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UNIVERSITY OF THE WITSWATERSRAND

Faculty of Commerce, Law and Management

Wits School of Governance

CIVIL-SOCIETY PARTICIPATION IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) POLICY FORMULATION AND IMPLEMENTATION PROCESSES

PhD thesis

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A thesis submitted to the Faculty of Commerce, Law and Management, University of the Witwatersrand in fulfilment of the requirements for the degree of Doctor of Philosophy (PhD) in Public and Development Management

Supervisor
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Johannesburg

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Declaration

I declare that this report is my own, unaided work. It is submitted in fulfilment of the requirements for the degree of Doctor of Philosophy in the Business School in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.

Signature:

Qhubani Moyo

Date:

Dedication

To my parents, who endured all the difficult times in making me who I am today. I am very grateful and thank you wholeheartedly for making it happen when it never looked possible. Ngiyabonga kakhulukazi!

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Abstract

The research sought to find out whether the decision-making institutions of the Southern African Development Community (SADC) allow for stakeholder participation in policy-making. It is premised on an understanding that SADC claims to provide for stakeholder participation in its policy-making processes. This is stated in Article 23 of the SADC founding treaty which speaks of the institution's desire to open up democratic space and allow for inclusivity in decision-making. Furthermore, there are practical and operational provisions for the participation of citizens through the SADC National Committees (SNCs) and an agreement with the SADC Council of Non-Governmental Organisations (CNGO).

The research was done in 12 SADC countries, namely: Tanzania, Mauritius, Swaziland, Botswana, Lesotho, Seychelles, Malawi, South Africa, Namibia, Zambia, Mozambique and Zimbabwe. It was a qualitative study done through interviews of civil-society organisations (CSOs), government officials and employees of the SADC Secretariat. Data was collected using both primary and secondary data methods. Primary data was sourced from four categories of respondents, including: senior officials from the SADC Secretariat, senior government officials whose duties require interaction with civil-society institutions and senior officials from the SADC-CNGO.

Secondary research data was sourced from documents, including records of the minutes of the SADC Summit of Heads of State and Government (Summit), the minutes of the SADC Council of Ministers (COM), SADC communiqués, SADC policy documents, civil-society policy drafts, SADC protocols, CSOs and SADC press releases.

The key finding was that while in its founding documents SADC provides for participation of stakeholders in the policy-making processes, it is a different story in practice. The research revealed that the statutes of SADC, which speak of a need for promoting the participation of stakeholders in policy-making processes, have been largely ignored, as there is monopolisation of power by the SADC institution of the Summit. The primary institution for the participation of stakeholders in policy-making was identified as the SNCs, but these were found to be non-operational in most of the countries where the research was conducted. The reason for the inactive SNCs was identified as the absence of a structured framework by SADC to operationalise what is provided for in its statutes. The research found that if SADC is to achieve its

goal of enhancing stakeholder participation in its policy-making processes, it needs to revive and strengthen the SNCs in each member state.

The research concludes that for SADC to ensure effective stakeholder participation in its decision-making processes, the first point of call is to rehabilitate, strengthen and resource the SNCs. The research further concludes that civil society also needs to strengthen its organisational capacity for effective engagement with SADC leadership. The limitations of representative democracy are identified as one of the inhibiting factors for limited participation by stakeholders in SADC policy-making processes, and the research proposes the application of deliberative democracy as a way of enhancing stakeholder participation in the decision-making processes of the institution.

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List of acronyms

ACODEV	Action for Community Development
AMAI	Mozambican Association for the Support of Older People
APRM	African Peer Review Mechanism
ASADEC	Action for Community Development
ASCCI	Association of SADC Chambers of Commerce and Industry
AU	African Union
BOCONGO	Botswana Council of Non-Governmental Organisations
CEEI	Centro de Estudos Estratégicos e Internacionais
CSO	Civil Society Organisation
COM	Council of Ministers
COMESA	Common Market for Eastern and Southern Africa
CONGOMA	Council for Non-Governmental Organisations in Malawi
COSATU	Congress of South African Trade Unions
DQI	Discourse Quality Index
DRC	Democratic Republic of Congo
EAC	East African Community
ECOSOCC	Economic, Social and Cultural Council
EESC	European Economic and Social Committee
FOCCISA	Fellowship of Christian Councils in Southern Africa
GONGOs	Government Organised Non-Governmental Organisations
ICM	Integrated Committee of Ministers
ICPs	International Cooperating Partners
IFRC	Mozambique Red Cross Society
MACOSS	Mauritius Council of Social Services
MDC	Movement for Democratic Change
MOU	memorandum of understanding
NANGO	National Association of Non-Governmental Organisations
NEPAD	New Partnership for Africa's Development
NEPRU	Namibian Economic Policy Research Unit
NGO	non-governmental organisation

PAP	Pan-African Parliament
RECs	Regional Economic Communities
RISDP	Regional Indicative Strategic Development Plan
RPO	Regional Poverty Observatory
SACBTA	Southern Africa Cross Border Traders Association
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SADC-CNGO	SADC Council of Non-Governmental Organisations
SADC PF	SADC Parliamentary Forum
SATUCC	Southern Africa Trade Union Coordination Council
SIPO	Strategic Indicative Plan for the Organ on Politics, Defence and Security
SNCs	SADC National Committees
TANGO	Technical Assistance to NGOs
TFTA	Tripartite Free Trade Agreement
UNDP	United Nations Development Programme
WTO	World Trade Organisation
ZANU (PF)	Zimbabwe African National Union (Patriotic Front)
ZCSD	Zambia Council for Social Development

