SADC desk)	Not funded, dependent on government funding	Ad hoc	On paper, but very little engagement with civil society
Zambia	CH (Sec. to Cabinet); SC (the most active sector is TIFI)	Focal point (Located at	Not funded, dependent on government	Ad hoc	Very little engagement with civil society
Mozambique	CH (Min of Foreign Affairs) Plenary (all Sub committees + stakeholders) Provincial SNCs	Member institutions carry the cost of disseminating SNC deliberations to members (Focal point)	Inadequate, dependent on government	Plenary(yearly); SC monthly	I&S: 4 Govt; 3 NGO; 3 CSO TIFI: 6 Govt; 3 NGO; 3 CSO FANR: 11 Govt; 11 NGO (more than 40 institutions rep)
South Africa	African Renaissance Committee ⁴⁷ Participation by all departments	Located within the IRC Department	Government	Once a month	(Business through NEDLAC/DTI) Civil society when needed
Public participation					
Case	Civil society interaction with SADC	SNC awareness	Membership of SNCs	SNC engagement with civil society	SNC Meetings attended
Malawi	SADC-PF ;	2 groups	1 (on paper)	Minimal & restricted to certain groups	None confirmed
Zambia	SADC consultative forums	none	none	none	None confirmed
Mozambique	SADC CNGO, SADC-PF	2 groups	1	1 group	1 group confirmed
Botswana	SADC CNGO				

44 Information from government official interviewed; in South Africa and Botswana, government and SADC officials respectively, were not available for interview.

45 Specified structure: Chairperson of SNC (CH) (minister); national steering committee (NSC); Sub-committee (SC); technical committee (TC); sectoral clusters: (TIFI, S&HD, I&S, FANR45).

46 Skeletal manpower (single desk offices).

47 This makes it difficult to use South Africa as a comparative case in certain areas of this analysis. However, the finding in itself is significant for other comparative purposes.

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Table 3 provides an overview of the research findings on the structure, funding, operations of SNCs and public participation in them. The next section analyses the research findings dealing with the functionality of SNCs and public participation in these structures in the country case studies.

2.2.1 Findings on SNC functionality

SNCs in Botswana, Malawi, Mozambique and Zambia were established between 2001 and 2003. Therefore SNCs have been in existence in these countries for at least six years and there should have been sufficient time for these structures to be properly established and to be functioning. In exploring functionality, questions posed to government probed those basic functional requirements of SNCs as spelt out in the treaty.

According to the SADC Treaty provisions, SNCs ought to be structured according to the four SADC sectoral clusters (TIFI, I&S, FANR, SHD&SP). SNCs should have a national steering committee made up of chairpersons of the four sectoral units. These units should meet at sub-committee (ministerial) and technical levels with the broad public participation of business, labour, and civil society groups in these committees.⁴⁸ The findings showed that while all countries, except South Africa, reported having SNCs, none of the SNCs in this study meet the basic Treaty requirements for functional SNCs; national SNCs operated differently; SNC meetings were ad hoc in nature; secretariats functioned with limited capacity, and integrating SNCs into the overall government planning process was a major challenge. These findings are explored in more detail below.

Non-standardised nature of SNC structures

Each national SNC in the countries studied was found to operate and to be structured differently. Respondents in Malawi, Zambia and Mozambique were unanimous in stating that there is a lack of clarity in terms of standardised requirements for the operating of SNCs in their countries. The following comments from respondents highlight the confusion surrounding the basic requirements for a properly established SNC:

Most member states are operating but there are different schools... from the word go if SADC had set out a standard structure it would have helped.⁴⁹

There is no model in the SADC region of a country that has the model SNC for the rest to follow or emulate.⁵⁰

I think that you will find that it is a problem with almost all member states that the functions and the mandate of the SNC are not being undertaken the way they were envisaged.⁵¹

⁴⁸ The provisions of the Treaty are too vague and without articulation from SADC this has become problematic in terms of the distinct constitution, role and function of SNCs.

⁴⁹ Interview with Zambian government official, 13/05/09.

⁵⁰ Interview with Mozambican government official, 29/04/09.

⁵¹ Interview with Malawi government official, 24/03/2009.

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The Treaty provides that sub-committees and technical committees of the SADC national committee should operate at ministerial and official levels. However, it does not stipulate whether ministers should act as chairpersons at the sub-committee levels and who should chair at the technical committee level. Differences were found to exist in the country case studies. While SNCs in Malawi and Mozambique are chaired by the Ministers of Foreign Affairs, the Zambian SNC is chaired by the Zambian Secretary to Cabinet and deputised by the Permanent Secretary of the Foreign Affairs Ministry. In Zambia, SNCs are chaired at the sub-committee levels by permanent secretaries of ministries within the sectoral clusters, whereas in Malawi, the responsible line minister chairs these sub-committees and permanent secretaries of ministries chair the technical committees. The reason for these differences in operations of SNCs remains unclear.

As already indicated, SNCs should comprise sub-committees representing the various sectoral clusters of Trade and Industry and Finance and Investment (TIFI); Infrastructure and Services (I&S); Food, Agriculture and Natural Resources (FANR); and Human and Social Development and Special Projects (HSD&SP). In Malawi and Zambia, when government respondents were asked if the SNCs were constituted in terms of these sub-committees, they believed that these sub-committees existed but could not provide much information on their structure and functioning, including whether they hold meetings of these sub-committees. This suggests that the operations of these sub-committees are not very transparent or well known to government officials working at the SADC desk.

In Malawi and South Africa, other consultative bodies mirror the work of SNCs. In Malawi the National Working Group on Trade Policy deals with issues of trade across the board, including SADC issues. It meets quarterly to review issues relating to trade, and is a consultative forum. Additionally, Malawi has an inter-ministerial committee that deals with specific SADC-related issues. It is not clear how these structures relate to SNCs, as it seems that SNCs exist in parallel. Moreover government respondents were of the view that, compared to these other structures, SNCs exist on paper only:⁵²

We have the SNC on paper but in terms of operations, I don't remember if there have been meetings at the ministerial level, but I know there have been ad hoc meetings at technical levels prompted by certain engagements in SADC, but the idea is that we should have them as regular meetings to review what is happening in SADC.

In South Africa, there is a different implementation structure that deals with SADC issues and this is not an SNC. According to a South African official "South Africa deals with SADC issues through an effective committee called ARC (African Renaissance Committee)."⁵³ The African Renaissance Committee is constituted by all government departments and has a secretariat at the Department of International Relations and Cooperation. It therefore appears that in the South African case, there is no SNC in existence. This in effect makes it difficult to use South Africa as a comparative case in the analysis of findings.

⁵² Interview with the Economic Justice Network (MEJN) Malawi respondent who was formerly working directly on SADC issues at the Malawi Ministry of Trade, 24/03/09.

⁵³ Email communication from SADC Directorate, International Relations and Cooperations Department, 25/08/09.

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While the SNC structure in Mozambique does not conform to the recommended structure in the Treaty, the SNC structure in this country was more clearly identifiable and comprehensive than the SNCs in the other country case studies. In Mozambique the minister of foreign affairs is the chairperson of the SNC.⁵⁴ Directly under the minister is an SNC plenary comprising representatives from government and leaders of business and civil society groups. Mozambique has a SADC national committee, comprising a decentralised SNC system with SNCs represented at provincial level. Although the interviews did not provide clarity on how these different levels of SNCs relate to one another, there were suggestions that the provincial SNC offices submitted quarterly reports and participated in national SNC meetings. The Mozambican government is the only country to run a 'devolved' SNC structure, which is a variation of the Treaty provisions where SNCs are conceived as national structures with a national steering committee, sub-committees and technical committees.

The lack of a standardised structure for SNCs in the country case studies poses problems in terms of monitoring and evaluating their functions and effectiveness. This was highlighted by a respondent who made the following comment:⁵⁵

...SNC take different forms of operation from country to country as a result it is difficult to come up with one standard measure as to how they operate and be able to evaluate them at the regional level in terms of how they operate.

The ad hoc nature of SNC meetings

Research findings highlight that there is no structured plan in terms of the scheduling of SNC meetings in the country case studies. The Treaty stipulates that SNCs should meet quarterly. There is no provision however in respect of the regularity of the meetings of the sub-committees and the technical committees. Article 16A Section 7 of the Treaty suggests the national steering committees of SNCs can make unilateral decisions and that meetings can be impromptu. In Malawi and Zambia, meetings of SNCs were ad hoc, irregular, and largely issue-driven; they were convened when there was a need. In Mozambique respondents stated that the plenary meets once a year and the national committee structure meets once a month. However the respondents also admitted that SNC activities are determined by the availability of donor funds and issues that arise. This may also affect the frequency of meetings.

Poorly capacitated and run secretariat

Co-ordination of SNC activities requires a systematic arrangement of the lines of communication to maintain the flow of information relating to SNC activities and progress of the various committees within the SNC structures. This should be the function of an SNC secretariat. However, findings from the country case studies show that SNCs are unable to play a co-ordination role because the SNC secretariats in three

⁵⁴ Information on the functionality and structure of SNCs in Mozambique came from officials of the Mozambique Foreign Affairs Ministry, 29/04/09.

⁵⁵ Interview with Zambian government official, 13/05/09.

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of the four countries⁵⁶ investigated (Malawi, Mozambique and Zambia) are really just focal points where the SNC is dependent on already existing departmental structures to function within government. In other words SNC officials combine their SNC responsibilities with their day-to-day responsibilities in government. In this regard, a respondent states:⁵⁷

This is the national coordinating office, there is so much information being generated but there is no corresponding infrastructure...apart from SNCs I have other issues which I deal with.

