

*Civil Society and the  
Southern African Development Community*

An International Council on Social Welfare  
Briefing Paper

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## THE INTERNATIONAL COUNCIL ON SOCIAL WELFARE

The International Council on Social Welfare (ICSW) is an international non-governmental organisation, which for 75 years has represented a wide range of civil society organisations (CSOs) seeking to advance social development, social welfare and social justice. In 2001, ICSW commenced work on the Regional Co-operation in a Globalising World Project, which focuses on strengthening civil society input into regional intergovernmental structures such as the Southern Africa Development Community (SADC). The long-term developmental objective of this Project is strengthening developing countries to achieve poverty reduction and sustainable development through enhancing regional cooperation between government and CSOs on relevant economic and social issues.

The project is specifically focused on creating, enhancing or invigorating the interface between civil society and regional intergovernmental groupings since determining pro poor policies requires the involvement of all stakeholders, not governments alone. The project aims to encourage the participation of CSOs in the development of regional agreements on social development issues and advocacy for the implementation of social policy instruments at the regional level. The project seeks mechanisms for CSO recognition within regional intergovernmental bodies and has identified a need for improved access of CSOs, to information not only on the working structures of these bodies but also on the progress made in developing agreements on social policy.

ICSW recognises that there is sometimes a lack of awareness, among the CSOs on the importance, roles and activities of regional intergovernmental structures such as SADC. In order to enhance awareness we have developed a series of briefing papers on regional intergovernmental groupings in order to highlight their work and explore the ways that civil society organisations can interact with and influence them. These briefing papers will contribute to further defining the emerging role of civil society, especially in promoting a social development agenda at the regional level. We are very pleased to publish this next paper in the series and members of civil society who advocate on behalf of the poor and marginalised in their communities.

Further information on ICSW is available on the internet at [www.icsw.org](http://www.icsw.org)

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## 1 INTRODUCTION

The reform of SADC reflects the intention to deepen development integration by member states. However, such integration depends on the existence and capacity of national and sub regional institutions to effectively and efficiently manage the process in the interests of the people of the region<sup>2</sup>. The record of regional integration is sobering when weighed against the objectives of SADC. Slow implementation, at times uncoordinated initiatives, political tensions, low levels of intra-regional trade and economic growth remain persistent features of the region. Together with setbacks in human development, persistent social deprivation and chronic poverty there is a new urgency to examine how best to move beyond rhetoric to policy action.

Founded by 9 countries in 1980 SADC has now grown to 14 member countries. Its founding declaration was primarily focused on providing a framework for regional political and economic cooperation. SADC has evolved from its original conceptualisation into an institutional framework that includes an organisational structure with many levels of decision-making. Alongside changes in the global political economy SADC's focus has also undergone changes. Shifts in focus help the region position itself to engage more proactively to address pressing political, economic and social development issues. At its extra-ordinary summit held in March 2001 in Windhoek, Namibia, the SADC Secretariat was entrusted with the task of initiating and implementing a review of its structures. The approved changes coming out of this exercise are reflected in the institutional framework currently being implemented.

This paper provides an overview of the reformed SADC institutional context, an overview of the political and socio-economic context and an analysis of the policy and political process underway. The added value of civil society, the connecting points for civil society engagement in the region as well as the challenges and constraints are discussed. The paper concludes with issues that will determine the ways in which civil society could engage in a strategic agenda to better achieve social development and social justice.

In this paper civil society includes the broad range of organisations that operate within the voluntary, non-governmental sector. These are for example networks and movements such as women's, youth, workers, environmental, landless people etc as well as professional not for profit development organisations, independent research institutions and humanitarian organisations.

## 2 THE SADC CONTEXT FOR CIVIL SOCIETY ENGAGEMENT

To address the challenges emerging from an unsettled environment, where will civil society, and especially the NGO sector fit into the changing institutional and policy context in the region? To what extent does the reform of SADC institutions provide the space for partnerships with civil society? In answering these questions we need to examine the evolving SADC institutional context and the organising structure as well as the political economy of regional development. In particular we need to focus on social development priorities for action. The section that follows provides an overview of these aspects. Included is an analysis of some issues facing states in the region as they straddle a path between the adjustments required by global institutions of economic governance for integration into the global economy and, internally, the need to address poverty and human development imperatives.

## 2.1 The Institutional Context

Since its establishment, SADC designed processes and structures through which its business is conducted, from policy making to administration. But the shift from a co-ordinating conference to a development community meant that SADC had to develop an appropriate institutional framework. To address this challenge, the SADC Summit of 1999 directed the SADC Council of Ministers to undertake a comprehensive review of the operations of SADC institutions. The recommendations of this review were approved by an extraordinary Summit meeting held in Windhoek, Namibia in March, 2001. The framework, as proposed and approved at that meeting is presented in the diagram below. Some of the changes have yet to be instituted<sup>3</sup>.

Much needed recent institutional reforms within SADC reflect a political commitment to learn from past failures and take a more practical approach to regional development challenges. Notable is the intention not just to ensure better integration in global economic processes but also to address the real needs of people using a comprehensive approach. This includes an approach that goes beyond political and economic initiatives to focus also on social and human development concerns. But an analysis of the reforms underway and the SADC strategic agenda highlight major challenges for member states and civil society if the objectives are to be realised. Some of the overarching objectives that shape the process are reflected in the box below.

### Box 1: SADC Objectives

*The Objectives of the Community as stated in Article 5 of the 1980 treaty are to:*

- ◆ *Achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of southern Africa and support the socially disadvantaged through regional integration.*
- ◆ *Evolve common political values, systems and institutions.*
- ◆ *Promote and defend peace and security.*
- ◆ *Promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States.*
- ◆ *Achieve complementarity between national and regional strategies and programmes.*
- ◆ *Promote and maximise productive employment and utilisation of resources of the region.*
- ◆ *Achieve sustainable utilisation of natural resources and effective protection of the environment.*
- ◆ *Strengthen and consolidate the long-standing historical, social and cultural affinities and links among the peoples of the region.*

The objectives and programmes of SADC are underpinned by the need to eradicate poverty through cross cutting policy measures. A wide array of sectoral activities is underway to do this. The strategic priorities of SADC are clustered into 4 areas. Each area has a subset of issues and together they constitute the SADC 5year regional indicative strategic development plan (RISDP 2000 -2005) referred to in Box 2.

Importantly, the last SADC summit recognised that the HIV/AIDS pandemic represents a major threat to the attainment of the SADC objectives and proposed that efforts to combat it should be accorded priority in the health programme and other sectors. Such initiatives highlight the links and crosscutting nature of issues as well as the need for effective coordination at the level of policy analysis as well as in the formal procedures of decision-making.

### **Box 2: Strategic Priorities**

*In order to achieve the common agenda, SADC has developed a Five-Year Regional Indicative Strategic Development Plan (RISDP: 2000-2005). The RISDP aims to achieve sustainable growth and development and impact on poverty reduction, based on the following set of strategic regional priority areas.*

#### **Economic**

- ◆ *Development of measures to alleviate poverty with a view to its ultimate eradication;*
- ◆ *Development of agriculture and sustainable utilization of natural resources;*
- ◆ *Development of a common market through a step by step approach while restructuring and integrating the economies of Member States;*
- ◆ *Harmonization of sound macroeconomic policies and maintenance of an environment conducive to both local and foreign investment;*
- ◆ *Development of deliberate policies for industrialization;*
- ◆ *Promotion of economic and social infrastructure development;*

#### **Political**

- ◆ *Consolidation of democratic governance;*
- ◆ *Establishment of a sustainable and effective mechanism for conflict prevention, management and resolution;*

#### **Social**

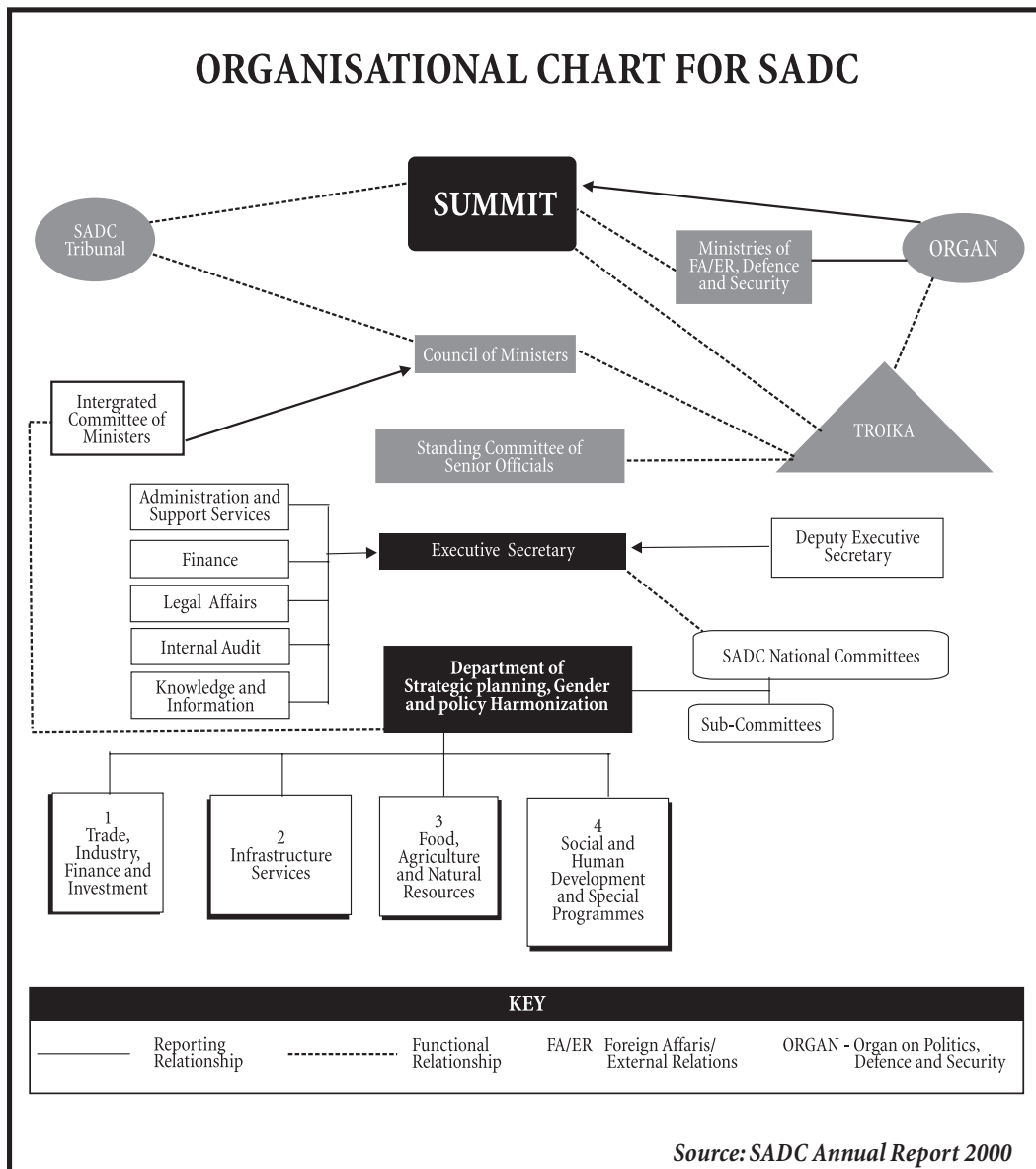
- ◆ *Mainstreaming of gender in the process of community building through regional integration;*
- ◆ *Development, utilization and management of human resources;*
- ◆ *Combating of HIV/AIDS and other deadly diseases;*
- ◆ *Development of programmes for the improvement of quality of Health and Social Welfare;*

#### **Others**

- ◆ *Development of Science and Technology, Research and Development;*
- ◆ *Development of an effective disaster preparedness and management mechanism;*
- ◆ *Consolidation of international cooperation with other regional groupings.*

The strategic priorities reflect an ambitious programme of action based on the needs in the region. However, what is not clear from the organising structure and process is the capacity of the existing instruments to deliver on this set of priorities (refer to Organisational Chart).