Chapter 1: Introduction

The Regional Economic Communities (RECs) play an integral part in the governance of the African continent. They have the potential to make strong contributions to the development of the African continent. They have already and increasingly carved a space where they influence the decision-making processes of individual states and, as such, their influence on the development of the African continent cannot be underestimated. According to Mkwezalamba (2013:2), RECs constitute the building blocks or pillars of African integration. Currently, there are eight RECs that are recognised by the African Union (AU), in line with the decision of the July 2006, Banjul African Union Summit Decision on the Rationalisation and Harmonisation of Regional Economic Communities.[1]

Substantial progress has been achieved by some RECs in regional integration, which has seen the creation of free-trade areas. There are, however, problems related to growth in most of the regional economic communities owing to limited political will as well as resources. Mkwezalamba (2013:4) argues that:

> *There are several reasons explaining the mixed achievement of regional and continental integration in Africa. These include inadequate physical infrastructure, roads, railways, energy and information communication technologies; and the absence of national coordination mechanisms of regional and continental integration.*

He concludes that one of the key things that African countries should accept is that they each need to cede part of their sovereignty if the continent is to make substantial gains in implementing its regional and continental integration and development agenda. In that regard, enhancing the participation of stakeholders in the decision-making processes of the RECs becomes important to ensure that collective decision-making has the potential to promote continental development. Moyo (2007:7) argues that:

> *Regional Economic Communities and civil society organisations operate under very difficult situations. The forces affecting implementation of projects and programmes are both internal and external. Internally, issues of capacity, human and financial resources politics, inadequate skills and other general inadequacies affect the*

[1] The eight RECs are: Arab Maghreb Union (UMA), Common Market for Eastern and Southern, Africa (COMESA), Community of Sahel-Saharan States (CEN-SAD), East African Community (EAC), Economic Community Central African States (ECCAS), Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD) and Southern Africa Development Community (SADC).

effectiveness of these institutions. Externally the pressures are varied: some are domestic (within the continent) while others are externally driven, particularly by the superpowers and super financial institutions more often under the guise of globalisation.

This research looks at one specific REC − the Southern African Development Community (SADC) − and seeks to establish the nature of decision-making processes in the organisation. What institutional and legislative mechanisms are in place for civil-society participation, and how do they impact policy-making processes? The research bases its foundations on the declarations of Article 23 of the Treaty of the Southern African Development Community (SADC Treaty), which speaks of the organisation's desire to promote civil-society participation in decision-making.

SADC evolved from the Frontline States, whose objective was the political liberation of southern Africa. SADC was preceded by the Southern African Development Coordination Conference (SADCC) in Lusaka, Zambia in April 1980, with the adoption of the Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice (Lusaka Declaration). The formation of SADCC was the culmination of a long process of consultations by the leaders of Zambia, Tanzania and Botswana, working together as the Frontline States. Following consultations that were held between the respective ministers of foreign affairs and the ministers responsible for economic development, the SADCC was established at a meeting in Arusha, Tanzania in July 1979. On 17 August, 1992, at a summit held in Windhoek, Namibia, the Heads of State and Government signed the Declaration and Treaty of SADC that transformed the SADCC into the SADC. The focus shifted from political liberation to include economic integration following the independence of the rest of the southern African countries, except for South Africa which became independent in 1994.

The SADC is an interstate organisation which currently has a membership of 15 states. Its members are: Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe (see Figure 1). According to the 2013 SADC annual report, the population size of the bloc is approximately 258 million and the GDP is about US$480 billion.

The SADC Treaty of 1992 defines its vision as that of a common future within a regional community that will ensure economic wellbeing, improved standards of living and quality of life, freedom and social justice, and peace and security for the people of southern Africa. According to Oosthuizen (2006), this shared vision is anchored in the common values and principles and the historical and cultural affinities that exist among the people of southern

Africa. The founding treaty goes on to define SADC's mission as that of promoting sustainable and equitable economic growth and socio-economic development through efficient and productive systems, deeper cooperation and integration, good governance, and durable peace and security, so that the region emerges as a competitive and effective player in international relations and the world economy.