Also, in Zambia and Malawi it appeared that in terms of operation, these SNC desks had little information on the activities of sub-committees in the various sectoral clusters. In other words the institutional relationship between the various sub-committees and the SNC desk or secretariat was lacking:

We need to build that capacity where we have in the ministry officers who will actually take care of each one of these sub-committees in the ministry and liaise with the chairperson of each subcommittee but we cannot, we don't have the resources⁵⁸

We don't chair any of those subcommittees and it is very difficult for me to state if they do comply...⁵⁹

Research findings also suggest that there is very poor communication and co-ordination between the SADC secretariat and the SNCs. Although SADC has attempted to deal with some of the capacity issues in SNCs, the communication and co-ordination of such interventions has been problematic and this may have negatively affected the outcome of plans to improve SNC capacity. An example of this was cited by respondents who reported that a study commissioned by SADC on the capacity of SNCs was not properly communicated to the SNCs being investigated, and the study itself was poorly executed. A Zambian government respondent had this to say about the SADC investigation:⁶⁰

The issue of capacity has been recognised by SADC... Again I think in 2007 if my memory serves me well actually there was some consultant who was going round member states to find out on the operations of SNCs to see how they could enhance capacity. I don't think a good job was done because I think this consultant did not give enough time to member states to prepare. When we met in Zanzibar the sentiment was that we were being ambushed. We were not ready for him...

Also, according to the Mozambican respondent, the consultant did not have adequate time and capacity to carry out the work. Research findings also suggest that SADC member states have high expectations that the SADC secretariat would play a more supportive role in the establishment of SNCs. Expectations of support included clarification and guidance from SADC on the structure and establishment of SNCs. For example, in Zambia a government respondent expressed the following view: *"To me I think at the time they were conceived maybe specific structures should have been prescribed by SADC*

56 In South Africa, the team could not ascertain the structure of the Africa Renaissance Committee which performs the functional role of SNCs in terms of SADC policies.

57 Interview with Zambian government official, 13/05/09.

58 Interview with Malawi government official, 24/03/09.

59 Interview with Zambian government official, 13/05/09.

60 Interview with Zambian government official, 13/05/09.

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*itself..."*⁶¹ and a respondent from Malawi had anticipated more specific support: *"Our own view and we have been pushing for that is that the SADC Secretariat should have made available under the new framework resources to make the SNC popular."*⁶²

The relationship between the secretariats (SADC and SNCs) goes beyond capacity- building and establishing good lines of communication between the SADC secretariat and the SNC secretariats. Research findings indicate that the roles and responsibilities of SADC and national governments to SNCs need to be clarified and communicated. Also, the relationship between the sectoral cluster sub-committees and the SNC secretariat at the national level should be clarified, to ensure that SNCs serve the participatory policy implementation function they are expected to serve at the regional level.

Human resources capacity

Linked to the issues of fully operational SNC secretariats is the need for human resources and the financial capital to fund them. SNC secretariats were found to be staffed by single individuals within the Department of Foreign Affairs. Usually these officers also combined their SNC responsibilities with their day-to-day responsibilities in government. This was highlighted by a respondent: ⁶³

This is the national co-ordinating office, there is so much information being generated but there is no corresponding infrastructure...apart from SNCs I have other issues which I deal with.

One of the main points coming out of the interviews was the shortage of human resources and skills needed to run SNCs in member states. Ideally, the SNC secretariat should be staffed with officers who manage information and activities coming from the four sub-committees and possibly also activities stemming from the SADC ORGAN on Politics, Defence and Security. A respondent had the following to say on the lack of resources that was negatively affecting the human resources capacity of SNCs: ⁶⁴

However the issue of resources hasn't gone our way we need to build that capacity where we have in the ministry, officers who will take care of these sub-committees here at the secretariat and liaise with the chairpersons of these sub-committees in order to create that interface but we cannot we don't have the resources.

Integrating SNCs in overall government systems

In Mozambique, SNCs are seen as not only a SADC institution but a part of the Mozambique government planning process. This means that SNCs are utilised as a tool for regional and national development, based on the pool of technical, business, labour and NGO experts represented in the SNC system, from the plenary through to the provincial levels. For instance, SNCs in Mozambique have participated in the Mozambican Integrated National Development Plan; also Gender CBOs that are SNC members provide up-to-date statistic for use by national decision-making bodies in Mozambique.⁶⁵ This situation was not

61 Interview with Zambian government official, 13/05/09.

62 Interview with Malawi government official, 24/03/09.

63 Interview with Zambian government official, 13/05/09.

64 Interview with Malawi government official, 24/03/09.

65 Interview with Mozambican government official, 29/04/09 (SADC Contact person at the Mozambique Foreign Affairs Department).

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apparent in Zambia and Malawi, as SNCs seemed to compete with other government-initiated consultative forums in the area of Trade and Finance and Security issues for instance.⁶⁶ The issue of integration into government structures can only be dealt with when SNCs are strategically linked to government's overall planning.

Financial resources and arrangements

In terms of SNC functionality the issue of finance is important. For SNCs to function, there has to be the financial support to sustain the necessary skills and activities of these institutions. From the provisions in the treaty SNCs should already be funded by member states' governments. More than any other challenge, respondents noted funding as one of the major challenges facing the future of SNCs. In terms of funding, findings related the following aspects:

- Funding responsibility
- Funding mechanisms
- Availability of funds.

Funding responsibility:

Although respondents (from all the case study countries), were of the understanding that national governments were responsible for the funding of SNCs, there seemed to be suggestions from respondents that certain aspects of funding the operations of SNCs should not be left entirely to national governments. For some respondents these areas should have been the responsibility of the SADC secretariat. For instance, in Malawi, there was a suggestion that SADC should have sponsored an initial awareness programme for SNCs at the national level to popularise SNCs:⁶⁷

SADC secretariat should have made available under the new framework resources to make the SNC popular... in which case as Malawi our initial proposal was that we need to build the necessary capacity for both the secretariat and the members and the first 3 years we should have the opportunity to get funding directly from the secretariat to do advocacy work and communicate with the various stakeholders.

The role of donors in terms of funding was also highlighted. In Mozambique, SNC committees sometimes meet and arrange activities to either meet the needs of donors or to attract donor funding. It was suggested that donor funding for SNCs could be obtained for capacity-building, especially in SADC post-conflict member states that are in the process of reconstruction. In Malawi, there was a suggestion that the private sector and other stakeholders invest money in SNCs in the long term.⁶⁸

⁶⁶ Interviews with Malawian respondents from the Centre for Human Rights and Resources and the Economic Justice Network.

⁶⁷ Interview with Malawi government official, 24/03/09.

⁶⁸ Interview with Malawi government official, 24/03/09.

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Funding mechanisms

In the countries researched, funding for SNCs was generally expected to come from national budgets. In Mozambique, government officials were of the view that despite the inadequacies of government funding, this source nevertheless still represented the biggest component of funding to SNCs.⁶⁹ The general picture coming from respondents in Malawi, Zambia and Mozambique was that the mechanism for funding SNCs has generally not worked since budgets are determined by country development priorities and departmental budget expenditures have ceilings for programmes and projects.⁷⁰

In the normal annual budget of government we have been trying to put in resources for the activities of the committee, unfortunately reality on ground is different as there is a lot of competing needs, because of the ceiling of the budget and being an idea not popularised, this has suffered.

Availability of funds

The interviews revealed that although expectations are that governments should fund SNCs, SNCs feature very low in governments' funding priorities. Respondents indicated that national budgets did not make provisions for SNC funding. Respondents suggested that there is little political commitment to fund SNCs, and this sentiment flows from an overall commitment to the SADC agenda and the benefits which member states believe they will derive from regional integration, transactions and activities. Some of these issues are highlighted in the comments from respondents below:

We have been looking to get a working structure for SNCs however there are challenges like budget constraints as government has competing needs.⁷¹

In the early days when we had these committees, ministers will come to committees and say how do we benefit from SADC? Why are we contributing so much to SADC agenda... we had to do some work and say it is difficult to talk about only the tangible benefits. In any case this is only the transitional phase as we go into deeper integration these benefits will become more tangible.⁷²

In conclusion, there have been SNC regional meetings aimed at addressing the challenges faced by countries in establishing functional SNCs. A Zambian respondent indicated that these meetings provided insights into the challenges facing SNCs in other countries.⁷³ This respondent suggested that all of the functional challenges highlighted in the country cases in this present research (for example, a lack of clarity from SADC on SNC structures; human and financial resource challenges; difficulty in integrating SNC into national structures, etc), are not unique to the country cases targeted in this present research project, but are endemic to SNCs across the region. Challenges facing SNCs across SADC are highlighted in the following comment from a participant who attended a regional SNC meeting:⁷⁴

69 Interview with Mozambican government official, 29/04/09.

70 Interview with Malawi government official, 24/03/09.

71 Interview with Zambian government official, 13/05/09.

72 Interview with Malawi government official, 24/03/09.

73 Interview with Zambian government official, 13/05/09.

74 Interview with Zambian government official, 13/05/09.

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Prior to last year we were having SNC regional meetings (the last meeting I attended was in Zanzibar in 2007) where we exchange ideas as a region on how these SNCs should operate. The issues coming out were issues of lack of capacity. This is not only unique to Zambia, like human resources, there have been generally lack of provisions in government national structures to accommodate SNCs, thus, most of these committees run on ad hoc basis on the sidelines of a particular ministry. This problem is not unique to Zambia.

2.2.2 Findings on public participation

This section examines findings on public participation in SNCs. Regional governance is predicated on regional actors and institutions' responsiveness and accountability to the public by yielding the space for public participation in regional policy-making. Stakeholder participation is a prerequisite for a functional SNC.⁷⁵ The study targeted government and civil society respondents for interviews in exploring the issue of public participation in SNCs. Findings in this section will be compared to the findings from the NEPRU 2005 survey on perceptions of regional integration among non-government actors in southern Africa, which had components of SNC participation.

The research set out to gauge civil society knowledge of the various avenues for public participation in SNCs, the composition of membership in SNCs (stakeholder representation) and the extent to which civil society participates in SNC activities.

Civil society knowledge of SADC and its structures that promote public participation

The research questions explored the general level of awareness of and interaction of civil society with SADC structures in the country case studies. Among the 18 NGOs interviewed were 11 national and 7 regionally focused NGOs.

