

DISCUSSION PAPER No. 355

The SADC democracy agenda: Channels, lessons and digital technologies for civil society engagement

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September 2023

The Southern African Development Community (SADC) traces its roots to a coalition against apartheid-era South Africa, a country it welcomed as a member in 1994 before expanding towards Central Africa. Like other regional communities, SADC responds to the impetus of its member states. It has a commitment to be responsive to the needs of citizens as well, and formal structures allow for civil society and the private sector to engage with SADC.

In this paper, we look at the role the SADC plays in democratic governance, zooming in on how civil society engages with the bloc and how such engagement can be strengthened, including through digital technologies. It complements case studies focusing on EAC and SADC.

We find that an additional non-state actors engagement mechanism, which has been under discussion for a while, could enhance civil society's ability to cooperate with SADC, but it is unclear if and when the framework will be adopted. This leaves civil society to engage on an ad hoc basis, hindered by a lack of information on the community's agenda, and facing questions of its own legitimacy and ability to structure itself.

A new framework on digital technology and some innovations may help to connect the regional and grassroots levels. But they are unlikely to bridge the gap between SADC and civil society without an overhaul of structures and changes in perceptions and practices at the level of the bloc, its member states and civil society itself.

Table of Contents

Acknowledgements.....	ii
Acronyms and abbreviations	ii
Introduction - Why a study on CSO-SADC engagement?	1
1.The SADC as a political governance actor and forum	2
1.1. SADC’s solid mandate as a political governance actor	2
1.2. Political factors playing against SADC as a governance actor	3
2.Civic engagement in the SADC region.....	6
2.1. A mapping of SADC entry points for civil society.....	7
2.2. Civil society experiences and way forward	10
3.Promise and limits of CSO engagement through digital technologies.....	11
4.Conclusion.....	13
References	14

List of Boxes

Box 1: Member states shaping the SADC agenda – the case of South Africa	4
Box 2: Rise and fall of the SADC Tribunal (2005-2010)	5
Box 3: Overview of main channels for civil society engagement with SADC	7

List of Figures

Figure 1: SADC Policy and Executive Structures.....	3
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Acknowledgements

This paper was prepared by ECDPM and the Democracy Works Foundation as part of the Charter Project Africa, a pan-African effort focused on the commitments in the African Charter on Democracy, Elections and Governance (ACDEG), which promotes the use of technology to amplify citizen voices and open spaces of collaboration between citizens, civic initiatives and African Union policymakers, at the national, regional and continental levels with an emphasis on digital formats. It receives funding from the European Union.

The authors thank interviewees who kindly shared their insights. The authors are also grateful for the support, review and valuable feedback provided by ECDPM and Democracy Works Foundation colleagues. A big thanks goes to Joyce Olders for the layout. All errors remain those of the authors. Comments and feedback can be sent to Martin Ronceray (mro@ecdpm.org) and Nompumelelo Runji (nompumelelo@democracyworksfoundation.org).

This publication is co-funded by the European Union. Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union.

Acronyms and abbreviations

ACDEG	African Charter on Democracy, Elections and Governance
AU	African Union
CESARE	Cooperation for the Enhancement of SADC Regional Economic Integration
CNGO	Council of Non-Governmental Organisations
DRC	Democratic Republic of Congo
EAC	East African Community
ECOSOCC	African Union Economic Social and Cultural Council
ECOWAS	Economic Community of West African States
GDP	Gross Domestic Product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
NEPAD	New Partnership for Africa's Development
NSA	Non-State Actors
OECD	Organisation for Economic Cooperation and Development
PAGODA	Pillar Assessed Grant or Delegation Agreement
REC	Regional Economic Community
RISDP	Regional Indicative Strategic Plan
SADC	Southern African Development Community
SADC PF	Southern African Development Community Parliamentary Forum
SADCC	Southern African Development Coordination Conference
SAMCOST	Sectoral and Cluster Ministerial Committees
SIPO	Strategic Indicative Plan for the Organ on Defence, Politics and Security
SNC	SADC National Committees
UCG	Unconstitutional Change of Government

Introduction - Why a study on CSO-SADC engagement?

The Southern African Development Community (SADC) is a Regional Economic Community (REC) that currently comprises 16 member states: Angola, Botswana, Comoros, the Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe. Its mission is to promote sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper cooperation and integration, good governance and durable peace and security.¹ SADC holds a significant mandate to engage with civil society in policy making and implementation.²

This case study is part of an assessment of **how civil society organisations can engage with their respective regional organisations when it comes to promoting democratic governance**, focusing on the implementation of the African Charter on Democracy, Elections and Governance (ACDEG) in the SADC, EAC and ECOWAS region. It is based on documentary analysis and a half-dozen interviews with current and former practitioners and analysts. Whenever no source is indicated, information stems from these informants.

Several research pieces have covered aspects of the relations between SADC and civil society in the previous decade; looking into: how this relation is meant to take place formally, the extent to which this is happening in practice, the informal processes through which CSOs may yet contribute to technical support, holding the REC to account or information sharing; the areas in which this is fruitful and the ones in which this lags behind (Reinold 2019, Southern Africa Trust 2018, Moyo 2018, OSF 2016). These studies pointed to a number of important structural challenges as well as a few opportunities going forward.

The overall objective of this work is to **update this picture and identify opportunities and limitations for CSOs to work with RECs, including with digital tools**. The methodology borrows from political economy analysis to unpack existing structures and frameworks, and the sets of drivers and incentives that explain whether and how CSOs make use of them, to map practical ways forward.

To do so, this case study on SADC seeks to:

1. Assess and compare the theory and practice of SADC-civil society engagement; and
2. Produce guidance for CSOs for engaging with SADC, using both formal and informal channels.

A first section examines the roles the REC plays in democratic governance in the first place. A second one covers the challenges and entry points it offers for civil society engagement. A final one addresses the roles for digital technologies to foster such engagement.

¹ <https://www.sadc.int/member-states>.

² Civil society participation in RECs is understood by Reinold (2019) as meaning more than just being informed and invited to attend deliberations, although that tends to be a necessary condition. It entails actively shaping some elements of the policies along their whole life cycle, from design to implementation and monitoring, including advocacy and campaigning targeted at the community, or responding to its actions.