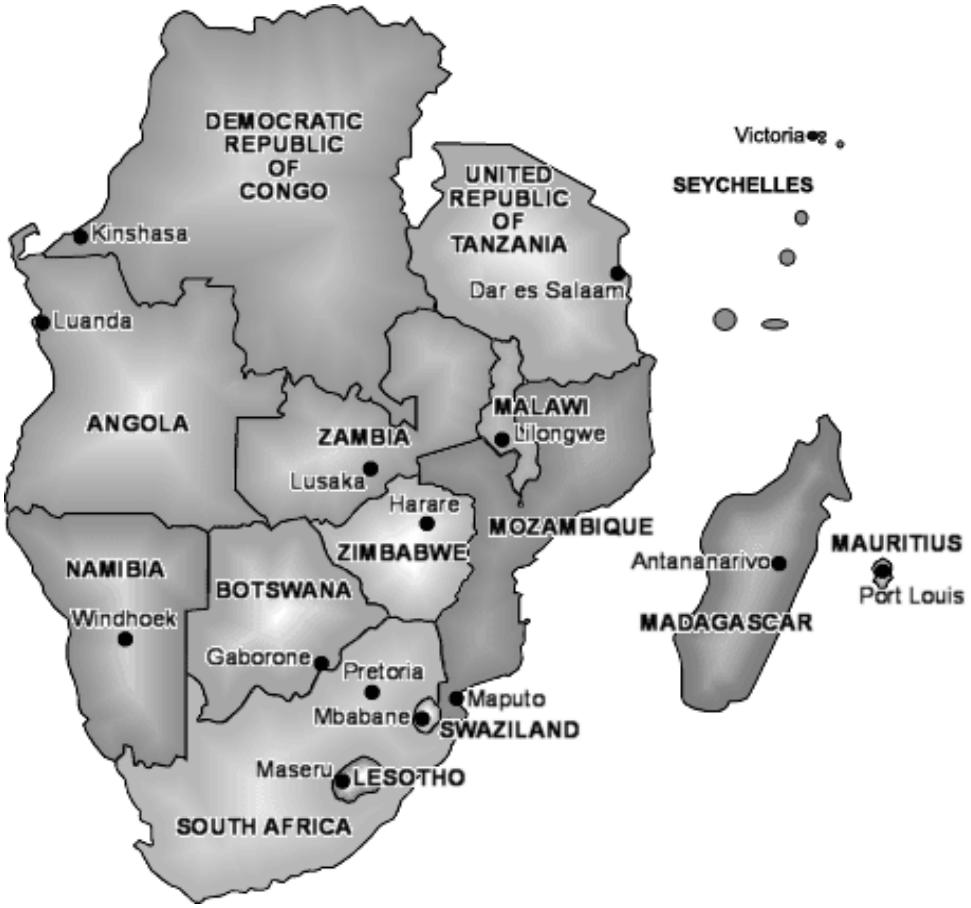


Figure 1: The SADC member states
Source: SADC (www.sadc.int)

1.1 Background

According to its founding treaty of 1992, SADC is an international organisation under international law, with international rights and obligations separate from those of its member states and it can maintain rights though legal processes. Its founding statutes call for member states to respect the international character and responsibilities of SADC, its Executive Secretary and its staff. Staff are urged to maintain its international character and advised against acting on any instructions from individual member states.

The treaty defines SADC's operational and decision-making structures as: the Summit of Heads of State and Government, the Council of Ministers, the Troika, the Integrated

Committee of Ministers, the Tribunal, the Secretariat and the SADC National Committees. Each of these decision-making organs consists of elected representatives from member states, meaning that decisions are made by these representatives on behalf of the citizens in their countries. This structure assumes that the representatives of each member state carry with them a mandate to make policy decisions on behalf of their respective governments and citizens.

This arrangement has been fairly effective in the running of the affairs of SADC, given that it is in its infancy, but operational deficiencies have led to the perception that it fails to promote public accountability as it is devoid of inclusive decision-making. Moyo (2007) argues that a lack of inclusive decision-making within SADC is one of the reasons why the organisation has been viewed as an elitist club, devoid of democratic accountability to its constituency. Moyo (2007) further avers that the realisation of the limitations of representative democracy has led to the creation of avenues for stakeholder participation in the decision-making processes of SADC, but these remain weak and ineffective. The creation of these spaces is in line with the commitments made in the founding statutes of the organisation.

The SADC Treaty Amendment of 2001, Article 1(5.2)(*b*), stipulates that SADC will "encourage the people of the region and their institutions to take initiatives to develop economic, social and cultural ties across the region and to participate fully in the implementation of the programs and projects of the SADC". In terms of this amendment, SADC established the SADC National Committees (SNCs) as organs to facilitate the interface between the SADC Secretariat and stakeholders at the member-state level in 2003.

Over and above these formal channels for expanded stakeholder participation in decision-making, there are also informal channels, including the SADC Council of Non-Governmental Organisations (SADC-CNGO) which was established in 2004. The SADC-CNGO has a memorandum of understanding (MOU) with the SADC Secretariat and works as a quasi-formal link between the SADC Secretariat and civil society. It consists of national associations of civil-society organisations (CSOs) from each of the 15 SADC member states. It has observer status in the key organ of the Integrated Committee of Ministers.

However, despite the provision of all these spaces for participation, there are many operational challenges which require a remodelling of the decision-making approach if it is to be inclusive of civil-society interests. For instance, Nzewi and Zwake (2009:41) argue that:

> *The SNCs are a statutory implementation organ of SADC which provide an opportunity for national input in the formulation of regional policies and the co-ordination and implementation of these programmes at national level. A distinctive characteristic of*

> *SNCs is their position as participatory multi-stakeholder policy-making and implementation platforms. However, available information suggests that SNCs in SADC countries are, in some cases, virtually non-existent, or poorly constituted, managed and capacitated.*

The major questions arising out of the issues raised by Nzewi and Zwake (2009) are whether the SNCs are meeting the basic functional requirements as prescribed in the SADC Treaty and, if not, what types of interventions are necessary to enable civil society to effectively participate in the policy-making processes of SADC?