The SADC organisational chart below reflects the formal decision-making and reporting processes.



### 2.1.1 The SADC Summit

Made up of Heads of State or Government, the Summit is the ultimate policy-making institution of SADC. It is responsible for the overall policy direction and control of functions of the Community. The Summit is headed by a Chairman and Vice-Chairman, elected from amongst SADC members, for an agreed period and on the basis of rotation. The Summit meets at least twice in a year. The first meeting primarily deals with regional economic development matters and the SADC Programme of Action. The second meeting is dedicated to political developments.



### 2.1.2 The TROIKA

The TROIKA is now an institutionalised system within SADC. It functions as a steering committee to ensure speedy decision-making and to facilitate timely implementation of the decisions as well as provide policy direction to SADC institutions in between regular SADC meetings. The TROIKA system operates at the level of the Summit, whereby it is composed of the substantive chairperson, the incoming and immediate past chairperson.

### 2.1.3 The Organ on Politics, Defence and Security

The organ on Politics, Defence and Security was established in 1996 by the SADC Summit which met in Gaborone. The general objective of the organ is to promote peace and security of the signatories of SADC. The Organ is co-ordinated at the level of the summit on a TROIKA basis and reports to the Chairperson of SADC. The organ elects a chairperson for a period of one year on a rotational basis.

### 2.1.4 The Council of Ministers

The Council is usually (but not only) made up of those ministers responsible for economic planning or finance from each Member State. The Council is responsible for overseeing the functioning and development of SADC and ensuring that policies are properly implemented. The Council advises the Summit on policy matters and approves SADC policies, strategies and work programmes. One of the major tasks of the Council is to decide upon sectoral areas of cooperation and the allocation of responsibility for carrying out these sectoral activities. The Chairman and Vice-Chairman of Council are appointed by Member States holding the Chairmanship and Vice-Chairmanship of SADC respectively.

The Council meets at least four times a year to ensure speedy decision-making and review progress and operations of its subordinate institutions. The frequent meetings are also intended to provide the Council with an opportunity to discuss regional affairs in more detail.

### 2.1.5 Integrated Committee of Ministers (ICM)

The Integrated Committee of Ministers (ICM) is a new set up within SADC. It is intended to ensure proper policy guidance, co-ordination and harmonisation of cross-sectoral activities. It comprises at least 2 ministers from each member state and is responsible to the Council. More specifically, it performs the following major roles among others;

- ◆ Oversee activities in the four core areas of integration in SADC notably;
  - ✦ Trade, Industry, Finance and Investment
  - ✦ Food, Agriculture and Natural resources (FANR)
  - ✦ Social and Human Development and
  - ✦ Special Programmes including the implementation of the strategic plan in areas of competence.
- ◆ Provide policy guidance to the secretariat, monitor and evaluate their work
- ◆ Have decision making powers *ad referendum* to ensure rapid implementation of the programme that otherwise would wait for a formal meeting of the council.

### 2.1.6 Standing Committee of Senior Officials

The Standing Committee acts as a technical advisory committee to the Council to whom it also reports. This committee is comprised of Permanent Secretaries, or an official of equivalent rank from the SADC National Contact point in a Member State. The Committee also plays the role of a clearing house for all documents to be submitted to the Council for consideration.

### 2.1.7 National Contact Points

These are located in the Ministry responsible for SADC matters in each Member State and act as a vital link between other agencies of government and SADC organs. The National Contact Points' responsibility also includes regular consultation with and briefings of relevant government institutions, the enterprise community and media on matters relating to SADC.

### 2.1.8 SADC National Committees (SNCs).

The SNCs are a new establishment within the SADC structure and they are intended to promote and broaden stakeholder participation in SADC affairs in Member States and ensure broad and inclusive consultations to prepare inputs required by the secretariat. They are primarily composed of representatives of key stakeholders; notably government, private sector, Civil society organisations and NGOs in Member States. The SNCs can establish technical sub-committees to deal with sectoral and specialised issues. There is a provision for civil society organisations and NGOs to serve on these technical sub-committees.

### 2.1.9 The SADC Tribunal

A Tribunal is constituted to ensure adherence to, and proper interpretation of the provisions of the SADC Treaty and subsidiary instruments, and to adjudicate upon disputes referred to it. The composition, powers, functions, procedures and other related matters governing the Tribunal were to be prescribed in a Protocol adopted by the Summit. Decisions of the Tribunal are *final and binding*. The processes related to its establishment are in an early stage.

### 2.1.10 The SADC Secretariat

As the principal executive institution of SADC, the Secretariat is responsible for strategic planning and management of SADC programmes. Headed by the Executive Secretary, who is appointed by the Summit, the Secretariat is charged with the task of implementing decisions made by the Summit and the Council. The Secretariat organises and manages SADC meetings and is responsible for the financial and general administration of the Community. Diplomatic representation and promotion of SADC is also undertaken by the Secretariat.

In addition, the Secretariat has been charged with gender mainstreaming of all the SADC programmes and activities, mobilising of resources and devising appropriate strategies for self financing, income generation and investment, harmonisation of programmes and projects with cooperating partners, among other things. The Executive Secretary's office comprises the departments of; Legal Affairs; Internal audit; Information, communication technology including library services and statistics; Public relations; Administration; and Finance.

### 2.1.10.1 The Department of Strategic Planning, Gender and Policy Harmonisation

The programme side of SADC is headed by a Chief Director who is also the head of the Department of Strategic Planning, Gender and Policy Harmonisation. This department is composed of four Directorates notably;

- ◆ Trade Industry, Finance and Investment
- ◆ Infrastructure and Services
- ◆ Food, Agriculture and Natural Resources
- ◆ Social and Human Development and Special Programmes.

These Directorates (each of the Directorates is headed by a Director) are intended to promote regional integration and address overarching issues such as gender mainstreaming, poverty eradication and the promotion of sustainable socio-economic development.

Despite some of the changes underway to strengthen the organising and implementation capacity of SADC, it is arguable whether the reformed structure will be able to carry out the wide ranging and ambitious programme of action set for the current 5-year period. The Secretariat of SADC is relatively small, given its regional and functional responsibilities. An assessment of SADC indicates that the scope of the work expected of the Secretariat and sector-coordinating units under the 4 directorates is extremely comprehensive given the available capacity. Since the review mainly focused on the structural arrangements and not the substantive policy work, it is unclear to what extent the approximately 400 programmes underway in the region at a cost of millions of dollars have been successful in achieving the outcomes for which they were designed<sup>4</sup>.

Furthermore, the SADC process as an intergovernmental process is largely technically driven. The danger is that there could be an emphasis on efficiency and technical aspects and a de-linking from the politics of development and underdevelopment. Issues of equity, distribution and redistribution within countries and between countries could be subsumed by an approach that sees economic integration through regional and global markets as the dominant objective. Civil society formations are important in maintaining a critical approach.

Without an explicit process or negotiated contract with the non governmental sector through which the Secretariat and the SNCs can pool resources and leverage a wide range of skills and knowledge it is unlikely that the strategic priorities will be translated into real gains for people. An examination of the processes underway also point to the need for wider consultation with civil society in setting development priorities, sequencing implementation and integrating the various initiatives at national, regional and continental levels into a coherent and systematic framework.

If the institutional framework, and especially the organising structure of SADC, is to gain credibility as an instrument for regional economic and social integration then the intentions reflected in the objectives and strategic priorities must be backed by resources and a considered process of engagement with civil society. The framework must be infused by collective endeavours in a dynamic process of critical engagement with broader society.

## 2.2 The Political Context

In the context of regional politics and policy processes, each member country has its own history and development path. While historical processes are not the only factors that shape regional relationships within and outside of Africa, they help us understand some of the concerns that influence the politics of development. SADC is still in its formative stages. Also in a formative stage is its relationship with other regional bodies in Africa and the global South.

Countries in the region have been in a process of transition for more than a decade. For many, in the wake of decolonisation, moving from minority undemocratically elected governments to majority rule was a necessary part of political reform processes. Not surprisingly, the process of democratisation is accompanied by turbulence and ongoing contestation for both state power and access to resources denied to previously disenfranchised people. But democratisation and decentralization can be slow to translate into a vibrant civil society. Yet some countries<sup>5</sup> are moving to more democratic and more decentralized systems of governance in which greater political space has been created for civil society. In others such as the (Democratic Republic of Congo) DRC, Angola and Zimbabwe conflicts have resulted in increasing vulnerability of people and a climate of distrust and suspicion with related effects on civil society's participation.

Where strong civil society groups were not totally absorbed into new state institutions in emerging democracies, the terms that shape a new process of engagement with the reconstituted political organs are slow to emerge. With the emphasis on restructuring executive power and the public sector in most countries, the promotion of civil society organizations has been erratic and fragile. In this process of transition different roles and competencies are required of civil society. Disabling environments mean that participation rates, knowledge of government and confidence in government remain low. In some instances political change has not automatically translated into advances for those who were previously excluded from decision-making. Women, the landless, former combatants, the unemployed and those in chronic poverty and deprivation experience ongoing hardship and marginalisation which is further aggravated by the HIV/AIDS pandemic ravaging most of the region.

Despite these trends evidence in the region suggests that progressive civil society formations have been in the forefront of exposing human rights violations, monitoring state based violence and promoting peace and accountable, transparent governance. At times, in the face of repression and increasing militarisation<sup>6</sup> at national levels, civil society formations use regional space to challenge bad governance and the lack of democratisation. In this atmosphere, partnerships do not spring up quickly.