1. The SADC as a political governance actor and forum

SADC was born out of an alliance of countries that joined hands to fight against apartheid in South Africa. The objective, from 1977, was to reduce dependence on South Africa and achieve economic freedom. A series of meetings of these founding members culminated in the establishment of the Southern African Development Coordination Conference (SADCC), at a meeting held in Arusha, Tanzania, in 1980.

The initial members of this coalition were Angola, Botswana, Lesotho, Mozambique, Tanzania, Zambia and Zimbabwe. These countries shared a common history of colonial experience, struggle for liberation, geographical proximity, people linkages and the harsh effects of apartheid and racism (Open Society Foundation 2016). Accordingly, the objectives of the SADCC were: 1) reducing economic dependence, particularly, but not only, on the Republic of South Africa; 2) forging links to create a genuine and equitable regional integration; and 2) mobilising resources to promote the implementation of national, interstate and regional policies (Open Society Foundation 2016).

After the end of apartheid and the transition to democracy in South Africa in the early 1990s, under the leadership of President Mandela, a desire to move away from mere solidarity and towards regional integration was ignited. In 1992, the nine heads of state of member states Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe signed a Declaration and Treaty that formally established the Southern African Development Community (SADC 1992). The Republic of South Africa joined as the 11th Member State in April 1994.

1.1. SADC's solid mandate as a political governance actor

The objectives of SADC, as stated in Article 5 of the SADC Treaty (1992), are to achieve economic development, peace and security, and growth; and to alleviate poverty, enhance the standards and quality of life of the peoples of Southern Africa, and support the socially disadvantaged through regional integration. These objectives are to be achieved through enhanced regional integration, built on democratic principles, and equitable and sustainable development (Southern Africa Trust 2018).

The Treaty is the founding document of the SADC. It has been amended several times. Some of the key amendments included the centralisation and implementation of the SADC programmes by the Secretariat, setting up SADC National Committees (SNCs) and the inclusion of key stakeholders such as non-state actors. In addition, there are protocols, charters, declarations and other SADC subsidiary documents that include model laws and policies. The Protocols are an integral part of the Treaty and are legally binding on member states as well. Disputes that arise in relation to the interpretation of the Treaty and the Protocols are referred to the SADC Tribunal (currently suspended – see box 2 below) (Open Society Foundation 2016).

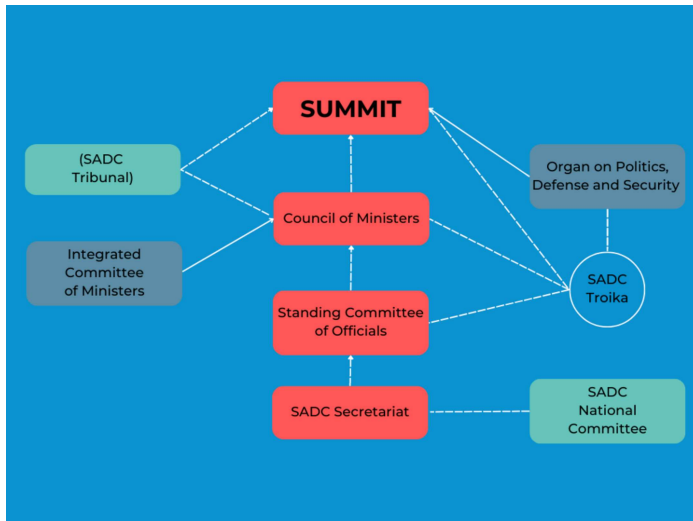
The SADC Protocol on Politics, Defence and Security Cooperation was signed in 2001. It provides the framework for the Organ on Politics, Defence and Security Cooperation (the Organ), which is the central SADC intergovernmental institution responsible for promoting peace and security in the region and is mandated to steer and provide Member states with direction regarding matters that threaten peace, security and stability in the region. The Organ is coordinated like the Summit of heads of States and government, through a troika of the current, incoming and outgoing member state chairs. It tends to convene more often than the Summit, to which it reports. It is supported by a dedicated directorate within the SADC secretariat (SADC N.d.). As a key institution for promoting and maintaining peace and stability in the region, the Organ has roles to play in the area of democratic governance, for instance in regards to electoral processes and mediations.

The Strategic Plan for the Organ (SIPO) provides the institutional framework for the implementation of the Organ’s objectives. The SIPO is divided into four main sectors, namely: Political, Defence, State Security and Public Security. The SIPO, alongside SADC’s Mutual Defence Pact of 2004, guides the implementation of the Protocol on Politics, Defence and Security Cooperation. Its objectives include the development of democratic institutions and practices and the observance of democratic principles and human rights in the region (SADC 2010).

SADC’s Regional Indicative Strategic Development Plan (RISDP 2020-2030) reaffirms a commitment to good political, economic and corporate governance, although it is not binding on member states (Moyo 2018).

Complementing these frameworks, SADC’s role in political governance as introduced by the Treaty came to be reinforced and operationalised via a SADC Protocol against Corruption (2001), and Principles and Guidelines for Holding Elections (2004). With this, SADC’s mandate to promote governance norms is quite substantial, although many of the key documents are rather old and outdated, which can be an issue considering the important changes to governance issues introduced by digitalisation (Domingo and Shiferaw 2022).

Figure 1: SADC Policy and Executive Structures



Source: Authors based on [SADC website](#)

1.2. Political factors playing against SADC as a governance actor

In terms of decision-making, SADC (as other RECs) is centred around heads of states, with their summits having all the decision-making power. The SADC secretariat, the organisation’s executive body, does play a number of roles from supporting the organisation of meetings to implementation of their decisions and planning and management of programmes. However, the intergovernmental nature of the organisation leaves limited space for the more technical levels to gain autonomy and institutionalise their agendas whenever there is no direct political direction. This affects the governance agenda, possibly more than any other agenda (interview).

Box 1: Member states shaping the SADC agenda – the case of South Africa

One particular SADC member state, the regional economic hub South Africa, plays a key role. It is a case in point of the concept of *'hegemon'* in a REC: a country that holds overwhelming power over the agenda setting and decisions. As Saurombe (2010) argued, South Africa holds the key for the success or failure of SADC at economic and political levels.