SADC also has a Parliamentary Forum (PF) which is, according to Oosthuizen (2006:189):

> *A parliamentary consultative assembly meant to develop into a regional parliamentary structure. It is also meant to involve the people of the SADC in regional integration process, through their elected representatives. The SADC PF was formed in 1996 but its constitution entered into force when the 1997 Summit approved an autonomous institution of SADC under articles 9(2) and 10(6) of the original SADC Treaty.*

The constitution states that the SADC PF is an international organisation and may dissolve itself by a resolution supported by three-quarters of its members. Among some of 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), business and intellectual communities in SADC's activities. This institution remains a forum with no legislative powers and, as such, has not been very useful in enhancing the participation of citizens in decision-making.

According to Oosthuizen (2006), the major operational policy documents of SADC are the Regional Indicative Strategic Development Plan (RISDP) and the Strategic Indicative Plan for the Organ on Defence, Politics and Security (SIPO). They constitute the pillars and framework for SADC regional integration and also provide SADC's member states with a consistent and comprehensive programme of long-term economic and social policies, while at the same time providing the SADC Secretariat and other institutions with insights on SADC-approved economic and social policies and priorities.

The RISDP reaffirms the commitment of SADC's member states to good political, economic and corporate governance entrenched in a culture of democracy, full participation by civil society, transparency and respect for the rule of law. In this context, the AU's New Partnership for Africa's Development (NEPAD) is embraced as a credible and relevant continental framework, and the RISDP as SADC's regional expression of and vehicle for achieving the ideals contained therein. The RISDP emphasises that good political, economic and corporate

governance are prerequisites for sustainable socio-economic development and in SADC's quest for poverty eradication and deeper integration levels.

The Organ on Politics, Defence and Security Cooperation (the Organ) plays a vanguard role as part of the institutional mechanisms for promoting and maintaining peace and stability in the region, and the SIPO provides the institutional framework for the daily implementation of the organ's objectives. The SIPO, alongside SADC's Mutual Defence Pact of 2004, guides the implementation of the Protocol on Politics, Defence and Security Cooperation. The SIPO is divided into four main sectors, namely: Political, Defence, State Security and Public Security. The organisation has also revised SIPO to come up with SIPO II to ensure efficiency in the delivery of its goals.

1.2 Foundations of stakeholder participation in SADC

SADC enjoys mutually beneficial cooperation at the continental and international levels. At the April 2006 Consultative Conference, SADC and its International Cooperating Partners (ICPs) adopted the Windhoek Declaration on a New SADC/ICP Partnership (Windhoek Declaration), which is a framework for a new partnership between SADC and its ICPs. This declaration encompasses the establishment of Thematic Groups, a platform for SADC and its ICPs to pool resources to implement programmes in areas of common interest.

SADC recognises the enormity of its task and acknowledges that it can best achieve its vision and mission if it collaborates with various stakeholders. To that end, it has attempted to provide for stakeholder participation in its decision-making initiatives. These initiatives are intended to complement the formal organs and to promote inclusive decision-making.

The call for the establishment of complementary structures led to the creation of the SADC-CNGO to provide an interface between civil society and the SADC Secretariat. While the SADC-CNGO is not a formal organ of the SADC Secretariat, it was formed as a response to the founding statutes of the SADC Treaty, which speak of a need for the provision of spaces for the participation of civil society in the decision-making processes of the organisation. According to Ditlhake (2012), the relationship between the Secretariat and the SADC-CNGO was cemented through a memorandum of understanding which gives the latter observer status in the Integrated Committee of Ministers and allows it to attend the meetings of SADC senior officials.

The primary policy decision-making fora of SADC are the Summit of Heads of State and Government, and the Council of Ministers, with implementation being effected by the Secretariat headed by the Executive Secretary. These organs, with the exclusion of the Secretariat, consist of elected representatives of each member state. The Summit comprises

elected heads of state, while the Council comprises ministers of foreign affairs and trade delegates. In the broadest sense, the SADC member states are parliamentary democracies; their delegates are assumed to represent national priorities in policy discussions. However, the extent of the effectiveness of their parliamentary and democratic processes differ and, in many instances, they are found wanting, hence the need for a formula to ensure that civil society participates in the policy-making processes. If the representative system worked properly and efficiently, there would be no need for emphasis on civil society's participation.

Further to that, SADC created the National Committees to include non-state organisations and civil society in SADC policy formulation processes, and to forge closer ties with the SADC-CNGO as an important structure in promoting civil-society participation in policy decision-making processes. The SADC National Committees (SNCs) were formally established by the amended SADC Treaty of 2007, which states that each member state must create a SNC consisting of key stakeholders including the government, the private sectors, civil society, NGOs, and workers' and employers' organisations.

According to the minutes of the SADC Council of Ministers (COM) meeting held in Dar es Salaam on 23−25 August 2003, it was noted that the SADC Summit had established the SNCs and it was important to work on a rollout plan to operationalise them. This was too little too late as it was only happening 11 years later, but, be that as it may, it would be of interest to establish how these new structures functioned and to what extent they contributed to civil-society participation in the policy-making processes of SADC. At the meeting, it was noted that the operationalisation of the SNCs would ensure that member states participate effectively in SADC affairs to derive maximum benefits from the process of regional integration. It was a way of ensuring that there would be an integrated approach that involves all key stakeholders in contributing to the regional bloc's policy formulation and developmental processes. However, there seem to be problems in the operationalisation of the SNCs − a situation that has affected the effective participation of other stakeholders in SADC's policy initiatives.