Interviews with respondents from the civil society sector suggest that regionally focused NGOs recognised the need to proactively work to create linkages between regional institutions, policy and civil society. On the other hand, nationally based NGOs, though aware that platforms for participation in SADC may exist, had little knowledge of what these platforms or avenues for civil society public participation in SADC were. Altogether only four out of 18 NGOs (two nationally focused NGOs and two regional focused NGOs) admitted to being involved in SADC through different institutional structures, mainly the SADC-Parliamentary Forum, the SADC CNGO and the parallel regional civil society forums which deal with SADC directly. This fragmented approach by SADC to engaging civil society is highlighted by the views of the following respondent:

We have not had any formal type of platform...given from government...there have been certain consultative processes on issues of investment and trade where they have invited national consultative processes overall very little has been done to consult Civil Society on issues of SADC.⁷⁶

⁷⁵ SADC 2002. SADC Amended Treaty and Declaration Article 16 sect 2.

⁷⁶ Interview with Zambia Centre for Interparty Dialogue (ZCID) respondent, 13/05/09.

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We are not clear at what level we should be engaging with SADC except to pick up their protocols and using that as a point of reference in order to engage with government on governance issues, that is as far as it goes but whether SADC should be a partner with us, we don't see them.⁷⁷

Institutions that were identified but not necessarily used by both regional and national civil society organisations are the SADC Council of NGOs (SADC CNGO), parallel regional civil society forums⁷⁸ such as the Southern African Poverty Network, The SADC Parliamentary Forum and National Parliaments, Consultative Forums of various SADC Units such as the gender desk and HIV/AIDS desk, SADC National Committees. Civil society engagement with SADC was also driven by sector-specific projects based on sectoral developmental issues such as HIV/AIDS.

SADC CNGO and parallel civil society forums: Regional NGOs in SADC proactively work to create the opportunities for interaction with SADC. In SADC, public participation seems to be NGO-driven through the activities of the SADC-CNGO rather than being SADC- or government-driven. The SADC CNGO, for instance, has been working proactively to establish a structured and systemic mechanism for CSO public participation in SADC.⁷⁹ The SADC CNGO sees itself as an independent network of NGOs in SADC working to co-ordinate efforts of NGOs to engage with SADC. The SADC CNGO sees its role as challenging civil society to begin talking with SADC and engaging with the SADC secretariat to transform SADC's public participatory framework. The SADC-CNGO was recognised by the SADC secretariat as its link with civil society in SADC through a Memorandum of Understanding in 2004. Nevertheless there are also parallel CSO formations independent from the SADC CNGO that are involved in SADC. Examples of these include the Southern African Treatment Access Movement (SATAMU) and the Southern African Poverty Network.⁸⁰ Interviews reveal that some of these parallel formations believe that civil society in SADC should have to remain fiercely independent to engage SADC and government more effectively. Thus there is a tendency for these formations or movements to see the SADC CNGO as too close to the secretariat; as a respondent notes:⁸¹

I think they are too much cosy, cosy with government and do not necessarily articulate an autonomy that a structure of that kind would necessitate.

In spite of the efforts of the SADC CNGO in building a systemised structure of civil society interaction with regional policy and institutional frameworks, some respondents point out that structured CSO interaction in SADC is lacking:⁸²

77 Interview with PANOS Southern Africa respondent, Zambia, 13/05/09.

78 There seemed to be two thrusts to regional engagement with SADC. The SADC CNGO was seen by most respondents to be part of the SADC system (although this was refuted in an interview with the SADC CNGO). However there are other regional CSO structures that have developed a parallel mechanism of engagement with SADC, which are different from the more formally recognised SADC-CNGO structure.

79 Interview with SADC CNGO Botswana respondent, 16/06/09.

80 Interview with Sonke Gender Network respondent, South Africa, 07/08/09.

81 Interview with Sonke Gender Network respondent South Africa, 07/08/09.

82 Interview with PANOS Southern Africa respondent in Zambia, 13/05/09.

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Am struggling to tell you what SADC has done to engage civil society, that is where I have a problem...as civil society organisations we could be potentially the implementing arm of SADC as long as SADC creates a platform for us to do that, as long as SADC creates an environment for governments to recognise our role.

National parliaments and the SADC-Parliamentary Forum (SADC-PF)⁸³: The role of parliaments (including the SADC -PF and national parliaments) in regional governance was highlighted extensively by NGOs and parliamentarians interviewed. The SADC Parliamentary Forum was also identified as being a critical avenue for civil society public participation in SADC. Interviews with civil society groups in Malawi, Mozambique and South Africa, as well as with government officials in Malawi, showed the policy support role that civil society plays through regional and national parliaments in making input on key regional issues. For example, the Human Rights Consultative Committee (HRCC) in Malawi has developed position policy papers that have contributed to debates and discussion during the SADC-PF debates on the Poverty Reduction Support Programme (PRSP), and the Millennium Development Goals (MDG). When asked about institutions at national or regional level that can play a role in addressing the challenges of SNCs, a respondent from government in Malawi identified national parliamentarians and the SADC-PF as key role players.⁸⁴

Apart from government ministries dealing with SADC issues directly, we also know that at the national level we have the national assembly being involved in the issues of SADC through the SADC-PF. But in terms of how to draft the synergies to be able to talk to the people and seek their input, this is where there may be a problem.

Generally, respondent interviews highlighted the following ways that parliaments can play a role in facilitating civil society engagement with SADC programmes and projects:

- National parliaments and parliamentary committees at the local level can serve as a linkage between civil society and the SADC parliamentary forum.
- National parliaments and the SADC parliamentary forum can play a role in enacting laws that govern the design and functions of the SADC national committees.

National parliamentary committees also present an indirect way for civil society to interact with the SADC-PF. National Parliamentary committees also represent an effective way to engage parliaments as they are more technically focused, unlike the plenary sessions of parliament that are more politicised. In this way issues that emerge out of committees can then feed into the regional parliamentary forum:

We have a number of programmes that interact with parliamentarians in Malawi and perhaps this is a gateway to interact with our parliaments elsewhere...one observation we are making is that parliamentary committees are one of the most effective avenues for interacting with parliamentarians.⁸⁵

SADC Parliamentary Forum is another area through which I think that civil society can engage parliamentarians. For me I see the SADC- PF as much more direct and sustainable because it is made up of parliamentarians who are

83 The SADC Parliamentary Forum is SADC's Regional Parliamentary Assembly; it is largely a deliberative body rather than a legislative and representative body.

84 Interview with Malawi government official, 24/03/09.

85 Interview with Human Rights Consultative Committee (HRCC) respondent, Malawi, 24/03/09.

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directly elected by the people at the national level, so you can approach your parliamentarian at the national level.⁸⁶

The parliamentary function of law-making is also seen as critical, not only in providing laws that govern SNC functions and public participation in SNCs but also in establishing a level of accountability in the implementation of regional policies in member states. In this way, parliaments (national and regional) can put pressure on member-state political office bearers and executives to implement SADC policies, especially those ones that directly affect the people.

However, as pointed out by a respondent from Botswana's ruling party, the function of parliaments in this context can be very cumbersome and politicised, especially where it concerns more controversial areas of integration, such as gender, corruption and peace and security, where obligations towards regional agreements may mean internal changes to legislation at the member-state level.⁸⁷

If we have a joint bridge project for instance it does not call for changing legislation it just says let's plan so that in your budget you do something... but now on issues that are more onerous it is difficult to change.

Although, parliaments (national and regional) have a role to play in facilitating compliance with SADC protocols and developmental plans, observations from the field work suggests that parliamentarians and parliamentary have little understanding of SADC National Committees. In Mozambique for instance officials of the Parliament had no knowledge of or information about SNCs and referred the research team to the Mozambican Foreign Affairs Department for information on SNCs⁸⁸. Despite the strong views from Malawian civil society that parliaments have a role to play in terms of effectively driving regional policies and institution building (e.g. SNCs) members of Parliament interviewed in Malawi had no knowledge or understanding of what SNCs are. One Member of Parliament expressed her views thus:⁸⁹

By me having to ask you what the SNCs are, shows you how unaware we are of such structures. I just heard now for the first time that SNCs are part of Foreign Affairs. There is no information briefing in parliament so I can't say there is a linkage... Governments are not explaining to their members about certain things such as the APRM for instance, many MPs were not informed about this. The government is not moving on the same wave lengths as the members. MPs don't know about NEPAD etc.

It can be seen from the responses by respondents that civil society, parliamentarians and government officials alike are of the view that parliaments have a strong role to play in regard to issues of compliance with regional protocols and bottom-up policy-making in the region. Yet parliamentary forums are not being fully appropriated for such purposes.

⁸⁶ Interview with Sonke Gender Network respondent, South Africa, 07/08/09.

⁸⁷ Interview with former chairperson of the Botswana Democratic Party women's wing, 25/04/09.

⁸⁸ Field report of CPS researcher.

⁸⁹ Interview with Member of Parliament Malawi 23/03/09

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Consultative forums of SADC units: Interaction with civil society also takes place through consultative meetings set up by individual SADC units and directorates, such as the HIV/AIDS and gender units around specific programmes and projects. According to a respondent from the SADC CNGO:⁹⁰

Different components of SADC have found creative ways of engaging with civil society by convening stakeholders to inform them on key SADC policy issues.

Overall, regionally focused NGOs had a higher level of awareness about SADC participatory avenues and platforms such as the SADC-PF and consultative forums organised by SADC sectoral departmental units and agencies, although there seems to be a general lack of awareness of SNCs on the part of both regional and nationally focused NGOs, as indicated by respondents from the NGOs. The research showed that there appears to be some public consultative processes from the SADC secretariat and other SADC institutions; however, there is no observed systemisation of the participation process. Generally, there is a perception from the interviews that there is little effort from SADC and governments to create a sustainable structure for CSO public participation in SADC.

Finally, while regional NGOs had a general knowledge of possible avenues to engage SADC, for national and regional focused NGOs, there was a general lack of awareness about the existence of the SADC National Committees (SNCs). According to a Malawian respondent whose organisation represents about 85 close-knit civil society organisations:⁹¹

The existence of SNC is something which will be strange to most civil society organisations. The first question one will ask is what are these committees and how do they work. Their visibility is yet to be seen...

This is dealt with in detail in the following section.