Yet South Africa's internal political considerations lead it to be selective in regional integration, which has been a limiting factor to the REC's activities. In the areas of industrialisation, trade and energy, South African business interests but also organised labour – an important political force – weighed against policy measures that would increase competition from the regional block (Byiers et al. 2018). This goes to show that regional consolidation is not the highest priority for the regional *hegemon*.

This applies all the more to the governance agenda: the history of SADC as a coalition of countries *against* (apartheid) South Africa explains in part why it would be sensitive for the country to meddle in its neighbours' affairs. The fact that it is also an increasingly contested democracy, with the ruling ANC party facing more and more questions about its longevity in power since the fall of the apartheid, also would undermine the credibility of the country as a democratic norm-setter, should it seek to be one. In other words, SADC's activities in general and its governance agenda in particular suffer structurally from the very particular mix of historical legacies, internal and international politics that shape South Africa's positions.

Another structural factor shaping the regional governance agenda is the level of adoption of continental norms such as the African Governance Charter, ACDEG. Out of 16 SADC member states, 13 have signed the ACDEG and 10 have also ratified it, which reflects some degree of agreement around this continental norm, though significantly less for instance than in West Africa where all 15 ECOWAS members have signed and 13 ratified the Charter (Ronceray et al. 2023). In theory at least, the level of adhesion in Southern Africa is sufficient to bring up governance topics in high level fora and hold countries accountable against their commitments should issues arise.

In practice however, SADC has somewhat limited high-level investment in the area of governance. This stands in contrast to the times when its predecessor was concerned with regime change (against apartheid) but also to the first decade of activity of SADC, when normative instruments (like the protocol on corruption and electoral guidelines) and mechanisms (like the Organ) were adopted, suggesting that it might invest into this area substantially. Since then, there have been cases of suspension of member states (Madagascar 2009-2014, following an unconstitutional change of government backed by the country's military). But there haven't been many prominent and high-level discussions on the respective track records of countries in governance beyond that. This reflects the fact that member states either have no desire to invest in the REC as a forum to engage in uncomfortable governance conversations, or do not see the need for it.

Part of the reason for this disinterest by member states is the perceived limited urgency of defending democracy. Unlike West Africa, the SADC region has not had clear and repeated incidences of unconstitutional changes of government (UCG) through military takeovers. Aside from Madagascar in 2009, another exception was the 2017 removal by the army of Zimbabwean president Robert Mugabe. The coup was carefully orchestrated in ways that gave an appearance of continuity: the president appeared to be free of his movements and to resign of his own volition, before a seemingly civilian successor emerged and promptly announced elections. Also significantly, the deposed president was well into his nineties and had presided over the country for three decades, so any appeal to democratic norms to reinstate him would have lacked credibility. Unlike the African Union which cautiously observed the events, SADC did not name the situation a coup or show intent to react forcefully (Beardsworth et al. 2019). A

third exception concerns the small landlocked country Lesotho, where a coup attempt in 2014 was defused through a SADC mediation (Bebington 2022).

With this somewhat limited record of political crises needing urgent attention, the capacity of the Organ to intervene in incidences of UCG has not been tested so frequently. Beyond UCG, another episode which illustrates the practice of the SADC regional governance agenda concerns the 2019 elections in the Democratic Republic of the Congo. The electoral process was criticised by many observers, including the AU which voiced serious concerns regarding the credibility of the results, and announced that it would send a high-level mediation delegation to the country (Ronceray and Byiers 2019). The AU's initiative was court-circuited by SADC's endorsement of the proclaimed election winner, building on the ambiguous concept of subsidiarity, whereby decisions should be adopted as close to the ground as possible – in this case by the regional organisation rather than in the pan-African one (ISS PSC Report 9/2022).

In a similar spirit, far from addressing or even sanctioning alleged violations, **SADC has advocated for the lifting of sanctions by Western actors on one of its member states**, Zimbabwe, for its human rights and wider governance record. While it does not hold the same level of economic power as South Africa, Zimbabwe has been described as a 'strong' SADC member state able to leverage the REC or defuse its activities whenever they go against its interest. This ability to work with the REC has been ascribed to solidarity between ruling parties that are former liberation war movements in the region, at the risk of "setting an incredibly low bar for democracy in Southern Africa" (Chikohomero 2019; Mhaka 2023).

An illustrative example is the suspension of the SADC tribunal, followed by the removal of its competence to hear cases from individuals and civil society. This episode goes to show that domestic politics in SADC member states and the concern for sovereignty of their governments can easily override regional commitments and norms in the event of disputes.

Box 2: Rise and fall of the SADC Tribunal (2005-2010)

The SADC Tribunal was established in 1992 by Article 9 of the SADC Treaty as one of the institutions of SADC. Its members, however, were only appointed 13 years later during the SADC's Heads of State or Government Summit in 2005. Under international law the Tribunal is considered an international court just like the East African Court of Justice. The SADC Tribunal was created to adjudicate disputes between States, individuals, organisations or institutions, staff of the SADC Secretariat and the Community and SADC. The seat of the SADC Tribunal is in Windhoek, Namibia (IHRDA N.d.).

The tribunal became very active in its few years of operation, and started adjudicating human rights issues. But in 2010 the Zimbabwean government refused to implement a ruling concerning Zimbabwe's land reform programme which condemned the seizure of land from 79 white farmers. When the Zimbabwean government refused to comply with the order and questioned the tribunal's jurisdiction and powers to enforce decisions, the tribunal consulted the SADC Summit of Heads of State and Government, which instead decided on a review of the tribunal's role, functions and terms of reference. The summit also placed a moratorium on the tribunal receiving any new cases and on hearing any part-heard matters until the review had taken place and was approved. It also decided not to renew the terms of the tribunal's judges (IHRDA N.d.).

This disbandment in all but name reflects SADC's hierarchy of values, in which the sovereignty of member states (as per the REC's treaty), but also solidarity between them in the face of international challenges, stand as higher priorities than the organisation's formal commitment to human rights and a regional legal order (Nathan 2013).