While there are provisions for the creation of spaces for stakeholder participation in SADC through the SNCs, there is little evidence that they are operational. For instance, the record of the COM meeting held on14–15 August 2007 in Lusaka, Zambia indicates that the council considered the Report of the 2007 SADC National Committees' Regional Meeting (SADC/CM/2/2007/3.5) and in particular noted that, at its meeting of August 2003, it directed the Secretariat to hold annual meetings of the SNCs to exchange experiences on best practices and improve their operations.

It noted that there was a meeting of the SNCs, held on 10–11 May 2007 in Zanzibar, United Republic of Tanzania, which focused its deliberations on progress in the implementation of

the Regional Indicative Strategic Development Plan (RISDP), including the development of a monitoring and evaluation system, and information- and experience-sharing on best practices as an attempt to consolidate the SNCs in the member states and the Institutional Capacity Assessment Study for the SNCs. However, while strides were being made to operationalise the SNCs, the COM noted that substantial progress had been made in the establishment of the SNCs, although they were at different stages of establishment and operationalisation. At the same time, they further noted that despite the progress made, most SNCs suffered from severe capacity constraints with regards to financial and human resources which hampered effective implementation of the RISDP/SIPO at a national level.

The 2007 SNCs meeting made recommendations that include, among others, the need for capacity building and sharing of best practices on incorporating the RISDP plans and programmes into national development plans. Further to that, it was noted that the sluggish pace in the establishment of the NSCs was a result of severe capacity constraints and, thus, member states were urged to build the capacities of the SNCs for the implementation of the RISDP/SIPO.

What comes out clearly from the record of minutes of the COM meeting is that, despite an ostensible commitment to establish functional organs to facilitate the participation of civil society and other stakeholders in the policy-making processes of SADC, little progress has been made. The failure to establish functional SNCs is a case in point. For instance, despite the 2003 decision by the COM that the SADC Secretariat hold an annual meeting on the matter, only one meeting was held, four years later, and there is little to account for limited action on the subject during the other years.

The slow pace in the implementation of the provisions that would widen decision-making may be linked to assertions that because policy-making is about power, it creates problems of contestation of what amounts of decision-making space should be given out and when they should be given out. While the SADC statutes speak of providing spaces for participation in its policy-making and governance processes, there seems to be a lack of political will, as well as institutional and operational challenges that inhibit meaningful and active engagement from non-state stakeholders in policy processes. Moyo (2007) sees this as a challenge arising from the architectural construction of SADC as an interstate organ whose decision-making structures are premised on the formal representation of member states.

The policy decision-making structures of the SADC are based on government-to-government agreements and, while there has been a realisation and a desire to open them up for inclusive decision-making, challenges remain clear. These challenges have seen the SNCs fail to take off properly, leading to Nzewi and Zakwe (2009:47) to conclude that “in order to enhance

participation of civil society in decision making processes SADC member states need to live up to their constitutional commitments of being democratic and that a democracy needs to be truly representative including taking on board the civil society voice. Engaging civil society is neither a choice nor an option but an imperative of good governance." This research, in exploring public participation as a functional requirement for the SNCs, found that while there have been efforts to set up the SNCs, there has been minimal success recorded in establishing functional entities.

What this means is that when they are undertaken, national discussions and decisions on SADC's regional programmes and policies are usually at the level of government functionaries, and not within the participatory parameters of the SADC Treaty provisions in terms of SADC national implementation. All indications are that the SNCs are still largely government-centric and inept, which brings into question the degree of policy influence that is afforded to civil society. This research has clearly shown that much attention needs to be paid to SADC national implementation instruments such as the SNCs.

As already indicated, beyond the SNCs, there has been an attempt to forge closer ties with the SADC-CNGO which has been operationalised through the signing of a MOU. The SADC-CNGO, while not necessarily a formal organ of the SADC Secretariat, is recognised as a credible conduit of views between civil society and the Secretariat. The SADC-CNGO is the lead apex organisation of umbrella bodies of NGOs operating in all 15 SADC member states. It was established in 1998 but its operations began in 2004 with a primary purpose of facilitating engagement between NGOs in the region and SADC. Its legitimacy lies not only in the mandate bestowed upon it, but also in the signed MOU with the SADC Secretariat for promoting constructive dialogue and engagement with civil society.

The organisation is based in Gaborone, Botswana, where the SADC Secretariat is stationed, which makes the two organisations accessible to each other. The SADC-CNGO is supposed to get input from national associations of CSOs whose contributions should be products of deliberations at the country level through the SNCs. The SNCs are a formal organ of SADC and have been assembled to provide input at a national level in the formulation of regional policies and strategies, as well as to coordinate and oversee the implementation of programmes at national level. The committees are also responsible for initiating SADC projects and for issuing papers as an input into the preparation of the regional strategies.

According to a European Union (EU) delegation report to Botswana in 2008, the statuses and operations of the SNCs vary considerably. Angola and Mozambique have set up robust structural and operational units. These are, however, largely ineffective in most of the other SADC countries. A common feature of the national committees in most of the member states

is that they are ineffective because of structural weaknesses and the lack of dedicated staff and funding. In most cases, they are not fully developed, and have few or no actual relationships with the SADC Secretariat in their day-to-day operations. They seem not to have business plans that are harmonised with the business plans of the SADC Secretariat.

The coordinators of the national committees are country ministerial officers with other functional responsibilities. They are not functionally dedicated only to the coordination of SADC; hence, their SADC role appears to be part-time and ad hoc. In fact, most are based in ministries of foreign affairs (rather than of development planning and coordination). They generally lack capacity, and their roles at a country level do not seem to be clearly articulated.