Against this backdrop the role of the Organ on Politics, Defence and Security should be examined. How does peace building in the region relate to conflict prevention and sustainable development in the long term? Is the emphasis on the protection of states as geographical territories and how does this relate to ongoing civil wars within countries in the region? Clearly, issues of sovereignty and self-determination are extremely significant in a region constituted of recently independent states. Yet ongoing civil wars within the

DRC, Angola and the crisis of governance in Zimbabwe point to the need to shift the emphasis from the security of the state to the security of people, to human security within a human rights framework.

Without a focus on the protection of people and not just territories, ongoing conflict will continue to impoverish people and reverse development processes. The extent to which the SADC Organ on Politics, Defence and Security can play an effective role in conflict prevention, peace-building and demilitarisation has yet to be determined. What is clear from the ongoing process is that the SADC has taken a very state centred approach to politics, defence and security. This is distinct from a human security<sup>7</sup> approach in which human rights, conflict prevention and democratisation play a vital role.

Also evident in the region is the recognition that security between states does not guarantee people's security within their countries. Internally displaced people, refugees and migrants experience the denial of basic human rights. Countries in the region need to provide certain fundamental protections to their citizens and people should be protected from the arbitrary power of the state. Whether the SADC structure can ensure that state security is complemented by people's security through protection and empowerment mechanisms are uncertain. The challenge for civil society in this context is to ensure that the security of states is complemented with the security of people.

### **2.3 Socio Economic Context**

The push for regional cooperation and more recently, deeper regional integration takes place against a backdrop of continuing economic and social crises. There are complex internal and external factors which contribute to persistent economic and social crisis and shape the politics of development in the region. Any fundamental change in the current pattern of economic relations in the region to spur intra-regional trade would appear to presuppose a level of coordinated reconstruction and development among all SADC countries that does not exist at the moment.

A quick review of some of the main regional development indicators and statistics (refer to Table) point to the uneven state of human development in countries in the region. The indicators also reflect a decline in the components of human development such as life expectancy, adult literacy and combined gross enrolment ratio and per capita GDP between 1995 and 1998. In particular, enrolment decreased in Angola, the Democratic Republic of Congo, Mozambique and Tanzania during this period. Average adult literacy was down to 67.32 percent in the region and life expectancy decreased to 48.6. This is largely due to the devastating impacts of the HIV/AIDS pandemic and the inability of countries' national health care systems to cope with the crisis. Infant mortality rates remain high due to poverty and low educational status of women<sup>8</sup>. The civil wars in Angola and the Democratic Republic of Congo also reversed human development in these countries.

Clearly evident is the extent of poverty as measured by the human poverty index (HPI) experienced in Angola, Mozambique, Malawi, Zambia and Zimbabwe with correspondingly low levels of human development (HDI). Regional averages though, mask the grinding poverty and vulnerability experienced by people on an individual level.

**Summary of major SADC Statistics (1998 unless otherwise indicated)**

HDI Country RANK	Human Devt Index HDI	Gender Related Devt Index (GDI)	Gender Em-powerment (GEG)	Human Poverty Index (HPI)	SADC Inte-gration Index (SII)	GDP per Capita (PPP, US \$)	Popula-tion (mil-lions) (In 2000)	Land Area (000s) square kilo-metres)
1 Seychelles	0.808	—	—	—	—	10600	0.1	0.5
2 Mauritius	0.782	0.765	0.359	11.5	0.038	8312	1.2	2
3 South Africa	0.717	0.706	0.540	20.2	0.080	8488	43.8	1221
4 Swaziland	0.672	0.659	0.329	27.3	0.556	3816	1.0	17
5 Namibia	0.651	0.638	—	28.6	0.285	5176	1.8	824
6 Botswana	0.613	0.598	0.403	28.3	0.198	6103	1.7	582
7 Lesotho	0.583	0.558	0.389	23.3	0.362	1626	2.2	30
8 Zimbabwe	0.570	0.562	0.359	30.0	0.322	2669	13.5	391
9 DR Congo	0.440	0.416	—	—	—	822	50.5	2345
10 Zambia	0.429	0.415	0.238	37.8	0.075	719	10.7	753
11 Tanzania	0.422	0.411	—	29.2	—	480	32.6	945
12 Angola	0.419	—	—	54.7	—	1821	13.3	1247
13 Malawi	0.393	0.370	0.238	41.9	0.077	523	10.3	118
14 Mozambique	0.350	0.320	0.331	50.7	—	782	17.2	802
<b>SADC</b>	<b>0.538</b>	<b>0.536</b>	<b>—</b>	<b>31.5</b>	<b>—</b>	<b>2663</b>	<b>199.8</b>	<b>9277.5</b>

Sources: SADC Regional Human Development Report 2000, and SADC Annual Report 2000-2001

It also does not reveal how communities coping strategies have been wiped out as a result of the combination of accumulated deprivations and HIV/AIDS. Despite the rate of economic growth increasing between 1995 and 1998 to an average of 2.6 per cent this had no impact on rising income poverty and growing inequality. For this to be reversed the economy needs to grow at more than 6 percent, an unlikely event given current investment and productivity levels. In Southern Africa, where the proportion of the labour force in full time employment is low, income poverty affects about one third of the SADC popu-



lation. Open unemployment is typically an urban phenomenon concentrated in a limited number of population groups, such as school-leavers. At the very time when large numbers of young people are entering the labour market, economies are growing slowly or even contracting. Where jobs are being created these require a set of skills and experience not readily available in the labour market in the region.

The employment situation in the region is further aggravated by cutbacks in public-sector employment as a result of economic stabilization and longer-term restructuring efforts (sometimes termed economic structural adjustment programmes). The vast majority of workers in the region continue to seek a living in the many different activities that make up the informal economy. Wage disparities, and more generally income disparities, already very large, have dramatically increased. Income inequalities also reflect inequalities in land ownership, assets and access to education and health care.

Economic instability in the region is characterised by rising budget deficits, high rates of inflation, rising balance of payments deficits and high external public debt servicing burdens. These factors act as disincentives for investment, erode government revenue and limit the capacity to address social development priorities. Because of debt servicing and other macro economic management concerns many countries are aid dependent. Concessionary aid packages have conditions attached to them that influence policy and governance of countries hardest hit in the region.

Alongside economic insecurity as a result of structural crises, the region is facing the most severe food crisis yet. Some countries reversed from being exporters of agricultural commodities to becoming importers contributing to the unavailability of food. According to Food and Agriculture Organisation (FAO) some 16.7 million people were in need of emergency food assistance if they were to survive until 2003. During 2002 Malawi, Zimbabwe, Zambia and Lesotho declared national disasters because of the extent of famine in their countries. Swaziland and Mozambique also face a precarious situation. The food crisis in the region is not a recent phenomenon<sup>9</sup>. Contributory factors include environmental factors such as natural disasters and poor land use, bad public policies at both national and international levels affecting agricultural production and lack of income to purchase food.

As a regional entity the potential benefits for SADC member states in deepening regional integration and cooperation could enable them to minimise the downside risks of a competitive global system. But precisely because of the anticipated benefits of being part of a global economic system, the emphasis thus far tends to be on economic and trade concerns, often at the expense of human rights considerations. Dealing with the risks in a situation of chronic economic and human insecurity must go well beyond an emphasis on the promotion of a free trade area to dealing with the roots of poverty and structural inequalities. Issues of sustainable livelihoods, the distribution of incomes and resources, land tenure, land use, health and education, natural resource management and the free access of people to move across borders without fear of discrimination need to be taken into consideration.

## 2.4 Analysis of Political and Policy Process

The institutional framework puts into place a reinvigorated process for integration. Significantly, although the objectives for regional integration arise from the need to enhance individual and mutual benefits for countries, participation of member states in SADC does not mean that they are compelled to follow its decisions. And nor are there explicit sanctions for non compliance. Also unclear from the existing structure is how the region will develop policy and programme coherence with initiatives currently underway through for example, the New Partnership for African Development (NEPAD) which may be seen as an alternative rather than a complementary structure.

The Poverty Reduction Strategy Papers/Programmes (PRSP) process through which international financial institutions and donors provide concessionary aid to countries to address poverty should also be engaged with to assess the implications for processes in the region. Likewise the Millennium Development Goals (MDGs) process identifies a set of targets to be attained within countries in the region without reference to commitments made at preceding global conferences such as the World Summit on Social Development. The extent to which the various initiatives serve to advance an agenda that focuses on eradicating poverty and its roots and to what extent it diverts attention from these objectives should be examined. Another critical issue that needs attention is Africa's debt burden. The debt service burden is both a political and development problem for the region. The Highly Indebted Poor Countries Initiative (HIPC) has had little impact on debt burdens in the region with the exception of Mozambique.

While Article 24 of Chapter 8 of the SADC Constitution makes provision for relations with other states, regional and international organisations at a policy and programme level there is no clear indication of how overlapping agendas and commitments will be managed. So integration in terms of markets for goods and services does not necessarily mean better integration of social development policies and programmes to address poverty and human security.

Moreover, an overview of SADC institutional arrangements and protocols reveal that attempts to address the issues affecting countries in the region generally tend to place stronger emphasis on a trade and economic agenda. It is debatable to what extent this emphasis downgrades the social, cultural and political impacts of cooperation and integration, especially since integration attempts take place in a fluid environment with some member countries trying to form or reformulate national identities after protracted "independence" struggles.

Member states are also often faced with competing imperatives particularly the need to forge national unity based on common concerns that cut across ethnic, language, race, class, gender, and geographical barriers. And at the same time there is the need to build a regional process based on a common agenda and a common identity that does not get subsumed within existing unequal power relations at a continental or global level. The ability to deal with internal and external factors depends on what scope there is to exercise national self-determination through a regional development agenda that recognises the historical, social and cultural specificity of member states.

Member states recognise that stability, peace and effective governance are important prerequisites for accelerated regional integration. They also recognise the importance of these



factors for engaging within the continent to establish credible conflict resolution processes and mechanisms. This is evident in the rhetoric and speeches made at official conferences and in the formal protocols that provide the framework for engagement of member states. Whether the rhetoric and negotiated regional protocols will result in social development gains for poor people and the working classes within countries and across the region remains a concern.

Overlaying the politics of regional integration is a critique of the assumed advantages below:

First, regional integration will result in wider and open regional markets that in turn would provide more and better opportunities for producers and consumers. However, strong and effective governance and regulatory systems are the preconditions for balanced public and private sector led economic initiatives. Liberalising trade and opening markets is an element but not a sufficient condition for genuine integration. Market forces by themselves tend to worsen existing inequalities and reproduce trade imbalances unless there are regional mechanisms to address systemic problems.