These episodes can all be interpreted as signs of a form of wider ‘live and let live’ agreement among leaders in the region – a tacit agreement not to interfere with other countries’ governance. SADC does not seem able or willing to go beyond this general stance and play a proactive role in promoting improved governance (Chikohomero 2019b).

External actors can also play a role in shaping a REC’s agenda. For 2022-23, the SADC Secretariat reported a dependency on external funders of 42% out of a comparatively modest budget of ca. 90 million USD (SADC 2022b). This represents a significant progress towards self-reliance compared to figures suggesting a dependency in the range of 50-75% of the budget a decade ago, but it still means that there is a high reliance on external donors. Reportedly, most of the Organ’s activities (under which governance work falls) is funded via a Pillar Assessed Grant or Delegation Agreement (PAGODA) with the European Union. This support helps bridge gaps and ensure delivery, but the inability to self-fund entirely that it reveals – although the region counts prosperous countries which contribute to its budget via assessed contributions proportional to their GDP – sheds a light on the limits to member states interest in the REC.

SADC’s donor reliance tends to create entry points for civil society and space for work on advancing democratic governance norms. Indeed, some international partners are keen on tying their funding to such thematic work. Illustratively, whereas 2.5% of the funding for the Organ’s Defence activities comes from international partners, some two-thirds of its Politics and Diplomacy pillar are funded by partners. In other words, security cooperation seems to be an ‘easier sell’ on SADC member states, whereas governance-related activities need to rely on partners. International partners also tend to value civil society engagement in programme design, as revealed by examining process documents for support by the European Union but also by German cooperation (GIZ) touching on SADC regional integration, economic development as well as good governance.

Finally, the region is comparatively democratic, albeit with considerable discrepancies. Key indicators point to a rather open civic space enabling non-state actors to operate in general, and in the area of democratic governance in particular. However, there are also reports that a mix of slow degradation of political situations and contextual elements such as restrictions during the COVID-19 pandemic have started eroding this space in recent years (Southern Africa Trust 2021). Furthermore, informants pointed to a tendency for civil society leaders in the region to focus on obtaining and preserving rights over the actualisation of these rights to engage in frank governance conversation. Combined together, these factors suggest that civil society is comparatively less of a driving force in governance conversations in the region than it could be. The next section turns to its engagement with the regional structures on this theme.

2. Civic engagement in the SADC region

On paper, SADC recognises the role that CSOS should play in regional policy making and implementation. The Treaty, for example, recognises the need to consult the people of the region through various consultative processes to foster development and regional integration, and to involve civil society in decision-making (art 23) (Southern Africa Trust 2021). In Article 10 of the Organ Protocol there is a provision for ‘cooperation with non-state parties and international organisations.’ Several SADC Protocols and Summit Communiqués also emphasise the need for a more effective engagement mechanism.

At an extraordinary summit in Windhoek in 2001, SADC Heads of States approved a report on the Restructuring of the REC’s institutions. The ensuing declaration (art 9) commits SADC states to exercise leadership in **developing, implementing and monitoring the regional development agenda through broad consultative processes** (including

the participation of civil society and the private sector). SADC Council Decisions from the August 2004 Meeting in Mauritius, the September 2009 Kinshasa meeting in the DRC and the August 2011 Council Meeting in Luanda, Angola underscored the need for a more formalised and institutionalised engagement between SADC and non-state actors (Southern Africa Trust 2018). The Windhoek Declaration review of 2012 called for increasing participation of civil society at the level of thematic groups, broader participation of CSOs in dialogue and inclusion of CSOs in the monitoring of the declaration’s implementation.³ This goes to show that there has been, at several points in time, high level support for the activation of engagement between the REC and non-state actors.

At an operational level, the Regional Indicative Strategic Development Plan (RISDP 2020-2030)⁴ stresses that **civil society is instrumental both in formulating the plan (via consultations) and in implementing it**, as a provider of resources and know-how. When it comes to specific roles for CSOs, the plan limits itself to stressing the priority of “structured engagement with civil society, especially youth and women, in conflict prevention, management, and resolution of disputes in the region” (SADC 2020b). When it comes to the SIPO, the role of civil society is emphasised a little more, with active roles foreseen in the first three (out of seven) objectives under the SIPO’s political pillar (SADC 2010).

According to experts consulted, although SADC has instruments that emphasise the importance of engaging CSOs at regional and country levels, over the years, there has been limited formal link between the SADC structures and non-state actors.

2.1. A mapping of SADC entry points for civil society

Box 3: Overview of main channels for civil society engagement with SADC

- The Southern Africa Development Community **Council of Non-Governmental Organisations (SADC-CNGO)**, formed in 1998 as a coordinator for NGOs at the regional level. While not an official organ of the SADC Secretariat, it was formed as a response to the SADC Treaty’s call for spaces for the participation of civil society in decision-making processes (Moyo 2018).
- The **SADC Civil Society Forums**, which began to be organised (normally on an annual basis) in 2007, running in parallel to SADC high-level summits and resulting in resolutions for consideration by the SADC leadership.
- At the national level, SADC national committees (SNC) bring together stakeholders from government, private sector and civil society in each Member State to enable them to provide inputs to the formulation and implementation of SADC policies and programmes. A limited number of them have consistently been operative and able to communicate with civil society and respond to demands (Ramanzini and Luciano 2021).

³ Unpublished report, accessed March 2023.

⁴ The key policy documents for the operations of the SADC are the RISDP and the Strategic Indicative Plan for the Organ on Defence, Politics and Security (SIPO). These documents provide a framework for SADC Regional Integration that embodies a consistent and comprehensive programme of long-term economic and social policies. They also provide the SADC Secretariat and other institutions with insights and directions on SADC-approved economic and social policies and priorities.

Civil Society Memorandum of Understanding with the SADC Secretariat

The Secretariat, headed by the Executive Secretary, is SADC's principal administrative and executive institution. It is responsible for strategic planning, policy analysis, monitoring, coordinating and supporting the implementation of the SADC programmes. It also implements the decisions of supreme decision-making bodies and Troikas besides representing and promoting the SADC.