The structural deficiencies of the SNCs have inevitably paralysed the ability of the apex CSOs at a country level to input agreed positions to the regional organisation. This raises questions of how, then, the SADC-CNGO can claim to be a reliable representative of the interests of the citizens at the country level. This is made worse by the fact the SNCs are not properly functional, yet the SADC-CNGOs receive country reports from the apex organisations as if all is well.

These national representations cannot be said to be fully reflective of the true composition of the country's CSOs as they leave out other key stakeholders at the national level. Invariably, this also has weakened the position of the SADC-CNGO as a platform for civil-society policy deliberations. This inevitably leads to a debate on what forms of decision-making processes and what alternative spaces of engagement should be employed to ensure that there is increased participation and inclusion of other stakeholders in the decision-making processes of SADC.

Over and above this, it raises questions of what framework of decision-making can be put in place to ensure that policy-making in the interstate organs is inclusive and, thus, deal with limitations presented by representative democracy.

Democratic representation, which tends to bend to the tyranny of the many, or the powerful, on a majority-vote basis thus needs to be complemented by other, more inclusive forms of democracy which allow for more robust discussions before decisions are made. One such model that can be put to test is the concept of deliberative democracy which, in contrast, creates opportunities to explore opening of spaces for debate and engagement between those in power and those who are governed, based on the four tenets of equality, reciprocity, publicity and accountability.

The deliberative democracy approach suggests that decisions be made after an exhaustive process of discussion, such that the policy outcomes are based on sufficient consensus.

However, deliberative democracy might not constitute an ideal type for governance, given that politics is about the accumulation and retention of power, and there is often a limited appetite and interest to share it. As a result, the real political world does not always allow for a "donation" of power by sharing it through provision of spaces for participation of different groups. Political space is contested and those who have tend it to keep it heavily protected using state institutions.

Modern trends in governance seem to be tilting towards shared governance, which provides for inclusiveness, transparency and accountability. Masterson, Busia and Jinadu (2008:2) are of the view that:

> *There is consensus to give civil society a de facto right to concretely participate in the public policy making beyond the constitutional provisions of citizenship, to ensure equal access to the State and enhanced participation in governance by the individual and by collective groups especially the historically disadvantaged and marginalised.*

This has led to the creation of several avenues to enable the participation of the citizenry in policy-making processes, with the understanding that such an involvement will promote accountability. Mafunisa (2004:490) is of the similar view that "public institutions in making decisions and implementing these decisions have to take into account the attitude and activities of the institutions constituting civil society". This argument is buttressed by Hyden (1999) who posits that legitimate democratic public participation is vital because the authoritative decisions imposed by governments demand justification from those burdened by authority. This justification must appeal to evidence and arguments acceptable to reasonable citizens. The above argument builds on the normative foundations of works by Habermas (1987:364) who argues that "the facilitation of citizens' participation in the policy-making organs buffers the public from state domination" and provides what he calls "effective restraining barriers to protect civil society from state domination".

The need for citizens to take an active part in the way they are governed is of serious importance as it allows them to control their destiny and allows the government to be accountable to the governed. King (2004) buttresses this idea in his argument that democracy is an ideal of popular sovereignty according to which legitimacy is ultimately assessed in terms of the judgement of those governed. The same view is developed by Sloat (2002) who argues that when multiple actors and institutions participate in debating, defining and achieving policy goals in complex political arenas, the state no longer dominates the public policy-making process and decisions are made by bargaining and problem-solving rather than imposition. Hyden (1999) elaborates on this when he speaks of how, in many countries, there has been

an increase in the involvement of non-state actors, with networks playing increasingly important roles in advocating policy and implementing public programmes.

The capacity of political systems to provide governance in a society is, therefore, much affected by the structure of the institutions and the way these institutions interact with one other. But most importantly, inclusive decision-making is a vital pillar of democratic governance, as the opening of spaces for the participation of various players is important in providing room for different views and ideas to compete, and ultimately shaping policies in a manner that is satisfactory to diversity. This is expanded on by McLennan (2007) who shares the same view with an argument that the legitimacy of those in power depends on the extent to which they can use and sustain the rules of governance in relation to policy development and implementation.

The above builds on blocks by Leftwich (1993) who views governance as involving deciding upon collective goals for the society and the mechanisms through which these goals can be attained. He further argues that there should be an inextricable bond in the relations of the state and citizens in making and implementing public policy, because formal structures are not the only ones involved in governance but a whole section of the citizens.

While these arguments have, in many instances, been applied to individual states, there is limited literature to suggest how they can be applied to interstate organisations especially in the African context. Yet, these are increasingly affecting the decision-making processes of nation states. Nation states have evolved over the years, but the concept of interstate organisations is generally new to Africa. For instance, SADC, in its current form, is only 23 years old and there has been little exploration of what forms of decision-making, beyond the traditional representative model, can enhance inclusive decision-making in the institution.

The construction of SADC as an interstate organ where decision-making is limited only to elected government representatives inhibits greater stakeholder participation in governance. The participation of civil society in interstate organisations is becoming increasingly important as a way of expanding the contributions of stakeholders. It is also important to focus on SADC because institutions grow and change according to the environment. For instance, the SADC of today has undergone various changes to meet the changing political, economic and social conditions of member states since it was instituted.