Second, developing a common agenda, emphasising a commitment to regional stability and good governance would facilitate large-scale investment by the private sector and increase foreign direct investment. The record on private sector led investment is not encouraging despite the dismantling of tariff and trade barriers. Evidence suggests that it is a mistake to believe there is a direct relationship between openness and investment levels. Openness is part of a development strategy and not a substitute for it.<sup>10</sup>

Third, countries stand a better chance of benefiting from the positive features of a region as a whole rather than as individual entities because they are better able to share risks and promote positive elements. This assumption does not take into account the reality that member states could have conflicting interests. Differences in size, natural resources, economic development, social development concerns and other concerns influence the implementation of a common agenda. For example, regional trade affects South Africa and Malawi very differently. Free regional trade led to an influx of cheaper South African made furniture into Malawi and contributed to the collapse of many of that country's local furniture makers<sup>11</sup>.

Fourth, when countries contribute to essential regional infrastructure development, such as transport, communications, energy, water systems and management, scientific and technological research, it reduces costs. Such developments are usually beyond the means of individual countries. Some progress has been made in undertaking "Spatial Development Initiatives" in the region through the Maputo Development Corridor and Communications projects. But it is still too early to assess whether these projects have resulted in significant gains for people in the countries concerned.

Fifth, beyond the institutional relationships, the 'people to people' links that develop across national borders reinforces the momentum for regional cooperation and integration. That there have been increasing links with regional civil society formations and a growing awareness of the need to build regional solidarity to address common concerns is not in question. But these are not significant and while a select number of organisations might know how to get involved in the processes in the region, general knowledge and information are not as easily accessible to poorly resourced organisations.

### 3 CIVIL SOCIETY AND SADC: ADDING VALUE IN CHANGING TIMES

This section examines how civil society can contribute and add value through active engagement within the region. Much of the emphasis in the region is skewed towards an economic and trade agenda. On the social development side, especially on issues related to poverty and human development, much still needs to be done. The section also provides an analysis of the issues and concerns that civil society organisations are working on and the possible connecting points afforded through the regional body to advance a social justice and social development agenda.

SADC's commitment to working in partnership with the NGO community has been given legal effect through Article 23 of the SADC Treaty (refer to the box below). It commits member states "to fully involve, to cooperate with, and to support the initiatives of the peoples of the region and NGOs in the community building process. SADC National Committees, established as part of the restructuring process, are a key mechanism through which civil society can provide inputs in the formulation of regional policies, strategies and programmes. The intention to involve a broad spectrum of civil society organisations such as the NGOs, the business and religious communities, the labour movement and women's movement among others in SADC is clear."<sup>12</sup> Making this intention a reality is the challenge that both civil society and SADC member states must work towards.

#### The SADC Treaty in Chapter Seven, Article 23 on "Non-Governmental Organisations"

- ◆ *SADC shall seek to involve fully, the peoples of the region and non-governmental organisations in the process of regional integration.*
- ◆ *SADC shall cooperate with, and support the initiatives of the peoples of the region and non-governmental organisations, contributing to the objectives of this Treaty in the areas of cooperation in order to foster closer relations among the communities, associations and peoples of the Region.*
- ◆ *At its meeting in Johannesburg, in August, 1995, the SADC Council of Ministers directed all SADC institutions to ensure the full participation of NGOs in the activities of the Organisation, and to ensure that NGOs attend all SADC meetings except the Council and the Summit.*

Several umbrella national Non Governmental Organisations formed the SADC Council of NGOs in 1998 to coordinate their interventions and promote collaboration with other relevant partners including SADC institutions at regional level. The objectives of SADC CNGO among others are:

- (i) To provide a forum for NGOs in the SADC region to develop common positions, on areas of concern, and to advocate and petition governments for a better enabling environment for NGOs at national and regional levels
- (ii) Represent NGO interests at meetings of SADC Institutions and other bilateral arrangements with international cooperating partners
- (iii) Collect and disseminate information on the activities of NGOs throughout the region, in order to influence national and SADC policies and resources towards people centred development and/or popular participation, and
- (iv) Facilitate the process of sharing information experiences and best practices amongst civil society organisations.

### 3.1 Civil Society in the Region

Civil society organizations in the Southern African region are gaining significance as major players although their roles are not always clearly defined and they face many challenges. Within the region the range and scope of civil society differs from country to country because of variations in historical and social contexts, differing resource bases and in some cases political environments that are restrictive.

Despite marked differences in capacity and scope several broad trends in the role of regional civil society organizations may be noted. There has been an increase in both national and regional civil society groups, promoting specific causes, as well as more formally structured NGOs inspired in some instances by the prospect of funding from abroad. Their experience in meeting the goals for which they were established has been mixed. Quantitatively at least the scope of their activities is expanding and membership growing<sup>13</sup>.

The role and contribution of NGOs in the SADC region is most noticeable in a number of areas including community-based natural resources management and environmental conservation, education and training, gender issues, health (particularly the war against HIV/AIDS pandemic), sustainable agriculture and small-scale enterprise development<sup>14</sup>. Despite these trends, in the wake of economic globalisation and technology transfers, key players such as trade unions, have seen a lessening of their influence and declining membership. On the other hand, various forms of cooperative organizations and associations made up of self-employed women, taxi drivers and the like have increased their memberships. This is especially the case within the informal and micro enterprise sectors.

### 3.2 Connecting Points for Engagement in SADC

Generally, civil society engagement with national and regional state and quasi state formations may be characterised by two approaches: that of *'permitted participation'*, where the organised groups are invited to respond within certain prescribed limits to decisions and policies, and that of *'mobilised participation'*, where processes are facilitated to generate mass based civil society political support and action for change in the interests of broader society.<sup>1</sup> Drawing on recent experience, civil society can draw on a combination of approaches: popularising proposals and critiques in the public realm (including protests) and more formal routes of engagement with policy makers where specific proposals are presented and debated.

Difficulties in identifying and utilising what are called 'connecting points' between civil society and the regional body must be overcome. In this regard the somewhat limited experiences thus far have been erratic. Nonetheless the Constitution of the SADC Council of Non Governmental Organisations<sup>16</sup> sets out a framework within which the objectives for more systematic and formalised engagements are possible. Giving effect to the mandate for such engagement depends on a number of factors including the structures and processes referred to below.

### 3.2.1 The SADC-Council of Non Governmental Organisations

Constituted primarily of recognised national umbrella non-government organisations the Council of Non Governmental Organisations (CNGO) is the formally recognised body through which civil society can interact with SADC. Operating as an autonomous structure it has what may be termed consultative status with SADC. It includes representation from SANGOCO in South Africa (currently holding the chair of the council), BOCOOGO from Botswana (currently holding the secretariat), TANGO and TACOSODE from Tanzania, NANGO from Zimbabwe, MACOSS from Mauritius, LECONGO from Lesotho, CANGO from Swaziland, CONGOMA from Malawi, NANGOF from Namibia, the Zambian Council for Social Development and Link Forum from Mozambique. Representation from the Democratic Republic of Congo and Angola is yet to be determined.

Article 4.1.2 of the SADC – CNGO constitution limits full membership to the Council to one representative per country. But provision is made for associate membership of regional NGOs that work in at least 60% of SADC member states. The qualifying criteria for full and associate membership assume that each country has an agreed framework and mechanism through which the non-governmental sector ensures national level inter-sectoral participation and coordination. Also assumed is the capacity of national civil society organisations to develop an agreed coherent and systematic framework of action that can bring together diverse constituencies, varying agendas and poorly resourced networks. This is not the case. Anecdotal evidence suggests that many organisations operating within their country contexts are unaware of the existence of the Council, who represents their concerns and interests and how these form part of the broader SADC agenda.

### 3.2.2 Engaging through SADC National Committees

Another structure through which civil society can engage is the recently established SADC National Committees (SNCs). Primarily made up of representatives of key sectors such as government, business, civil society organisations and NGOs they provide forums for input into programmes and policy concerns. SNCs reflect a more intention, within SADC arrangements, to develop working partnerships with the full range of civil society actors since they have the power to establish technical sub-committees to deal with sectoral and specialised issues. The extent to which civil society can utilise this space and engage in meaningful policy and programme collaboration on issues of policies and strategic priorities is not yet clear. Moreover such engagement requires both technical capacity as well as resources that are not readily available within the NGO sector.

### 3.2.3 National Contact Points

Civil society organisations from within the SADC region can also engage with SADC through their national contact or focal points, which are primarily the ministries involved with planning and regional/international co-operation. Not all national ministries acting as focal points are active and quite often many are not able to prioritise the need to ensure the involvement of civil society in regional programme processes. A list of these national contact points is annexed to this report for ease of reference.

### 3.2.4 SADC-Parliamentary Forum

Launched in July 1996, as an autonomous institution of SADC, the Parliamentary Forum creates another regional instrument for policy dialogue. The SADC Summit of Heads of State meeting in Blantyre, Malawi, September, 1997, “approved the establishment of the SADC Parliamentary Forum as an autonomous institution of SADC, in accordance with Article 9 (2) of the Treaty” as well as its sustainability through contributions of member states’ National Parliaments.<sup>17</sup>

An analysis of the Constitutional objectives of the Forum indicates that seven out of fifteen relate directly to capacity building for effective implementation of SADC policies, programmes and activities. The remaining objectives relate to the facilitation and promotion of a socio-political environment for a sustainable regional entity. These focus on the need to promote democracy, peace, stability, security, governance, regional solidarity, human rights (including gender equity), and parliamentary cooperation.

The SADC Parliamentary Forum has the potential to provide useful entry points for policy engagements on priority programme areas and could be a means of injecting a more active role for civil society in the regional integration process. The development of such quasi-governmental and autonomous structures could provide spaces to generate a regional dialogue on the terms of regionalisation in southern Africa. Moreover they could provide the bridge between national development strategies and a more equitable pattern of regional integration. As constituency-building mechanisms, the Parliamentary Forum and the National Committees could facilitate the evolution of a more cohesive sense of regional identity that is not embedded in bureaucracy or state security.

### 3.3 Challenges and Constraints

There are many comparative advantages that civil society and in particular, NGOs working in the social development field, can bring to the SADC regional agenda. Being relatively flexible and adaptable gives NGOs wider scope to undertake projects with limited resources and to utilise community creativity and ingenuity. Civil society formations, including worker-based organisations contain invaluable elements that can help challenge the social relations that confine the poor to the margins of society. These elements include an ethos of development that is ‘people-centred’ in practice, an approach that is consultative, involves participatory processes and promotes capacity-building, experimentation, transfer of skills and experiences, independent analysis and critiques.

While civil society and especially the non governmental sector cannot substitute for government action and should not be seen as a panacea for the gaps in social development services, they are well placed to work in complementary roles and at times to challenge and support regional processes in a number of ways.

First, civil society organisations in the region are often concerned with issues such as health, education, economic development, peace building, human rights and governance. Many have built up significant experience in these fields. As a result, they are able to understand the issues that affect people in the region and the gaps in existing responses at national and regional

levels. Drawing on their size, reach, flexibility and experience with local communities, civil society organisations can make unique contributions to development processes. Already evident in the region are their contributions in AIDS education, prevention and treatment, as well as in identifying human rights violations and ongoing advocacy related to chronic poverty and conflict.