The SADC Secretariat signs Memoranda of understanding (MOUs) with CSOs (Southern Africa Trust 2018b). Although the MOUs have reportedly been a useful mechanism for engagement, they are not widely inclusive of non-state actors in the region and limit the possibilities for engagement between SADC and the majority of non-state actors. According to the Open Society Foundation (2016), the increasing number of non-state actors seeking to sign MOUs with SADC Secretariat points to the need for SADC to establish clear guidelines for its engagement with the non-state actors. It also points to the existing gap in engaging the Secretariat outside MOUs and demonstrates that the Secretariat has been cast as the only place to interface with the SADC and its processes.

For instance, the SADC-CNGO signed an MOU with the SADC Secretariat and works as a quasi-official link between the SADC Secretariat and civil society. It consists of national associations of CSOs (also known as national councils of NGOs) from each SADC member state. It has observer status in the key Organ of the Integrated Committee of Ministers (Open Society Foundations 2016), and ensures efforts are made for CSOs in different SADC countries to operate in a coordinated manner. Thus, the SADC-CNGO exists to facilitate meaningful engagement between CSOs and the SADC Secretariat and Member States at national level (Mukumba N.d.). The ways to engage with the SADC-CNGO vary depending on the country and the nature of the national CSO platform there.

Since the SADC is an intergovernmental structure, and the Secretariat only a coordinating body of the Community, it should not be the only place for engagement, though it should help with the coordination of civil society participation. It is for this reason that the Open Society Foundation (2016) recommended the creation of the Non-State Actors Forum as a structure of the SADC, coordinated by a Liaison Office situated at the SADC Secretariat. The study also stressed that influencing SADC is an opportunistic process that requires familiarity with the technical areas of the RISDP, to enable CSOs to form relations with the directorates to be considered a technical partner.

The Summit of Heads of State and Government

The Summit as the top tier organ brings together the heads of state and government of the SADC member states. It is the ultimate policy and decision-making institution of the SADC and is responsible for the overall policy direction and functional control of the regional body. As a legislative organ, the Summit makes decisions that are binding on all member states. Given that decisions are taken through consensus (not majority), the larger and better resourced member states tend to dominate the process. Decisions taken by Summit include amendments to the Treaty, Protocols, Pacts and Charters. However, member states implement the decisions at their own discretion (Open Society Foundations 2016).

The SADC Civil Society Forum is held on the side-lines of the Heads of State and Government Summit to enable CSOs to contribute to the Summit's resolutions. This annual platform provides space for NGOs, donors, churches, trade unions, social movements and other civil society actors to act collaboratively on a wide range of development issues affecting the region. While the outcome documents are not always widely available, some examples include a communiqué from the 2018 forum which stressed issues of governance, human rights and anti-corruption, among others (SADC We Want Campaign 2018). Reportedly, publications and communiqués from civil society can be circulated ahead of, and during Summits and the preceding Council of Ministers meetings. Ministers from member

states, and senior officials from the Secretariat, regularly accept invitations to CSO side meetings and events where they are handed communiqués and statements for onward transmission.

However, civil society demands issued during SADC Civil Society Forums are reportedly marginalised from the SADC decision-making system. This has been attributed to ‘the deeply rooted statism’ that tends not to place a high level of importance on non-state actor engagement’ (Mukumba and Musiwa, 2016: 1; interviews).

The SADC Council of Ministers meetings & sectoral meetings

The Council of Ministers mainly comprises ministers of foreign affairs or the ministers responsible for international cooperation from the member states. This council is influential as it develops the agenda for, and makes recommendations to be endorsed by, the Heads of States during Summits. It also advises the Summit on overall policy and programmatic matters of the SADC, including overseeing the implementation of the Regional Indicative Strategic Development Plan (RISDP) and the Strategic Indicative Plan for the Organ on Defence, Politics and Security (SIPO), so engaging with the ministers who sit on this council could provide civil society influence.

The Sectoral and Cluster Ministerial Committees (SAMCOST) made of sectoral line ministries from member states make technical decisions and provide oversight on the core areas of integration, monitoring and controlling of the implementation of the RISDP in their area of competence. The recommendations made by SAMCOST are forwarded to the Council of Ministers. SAMCOST meetings provide space for civil society advocacy or lobbying to influence the decisions of the SADC and its processes. According to Open Society Foundation (2016), **civil society wishing to influence this forum can do so as experts invited by the Secretariat for the different sectoral meetings**, where they can present papers and influence recommendations.

The SADC National Committees

In the spirit of representative democracy, the machinery of SADC is decentralised through SADC National Committees (SNCs). SNCs bring together the organisation with representatives from government, the private sector and civil society, and they involve them in the formulation and implementation of policy decisions (Open Society Foundation 2016). The SNCs are a statutory implementation organ of the SADC tasked with the aggregation of the national inputs into the formulation of regional policies and the co-ordination and implementation of programmes at national level.

However, available information suggests that SNCs in SADC countries are in many cases poorly constituted, managed and/or capacitated (Open Society Foundation 2016). It is ultimately up to SADC member states to ensure the functional existence of the SNCs, starting with their funding (Southern Africa Trust 2018). Only Botswana, Mozambique and Mauritius are perceived to have fully functional Committees. In other member states, the SNCs either exist only on paper or do not exist at all (Moyo 2018). It is therefore doubtful that such entities can consistently act as capable conduits for CSOs to effectively influence the SADC.

The SADC Parliamentary Forum

The SADC-PF is an initiative of the parliaments in SADC. It is a regional body composed of Presiding Officers and four representatives elected by the national parliament of each member state. Established in 1996, it was approved by the Summit in 1997 as an autonomous institution of the SADC, in accordance with Article 9(2) of the Treaty. Its main aim is to provide a platform for parliaments and parliamentarians to promote and improve regional integration in the SADC region, through parliamentary involvement. Among its key objectives are the familiarisation of the people

of the region with SADC's aims and objectives, as well as the promotion of the participation of non-governmental organisations (NGOs), businesses and intellectual communities in SADC's activities.

The PF has no reporting relationship with the Summit and no status as a regional assembly in charge of budgetary measures, as is the case for instance of the EAC parliamentary assembly in East Africa (Open Society Foundation 2016; Songa and Ronceray 2023). This institution remains a forum with no legislative powers and, as such, has reportedly not been very useful in enhancing the participation of citizens in decision-making (Moyo 2018).