Among some of the major changes noted has been how to improve the decision-making processes by promoting inclusivity. The desire to promote inclusive decision-making has seen SADC form many institutions, key among them the SNCs, as an avenue for promoting increased stakeholder participation in the policy-making processes. This research seeks to

use the deliberative democracy framework to test the extent to which SADC has lived up to its commitments of inclusive decision-making in its policy-making processes.

1.2.1 Why civil society should participate in interstate organisations

Given that SADC, an interstate organisation, is designed through state cooperation and an assumption that all citizens are well-represented by the decisions of their representatives, there could be limited interest on why it could be important to allow for more stakeholder participation in its decision-making processes.

Yet, given the bigger role that interstate organisations like SADC play and the influence they yield in the developmental processes of individual member states, they have become a serious factor in national governance and, thus, need to be scrutinised even more closely. It has become increasingly more necessary to decide what spaces should be created and what alternative forms of decision-making mechanisms should be put in place in order to allow for sustained inclusivity and stakeholder participation in the decision-making of interstate organisations.

This section explains the importance of the participation of civil society in the decision-making processes of interstate organisations. It is an important section because it will assist to counter some arguments that there is no need for civil society to participate in interstate organisations, given that these are established in terms of state cooperation and thus decision-making processes should include just state representatives.

Steffek and Ferretti (2009) make a strong argument for civil-society participation in international organisations as a way of remedying the much-lamented democratic deficit. They argue that it may enhance either the democratic accountability of intergovernmental organisations and regimes, or the epistemic quality of the rules and decisions made within them. Steffek and Ferretti (2009) also see this leading to enhanced transparency and, hence, improved accountability.

There are two normatively important functions of civil-society participation in international governance. Their first argument is that participation may enhance the democratic accountability of international organisations, in the sense that it may help citizens to gain some control over international governance and to hold decision-makers publicly to account. In this context, CSOs act as watchdogs and creators of a public sphere. They also monitor political developments and act as transmitters and translators of highly specialised information, thus creating a link with the citizenry. They may also provide the critical counter-expertise to challenge international organisations and governments. Public criticism and contestation of

policies thus create public accountability, urging decision-makers to explain and justify their actions.

Drastic developments since the 1990s have seen the democratic legitimacy of traditional forms of international governance being questioned. According to Zürn (2004), executive multilateralism (cooperation among diplomats and government-appointed experts) is identified with a lack of inclusiveness, participation and public accountability.

One of the possible remedies suggested in the debate about the democratic deficit of international governance is the enhanced participation of civil society in international governmental organisations. While there has been a shift in rhetoric from traditional notions of representative democracy towards decentralised and participatory forms of governance that rely mainly on the extensive participation of organised civil society, in SADC there is little of that in practice. Consistent with the desire for participative decision-making, most interstate organisations have, in their statutes, made commitments to provide spaces for civil-society participation.

SADC, being an interstate organisation, seeks to be accountable to its citizens to promote developmental initiatives that can transform their lives for the better. The framework for accountability is well-defined in Article 23 of the SADC Treaty. Moyo (2007) sees this as even more important now, given the wave of regional integration and the need for the process to be people-centred. It is thus crucial to have a working formula that guarantees citizens' voices in the decision-making processes of the region. This is linked to the Africa Agenda 2063, a celebration of 100 years since the formation of the Organisation of African Unity (OAU; now the AU). Africa Agenda 2063 speaks of a need for Africa to do things differently and to allow for increased stakeholder participation in its developmental initiatives.

This will enable it to achieve the AU's vision of an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena. Significantly, more action is still required on a number of fronts.

According to Dlamini-Zuma (2014), the whole purpose of the programme is to encourage discussion among all stakeholders. The continent should learn effectively from the lessons of the past, build on the progress now underway and strategically exploit all possible opportunities available in the immediate and medium term. This may promote positive socio-economic transformation within the next 50 years. Moyo (2007) argues further that the development of effective engagement mechanisms has become more pressing in view of the growing importance of regional intergovernmental bodies and regional integration processes

as tools for managing the effects of globalisation such as poverty, underdevelopment and food insecurity.

This then calls for civil-society actors to develop strategies to engage governments, and work and collaborate with the interstate bodies, to promote interaction with the institutions and thus make them accountable to the citizenry. A close evaluation of the institutions will reveal that representative democracy alone cannot enhance the participation of stakeholders in this interstate organisation. Thus, alternative forms of democracy have to be explored.

1.2.2 Institutional framework for the participation of African CSOs in policy-making

The growth in the discourse for the participation of stakeholders in the policy-making of interstate organs is not limited to SADC, but is also present in other organisations like the AU. This is important for the research, as the continental body has a lot of influence in the decision-making processes of the regional bodies, as argued by Mkwezalamba (2013). RECs constitute the building blocks or pillars of African integration. In this context, this section will discuss the decision-making structures and the attempts that have been made to promote inclusive decision-making at that level.

It should be noted that the structure for civil society to participate in the regional bloc's policy-making processes is almost like that of its mother body, the AU. This is important because the need to promote accountability in interstate organs is not only for regional bodies but also for the continental body which has a huge influence on the decision-making processes of the regional bodies. The framework for participative decision-making in the Constitutive Act of the African Union (2000:6) as follows: "Guided by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular, women, youth and the private sector."