Second, NGOs tend to be closer to communities and have a record of accomplishment, and responsiveness through their involvement in the range of development concerns that they take up. NGOs have acquired the ability to work with local people because of their understanding of local social, cultural and environmental contexts. At national levels, the relative expertise of NGO sectors is increasingly recognised and respected by governments with a better understanding of their complementary and distinct roles. By working with communities civil society groups have the potential to build the capacity of people over time. This type of local and national level work contributes to institution building and can empower and enfranchise people to influence decisions affecting them.

Third, NGOs are able to link up across regions and sectors with relatively less formal constraints than governments and the private sector and are able to channel development experience and lessons from international networks into their own practice. For example, links to academic institutions help NGOs to develop their research capacity, get the results of their research published, and further train and educate their employees and community members. Moreover, relationships with a wide array of international organisations, including the international media help local NGOs to develop a profile and reputation in countries where donors and donating publics live and where most international development policy is determined<sup>18</sup>.

Fourth, during the decade of United Nations international conferences and related initiatives, national and regional civil society organisations acquired significant skills and experience in advocacy, negotiations and substantive policy analysis as observers and participants. Civil society groups were able to build coalitions of support on critical social development issues in regional and global forums running parallel to intergovernmental processes. Social movement activism on such issues as availability and affordability of drugs for HIV/AIDS, the unsustainable debt burden, land redistribution and unfair trade have also led to more rigorous policy analysis on the part of NGOs including research institutions. Even though the gains of such mobilisation may in some instances be limited, such actions place social justice concerns on the public agenda.

Fifth, many civil society organisations are beginning to identify common concerns and issues across the region and are already working towards collective responses to these. In this way they promote solidarity within civil society and demonstrate the practical value of cross-country and cross-sector sharing of knowledge and experiences. At times they are better placed to confront the underlying political issues that affect people's development. They can and often do provide or develop spaces for people to articulate their views and represent their interests. Initiatives such as educating people to engage in electoral processes through voter education, legal rights and citizenship seminars are promoting democracy in the region<sup>19</sup>.

NGOs also help to empower and mobilise a range of civil society organisations within their countries. Many have been crucial in developing strong civil society networks and coordinating like-minded groups into coalitions around a number of concerns and problems.



Illustrative of this, in 2000, a network of African civil society groups organised a caravan that started in Cape Town and went through many countries across the continent with the aim of promoting African unity from below<sup>20</sup>.

Yet another initiative in the region that highlights the potential role of civil society organisations is the 'Beyond Inequalities Project', started in 1999 by a network of NGOs. Organised by the Southern African Research and Documentation Centre (SARDC), it is an example of non-governmental organisations coming together to map gender inequalities. The outcome includes comprehensive profiles of the position of women in twelve countries in the region, highlighting such issues as health, education, poverty, violence, the law and legal systems, and power and decision-making structures<sup>21</sup>.

Networks in the region are also beginning to monitor and track national government budget allocations by analysing impacts on gender inequities and child poverty. The networks involved in these initiatives worked closely with national parliaments, key government departments and international bodies such as the Commonwealth Secretariat <sup>22</sup>.

But the difficulties and constraints faced by NGOs are many. Social development concerns are multi-dimensional and trans-national. Networking in the region requires the involvement of many different actors, government and civil society-based, local and international organisations working together. Regular networking can be a difficult and costly venture, particularly for NGOs outside of urban centres. Travel across the region is very costly and access to communication infrastructure limited and often non-existent for poor resourced organisations.

In many countries the non-governmental sector is dependent on donor aid or government support for their activities. When these organisations challenge government or if their programmes do not coincide with the agenda and priorities of aid organisations they suffer serious cutbacks which affect their sustained involvement in regional processes. The NGO sector operates in a competitive funding environment that mitigate against the development of a common framework across sectors.

Funding and financial issues are challenging. In many countries national budgets for social development are not growing. Mixed funding brought into projects by different partners (private and public sources) is very much a rule of the game. Resource sharing, whether human, material or financial, should be clearly stated in a formal collaboration contract and should not prevent cross-sectoral regional engagements. There is an urgent need for the establishment of a Regional Social Development Fund to support the capacity building of regional non-governmental organisations to promote effective social development partnerships.

An ad hoc and incremental approach to engagement in the region means many NGOs have difficulties in identifying and emphasizing the central and most important point that connects them with SADC National Committees in the region. For example, collaboration on what is primarily an international issue, such as a government's preparation in partnership with civil society and the private sector to formulate its position for an international conference, must be linked to specific national and regional concerns.

If the NGO sector is to collaborate on policy research, share knowledge and experiences with governments and regional partners, then it has to shift from past adversarial relationships to other modes of engagement. At different moments there may be a need to challenge and confront state institutions, to work in partnerships or to reform state led processes. Identifying the approach that would best achieve effective regionalisation of policy processes requires both professional and political maturity in the regional institutions as well as in civil society. Serious and systematic efforts, on the part of civil society, must be made to develop the capacity to straddle a path of critical and collaborative engagement when appropriate.

In national and regional processes the sector must overcome the tendency to focus on issues of self-interest and emphasise the areas of convergence or congruence. While consensus among civil society partners cannot be forced if a credible member is to represent the interests of national NGOs on the SADC Council of NGOs, attempts must be made to incorporate and distil the positions, analyses and recommendations of the different stakeholders within regional SADC processes. National level cross sector partnerships face added difficulties. These partnerships tend to be less focussed and organized due to weaknesses in the institutional mechanisms available within countries, in policy coordination and in funding. Shared goals and commitments call for integrated policies and joint decision-making that can be difficult, especially at times of financial constraints.

#### **4 TOWARDS A STRATEGIC AGENDA FOR CIVIL SOCIETY IN SADC**

The institutional, political and socio economic contexts illuminate the complex and urgent challenges facing people in the region. In a chronically insecure and fragile regional environment where will civil society fit into the process of shaping social development priorities? Negotiating spaces to anchor NGO policy interventions will not be easy especially since a number of SADC-affiliated structures are still evolving. Importantly, the relative weight of civil society participation in SADC is limited to that of having observer status or at best indirect consultative status through SNCs. Participation within SADC must be backed by wider and informed critical support of NGO partners to ensure that such representation is able to make a qualitative difference when it counts. Having observer or consultative status is a step in the door but does not guarantee the power and influence to shift policy emphasis in the direction of social justice and equity.

The function and powers of civil society in a strategic agenda depends to a large extent on how it defines its role and what type of representation it develops. For example, interest groups (women, youth, workers and environmental) and other organisations with professional expertise on policy and related matters may decide to play different but complementary roles. The important issue is to make coherent and effective interventions into the process, whether these are of a policy, monitoring or advocacy character. Organising civil society engagement through working groups that represent expertise, interests and credible and legitimate constituencies could make participation in SADC more manageable and effective.

An obvious starting point is to examine the current social development priorities set in the region and the extent to which these represent the concerns of people. At a SADC Council of Ministers Meeting in 2000 in Pretoria discussions took place on how to implement, at a regional level, the commitments that were made at the WSSD Conference and reaffirmed at the WSSD+5 review.



Running throughout the meeting was the view that implementation of a regional social development agenda requires collective action from all stakeholders in the region, especially the NGO sector. The priorities set were included under the themes listed below and fall within the mandate of the SADC structure. But with each theme there are significant policy and broader governance issues that need to be interrogated. For instance what are the benchmarks that can be used to measure how the region advances an agenda to address the priority areas below? What are the resources that can be used at a regional level to act on the identified areas and what would be the roles of the private sector, the donor community and civil society organisations? Answers to these questions should inform the process of setting a strategic agenda for civil society engagement in the region.

- ◆ *HIV/AIDS*
- ◆ *Poverty eradication*
- ◆ *Employment*
- ◆ *Social Integration*
- ◆ *Gender Equality*
- ◆ *Human Development (education, health skills development, capacity building)*
- ◆ *Children and Youth*
- ◆ *Monitoring mechanisms*

Identifying these priority areas and the ways through which an agenda can be implemented to address the issues within each aspect may be seen to reflect the initiative of governments. What is needed is a critical response from civil society on whether and how these aspects are being addressed. Besides responding to inter governmental initiatives, civil society groups need to be proactive. They need to find ways of identifying gaps in the regional agenda based on a continuous assessment of national issues and concerns and place these on the regional agenda. Moreover, civil society groups working in collaboration with global networks can develop expert and reasoned alternatives to ineffective policies and programmes. Such interventions require strategic agenda setting, resource mobilisation and working in partnership with experts on Committees and Commissions to explore how to tackle issues that have not yet been taken up at a regional level.

Furthermore, how will the SADC-CNGO ensure that there are systematic and substantive engagements with the SADC Secretariat on social development in the region? A cursory review of the organisational structure of SADC does not reflect a NGO focal point or the intention to include a “Civil Society / NGO Desk” in the Secretariat. Without a specific focal point institutionally located in the SADC Secretariat how will inputs into SADC be coordinated and channelled to make an effective impact. Perhaps the region could learn from the processes underway at the moment in the restructuring of the African Union. The model for civil society engagement under consideration is one that provides a Desk within the General Secretariat of the AU to ensure coordination and communication.

Alongside these concerns an important aspect to developing a strategic agenda for civil society engagement is that of providing the conditions for effective participation at national and regional levels. Without enabling conditions that build the capacity of women, youth, trade

unions, professional associations and other community and nongovernmental organisations it is unrealistic to expect civil society to make a qualitative impact on the agenda in the region. Creating the conditions for civil society engagement goes beyond the ratification of the Constitution of the CNGO. SADC should ensure that a Regional Social Development Fund is established to implement a regional agenda and to strengthen the capacity of regional and national NGO networks to participate in the process.

Other issues related to SADC are geopolitical and have a bearing on the scope, pace and nature of regional integration not just in southern Africa but in Africa as a whole. It is important for civil society to unravel the web of relationships that exist and the various agendas that converge or differ among regional groupings. Coordination of programme initiatives and a coherent framework for resource mobilisation requires making sense of the various processes underway related to:

- ◆ *National socio-economic policies and programmes;*
- ◆ *Bilateral co-operation;*
- ◆ *Regional co-operation;*
- ◆ *Continental co-operation; and*
- ◆ *Global co-operation.*

During this period of transition the insecurities arising from structural inequalities and other systemic issues highlight the lack of a “social democratic” component to minimise the risks and vulnerabilities that a SADC Free Trade Area will create. Civil society could generate greater regional consensus building on the need to balance social and economic strategies to improve capabilities of people and provide better opportunities and choices. How? This can be done by emphasising the need to balance investment in commercial enterprise and trade with investments in human development (health and education), sustainable livelihoods and in promoting equity. Initial steps in this direction are contained in the “Charter of Fundamental Rights of Workers in Southern Africa”. Facilitating processes that bring together workers, the community and NGO sector, private and public sectors to agree on what constitutes an agenda to address social development is critical. Building new forms of social solidarity at regional and global levels to address common threats and persistent problems is an imperative for people’s security.