The level of awareness of the existence of SNCs

An important indicator of public participation in SNCs is the level of awareness of these structures. Although there were four respondents, (each representing different NGOs) who acknowledged being aware of SNCs, only two out of the 18 NGOs interviewed were actually members of SNCs. However, only one out of the two confirmed members reported they had actually attended an SNC meeting, while the other organisation reported that their membership was 'on paper' only and it had not been involved with the activities of SNCs. In Malawi, the Malawi Economic Justice Network, a business network of NGOs, is a member of the Malawian SNC, but only nominally. This network is engaged with government on issues of trade policy and negotiations, but the platform for this engagement is through a National Working Group on Trade Policy rather than through the SNC. In Mozambique, the Mozambique Labour Organisation (*Organização dos trabalhadores de Moçambique (OTM)*), is a member of the Mozambique SNC and has

⁹⁰ Interview with SADC CNGO, Botswana respondent, 16/06/09.

⁹¹ Interview with Human Rights Consultative Committee respondent, Malawi, 24 March 2009.

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participated in meetings. In South Africa, the NGOs interviewed⁹² were of the view that there is little awareness of SNCs in South Africa.

In Mozambique, two out of the seven civil society organisations interviewed were aware of the SNC in that country, but of the two, one is a member of the Mozambican SNC. The G20 in Mozambique is a coalition of 20 NGO members, 20 government members, and 20 members from the international community. A respondent reported that the 20 NGO members are seen as the focal point for government interaction with NGOs.⁹³ Four⁹⁴ of the seven civil society organisations interviewed in Mozambique stated they were G-20 members. Although the G-20 is the central agency of the Mozambique Poverty Observatory Programme,⁹⁵ only one of the four civil society organisations within this grouping was aware of the SNC in that country.

In Mozambique, the OTM (referred to above) is a member of the G-20 coalition of NGOs, and participates in this country's SNC; its participation extends to the provincial SNC structures. Interviews with government officials across the case study countries suggested that the Mozambique was the most organised, with SNCs formally decentralised to the provincial level and some of its activities integrated into government planning structures. However, the lack of awareness (not to mention membership) of SNCs by three of Mozambique's most influential NGOs (ie G-20 members interviewed) raises questions about the information coming from the government respondents that were interviewed in this country. Furthermore, there was wide consensus among NGOs interviewed in Mozambique that government has not made much effort in building local awareness of the SNCs. The divide in opinion between government officials in Mozambique and civil society organisations is illustrated in the comments made by the following respondents representing each of these sectors:

There are more than 40 institutions represented directly in SNCs in Mozambique, the number of institutions in the SNCs keep growing in number... the structures are in place and they hold regular meetings.⁹⁶

I have the impression that in the case of Mozambique the SNC is practically unknown by most people... It is 'hiding' in a black cabinet within the Ministry of Foreign Affairs.⁹⁷

LIGA has never heard of SNCs, the NGOs that participated in SNCs are compliant as government only works with such NGOS.⁹⁸

92 Interview with PANOS Southern Africa, South African respondent, 23/06/09 and Sonke Justice Network respondent, 07/08/09.

93 Interview with Liga Mozambicanos Centro de Integridade (Public: Centre for Public Integrity) respondent, Mozambique, 28/04/09.

94 The four are: Liga Mozambicanos Centro de Integridade (Public: Centre for Public Integrity); Dos Directions Humanos (Mozambican Human Rights League); Labour OTM Organização dos trabalhadores de Moçambique; Masc DFID/IRISHAID

95 Additional information on the Mozambican G-20 and the Poverty Observatory in Mozambique was collected at the Dissemination seminar held at the CPS offices on 26 August 2009. It was raised by the SADC-CNGO participant and Mozambican participants from MASC. The Mozambique observatory programme is being considered as a possible model for its Regional Poverty Observatory Project currently gaining traction in SADC.

96 Interview with Mozambican government official, 29/04/09.

97 Emailed response from Media Institute of Southern Africa, Mozambique respondent, 19/06/09.

98 Interview with Liga Mozambicanos Centro de Integridade (Public: Centre for Public Integrity) respondent, 28/04/09.

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The Centre for public Integrity is not aware of SNCs, Government encourages participation in areas like poverty eradication. It is not hospitable on anti-corruption and self evaluation...⁹⁹

Many respondents across all the country case studies also complained about the lack of information from their own governments about SNCs. An overwhelming number of respondents know nothing or very little about SNCs and do not know that this participatory platform is the link between national and regional governance and policy structures. One of the respondents from the Malawi Economic Justice Network Office reported that:¹⁰⁰

We have it on paper but in terms of operation we haven't heard anything and I don't remember any meetings. If there were meeting there've been ad hoc so it's difficult because it's not as functional as one would want it to be.

In Zambia, the, the NGO Coordinating Council (NGOCC) on Gender was not aware of, nor were they a member of, the SNC. A respondent from this organisation highlighted the need for knowledge and information-sharing in this regard:¹⁰¹

We are not part of the SNC. It is the first time hearing about this.

Finally, from the four out of the 18 civil society respondents that reported they were aware of SNCs, in one of these cases,¹⁰² it was reported that these structures had very closed operational processes, suggesting that it did not involve civil society in any substantive way.

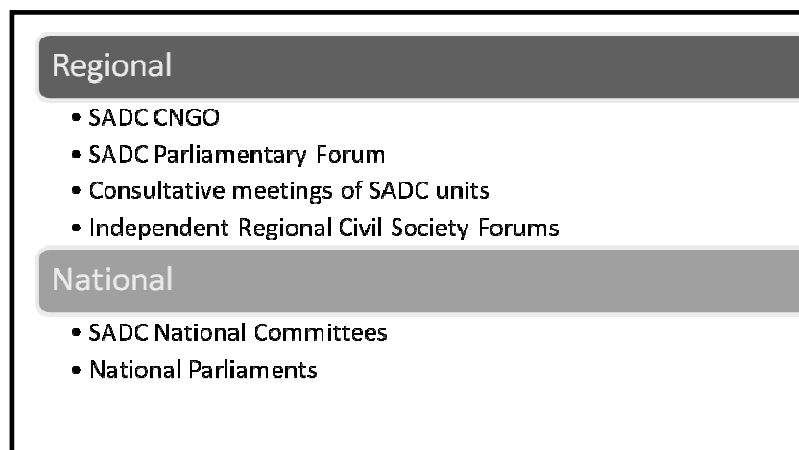


Figure 4: Overview of levels and entry points for Civil Society participation in SADC

99 Interview with Centro de Integridade Public (Centre for Public Integrity) respondent, 29/04/09.

100 Interview with Malawi Economic Justice Network respondent, Malawi, 24/03/09.

101 Interview with Gender NGO Coordinating Council respondent, Zambia, 12/05/09.

102 Interview with Electoral Instituted of Southern Africa (EISA) Mozambique respondent, 28/04/09.

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SADC national committee membership

With the exception of Mozambique, government officials that were interviewed could not provide a clear picture of the level of stakeholder participation and membership in SNC. Responses coming from Malawian and Zambian government and civil society however did indicate that firstly, there is a level of stakeholder engagement in the SADC Finance and Trade sectors. However, it was not clear how much of these engagements occurred through the SNC platform or other government working groups. Secondly, apart from the area of trade, participation is largely limited to government level. In Zambia for instance a government respondent noted when asked about the extent of participation by different stakeholders: ¹⁰³

The picture is not very different from other member states where on paper these structures look clear but when it comes to implementation there is generally low participation...but it is very difficult for me to state if they do comply to provisions... I see more participation at government level... there are certain stakeholders who are very active for instance the Chamber of Commerce, government consults them so much on these trade issues but I don't know if other sub committees do the same thing.

On the same question of stakeholder participation and membership in SNCs, a Malawian government official stated also: ¹⁰⁴

Because of the issues of resources, the meetings we call for are at technical level...

From a civil society perspective on participation in SNCs, a respondent from the Malawi Economic Justice Network (MEJN), who although admitting membership of SNCs and actively participating in SADC Trade Negotiations could not provide a concrete example of MEJN's participation through SNCs in particular: ¹⁰⁵

My understanding is the MEJN is a member of the SNC ... I am yet to understand the system in terms of how.. am coming from government so am trying to learn how to perceive some of the issues that govt have in terms of what MEJN is getting from that engagement, as I said it is a structure which is not really functioning...participate in the sense that one paper it is indicating that the membership of SNC includes CS and in that case MEJN as a representative body of Civil society but in terms of representation in terms of airing views that opportunity is not accorded because the structure itself does not function. But if you take it from the other perspective that MEJN being participating but again that will be limiting participation to trade where MEJN has been participating in negotiations we will say we are participating, in terms of engagement in a specific area.

In Mozambique however, the SNC has its membership drawn from NGOs and CBOs and between six to 11 NGOs and CBOs participate in each sectoral cluster.

Although South Africa does not have formally constituted SNCs, as an exclusive SADC institution at member state level, the African Renaissance Committee (highlighted earlier as the structure through which South Africa deals with SADC issues) interacts with civil society when the need arises and it also

¹⁰³ Interview with Zambian government official, 13/05/09.

¹⁰⁴ Interview with Malawi government official, 24/03/09.

¹⁰⁵ Interview with the Economic Justice Network (MEJN) Malawi respondent who was formerly working directly on SADC issues at the Malawi Ministry of Trade, 24/03/09.

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consults with NEDLAC¹⁰⁶ through relevant departments such as the Department of Trade and Industry.¹⁰⁷ Factors contributing to this lack of civil society participation in SNCs which emerged from the interviews are the following:

- Reactive SNCs: the ad hoc and issue-driven nature of SNC meetings
- Lack of funds to build awareness and organise civil society public participation
- The relationship between civil society and government
- Lack of clear criteria and guidelines for membership.