2.2. Civil society experiences and way forward

Consulted civil society actors testified about the difficulty of engaging SADC substantially in the area of political governance. Some of them attributed the issue to a matter of political culture and limited trust in the value of civil society as contributors to wider sustainable development when they engage in this area. But a recurrent issue that gets raised is the lack of systematic, formal mechanisms to provide reliable entry points. A well-informed report stressed in 2018 that “engagement with NSAs is ad hoc with no systemic mechanism. [...] There are no rules of procedure for NSA participation, and few regular open, public hearings and consultations that enable NSAs to provide formal inputs and submissions to SADC” (Southern Africa Trust 2018).

The REC's working culture is reported to play against CSO influence during the SADC Summit and the meetings of the Council of Ministers. Unlike with the UN, AU and many other RECs meetings where the agenda are posted on websites, the full agenda and substantial papers for the SADC Summit and Council of Ministers meetings are not available before the meeting. What is made available is only the theme as a way of announcing the date and venue of the summit and the discussion topic of the meeting. According to interviewees, this represents a progress compared to the almost-complete secrecy that prevailed a decade ago, but that is still often not enough for civil society to prepare itself for useful engagement.⁵

In that context, interviewees confirmed the challenges that CSOs face when they try to engage with SADC. According to an analyst from the region who engaged SADC in various capacities, it was **difficult to cultivate predictable and formal avenues for engaging with SADC** such that “the avenues that were mostly supportive were based on relationships that we created.” The informant further argued that the relationship between the SADC and the CSOs is therefore in ‘silos’ that are founded on institutional or personal relationships that need to be cultivated over time and are prone to end with staff changes.

The fragility of structural links between SADC and civil society is further compounded by the **difficulties of civil society in coming together and speaking with one voice to make itself more audible for the REC.** Non-state actors from the region do not necessarily have a common agenda which they could unite around and/or task the CNGO with carrying for them. In comparison to umbrella networks in some other parts of Africa, the SADC-CNGO has limited visibility (Songa & Ronceray 2023; Ronceray et al 2023). At the time of writing, it had no referenced website and only modest social media engagement on a few platforms. Reinold (2019) even suggested that the existence of the CNGO offers an appearance of inclusiveness to the REC but that it essentially does not work as a conduit for civil society inputs to the regional agenda, primarily because the REC is not genuinely interested in ensuring inclusiveness.

⁵ A documented example is the SADC extraordinary meeting in Addis Ababa in 2013. The CSOs expected the Summit to discuss the problems that Zimbabwe was facing under the leadership of President Robert Mugabe. A great deal of resources were deployed in getting civil society to Addis Ababa and in preparing dossiers. However, the Summit dwelt on Madagascar and the DRC with only a passing reference to Zimbabwe. The official word was that Zimbabwe was not even on the agenda. Had the CSO known the agenda beforehand, they could have lobbied for the inclusion of Zimbabwe as a discussion point (Open Society Foundations 2016).

In order to improve this state of things, SADC currently has a draft ‘Proposed SADC Mechanism for Engagement with Non-State Actors’ (NSA).’ The community prepared a substantial framework, of which a draft could be accessed by the authors. In the words of the CNGO leadership, “[adopting] the mechanism is necessary to close the existing gaps in the engagement between the Non-State Actors and SADC at both regional and national levels.”⁶ An EU-funded SADC policy dialogue facility programme included activities seeking to operationalise the mechanism, but according to a former practitioner the initiative was quietly terminated by the REC’s leadership because of mistrust by member states when it comes to civil society at large. No official communication has been issued in the last few years on this, raising the suspicion that the document has simply been shelved and will not be adopted.

In the meantime, interested CSOs can still engage on an ad hoc basis and get information directly from the relevant departments of the SADC Secretariat, or from the sector ministry in the member states. Likewise, SADC departments sometimes enter partnerships with organisations offering relevant technical expertise. These organisations participate in stakeholder discussions for the development of protocols. An example of such an arrangement is the SADC Gender Protocol Alliance, a regional network of women’s rights organisations that monitors the implementation of the Protocol in different sectors. In the words of a practitioner, the absence of an operative framework doesn’t prevent technical engagement if the non-state actors can show their added value and cultivate the right personal networks. But there remains limited scope for substantially influencing the community.

3. Promise and limits of CSO engagement through digital technologies

Digital infrastructure in Africa is very unevenly developed, although Southern Africa as a whole, stands at a comparatively high connectivity level – for instance with an internet penetration rate of 66% as of 2022 (Statista 2023). Entire regions remain poorly connected, which compounds their marginalisation. Lack of connectivity is not always an accident, nor is it always due to the fact that little-used infrastructure is unprofitable for investors. Reasons also come from the lack of incentives for governments to encourage their expansion, with a perception that access to political information and ability to exchange on the internet are a direct factor of dissent and a cause of instability (Mathekga 2021). Civic technologies are a fast-evolving, very dynamic source of solutions for activists and social movements, with a number of identified cases of ‘civic tech that works’ in the SADC region, generating accountability checks (Dabo and Pouyé 2022).

In the context of the COVID-19 pandemic, non-state actors at large have been intensifying their usage of communication technologies and civil society mobilisation takes place in large parts in dematerialised ways, which puts it at the mercy of restrictions. Countries in the region as elsewhere have yet to find the right balance between regulating problematic online contents and excessive laws penalising digital content that are used against critics of governments (Mathekga 2021).

The adoption of robust digital technologies in the region, however, could facilitate smoother engagement between the citizens and the civil society with the authorities, including SADC and its organs. But the potential opportunities for growth and gains resulting from the digital economy must be contextualised within the risks of inequality and exclusion, and in particular: the persisting gender digital divide by which women remain further disconnected from technologies than men; the risk that regulatory frameworks get instrumentalised for the purpose of preventing civic initiatives to hold leaders to account.

⁶ Comments by SADC CNGO Executive Director: SADC-Council of Non-Governmental Organisations Executive Director pays a courtesy call on the SADC Executive Secretary; 13th October 2019.