## 5 CONCLUSION

The paper has examined the institutional reforms underway, the political and socio economic landscape within which regional arrangements are evolving and the issues that shape civil society engagement in the process. SADC is in its formative stages and opportunities exist for a critical engagement that can contribute to transforming the agenda to address poverty and inequities at their roots.

As Rodrik<sup>23</sup> reminds us development policy is prone to fashions. During the 1950s and 1960s, when import-substitution was in vogue, there was excessive optimism about what government interventions could achieve. Now that outward-orientation is the norm, there is excessive faith in what openness can accomplish. The swing of the pendulum from one extreme to another creates blind spots, risking yet another unproductive change in fashion. The interna-

tionalisation of production and investment raises a fundamental question of accountability: to whom will national economic policymakers be accountable? The implicit answer provided by the globalisation model is that they will be accountable to foreign investors, country-fund managers in London and New York, and a relatively small group of domestic exporters. Weak and ineffective states are unable to manage globalising processes in the public interest. In this context what would be the strategic role of civil society and how can unaccountable systems of global, regional and national governance be made accountable?

For civil society engagement to make a difference in the region, the many development relationships among competing interests, regions and policies need to be understood. Precisely because countries in the region have different starting points and capacities, the approach should focus on how best to address inequities and how to mobilise resources to promote a common agenda. If the objectives as outlined in the Constitution of the CNGO are to be realised then CSOs need to move away from an approach of competitive regionalism to one which enhances collective endeavours. An assessment of partnership arrangements and participation in the region should include a long-term view that goes beyond immediate financial gains. The potential benefits and costs need to be analyzed, in terms of both the public interest and potential societal gains.



**ANNEXURE 1****SADC NATIONAL CONTACT POINTS****ANGOLA**

Ministry of Planning  
Caixa Postal 1205, Luanda  
Tel: (2442) 33 9529 / 33 4699 Fax: (2442) 39 0522 / 33 9759

**BOTSWANA**

Ministry of Finance and Development Planning  
Private Bag 008, Gaborone  
Tel: (267) 35 0292 / 35 9851 Fax: (267) 30 4525

**DEMOCRATIC REP. OF CONGO**

Embassy of the Democratic Rep. of Congo  
P.O. Box 28795, Sunnyside 0132, Pretoria, South Africa  
Tel: (2712) 343 2455 Fax: (2712) 344 4054

**LESOTHO**

Ministry of Planning and Economic Affairs  
P.O. Box 630, Maseru 100  
Tel: (266) 32 1015 Fax: (266) 31 0281

**MALAWI**

The Secretary for Foreign Affairs and International Cooperation  
P.O. Box 30315, Lilongwe 3  
Tel: (265) 78 9323 Fax: (265) 78 8482

**MAURITIUS**

Ministry of Foreign Affairs and Regional Cooperation  
New Government Centre, Port Louis  
Tel: (230) 211 2692 Fax: (230) 212 6368

**MOZAMBIQUE**

Ministry of Foreign Affairs and Cooperation  
Av. Julius Nyerere No. 4, Maputo  
Tel: (2581) 49 1950 / 49 4409 Fax: (2581) 49 4406

**NAMIBIA**

Ministry of Trade and Industry  
Private Bag 13340, Windhoek  
Tel: (26461) 283 7111 / 22 9933 Fax: (26461) 25 3865 / 22 0148

**SEYCHELLES**

Ministry of Foreign Affairs  
P.O. Box 656, Victoria, Mahé  
Tel: (248) 22 4688 Fax: (248) 22 4845

**SOUTH AFRICA**

Department of Foreign Affairs

Private Bag X152, Pretoria 0001

Tel: (2712) 351 0494 / 351 0566 Fax: (2712) 351 0495 / 351 0546

**SWAZILAND**

Ministry of Economic Planning and Development

P.O. Box 602, Mbabane

Tel: (268) 404 3765 Fax: (268) 404 2157

**TANZANIA**

Ministry of Foreign Affairs and International Cooperation

P.O. Box 9000, Dar es Salaam

Tel: (25522) 211 1906/1 Fax: (25522) 211 1600

**ZAMBIA**

Ministry of Foreign Affairs

P.O. Box 50069, Lusaka

Tel: (2601) 25 3508 Fax: (2601) 25 0240 / 25 0080

**ZIMBABWE**

Ministry of Foreign Affairs

P.O. Box 4240, Harare

Tel: (2634) 72 7005 Fax: (2634) 70 5161

## ANNEXURE 2

## SADC CONSTITUTION

## TOWARDS THE SOUTHERN AFRICAN DEVELOPMENT COMMITTEE

The Declaration and Treaty establishing the Southern African Development Community (SADC) signed by the Heads of State or Government of the majority ruled Southern African States on 17 August, 1992, Windhoek, Republic of Namibia.

## PREAMBLE

*WE, the Heads of State or Government of:*

*The People's Republic of Angola*

*The Republic of Botswana*

*The Kingdom of Lesotho*

*The Republic of Malawi*

*The Republic of Mozambique*

*The Republic of Namibia*

*The Kingdom of Swaziland*

*The United Republic of Tanzania*

*The Republic of Zambia*

*The Republic of Zimbabwe*

**HAVING REGARD** to the objectives set forth in "Southern Africa: Toward Economic Liberation - A Declaration by the Governments of Independent States of Southern Africa, made at Lusaka, on the 1st April, 1980";

**IN PURSUANCE** of the principles of "Towards a Southern African Development Community - A Declaration made by the Heads of State or Government of Southern Africa at Windhoek, in August, 1992," which affirms our commitment to establish a Development Community in the Region;

**DETERMINED** to ensure, through common action, the progress and well-being of the people of Southern Africa;

**CONSCIOUS** of our duty to promote the interdependence and integration of our national economies for the harmonious, balanced and equitable development of the Region;

**CONVINCED** of the need to mobilise our own and international resources to promote the implementation of national, interstate and regional policies, programmes and projects within the framework for economic integration;

**DEDICATED** to secure, by concerted action, international understanding, support and co-operation;

**MINDFUL** of the need to involve the people of the Region centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights and the rule of law;

**RECOGNISING** that, in an increasingly interdependent world, mutual understanding, good neighbourliness, and meaningful co-operation among the countries of the Region are indispensable to the realisation of these ideals;

**TAKING INTO ACCOUNT** the Lagos Plan of Action and the Final Act of Lagos of April 1980, and the Treaty establishing the African Economic Community signed at Abuja, on the 3rd of June, 1991;

**BEARING IN MIND** the principles of international law governing relation between States;

Have decided to establish an international organisation to be known as the Southern African Development Community (SADC), and hereby agree as follows:

## Chapter One

### ARTICLE 1

#### DEFINITIONS

In this Treaty, unless the context otherwise requires:

“**Treaty**” means this Treaty establishing SADC;

“**Protocol**” means an instrument of implementation of this Treaty, having the same legal force as this Treaty;

“**Community**” means the organisation for economic integration established by Article 2 of this Treaty;

“**Region**” means the geographical area of the Member States of SADC;

“**Member State**” means a member of SADC;

“**Summit**” means the Summit of the Heads of State or Government of SADC established by Article 9 of this Treaty;

“**High Contracting Parties**” means States, herein represented by Heads of State or Government or their duly authorised representatives for purposes of the establishment of the Community;

“**Council**” means the Council of Ministers of SADC established by Article 9 of this Treaty;

“**Secretariat**” means the Secretariat of SADC established by Article 9 of this Treaty;

“**Executive Secretary**” means the chief executive officer of SADC appointed under Article 10 (7) of this Treaty;

“**Commission**” means a commission of SADC established by Article 9 of this Treaty;

“**Tribunal**” means the tribunal of the Community established by Article 9 of this Treaty;

“**Sectoral Committee**” means a committee referred to in Article 38 of this Treaty;



“**Sector Coordinating Unit**” means a unit referred to in Article 38 of this Treaty;

“**Standing Committee**” means the Standing Committee of Officials established by Article 9 of this Treaty;

“**Fund**” means resources available at any given time for application to programmes, projects and activities of SADC as provided by Article 26 of this Treaty.

## Chapter Two

### **ESTABLISHMENT AND LEGAL STATUS**

#### ARTICLE 2

##### **ESTABLISHMENT**

1. By this Treaty, the High Contracting Parties establish the Southern African Development Community (hereinafter referred to as SADC).
2. The Headquarters of SADC shall be at Gaborone, Republic of Botswana.

#### ARTICLE 3

##### **LEGAL STATUS**

1. SADC shall be an international organisation, and shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued.
2. In the territory of each Member State, SADC shall, pursuant to paragraph 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.

## Chapter Three

### **PRINCIPLES, OBJECTIVES AND GENERAL UNDERTAKINGS**

#### ARTICLE 4

##### **PRINCIPLES**

SADC and its Member States shall act in accordance with the following principles:

- a) sovereign equality of all Member States;
- b) solidarity, peace and security;
- c) human rights, democracy, and the rule of law;
- d) equity, balance and mutual benefit;
- e) peaceful settlement of disputes.

ARTICLE 5  
OBJECTIVES

1. The objectives of SADC shall be to:
  - a) *achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;*
  - b) *evolve common political values, systems and institutions;*
  - c) *promote and defend peace and security;*
  - d) *promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States;*
  - e) *achieve complementarity between national and regional strategies and programmes;*
  - f) *promote and maximise productive employment and utilisation of resources of the Region;*
  - g) *achieve sustainable utilisation of natural resources and effective protection of the environment;*
  - h) *strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the Region.*
  
2. In order to achieve the objectives set out in paragraph 1 of this Article, SADC shall:
  - a) *harmonise political and socio-economic policies and plans of Member States;*
  - b) *encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the Region, and to participate fully in the implementation of the programmes and projects of SADC;*
  - c) *create appropriate institutions and mechanisms for the mobilisation of requisite resources for the implementation of programmes and operations of SADC and its Institutions;*
  - d) *develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the Region generally, among Member States;*
  - e) *promote the development of human resources;*
  - f) *promote the development, transfer and mastery of technology;*
  - g) *improve economic management and performance through regional co-operation;*
  - h) *promote the coordination and harmonisation of the international relations of Member States;*
  - i) *secure international understanding, co-operation and support, and mobilise the inflow of public and private resources into the Region;*
  - j) *develop such other activities as Member States may decide in furtherance of the objectives of this Treaty.*

**ARTICLE 6****GENERAL UNDERTAKINGS**

1. Member States undertake to adopt adequate measures to promote the achievement of the objectives of SADC, and shall refrain from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.
2. SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture or disability.
3. SADC shall not discriminate against any Member State.
4. Member States shall take all steps necessary to ensure the uniform application of this Treaty.
5. Member States shall take all necessary steps to accord this Treaty the force of national law.
6. Member States shall co-operate with and assist institutions of SADC in the performance of their duties.