Reactive SNCs: As reported earlier, from interviews with government officials in Malawi and Zambia, SNC meetings in the countries visited were usually ad hoc and issue-driven. SNCs appeared to be issue-driven in the sense that they are more likely to respond to SADC matters requiring urgent attention. Meetings are ad hoc because sub-committees meet when urgent issues arise requiring meetings to address these issues at short notice. Moreover, due to the general lack of capacity and co-ordination in the SNCs, organising public participation with diverse sectors in civil society is seen as cumbersome, financially costly and time-consuming, especially where there are other pressing matters to be dealt with by sub-committees. Such meetings are usually held at the sub-committee and technical levels without stakeholder public participation. This issue was raised by the respondent below who reported that participation by citizens is process-orientated, serving technical purposes, rather than for purposes of broader citizen participation at committee level:¹⁰⁸

Meetings we have been calling for lately are mainly at technical level for the simple reason that we wanted at least the technical minds to look at the issues and advice the Ministerial delegation to the various meetings on the exact positions that Malawi has to take, because that is one of the main functions of the committees...

It is important to note that as a SADC institution aimed at bringing national citizen input into SADC policy-making, the SNC functioning and purpose is compromised seriously if there is a lack of public participation in SNCs by stakeholders from business, NGO, labour and other non-state actors. Moreover, the Treaty stipulates that technical and sub-committee level meetings should comprise various stakeholders from these statutory bodies. As indicated by civil society organisations based in Malawi and Zambia, when probed on the issue of meetings held without stakeholders:

The SNC should derive their mandate from the people, such that any operations done by SNCs will pay recognition to the interests of the people. Secondly, citizens need to be the main drivers because they in turn can demand accountability and this is it is such a critical governance component that has been lacking previously...¹⁰⁹

106 National Economic Development and Labour Council is a deliberative body of government, business and labour and community organisations in South Africa.

107 Email correspondence from the Depart of International Relations and Cooperation through the Department of Social Development in South Africa.

108 Interview with Malawi government official, 24/03/09.

109 Interview with Human Rights Consultative Committee (HRCC) respondent, Malawi, 24/03/09.

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Civil society organisations should be the implementing organ of SADC...SNCs need to engage Civil society organisations and citizens in the development of SADC's terms of reference of SNCs.¹¹⁰

Lack of funds: Funding was a major reason given for the lack of participation of civil society in most SNCs. While there also seemed to be a shortage of government funding to support CSO participation, in Malawi, for example, a government official suggested that CSOs sometimes look for benefit in participating in forums such as SNCs, and that these benefits are based on financial gain or considerations. This assertion was however refuted by almost all the CSOs interviewed in all the countries. There was consensus amongst NGOs in Mozambique, Zambia, South Africa and Malawi that SNC membership would benefit CSOs because issues of regional governance are very important to them, and that their participation serves as an opportunity to exert CSO influence in regional governance issues. Some of the divergent views between state actors and members of CSOs are highlighted below:

If you tell the private sector that they need to participate in issues of SNCs and fund their participation, they will ask "how do I benefit from it"?, because of lack of apparent benefit... that is why we were saying if the first 3 years we had funding we will bring everybody on board ...people don't appreciate why they need to travel , especially if the agenda has nothing directly related to their work...¹¹¹

To me I am not looking at the benefit but at the influence as Civil Society we have the opportunity we are there because we want to influence.. sometimes as Civil Society we have failed because there are no avenues , now here is an opening which you can utilise, regardless of the benefits we have attended many meetings where there is no allowance, but the issue is are you making a difference? I am looking at the SNC as an opportunity for us to influence. The influence itself is a benefit. ¹¹²

Relationship between civil society and government: Another indicator which influences stakeholder membership in SNCs is the quality of the relationship between civil society and government. Some 16 civil society groupings out of the 18 non-state actors interviewed¹¹³ seemed to view government with suspicion. There were largely three views in this regard. The first was that government has little interest in engaging civil society because civil society organisations may promote standpoints that are not in alignment with government viewpoints on issues. Secondly, respondents felt that government does not engage with civil society until it suits them (sometimes due to donor conditionality).¹¹⁴ Thirdly, the perception exists that government will only engage with CSOs that they have co-opted. NGOs that are not part of the system seem to conclude that NGOs that are part of SNCs have been co-opted by government and therefore not able to express an independent voice.

Some of the views of CSOs on these issues, relating to trust or a lack of openness in relationships between the two sectors are expressed below:

Government has the obligation to push some of these processes, of course Civil Society has to also play a role... but I don't know it is quite tricky, you hear about certain things and don't hear about others, and if government

110 Interview with PANOS Southern Africa respondent in Zambia, 13/05/09.

111 Interview with Malawi government official, 24/03/09.

112 Interview with Centre for Human Rights and Resources (CHRR) respondent, Malawi, 24/03/09.

113 The other two are Labour and Business groups.

114 This view on donors was highlighted specifically by the MASC respondent in Mozambique.

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does not want to do something they keep quiet. It is only when something is to their benefit that they push something.¹¹⁵

It is a relationship that one would characterise as no permanent friendship and no permanent enemy... we are only needed according to certain issues.¹¹⁶

NGOS that participate in SNCs are compliant as government only works with NGOs that are government-compliant.¹¹⁷

Gender as a cross-cutting issue in all SADC regional policies and programmes is a priority in SADC. However, the research found that in Zambia and Mozambique, gender organisations such as the Gender NGO Coordinating Council of Zambia, and Zambian and Mozambique offices of Women and Law in Southern Africa (WLSA) had not heard, nor were part of the SADC national committees in these countries. The Mozambique WLSA was quite critical in its analyses of government engagement with civil society in Mozambique:¹¹⁸

WLSA has a negative experience of negotiations with Mozambique government, the government only wants CSO to compliment it work it does not tolerate proactive Civil Society...as a result people are discouraged from participating.

The mistrust expressed between CSOs and government can be problematic in terms of ensuring the representation of SNCs with differing positions on issues. This raises a wider issue of the need for transparent criteria and guidelines for the selection of CSOs as SNC members.

Lack of clear criteria and guidelines for civil society membership of SNCs: Spaces for public participation in general are sometimes dominated by bigger and better-funded NGOs. Civil society participation in SNCs is also characterised by this situation. In countries investigated, there was concern expressed as to the criteria used by government in the selection of CSOs to participate in SNC forums. It was felt that access of some better-resourced NGOs to the SNC process and the prioritisation (by governments) of mostly trade and finance-driven NGOs, defeats the overall objective of SNCs as inclusive participatory platforms for all sector decision-making processes. For instance, in Malawi and Zambia, the Malawi Economic Justice Network and the Zambian Chamber of Commerce seemed to have regular consultations with government on trade and finance issues. Some respondents felt that SNC membership should also be inclusive of diverse groups because the neglect of smaller civil society groups goes against the whole idea of accessing grassroots-level players and giving them a voice in all SADC policy areas. Several respondents highlighted this view from Zambia and Mozambique:

115 Interview with Gender NGO Coordinating Council respondent, Zambia, 12/05/09.

116 Interview with Human Rights Consultative Committee (HRCC) respondent, Malawi, 24/03/09.

117 Interview with Liga Mozambicanos Centro de Integridade (Public: Centre for Public Integrity) respondent, Mozambique, 28/04/09.

118 Interview with Women and Law Southern Africa (WLSA) Mozambique respondent, 28/04/09.

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Government controls the dialogue space, Frelimo party dominates all the space.¹¹⁹

If SNC is something where there is representation spread equally, where representatives of civil society come from across a broad spectrum of civil society organisations involved in different areas ...then it will be a good body. It also depends on what kind of drop down mechanisms for SNCs to get information to the constituents.¹²⁰

In summary, SNC criteria for identifying and accepting civil society groupings into its structures should be transparent and clearly spelt out. Conditions of membership to SNC committees should be acceptable to CSOs wishing to participate in these structures, so that these organisations do not feel that they are being co-opted and would be able to retain an independent voice. While it is acknowledged that it would be impossible for government to include all NGO stakeholders in the various sectoral clusters, it is important that those NGOs that are represented in SNCs are well-known and acceptable to NGOs outside the SNC structures, as being organisations able to represent competently their views and the views of the interest groups they serve.

3. DISCUSSION OF RESEARCH FINDINGS

The discussion of the research findings will be placed within the overall context of the SADC structure and system, the political dimensions of regional governance in Africa, the economic realities of regional integration in Africa, as well as previous research on SNCs.

3.1 A DISCUSSION OF FUNCTIONAL CHALLENGES IN SNCs

The findings indicate that for SNCs to be fully functional, the issue of stakeholder membership and participation must be addressed. However, as seen from the findings in the country cases, the issue of ensuring stakeholder membership and participation is tied strongly to the broader functionality issues. In this case, there must be a secretariat with the capacity to co-ordinate and manage information coming from the different SNC sectors; SNCs have to be funded and equipped with the requisite skills needed to deal with both technical and administrative issues arising from SNC activities, and most importantly, there has to be a fully constituted SNC structure for it to be an SNC (in this case the component of civil society participation and membership must be a prerequisite).

In all the case study countries, with the exception of South Africa, entities called SNCs exist; however they are not fully functional. Findings show that there are several reasons for this. Perhaps the most important reason is a lack of political and institutional support and commitment from governments and SADC. There seems to be little appreciation in government, civil society, and donor communities - and in SADC - on the scale of resources (including, financial and human resources, as well as time) needed for

119 Interview with Centro de Integridade Public: Centre for Public Integrity Director Respondent, Mozambique, 29/04/09.

120 Interview with Gender NGO Coordinating Council respondent, Zambia, 12/05/09.

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planning, co-ordinating events, activities and meetings to ensure SNCs function as they were meant to. SNCs were not designed to be focal points manned by single desk officers, but rather to be SADC national implementation and monitoring institutions geared towards achieving regional integration goals. Problems like a shortage of human and financial resources, and the lack of clarity on SNCs operational and organisational framework at country level which have also been identified in the previous research like the Metacom¹²¹ report were the same issues raised by respondents in all the country cases.