Additionally, the use of data and privacy concerns stand high among the thorny issues the digital transformation brings (UN Human Rights 2018). Driven mostly by the private sector, digital technologies that continually exploit data linked to people's lives are progressively penetrating the social, cultural, economic and political fabric of modern societies. On the other hand, increasingly powerful data-intensive technologies, such as big data and artificial intelligence, threaten to create an intrusive digital environment in which both states and business enterprises are able to conduct surveillance, analyse, predict and even manipulate people's behaviour to an unprecedented degree. These technological developments, beyond the benefits, carry very significant risks for human dignity, autonomy and privacy and the exercise of human rights in general if not managed with great care (UN Human Rights 2018). It would therefore be in the best interest of the civil society in the SADC region, to influence the regional body to ensure that robust legal and policy frameworks are formulated and adopted by the state parties, which do not only promote the proliferation of digital technologies but also put the protection of human rights at the centre.

For a while now, the SADC parliamentary forum has been proposing the development of a model law on the digital economy to pave the way for the upscaling of digital practices, and to increase women's participation in the digital economy at national level, an endeavour shared with the African Union Economic Social and Cultural Council (ECOSOCC) at the continental level (Magadza 2023). The objectives of the model law are to enable SADC countries to harness the benefits of the digital economy, while safeguarding the rights of citizens and mitigating possible risks associated with digital technologies.

An extensive study conducted at the behest of the SADC-PF presents the regulatory frameworks across the SADC region and outlines the ones that require policy attention in the context of the model law (Research ICT Africa 2021). It focuses in particular on three themes:

- data ownership, control and access, with a focus on privacy issues;
- data safety and interference, including issues of cybersecurity but also access restrictions; and
- data-driven value creation, including intellectual property and copyright.

According to UNCTAD (2019), the net impact of such a model law will depend on the level of development and digital readiness of countries and their stakeholders. It will also depend on the policies adopted and implemented at national, regional, and international levels.

In the long term, civil society engagement with the SADC both at regional and country level will benefit from digital platforms. It is expected that as SADC and its member states adopt digital technologies that allow for more inclusivity, for example through virtual platforms for communication, more citizens including CSOs would have the opportunity of interacting with the SADC and influencing its agenda and outcomes. The adoption of an effective legislative and policy framework for enabling and institutionalising civil society participation in SADC decision-making processes might support this change, especially if it is carried to the national level in member states. Ultimately, however, digital technologies can enhance overall citizen participation within the SADC if and only if there is an appetite to use them in such a way, which requires progressive thinking among decision makers and proactive involvement of essential stakeholders in the process, starting with civil society.

4. Conclusion

In sum, despite a substantial mandate to address democratic governance and promising beginnings, SADC is only a reluctant player in this area. This is primarily due to the lack of traction from its member states.

The SADC Treaty and other protocols and policy documents adopted under its auspices clearly point towards the ambition of effective engagement between SADC and civil society. SADC has formal structures which civil society can target as entry points for engagement. The regional setup includes mechanisms for engagement with civil society, most notably the SADC Council of Non-Governmental Organisations (SADC-CNGO) and the SADC Civil Society Forum. The SADC-CNGO consists of national associations of CSOs from each SADC member state and exists to facilitate meaningful engagement between CSOs and the SADC Secretariat and member states at national level (Mukumba N.d.). The SADC Civil Society Forum, on the other hand, is held on the side-lines of the Heads of State and Government Summit to enable CSOs to input into the Summit's resolutions (Mukumba N.d.).

However, stakeholders point to the difficulty for SADC to tap on the full potential of constructive relations with non-state actors. This has been at times attributed to very diverse factors ranging from a lack of formal structures for engagement; a lack of goodwill (i.e. political support); to a lack of civil society actors able to play a constructive role in the areas closest to SADC's work. This points to a complex interplay between (1) the regional community, (2) the member states that largely set its agenda, and (3) the existing national and regional civil society structures.

Going forward, it is possible that the oft-restated commitment to operationalise a mechanism for civil society substantial engagement with SADC will be implemented. There is a wealth of evidence on the roadblocks and opportunities that this could bring to light. But civil society should not wait for change within the SADC institutions to organise itself further at the regional level and provide its contributions to the governance agenda despite the adverse political context. Harnessing digital technologies – both in terms of the harm that abusive regulation can generate and of the opportunities it offers for more streamlined and efficient citizen participation and mobilisation – is a promising avenue to take this agenda forward.