## Chapter Four

**MEMBERSHIP****ARTICLE 7****MEMBERSHIP**

States listed in the Preamble hereto shall, upon signature and ratification of this Treaty, be members of SADC.

**ARTICLE 8****ADMISSION OF NEW MEMBERS**

1. Any state not listed in the Preamble to this Treaty may become a member of SADC upon being admitted by the existing members and acceding to this Treaty.
2. The admission of any such state to membership of SADC shall be effected by a unanimous decision of the Summit.
3. The Summit shall determine the procedures for the admission of new members and for accession to this Treaty by such members.
4. Membership of SADC shall not be subject to any reservations.

Chapter Five  
**INSTITUTIONS**

**ARTICLE 9**  
**ESTABLISHMENT OF INSTITUTIONS**

1. The following Institutions are hereby established:
  - a) The Summit of Heads of State or Government;
  - b) The Council of Ministers;
  - c) Commissions;
  - d) The Standing Committee of Officials;
  - e) The Secretariat; and
  - f) The Tribunal.
2. Other institutions may be established as necessary.

**ARTICLE 10**  
**THE SUMMIT**

1. The Summit shall consist of the Heads of State or Government of all Member States, and shall be the supreme policy-making Institution of SADC.
2. The Summit shall be responsible for the overall policy direction and control of the functions of SADC.
3. The Summit shall adopt legal instruments for the implementation of the provisions of this Treaty; provided that the Summit may delegate this authority to the Council or any other institution of SADC as the Summit may deem appropriate.
4. The Summit shall elect a Chairman and a Vice-Chairman of SADC from among its members for an agreed period on the basis of rotation.
5. The Summit shall meet at least once a year.
6. The Summit shall decide on the creation of Commissions, other institutions, committees and organs as need arises.
7. The Summit shall appoint the Executive Secretary and the Deputy Executive Secretary, on the recommendation of the Council.
8. Unless otherwise provided in this Treaty, the decisions of the Summit shall be by consensus and shall be binding.

**ARTICLE 11**  
**THE COUNCIL**

1. The Council shall consist of one Minister from each Member State, preferably a Minister responsible for economic planning or finance.
2. It shall be the responsibility of the Council to:
  - a) oversee the functioning and development of SADC;
  - b) oversee the implementation of the policies of SADC and the proper execution of its programmes;
  - c) advise the Summit on matters of overall policy and efficient and harmonious functioning and development of SADC;
  - d) approve policies, strategies and work programmes of SADC;
  - e) direct, coordinate and supervise the operations of the institutions of SADC subordinate to it;
  - f) define sectoral areas of co-operation and allocate to Member States responsibility for coordinating sectoral activities, or re-allocate such responsibilities;
  - g) create its own committees as necessary;
  - h) recommend to the Summit persons for appointment to the posts of Executive Secretary and Deputy Executive Secretary;
  - i) determine the Terms and Conditions of Service of the staff of the institutions of SADC;
  - j) convene conferences and other meetings as appropriate, for purposes of promoting the objectives and programmes of SADC; and
  - k) perform such other duties as may be assigned to it by the Summit or this Treaty;
3. The Chairman and Vice-Chairman of the Council shall be appointed by the Member States holding the Chairmanship and Vice-Chairmanship of SADC respectively.
4. The Council shall meet at least once a year.
5. The Council shall report and be responsible to the Summit.
6. Decisions of the Council shall be by consensus.

**ARTICLE 12**  
**COMMISSIONS**

1. Commissions shall be constituted to guide and coordinate co-operation and integration policies and programmes in designated sectoral areas.
2. The composition, powers, functions, procedures and other matters related to each Commission shall be prescribed by an appropriate protocol approved by the Summit.
3. The Commissions shall work closely with the Secretariat.
4. Commissions shall be responsible and report to the Council.

#### ARTICLE 13

##### **THE STANDING COMMITTEE OF OFFICIALS**

1. The Standing Committee shall consist of one permanent secretary or an official of equivalent rank from each Member State, preferably from a ministry responsible for economic planning or finance.
2. The Standing Committee shall be a technical advisory committee to the Council.
3. The Standing Committee shall be responsible and report to the Council.
4. The Chairman and Vice-Chairman of the Standing Committee shall be appointed from the Member States holding the Chairmanship and the Vice-Chairmanship, respectively, of the Council.
5. The Standing Committee shall meet at least once a year.
6. Decisions of the Standing Committee shall be by consensus.

#### ARTICLE 14

##### **THE SECRETARIAT**

1. The Secretariat shall be the principal executive Institution of SADC, and shall be responsible for:
  - a) strategic planning and management of the programmes of SADC;
  - b) implementation of decisions of the Summit and of the Council;
  - c) organisation and management of SADC meetings;
  - d) financial and general administration;
  - e) representation and promotion of SADC; and
  - f) coordination and harmonisation of the policies and strategies of Member States.
3. The Secretariat shall be headed by the Executive Secretary.
4. The Secretariat shall have such other staff as may be determined by the Council from time to time.

#### ARTICLE 15

##### **THE EXECUTIVE SECRETARY**

1. The Executive Secretary shall be responsible to the Council for the following:
  - a) consultation and coordination with the Governments and other institutions of Member States;
  - b) pursuant to the direction of Council or Summit, or on his/her own initiative, undertaking measures aimed at promoting the objectives of SADC and enhancing its performance;

- c) promotion of co-operation with other organisations for the furtherance of the objectives of SADC;
  - d) organising and servicing meetings of the Summit, the Council, the Standing Committee and any other meetings convened on the direction of the Summit or the Council;
  - e) custodianship of the property of SADC;
  - f) appointment of the staff of the Secretariat, in accordance with procedures, and under Terms and Conditions of Service determined by the Council;
  - g) administration and finances of the Secretariat;
  - h) preparation of Annual Reports on the activities of SADC and its institutions;
  - i) preparation of the Budget and Audited Accounts of SADC for submission to the Council;
  - j) diplomatic and other representations of SADC;
  - k) public relations and promotion of SADC;
  - l) such other functions as may, from time to time, be determined by the Summit and Council.
2. The Executive Secretary shall liaise closely with Commissions, and other institutions, guide, support and monitor the performance of SADC in the various sectors to ensure conformity and harmony with agreed policies, strategies, programmes and projects.
  3. The Executive Secretary shall be appointed for four years, and be eligible for appointment for another period not exceeding four years.

#### ARTICLE 16

##### **THE TRIBUNAL**

1. The Tribunal shall be constituted to ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it.
2. The composition, powers, functions, procedures and other related matters governing the Tribunal shall be prescribed in a Protocol adopted by the Summit.
3. Members of the Tribunal shall be appointed for a specified period.
4. The Tribunal shall give advisory opinions on such matters as the Summit or the Council may refer to it.
5. The decisions of the Tribunal shall be final and binding.

#### ARTICLE 17

##### **SPECIFIC UNDERTAKINGS**

1. Member States shall respect the international character and responsibilities of SADC, the Executive Secretary and other staff of SADC, and shall not seek to influence them in the discharge of their functions.

2. In the performance of their duties, the members of the Tribunal, the Executive Secretary and the other staff of SADC shall be committed to the international character of SADC, and shall not seek or receive instructions from any Member States, or from any authority external to SADC. They shall refrain from any action incompatible with their positions as international staff responsible only to SADC.

## Chapter Six

### **MEETINGS**

#### ARTICLE 18

##### **QUORUM**

The quorum for all meetings of the Institutions of SADC shall be two-thirds of its Members.

#### ARTICLE 19

##### **DECISIONS**

Except as otherwise provided in this Treaty, decisions of the Institutions of SADC shall be taken by consensus.

#### ARTICLE 20

##### **PROCEDURE**

Except as otherwise provided in this Treaty, the Institutions of SADC shall determine their own rules of procedure.

## Chapter Seven

### **CO-OPERATION**

#### ARTICLE 21

##### **AREAS OF CO-OPERATION**

1. Member States shall cooperate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit.
2. Member States shall, through appropriate institutions of SADC, coordinate, rationalise and harmonise their overall macro-economic and sectoral policies and strategies, programmes and projects in the areas of co-operation.
3. In accordance with the provisions of this Treaty, Member States agree to co-operate in the areas of:
  - a) food security, land and agriculture;
  - b) infrastructure and services;
  - c) industry, trade, investment and finance;
  - d) human resources development, science and technology;



- e) natural resources and environment;
  - f) social welfare, information and culture; and
  - g) politics, diplomacy, international relations, peace and security.
4. Additional areas of co-operation may be decided upon by the Council.

#### ARTICLE 22

##### **PROTOCOLS**

1. Member States shall conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for, co-operation and integration.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council, and shall thereafter become an integral part of this Treaty.
3. Each Protocol shall be subject to signature and ratification by the parties thereto.

#### ARTICLE 23

##### **NON-GOVERNMENTAL ORGANISATIONS**

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

#### Chapter Eight

##### **RELATIONS WITH OTHER STATES, REGIONAL AND INTERNATIONAL ORGANISATIONS**

#### ARTICLE 24

1. Subject to the provisions of Article 6(1), Member States and SADC shall maintain good working relations and other forms of co-operation, and may enter into agreements with other states, regional and international organisations, whose objectives are compatible with the objectives of SADC and the provisions of this Treaty.
2. Conferences and other meetings may be held between Member States and other Governments and organisations associated with the development efforts of SADC to review policies and strategies, and evaluate the performance of SADC in the implementation of its programmes and projects, identify and agree on future plans of co-operation.

## Chapter Nine

### **RESOURCES, FUND AND ASSETS**

#### ARTICLE 25

##### **RESOURCES**

1. SADC shall be responsible for the mobilisation of its own and other resources required for the implementation of its programmes and projects.
2. SADC shall create such institutions as may be necessary for the effective mobilisation and efficient application of resources for regional development.
3. Resources acquired by SADC by way of contributions, loans, grants or gifts, shall be the property of SADC.
4. The resources of SADC may be made available to Member States in pursuance of the objectives of this Treaty, on terms and conditions mutually agreed between SADC and the Member States involved.
5. Resources of SADC shall be utilised in the most efficient and equitable manner.

#### ARTICLE 26

##### **FUND**

The Fund of SADC shall consist of contributions of Member States, income from SADC enterprises and receipts from regional and non-regional sources.

#### ARTICLE 27

##### **ASSETS**

1. Property, both movable and immovable, acquired by or on behalf of SADC shall constitute the assets of SADC, irrespective of their location.
2. Property acquired by Member States, under the auspices of SADC, shall belong to the Member States concerned, subject to provisions of paragraph 3 of this Article, and Articles 25 and 34 of this Treaty.
3. Assets acquired by Member States under the auspices of SADC shall be accessible to all Member States on an equitable basis.