The research findings highlighted other functional shortcomings of SNCs in the country cases. It was found that SNCs have not fulfilled structural requirements of an SNC as laid out in the Treaty. There was very little information flowing from country SNC secretariats on the meetings of the various sub-committees. Respondents either reported that these committees were not meeting or were not aware whether meetings were taking place. It was clear, however, that the trade and finance issues were regional priorities, as the Trade, Industry Finance and Investment Committee met more frequently; however, these committees met at government level without a regular inclusion of other stakeholders, including business, labour and civil society. Findings showed that where SNCs can be integrated into the government systems (as indicated from the Mozambique example), SNCs can become systemised into government development planning. In this way, resources and capacity can be better utilised because capacities from SNC cluster units can be strategically deployed and accessed for related national policies and programmes. This is noteworthy as one of the major challenges of SNCs as seen from the MetaCom report is the lack of a mechanism to integrate SNCs into government systems.¹²²

3.1.1 Strengthening SNCs' capacity

Building the human resource capacity of SNCs was an issue that was raised by both government officials and civil society groups. SADC and national governments have either not come to terms with the organisational (including human resource needs) and financial requirements for SNCs to function properly, or do not have the political will to ensure that these structures have sufficient resources to enable them to function properly. The result is the diminution of SNC secretariats into 'one-person' structures that do not have the basic resource requirements to sustain a functional SNC.

The strengthening of the SNCs is seen as one of the paramount objectives of the SADC secretariat. However, evidence from interviews suggests that where the SADC secretariat has attempted to evaluate the effectiveness of SNCs, these reports have not been acted on and the quality of these reports has been questioned. A participant at the CPS dissemination workshop representing an umbrella network of NGOs, concurs with the view that SADC secretariat evaluation reports of SNCs are flawed and that this is a symptom of not sufficient thought and effort being invested into establishment of these structures: "SADC

121 MetaCom 2005. Support to consolidation of SADC National Committees (SNCs) and the operationalisation/implementation of RISDP: Capacity needs assessment report October 2004- March 2005. Annex 1

122 MetaCom 2005. Support to consolidation of SADC National Committees (SNCs) and the operationalisation/implementation of RISDP: Capacity needs assessment report October 2004- March 2005. Annex 1

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has never really thought about SADC SNCs and reports from the SADC secretariat indicate that SNCs are highly functional and working.”¹²³

3.1.2 *The funding challenge*

Obtaining adequate funding has been a perennial challenge in the administration of regional integration in SADC and the African integration architecture as a whole. About 61 per cent of SADC’s funding comes from international co-operation partners and the rest from SADC enterprises and contributions by member states.¹²⁴ Apart from Botswana and South Africa, all the states within SADC are classified as Highly Indebted Countries. These countries depend substantially on donor funds to fund projects and programmes, and funding capacity is therefore limited for many SADC projects. The architecture of African regional economic integration also presents a challenge in terms of funding. With many African states belonging to more than one regional grouping, priorities tend to be adjusted towards particular interests and potential benefits from regional transactions. This impedes commitment to certain agreements. Thus, when certain activities are not seen as a priority these activities suffer in terms of the financial and institutional commitment to make them work. Moreover, some responsibility to fund regional groupings such as SADC is placed on member states. Where countries belong to more than one group, the financial responsibility is bigger. Thus the additional requirement on member states to fund SADC structures such as the SNCs becomes untenable. Given the strain on existing funding sources, there seems to be no innovative mechanism in place to fund SNCs. Member states’ national budgets are the expected funding source, however, with competing needs and a lack of appreciation of SNCs as part of state institutional machinery, SNCs tend to be sidelined in budgets. Finally, political support for SNCs within member states has also been lacking and this affects funding flows to SNCs. Other government programmes are prioritised over SNCs as well as SNC activities.

Evidence from the literature review and interviews with key informants shows that since the scrapping of the SADC Co-ordinating Units (SCUs), the National Implementation Framework of SADC has been ineffective. In the past the SCUs, which gave way to SNCs, were run almost like ‘country projects’ as different member states were responsible for particular sectoral areas. Thus, for member states there was a sense of ownership of these projects and also, in some instances, countries derived benefits from these projects.¹²⁵ Rather than this achieving the purpose of giving member states ownership of the regional agenda, the framework de-emphasised the regional projects to the disadvantage of some member states. What the restructuring aimed to achieve was to streamline SADC institutions and centralise its operations without compromising the issue of ownership and inclusivity of member states and their citizens. The SNCs were designed to fulfil this purpose. However with the centralisation of the sectoral activities at the SADC regional level, responsibility for SADC projects was shifted, and countries are taking time to adjust to changes in the way SADC operates. Whether the lack of political commitment

123 Respondent from the SADC Council of NGOs. Centre for Policy Studies Workshop on Democratising Regional Integration in Southern Africa: SADC national committees as platforms for participatory policy making and implementation. Centre For Policy Studies Seminar, 26 August 2009.

124 See SADC ICP website <http://www.sadc.int>

125 The success of SADC priority projects like the Southern African Transport and Communications Commission and the Southern African Power Pool, reaped benefits for host countries of Mozambique and Zimbabwe.

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can be attributed to this is another issue; it is clear that SNCs have not been given the level of political support that SCUs engendered at member state level before SADC restructuring.

3.1.3 The responsibility of the SADC secretariat

In terms of SADC's role and commitment to SNCs, there is still little clarity on the extent of involvement of the SADC in terms of setting up working SNCs, although the Treaty spells out that member states have a responsibility to fund and administer SNCs. With SNCs in particular, countries seem to seek guidance from SADC on the running of SNCs, especially in relation to capacity and financing issues, and this has not been forthcoming. Moreover, the weak attempts by SADC to deal with some of these concerns have highlighted SADC's lack of commitment and follow-through in dealing with financing and capacity issues raised at the country level. However, despite some of the provisions of the Treaty in terms of responsibilities and the framework for SNC operations in member states, no uniform model or structure exists for the functioning of SNCs in the various member states. Aspects relating to the establishment of SNCs that need clarity and which have implications for SADC monitoring of SNCs and their functioning include the following:

Guidelines on the regularity of SNC meetings and methods for stakeholder engagement.

Without such guidelines, member states develop their own operational structure for SNCs and appear to adjust their SNC operations based on national priorities and convenience. For example in Mozambique, the SNC plenary meets once a year. Also, Mozambique's establishment of provincial SNCs moves away from provisions in the Treaty which provides for three levels of SNC structure at the national level and includes the national steering committee, the sub-committees, and the technical committees. In the case of Mozambique, the SNC operations extend beyond the basic provisions (specified in the Treaty) and become trapped by resource and capacity constraints. In other countries, such as Zambia and Malawi, SNCs arrange meetings in an ad hoc way and without input from relevant stakeholders. The result is that, firstly, the development of measurable criteria for reporting for the purposes of decision-making in SADC becomes problematic. For instance, where reports coming from member states on sectoral programmes do not reflect public support and how they are integrated into national plans, implementation of these projects is likely to run into difficulties. Secondly, the lack of efficiency and effectiveness in the operations of SNCs translates to slow and weak movement towards the complementarity in national priorities, policies and legislation needed for the implementation of regional priority projects and programmes at the national level.

Clarifying vagueness of SADC treaty provisions on SNCs.

Although the treaty has a framework of the constitution of SNCs, the lack of clarity on SNCs structure and operational guidelines and lack of operational details means that it is difficult for the SADC secretariat to evaluate SNC operations. The Treaty indicates that SNCs should meet at least four times a year. It is not clear from the provisions whether these meetings relate to the steering committee, the sub-committees or the technical committees. Indications from officials in the countries interviewed are that ideally the national steering committees should meet quarterly and the sub-committees meet monthly. There is,

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however, no indication as to how many times and when technical committees should meet. However, as reported earlier in the findings, countries have not been able to schedule meetings at set intervals throughout the year. Meetings tend to be ad hoc and are organised around issues that emerge over the year and they are scheduled when it is convenient for government.

Nevertheless, the discussion of the frequency of SNC meetings needs to be placed within the overall context of SADC operations. Firstly, SADC operates at an intergovernmental level and decision-making is largely at the level of the Summit. Important regional decisions therefore bypass SNCs and limit the extent to which these structures actually play a role in decision-making. This can also be attributed to the intergovernmental nature of regional decision-making, which is given impetus in Article 19A/7 of the Treaty on SNCs.¹²⁶ The Treaty states that the national steering committee is the apex body of SNCs (made up of all sub-committee chairpersons and the chairperson of the SNC) and shall be “responsible for ensuring rapid implementation of programmes that would otherwise wait for a formal meeting of the SADC National Committee.”¹²⁷ This provision implies that the governmental stake in SNCs can make decisions without buy-in from civil society and other national stakeholders. It can be argued that this provides a loophole for member states to convene ad hoc meetings without stakeholder participation. To this end, adherence to the functional requirements of SNCs, of which stakeholder participation and regular meetings is essential, becomes optional rather than obligatory. Additionally, while decisions on the more politically unobtrusive areas of integration like infrastructure and trade may seem simple, the nature of regional bargaining and consensus-building is that short-term concerns can sometimes inject political sentiments and other concerns into these otherwise unobtrusive areas of regionalism. Thus, governments operate SNCs not on any clear agenda but rather in response to key issues of interest to the state.

Finally, as presently structured, SNCs do not have the capacity to effectively accommodate issues arising from the various levels of SADC meetings, from Summits to ministerial and technical meetings and workshops on a wide range of SADC issues (such as health, agriculture, transport, education and so on). Without considering the complexity of SADC activities into the guidelines for the activities of SNCs, these structures will be ineffective and ill-equipped to constructively add any value to SADC decision-making.

3.2 A discussion of public participation challenges in SNCs

Although there have been a number of studies commissioned by the SADC secretariat into the functioning of SNCs, there is a dearth of information on the extent to which SNCs have fulfilled their role as participatory decision-making platforms. However the NEPRU survey of 2005 into the perceptions of non-state actors on regional integration, which is discussed in the background of this report, can serve as a tool for comparisons of the findings of this report. This section focuses on SNCs in terms of the provisions in the SADC Treaty as participatory platforms aimed at informing the overall SADC policy-making process.

¹²⁶ See SADC Treaty.

¹²⁷ See SADC Treaty.