References

- Amos, S. 2010. [The role of South Africa in SADC regional integration: the making or braking of the organisation](#). Journal of International Commercial Law and Technology. Vol. 5, Issue 3.
- Beardsworth, N., Cheeseman, N. and Tinhu, S. 2019. [Zimbabwe: The coup that never was, and the election that could have been](#). Volume 118. Issue 472. Pages 580-596. African Affairs. July 2019.
- Bebington, K. 2022. [The role of SADC in Eswatini: Lessons from Lesotho](#). ACCORD. 28 July 2022. Accessed August 2023.
- Byiers, B., VanHeukelom, J. and Woolfrey, S. 2018. [SADC industrialization: Where regional agendas meet domestic interests](#). Discussion paper 232. Maastricht: ECDPM.
- Chikohomero, R. 2019. [Elections and stability in SADC: the Zimbabwe case](#). Policy brief ISS. Accessed August 2023.
- Chikohomero, R. 2019b. [Principle or brotherhood? Making elections more credible in SADC](#). ISS. 19 July 2019. Accessed August 2023.
- Dabo, A. and Pouyé, R. 2022. [Assessing Civic Tech That Works to Build #TheAfricaWeWant* - Citizen-led tech for impact that can help African governments deliver better services](#). European Democracy Hub.
- Domingo, E. and Shiferaw, L.T. 2022. [Digitalisation and democracy: Is Africa's governance charter fit for the digital era?](#) Discussion paper 331. Maastricht: ECDPM.
- Gallup News. 2023. [Africa: Digital Divide Provides Lens Into Women's Progress](#). Accessed August 2023.
- Hulse, M., Gürth, L., Kavsek, H., Stauber, V., Wegner, D. and Weinreich, J. 2018. [Civil society engagement in regional governance: a network analysis in Southern Africa](#). Discussion Paper, No. 30/2018. German Institute of Development and Sustainability (IDOS), Bonn.
- IHRDA (Institute for Human Rights and Development in Africa). N.d. [General Explanation](#). Accessed August 2023.
- ISS (Institute for Security Studies). 2022. [The ambiguities of subsidiarity](#). PSC Report. 3 March 2022.
- Kapiyo, V. 2022. [Bridging the Gender Digital Divide is Critical for Achieving Digital Rights in Africa](#). Kampala: CIPESA. Accessed August 2023.
- Leininger, J. 2014. [A Strong Norm for Democratic Governance in Africa](#). Stockholm: International Institute for Democracy and Electoral Assistance.
- Magadza, M. 2023. [SADC wants model law on digital economy](#). Seychelles Nation. Accessed August 2023.
- Mathekga, R. 2021. [Political roadblocks to Southern Africa's digital revolution](#). 8 April 2021. Accessed August 2023.
- Mhaka, T. 2019. [The problem with SADC's 'brotherly' stance on Zimbabwe sanctions](#). Al Jazeera. 11 October 2019. Accessed August 2023.
- Moyo, Q. 2018. [Civil-Society Participation in the Southern African Development Community \(SADC\) Policy Formulation and Implementation Processes](#). PhD Thesis. University of the Witwatersrand. February 2018.
- Mukumba C and Musiwa M. 2016. [Civil society role in SADC integration: A missed opportunity](#). In *Great Insights Magazine*, 5(4) July/August. Maastricht: ECDPM.
- Mukumba, C. N.d. [CSO Engagement in Southern Africa](#). Cuts International.
- Nathan, L. 2013. [The Disbanding of the SADC Tribunal: A Cautionary Tale](#). In *Human Rights Quarterly*. Vol. 35. No. 4. Pp. 870-892. The Johns Hopkins University Press.
- OECD. 2018. [Bridging the digital gender divide](#).
- Open Society Foundations. 2016. [The Civil Society Guide to Regional Economic Communities in Africa](#). New York: African Minds.
- Ramanzini, H and Theodoro Luciano, B. 2021. [Regional \(dis\)integration beyond governments: A comparison in social and civil society participation between Mercosur and SADC](#). International Area Studies Review 2021, Vol. 24(1) 18–34.

-
- Reinold, T. 2019. [Civil society participation in regional integration in Africa: A comparative analysis of ECOWAS, SADC, and the EAC](#). In *South African Journal of International Affairs*. Pages 53-71. 1 April 2019.
- Research ICT Africa. 2021. [Digital Economy and Society](#) SDAC PF Discussion Paper. Synthesis Report.
- Ronceray, M. and Byiers, B. 2019. [Elections in Africa – Playing the game or bending the rules?](#) Discussion paper 261. October 2019. Maastricht: ECDPM.
- Ronceray, M., Tine, L., Salzinger, M. and Bakari, R. 2023. [The ECOWAS democracy agenda: Channels, lessons and digital technology for civil society engagement](#). Discussion paper 350. Maastricht: ECDPM.
- SADC (Southern African Development Community). 1992. [Declaration and Treaty of SADC \(1992\)](#). Signed 28 February 1998.
- SADC (Southern African Development Community). 2010. [Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation](#). Revised Edition. 5 August 2010.
- SADC (Southern African Development Community). 2020. [Vision 2050 – One region, 16 nations, Towards a common future](#). Gaborone: SADC.
- SADC (Southern African Development Community). 2020b. [SADC Regional Indicative Strategic Development Plan \(RISDP\) 2020-2030](#). October 2020.
- SADC (Southern African Development Community). 2022. [Communiqué of the 42nd Ordinary Summit of SADC Heads of State and Government](#). 17 August 2022. Accessed August 2023.
- SADC (Southern African Development Community). 2022b. [SADC Corporate Plan 2022/23 \(consolidated operational plans and budgets 2022/23\)](#). March 2022.
- SADC (Southern African Development Community). N.d. [Directorate: Organ on Politics, Defence and Security Affairs](#). Accessed August 2023.
- SADC We Want Campaign. 2018. Strengthening our Partnerships towards the SADC We Want. [Communique and Action Plan of the 14th Southern Africa Civil Society Forum](#) 13-15 August 2018.
- SALIA (Southern African Institute of International Affairs). 2022. [Futures of Digital Geopolitics: Towards African digital sovereignty](#). 1 November 2022. Accessed August 2023.
- Songa, A. and Ronceray, M. 2023. The EAC democracy agenda: Channels, lessons and digital technology for civil society engagement. Maastricht: ECDPM.
- Southern Africa Trust. 2018. [Taking SADC to the People: The Proposed SADC Mechanism for Engagement with Non-State Actors in Line with Treaty Provisions](#) (Article 5 (2), 16A and 23).
- Southern Africa Trust. 2018b. [The proposed SADC Mechanism for Engagement with Non-State Actors in line with treaty provisions](#). Accessed August 2023.
- Southern Africa Trust. 2021. [State and Future of CSOs](#). Policy Brief. June 2021.
- Statista. 2023. [Internet usage in Africa - statistics & facts](#). 29 June 2023. Accessed August 2023.
- The Johns Hopkins University Press. 2013. [Human Rights Quarterly](#). Vol. 35, No. 4 (November 2013). pp. 870-892 (23 pages).
- UN. (United Nations) Human Rights. 2018. [The right to privacy in the digital age. Report of the United Nations High Commissioner for Human Rights](#). A/HRC/39/29. 3 August 2018.
- Vodacom. 2022. Enabling policy frameworks for digital and data services for expanded economic growth and development – a focus on the SADC Region.

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The Democracy Works Foundation is a southern African non-profit company focused on democracy development in the region.

This publication was co-funded by the European Union. Its contents are the sole responsibility of ECDPM and the Democracy Works Foundation and do not necessarily reflect the views of the European Union. This publication also benefits from the structural support by ECDPM's institutional partners: Austria, Belgium, Denmark, Estonia, Finland, Ireland, Luxembourg, The Netherlands and Sweden.

ISSN1571-7577



Co-funded by
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