## Chapter Ten

### **FINANCIAL PROVISIONS**

#### ARTICLE 28

##### **THE BUDGET**

1. The budget of SADC shall be funded by contributions made by Member States, and such other sources as may be determined by the Council.

2. Member States shall contribute to the budget of SADC in proportions agreed upon by the Council.
3. The Executive Secretary shall cause to be prepared, estimates of revenue and expenditure for the Secretariat and Commissions, and submit them to the Council, not less than three months before the beginning of the financial year.
4. The Council shall approve the estimates of revenue and expenditure before the beginning of the financial year.
5. The financial year of SADC shall be determined by the Council.

#### ARTICLE 29

##### **EXTERNAL AUDIT**

1. The Council shall appoint external auditors and shall fix their fees and remuneration at the beginning of each financial year.
2. The Executive Secretary shall cause to be prepared and audited annual statements of accounts for the Secretariat and Commissions, and submit them to the Council for approval.

#### ARTICLE 30

##### **FINANCIAL REGULATIONS**

The Executive Secretary shall prepare and submit to the Council for approval financial regulations, standing orders and rules for the management of the affairs of SADC.

#### Chapter Eleven

##### **IMMUNITIES AND PRIVILEGES**

#### ARTICLE 31

1. SADC, its Institutions and staff shall, in the territory of each Member State, have such immunities and privileges as are necessary for the proper performance of their functions under this Treaty, and which shall be similar to those accorded to comparable international organisations.
2. The immunities and privileges conferred by this Article shall be prescribed in a Protocol.

#### Chapter Twelve

##### **SETTLEMENT OF DISPUTES**

#### ARTICLE 32

Any dispute arising from the interpretation or application of this Treaty, which cannot be settled amicably, shall be referred to the Tribunal.

## Chapter Thirteen

### **SANCTIONS, WITHDRAWAL AND DISSOLUTION**

#### ARTICLE 33

##### **SANCTIONS**

1. Sanctions may be imposed against any Member State that:
  - a) persistently fails, without good reason, to fulfil obligations assumed under this Treaty;
  - b) implements policies which undermine the principles and objectives of SADC; or
  - c) is in arrears for more than one year in the payment of contributions to SADC, for reasons other than those caused by natural calamity or exceptional circumstances that gravely affect its economy, and has not secured the dispensation of the Summit.
2. The sanctions shall be determined by the Summit on a case-by-case basis.

#### ARTICLE 34

##### **WITHDRAWAL**

1. A Member State wishing to withdraw from SADC shall serve notice of its intention in writing, a year in advance, to the Chairman of SADC, who shall inform other Member States accordingly.
2. At the expiration of the period of notice, the Member State shall, unless the notice is withdrawn, cease to be a member of SADC.
3. During the one year period of notice referred to in paragraph 1 of this Article, the Member State wishing to withdraw from SADC shall comply with the provisions of this Treaty, and shall continue to be bound by its obligations.
4. A Member State which has withdrawn shall not be entitled to claim any property or rights until the dissolution of SADC.
5. Assets of SADC situated in the territory of a Member State which has withdrawn, shall continue to be the property of SADC and be available for its use.
6. The obligations assumed by Member States under this Treaty shall, to the extent necessary to fulfil such obligations, survive the termination of membership by any State.

#### ARTICLE 35

##### **DISSOLUTION**

1. The Summit may decide by a resolution supported by three-quarters of all members to dissolve SADC or any of its Institutions, and determine the terms and conditions of dealing with its liabilities and disposal of its assets.
2. A proposal for the dissolution of SADC may be made to the Council by any Member State, for preliminary consideration, provided, however, that such a proposal shall not be submitted for the decision of the Summit until all Member States have been duly notified of it and a period of twelve months has elapsed after the submission to the Council.

## Chapter Fourteen

**AMENDMENT OF THE TREATY**

## ARTICLE 36

1. An amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit.
2. A proposal for the amendment of this Treaty may be made to the Executive Secretary by any Member State for preliminary consideration by the Council, provided, however, that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

## Chapter Fifteen

**LANGUAGE**

## ARTICLE 37

The working languages of SADC shall be English and Portuguese and such other languages as the Council may determine.

## Chapter Sixteen

**SAVING PROVISIONS**

## ARTICLE 38

A Sectoral Committee, Sector Coordinating Unit or any other institution, obligation or arrangement of the Southern African Development Coordination Conference which exists immediately before the coming into force of this Treaty, shall to the extent that it is not inconsistent with the provisions of this Treaty, continue to subsist, operate or bind Member States or SADC as if it were established or undertaken under this Treaty, until the Council or Summit determines otherwise.

## Chapter Seventeen

**SIGNATURE, RATIFICATION, ENTRY INTO FORCE, ACCESSION AND DEPOSITARY**

## ARTICLE 39

**SIGNATURE**

This Treaty shall be signed by the High Contracting Parties.

## ARTICLE 40

**RATIFICATION**

This treaty shall be ratified by the Signatory States in accordance with their constitutional procedures.

ARTICLE 41

**ENTRY INTO FORCE**

This Treaty shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-third of the States listed in the Preamble.

ARTICLE 42

**ACCESSION**

This Treaty shall remain open for accession by any state subject to Article 8 of this Treaty.

ARTICLE 43

**DEPOSITARY**

1. The original texts of this Treaty and Protocols and all instruments of ratification and accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Treaty with the Secretariats of the United Nations Organisation and the Organisation of African Unity.

Chapter Eighteen

**TERMINATION OF THE MEMORANDUM OF UNDERSTANDING**

ARTICLE 44

This Treaty replaces the Memorandum of Understanding on the Institutions of the Southern African Development Coordination Conference dated 20th July, 1981.

IN WITNESS WHEREOF, WE, the Heads of State or Government have signed this Treaty.

DONE AT Windhoek, on 17th Day of August, 1992 in two (2) original texts in the English and Portuguese languages, both texts being equally authentic.

***THE PEOPLE'S REPUBLIC OF ANGOLA***

***REPUBLIC OF BOTSWANA***

***KINGDOM OF LESOTHO***

***REPUBLIC OF MALAWI***

***REPUBLIC OF MOZAMBIQUE***

***REPUBLIC OF NAMIBIA***

***KINGDOM OF SWAZILAND UNITED***

***REPUBLIC OF TANZANIA***

***REPUBLIC OF ZAMBIA***

***REPUBLIC OF ZIMBABWE***

## END NOTES

- <sup>1</sup> Vivienne Taylor is currently on leave from the University of Cape Town where she teaches social development and policy. In the recent past she has worked as the Deputy Executive Director in the Secretariat of the Global Commission on Human Security with the Co-Chair Professor Amartya Sen. She is also the DAWN Global Research Coordinator on Political Restructuring and Social Transformation and has published widely on development and related subjects. She served as the Adviser to South Africa's Minister of Social Development.
- <sup>2</sup> SADC Regional Human Development Report 2000: Challenges and opportunities for regional integration, Southern African Regional Institute for Policy Studies (SARIPS), SAPES Books 2000, Zimbabwe
- <sup>3</sup> The paper produced by David Kalete on the Institutional Reforms underway in SADC contributed significantly to this section. David Kalete was the former Coordinator of Projects in the International Council of Social Welfare's Kampala Office and currently works as the Director of Programmes in CIVICUS.
- <sup>4</sup> SADC Regional Human Development Report 2000: Challenges and opportunities for regional integration, Southern African Regional Institute for Policy Studies (SARIPS), SAPES Books 2000, Zimbabwe
- <sup>5</sup> For example Namibia and South Africa have made significant progress in advancing beyond the apartheid system in which the former illegitimate governments held total and brutal control over the majority and waged an active programme of destabilization in the region.
- <sup>6</sup> The SADC Regional Human Development Report 2000 indicates that defence expenditure as a percentage of GDP in most countries was on the increase with the leading military spenders being Angola at 14.9 percent, Mozambique at 4.2 percent, Botswana at 3.5 percent, Lesotho, 3.2, Namibia 2.6 and Zimbabwe at 2.6.
- <sup>7</sup> For a detailed discussion on this see for instance "Human Security Now", Report of the Commission on Human Security, 2003, Commission on Human Security, New York.
- <sup>8</sup> SADC Regional Human Development Report 2000: Challenges and opportunities for regional integration, Southern African Regional Institute for Policy Studies (SARIPS), SAPES Books 2000, Zimbabwe.
- <sup>9</sup> Clover, Jenny discusses this in "Food Security in Sub-Saharan Africa", 2003, African Security Review Vol 12, No. 1, Institute for Security Studies, South Africa.
- <sup>10</sup> Rodrik, D 2000, Op Cit, Executive Summary.
- <sup>11</sup> Malawi's Deputy Minister of Transport Public Works, Jan Sonke, statement quoted in "Making African regional integration a reality" in Africa Recovery, 2003, United Nations.

- <sup>12</sup> Dr Prega Ramsamy, October 2001, Gaborone. As reflected in a media release during the official launch of the Botswana NGO Week in Gaborone (8 October 2001), which was organised by the Botswana Council of NGOs (BOCONGO).
- <sup>13</sup> See for instance United Nations Department of Economic and Social Affairs, 2001, Report on the World Social Situation 2001, United Nations, New York
- <sup>14</sup> Dr Prega Ramsamy, October 2001, Gaborone
- <sup>15</sup> Chan Heng Chee, 1976, 'The Political System & Political Change' in Riaz Hassan (ed) Singapore: Society in Transition
- <sup>16</sup> Refer to Constitution annexed to this paper for more details.
- <sup>17</sup> SADC Parliamentary Forum Documents, February 2000, Strategic Plan (2000-2005)
- <sup>18</sup> As discussed by Michaels, Sarah, 2002, The Role of NGOs in Human Security, paper prepared for the Global Equity Initiative's Human Security Project, Harvard University.
- <sup>19</sup> Voter education and human rights training led by civil society groups played a key role in South Africa, Tanzania and other member states.
- <sup>20</sup> According to David Gakunzi, 2003, one of the organisers and an activist from Burundi, quoted in Africa Recovery, "Making African Regional Integration a Reality", February 2003, United Nations <<http://www.un.org/ecosocdev>>.
- <sup>21</sup> Michaels, Sarah, 2002.
- <sup>22</sup> The Gender Budget Project in South Africa and in Tanzania as well as other African countries have led the way in highlighting the need to democratize budget processes and have challenged the purely technocratic approach to budgets. Arguing for a stronger link between policy planning and budget allocations they point to gaps in services especially with regard to women and children. See for instance reports of the South African Gender Budget Project and Tanzania Gender Networking Program, (TGNP)
- <sup>23</sup> As discussed in a paper by Kornegay, Francis, 2002 on South Africa in the Southern African Region, Pretoria.