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3.2.1 Civil society participation in SADC regional governance

Information from the interviews shows that there are two levels and three distinct entry points for civil society to participate in SADC activities. There is the regional level through the SADC Council of NGOs (SADC CNGO) and the SADC Parliamentary Forum as entry points and, at the national level, through the SNCs.

However, there are other avenues for participation. At the regional level these include consultative forums of SADC secretariat units and independent regional civil society forums. At the national level, in addition to the SADC national committee, national parliaments can play an important role as an entry points for civil society on regional issues through the SADC-PF. There was more awareness from regional civil society groups on regional issues in general although there seems to be a growing realisation from both national and regional CSOs on the need to participate in regional issues. In general most CSOs were not aware that there was room for participation in regional decision-making at the national level through the SNC. This may be because, for some of the civil society groups, engagement with government had to do with national issues, which tend to take priority over regional ones. According to the NEPRU survey of 2005 discussed earlier, where there is civil society engagement at the national level, it usually concerns national policy issues and there is little focus on SADC policy-making or implementation.¹²⁸

3.2.2 Interrogating public participation in SNCs

SNCs as they exist presently have not functioned as participatory platforms for SADC policy implementation. It is important to note that the issue of participation should be placed within the overall functionality of SNCs. Member states operate SNCs at different levels of operational and organisational capacities. Thus most times SNCs meet only at the level of government, and convene meetings sporadically as capacity and funding dictates. Also, while findings from this research show that there has been very minimal participation by civil society in SNCs, it also shows that regional issues are sometimes dealt with through other national forums like the National Working Group on Trade in Malawi and the African Renaissance Committee in South Africa. Thus, it may be possible that there is civil society engagement on regional policy-making in other national government platforms which are not linked to SNC activities. These are issues that SADC needs to investigate and intervene in by systemising a region-wide participatory mechanism for public participation in regional policy development at the regional and national levels.

Nevertheless, the findings also show that civil society is willing to be part of SNCs if given a chance. Although there is a level of suspicion between government and civil society, there was general consensus

¹²⁸ Of the respondents in the NEPRU survey 69.4 per cent of non-state actors surveyed claimed that they are involved in the design of domestic policies, compared to only 26.6 per cent that contribute to SADC policy design. Mariama Deen-Swarray and Klaus Schade, 2006. Perception of business people and non-state actors on regional integration: A SADC-wide survey in *Monitoring Regional Integration in Southern Africa Yearbook*, Vol 6, pp 51-80.

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from CSOs in this study that SNC membership will be a very valuable resource for them in impacting regional policies.

It must be noted, though, that there is a difference between being a member of SNCs and actually participating in SNCs. As seen from the country cases, some SNCs have a list of members, but these members have not been invited to any meetings, as in the case of Malawi. However it is possible that situations may arise where CSOs are not invited to be members but invited only to participate in the activities of SNCs. The NEPRU report indicates that although 20 per cent of respondents confirmed membership of SNCs, less than a quarter reported they participate in its meetings and activities. Receiving an invitation to attend SNC meetings may be the challenge - rather than membership of SNCs - in determining whether organisations participate in these structures.

3.2.3 The role that parliaments can play in enhancing the SNCs

The role of parliaments (national and regional) in the overall SADC governance framework and especially in terms of public participation emerged as a major finding. Findings revealed that regional parliaments in Africa are weak and function mostly as talk-shops without parliamentary powers. However this is not for lack of effort; the SADC- PF has been pushing for an eventual transformation into a fully-fledged legislative institution. However these proposals have not been implemented by SADC.

The political dimensions of regional transactions in SADC and in Africa as a whole is so pervasive that the contribution of regional parliaments through legislation aimed at harmonising and co-ordinating laws, policies and programmes is sometimes seen as a threat to member states, rather than a positive integration catalyst. Ultimately, states prefer to know that they are still independent entities within any international grouping and will go as far as possible to protect their autonomy. Nonetheless, to truly be effective, regional parliamentary systems ought to have certain levels of supranationality (as is the case with the European Parliament that has in the past extensively tested its powers with the executive arm of the EU specifically with the European Council and the Commission).¹²⁹ Therefore, not unlike the member states of the EU, there is a strong pull for decisions to be made at inter-governmental forums like the Summit on issues of African integration in general and SADC in particular. Thus, regional parliaments like SADC-PF in reality do not have the powers to directly influence the implementation of SADC decisions, in this case, the activation of SNCs. However, the SADC-PF can still play a role through its members at the national parliaments, and pressure national parliaments to act on some of the more difficult areas of SNC functionality, such as funding and public participation. Additionally, regional parliamentary assemblies in Africa have symbolic power or influence. For instance, the role of the SADC-PF in election monitoring and its critical position on the 2002 Zimbabwean elections¹³⁰, positions it as a potential and important supranational institution within SADC. Thus, although full legislative powers may be the 21st century

129 Nugent, N 1999. *The government and politics of the European Union*. (fourth edition). Duke University Press, Durham.; Archer, C 2000, *The European Union: Structure and Process*. Third edition. Continuum, London and New York.

130 SADC Parliamentary Forum 2002; Zimbabwe Presidential Elections 2002; Observation Mission Report

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challenge for the SADC-PF, by building alliances with civil society across the region, the SADC-PF can begin to effectively push towards the transformation of SADC's governance and integration system.

3.2.4 Stakeholder membership in SNCs

The issue of stakeholders and membership in SNCs needs further discussion. The research shows that although most SNCs have not been inclusive forums for civil society participation, there have been interactions with certain stakeholders. Findings from the research show that generally government is viewed as having little interest in engaging civil society and when it does, there is the general view that CSOs that government interacts with are either those that are viewed by government to be less adversarial, or organisations that have more resources and capacity to engage with government.

It must be stressed that civil society is diverse and there is always a battle for control of and influence in popular discourse. The result is that some groups are more dominant than others and thus in terms of access and resources they operate at an advantage in relations with the state. The research shows that there are informal spaces for public participation in regional governance. This space is occupied by more peripheral civil society groupings that either do not have access to formal spaces or prefer to take advantage of those spaces they see as opportunities for engagement with government but that are otherwise neglected forums. This is exemplified by independent regional civil society forums like the Southern African Treatment Access Movement (SATAMU) and the Southern African Poverty Network that organise around Summits and SADC high-level meetings to put pressure on SADC on specific issues like HIV/AIDS and poverty. These spaces and the groups that utilise them sometimes represent different positions and agendas from groups with access to the more formal spaces. Indeed there are equally important but less obvious stakeholder groups which need to be represented, and the role of SADC and government will be to create the space for the representation of such groups within the context of public participation. These are spaces that need to be acknowledged by SADC and other actors within the whole regional governance discussion.

Finally, civil society participation in SADC has a fragmented, loosely organised framework. In its true manifestation, civil society is not a monolithic construction of interests and goals. Thus, where some civil society interest groups see opportunities for engagement, others view these opportunities as being too close to government. Although it is impossible for SADC or any government to deal with all civil society interests, there has to be justifiable criteria for inclusion and exclusion in SADC participatory decision-making structures. So far in SADC, both at the regional and member state level, this has not happened, and there is no formalised comprehensive SADC participatory framework which takes into consideration all the possible avenues for public participation in SADC.

4. RECOMMENDATIONS AND CONCLUSION

4.1 Recommendations

The recommendations will be looked at from lessons learned and suggestions going forward.

The Mozambican case study, though not a model for the way SNCs work, provides some useful lessons that can be learned for the more effective implementation of SNCs. Although there are complicated aspects in the structure of the Mozambique SNC (for example, the existence of plenary and provincial structures) and although the majority of the civil society groups interviewed in Mozambique were not aware of SNCs nor had any confidence in its functionality, structure and membership, the Mozambican SNC presents an example of how SNCs can be integrated and leveraged to contribute to implementing policies at the national level; they can also serve as a public participatory tool for national policy development and implementation.

Given the shortcomings and flaws in the SNC structure and functioning, highlighted through the research findings, a central question needs to be asked, and that is whether there is a future for SNCs.. What is the guarantee that SNCs are not eclipsed by some other new high priority initiative that promotes SADC participatory policy solutions at the national level? Already there seems to be an indication that such a structure -the Regional Poverty Observatory (RPO)¹³¹ of SADC - may usurp some of the functions of SNCs. Although it seems that SADC national committees play the primary role of co-ordinating poverty interventions at the national level, national poverty monitoring structures of the RPO will co-ordinate the work by several ministries and provide information to the regional poverty observation offices in the SADC secretariat in the same department where the monitoring office for SNCs is located.¹³² The future of SNCs needs to be considered in the light of these new initiatives. RPOs have been conceived to be structured and to function in the same way as SNCs with funding responsibilities also given to member states. It can be understood that there are many factors that dictate priorities for member states. However, one important lesson that research into SNCs point to is that any other regional idea that is based on the SNC model of funding, membership, co-ordinating and monitoring structures will struggle to thrive if the above underlying challenges that have been found to plague the SNCs are not dealt with.

If SNCs are to continue to play a meaningful role in facilitating public participation in regional policy-making, the suggestions that follow provide a useful framework for the improved functioning of these bodies.

1. Develop a regional framework for public participation in SADC. This will entail the development of a SADC participatory governance framework, which will detail the avenues available for public

¹³¹ Regional Poverty Observatory is a cross-country poverty analysis and monitoring programme under SADC. See SADC 2008 SADC Poverty Observatory, Background document, SADC international conference on poverty and development 18-20 April 2008, in Mauritius.

¹³² SADC 2008 SADC Poverty Observatory, Background document, SADC international conference on poverty and development 18-20 April 2008, in Mauritius.

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- participation in SADC policy making, including criteria for participation and modes of participation (eg election), etc.
2. Establish a SADC standard for setting up SNC structures, incorporating guidelines, work procedures, and criteria for membership which is linked to the regional framework for public participation. This will also help SADC in co-ordinating and monitoring C effectiveness.
 3. Strengthen regional parliaments on, and sensitise national parliaments to, the important role they can play in strengthening governance institutions such as SNCs, and bringing the benefits of integration to citizens. National parliaments as fully legislative bodies can do this by monitoring national priorities and how they are reflected in regional projects through the work of the SNCs.
 4. Develop justifiable criteria for SNC membership at the national level. There is an urgent need for more diverse representation of civil society organisations and NGOs in SNCs. This should include all types of organisations (from big to small). To this end, it will be important for national governments to map out modalities for membership of SNCs, taking into consideration SADC provisions, representation and mode of engagement in other national consultative and participatory forums, as well as equitable access based on government participatory and democratic governance objectives and guidelines where they exist .
 5. Integrating SNCs into the overall government agenda is especially important where there are parallel bodies which exist that do the work of SNCs and thus sometimes also work on regional policies. Government should endeavour to rationalise efforts towards the integration of SNCs into government activities and agenda.
 6. Build awareness and educate regional and national civil society groups on the structure, organisation and operations of SADC.
 7. Consider the option of semi-autonomous SNCs. One major issue for debate which has emanated from the research is the question of whether SNCs can function as institutions within governments.¹³³ First is the current challenge of funding and lack of capacity of governments to effectively run SNCs, as well as SADC's shortcomings in terms of funding and its capacity to support SNCs. The second challenge lies within the context of the relationship between civil society and government. The situating of SNCs in national departments, as some of the respondents highlighted, brings about a level of distrust from civil society in engaging with this structure. Some civil society groupings hold the view that they will be co-opted by government and will be used by government to rubber- stamp their decisions without real civil society input. Thus, from both government and civil society respondents (although for different reasons, for government it was more in terms of functionality, reducing bottle necks; for civil society the argument was from a point of view of influence) there was a strong feeling that SNCs function as semi-autonomous or autonomous arms of SADC at the national level. In this context a critical

¹³³ This position was raised by some respondents in government and can be justified as a reasonable argument.

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question to address is whether SNCs will be more efficient if they function as semi-autonomous institutions. As semi-autonomous institutions, SNCs will serve as a co-ordinating structure with powers to run independently within the overall government system. In this way, SNCs may escape the bottlenecks within government. From an operational perspective, perhaps, this arrangement may contribute to better functioning of SNCs. However, funding such an agency is likely to be a challenge. However, it may be easier to access funding if SNCs are semi-autonomous structures. Funding could be secured directly through donor partners and even stakeholder organisations. Moreover, there is still a great deal of value that well-functioning SNCs which are integrated fully into government can add, especially in terms of overall government participatory agenda in the context of policy-making.

8. Explore alternative funding options. It is clear that funding has been a big challenge for SNCs. Governments are expected to fund SNCs; however, there may be other options for funding. Where participation is encouraged and stakeholders begin to see benefits in terms of policy influence, it is possible that stakeholders such as business organisations may provide additional sources of funding.

4.2 CONCLUSION

A democracy needs to be truly representative. Furthermore a democracy needs a civil society with a heard voice. Engaging civil society is neither a choice nor an option but an imperative of good governance. This research ,exploring public participation as a functional requirement for SNCs, found that while there have been efforts to set up SNCs there has been minimal success recorded in establishing fully functional entities. What this means is that national discussions and decisions on SADC regional programmes and policies, when they are taken, are usually at the level of government functionaries, and not within the participatory parameters of the treaty provisions in terms of SADC national implementation. In the long run, government cannot do without the people and neither can the people do without government. Civil society also has an obligation to engage. However, it is important for policy makers to recognise that civil society is structured and operates from different levels and creates different spaces in attempts to engage with decision-makers. Some of these spaces are formal and others are non-formal. These avenues need to be recognised. All indications are that SNCs are still largely government-centric and inept, which brings into question the degree of policy influence that is actually afforded to civil society. This research has clearly shown that much attention needs to be paid to SADC national implementation instruments such as SNCs.

There is also scope for more research when it comes to SADC and its institutions and policies. Some of this research could focus on gauging the effectiveness of SADC national co-ordination and implementation since SADC was restructured (for example, scrapping of SCUs). Exploring the possibilities of regional parliaments as entry points for participation in the continent (identify lessons from regional

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parliamentary assemblies) is another suggested focus area. The development of a public (citizen and civil society) friendly manual on how SADC works (architecture of African regionalism, SADC structures, programmes, projects, operations, etc) is another important area that needs research attention. Finally there is a need to examine the feasibility of SNCs functioning as semi-autonomous institutions, and to investigate the interface between Regional Poverty Observatory and SNCs national participatory policy organs.

ANNEXURES

A

LIST OF RESPONDENTS

COUNTRY		ORGANISATION	POSITION Of RESPONDENT	Focus of activities
Malawi				
	1	Malawi Economic Justice Network	Programme Manager (Trade)	National
	2	Centre for Human Rights and Resources (CHRR)		National
	3	Human Rights Consultative Committee (HRCC)	Executive Director, Head of Secretariat	National
	4	Department of Foreign Affairs Building	Head of Regional Integration Division	
	5	Department of Foreign Affairs Building	Director of Political Affairs Malawi Department of Foreign Affairs	
	6	MP (Malawi National Assembly)	Member of Public Appointments, Budget and Finance	
	7	MP (Malawi National Assembly)		
	8	CMD	Programme officer	National
Zambia				
	9	NGOCC	Programme Officer	National
	10	Women & Law in Southern Africa (WLSA)	Legal Officer	Regional/national
	11	PANOS Africa	PANOS Director	Regional/National
	12	ZCID	Executive Director	National
	13	Ministry of Foreign Affairs	Desk officer for SADC, SADC contact point	
Botswana				
	14	Botswana Democratic Party (ruling party in Botswana)	Chairperson of the Botswana Democratic Party women's wing	
	15	SADC Council of NGOs	Secretary General of SADC CNGO	Regional
Mozambique				
	16	Electoral Institute of Southern Africa		Regional/National

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		(EISA) Mozambique: Electoral Institute of Southern Africa		
	17	Mozambique foreign Affairs Ministry (SADC Directorate)		
	18	SADC Contact person based in the ministry of Foreign Affairs		
	19	WLSA-MOZAMBIQUE		Regional/national
	20	Mozambique Parliament		
	21	Liga Mozambicanos Dos Directions Humanos Mozambican Human Rights League		National /G 20 member
	22	Masc DFID/IRISHAID		National/Mozambican G20 member
	23	Centro de Integridade Public: Centre for Public Integrity Director		National/Mozambican G 20 member
	24	Labour OTM Organização dos rabalhadores de Moçambique		National/Mozambican G 20 member
	25	MISA		
South Africa				
	26	Dept of Foreign Affairs South Africa	SA Ambassador to Botswana	
	27	PANOS South Africa	Governance Manager	National/Regional
	28	Sonke Gender Justice Network	Manager	National
	29	Depart of Social development	Official in charge of SADC, NEPAD etc	
	30	Depart of International relations and cooperation	Official of SADC directorate	

B**INTERVIEW GUIDE**

The following represent a breakdown of questions for the different respondents aimed at probing these three major questions:

SADC Secretariat officials(Botswana)

1. In your view, why are SNCs important for SADC integration efforts?
2. At present, which SADC countries have functioning SNCs?
3. To what extent have established SNCs played a role in implementation and co-ordination of SADC RIDP?
4. What in your view could be the factors (eg political, resources, structural, eg the constitution of SNCs themselves may pose a challenge to functionality) that have impeded on the goal of establishing SNCs in SADC countries?
5. What can be done to address these issues?
6. Which institutions or constituencies should play a role in terms of addressing the issues (SADC-PF) and why?

Government officials

1. How would you characterise the current state of SNCs in your Country?
 - Does your country have a working SNC, in relation to the provisions in the treaty?
 - Who are the key stakeholders?
 - If yes what is the extent of participation by various stakeholders?

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- Are these SNCs constituted in terms of the committee and sub-committees?
 - Which sectoral (agric, HIV/AIDS) areas are reflected in the composition of these committees?
 - How many times do you meet?
2. Is there a national secretariat to facilitate the operations of the SNC?
 3. What are the contributing factors to the delay in establishing a working SNC?
 - a) What can be done to address the challenges?
 - b) Which institutions or constituencies (SADC, national level) could play a role in terms of addressing the issues and why?
 - c) Who should drive the process (government or NGO)?

Business representatives

1. What are the different avenues/ platforms through which the business sector has been contributing to SADC regional integration?
2. In the light of these avenues, do you think that SNCs present an effective platform for organised business to be involved in SADC policies at the national level?
3. How would you characterise the state of SNCs in your country?
4. (where SNCs exist) How will you gauge the level of engagement and participation of business in these SNC committees?
5. (Where SNCs don't exist) In your view what needs to be done to get SNCs functioning?
6. Which institutions or constituencies (local, national, regional levels) could play a role in terms of addressing the various issues identified as weaknesses?
7. Who should drive the process (government or NGOs)?

Representatives of labour

1. How would you characterise the state of SNCs in your country?
2. (where SNCs exist) Has there been enough engagement with labour through these SNC Committees?
3. (Where SNCs don't exist) In your view what needs to be done to get SNCs functioning?
4. Which institutions or constituencies (local, national, regional levels) could play a role in terms of addressing the issues?

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5. Have there been other avenues through which labour has been contributing to SADC regional integration?

Representatives of NGOs

1. What are the different avenues/platforms through which civil society has been contributing to SADC regional integration?
2. In the light of these avenues, do you think that SNCs present an effective avenue for the CSO to be involved in SADC policies at the national level?
3. How would you characterise the state of SNCs in your country?
4. (where SNCs exist) Has there been enough engagement with civil society through these SNC committees?
5. (Where SNCs don't exist) In your view what needs to be done to get SNCs functioning?
6. Who do you think should drive the process of engagement? (government or civil society)?
7. Which institutions or constituencies (local, national, regional levels) could play a role in terms of getting SNCs established?

Political representatives (national parliaments, political parties):

1. How would you characterise the current state of SNCs in your country?
2. Does your country have a working SNC?
3. If yes, what is the extent of participation by various stakeholders?
4. If no, what are the contributing factors to the delay in establishing SNCs?
5. What can be done to address these issues?
6. Who should drive the process?
7. Which institutions or constituencies (local, national, regional levels) could play a role in terms of addressing the issues (what role can national parliaments, etc play)?