Article 3 of the AU Constitutive Act further provides for the organisation to promote principles and institutions, popular participation and good governance, and to promote and protect human rights and people's rights in accordance with the African Charter on Human and People's Rights and other human rights instruments. Article 4 of the same act provides for "the participation of African people in the initiatives of the Union".

Further to that, in the AU's Strategic Plan document (2004–2007), citizens of Africa are a Priority Programme 2; it advances objectives aim to ensure that the talent, resources and dynamism of the African people and the diaspora are fully utilised in the implementation of the programmes of the AU, and also to enhance the meaning and value of citizenship in Africa. Over and above that, it aims to establish the overall transparency and accountability of the AU to the African people. In that regard, it has, among some of the activities, worked on the

establishment of a sound framework for the enhanced participation of various stakeholders in the activities of the AU. It has also led to the development of the AU network and national commissions at the level of each member state. It also sends AU delegations to the RECs.

The Economic, Social and Cultural Council (ECOSOCC) is the principal formal channel through which the voices of CSOs can be heard in the AU. It was aimed at establishing national and regional consultative mechanisms that would support Pan-African CSOs and networks, including through financial support and observer status. The council was also designed to ensure that there would be systematic civil-society and private-sector meetings before each AU summit. Figure 3 provides an overview of the key roles of ECOSOCC and how it relates to civil society. It is an important illustration because it provides an example of the possible relationship between the AU and CSOs in member states.

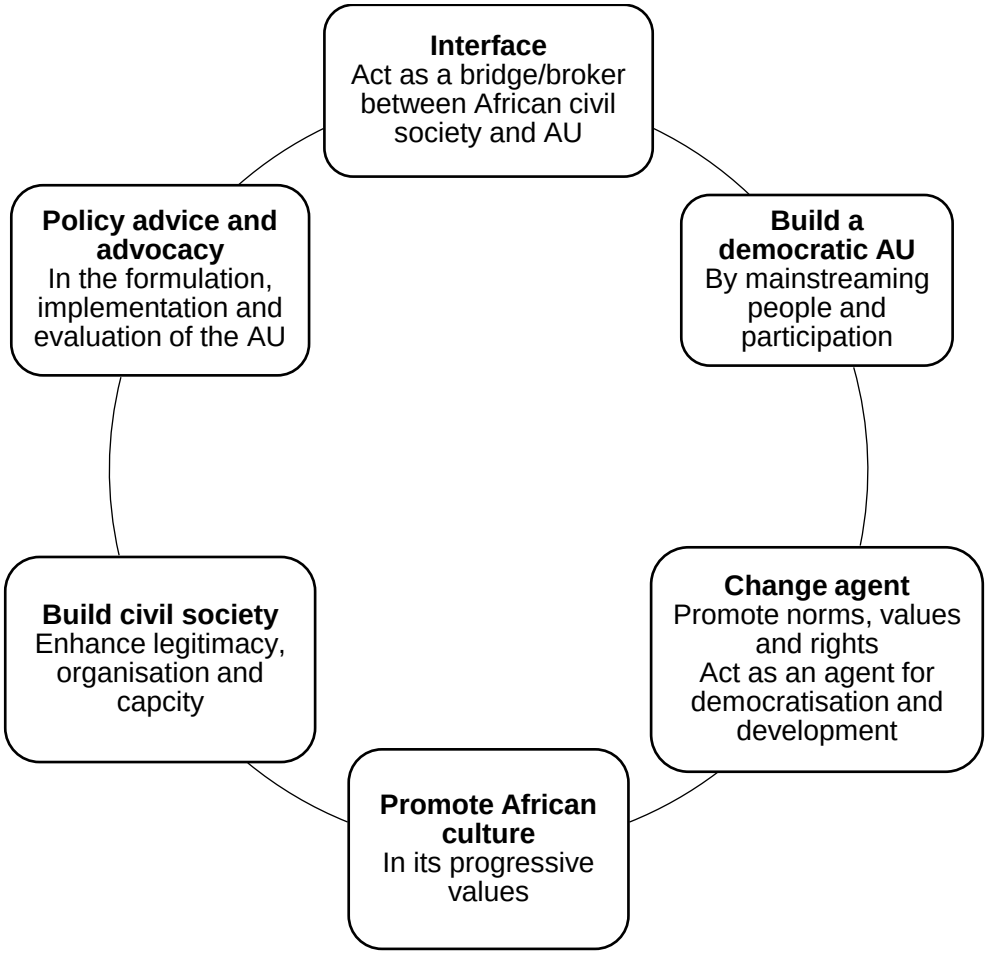


Figure 1: Key roles of the ECOSSOC
Adapted from the AU Commission (2006)

The objectives of the AU, like SADC, indicate that interstate organisations can achieve more for the people if they enhance the participation of its citizens in decision-making processes. This argument is further developed by Mbogori (2008), who is of the view that the sooner the

civil-society sector understands these bodies and the stages they have reached in their evolution, the more they should be prepared to interact with them and, hopefully, infuse them a human face. This might show a greater desire to serve the needs of citizens of both the region as well as the continent. More can be achieved if there are alternative forms of democratic engagement that emphasise equality, reciprocity and accountability, and publicise the deliberations.

Mbogori's (2008) argument is premised on the understanding that entrenching the participation of citizens in the African policy agenda leads to the goal of enabling them to secure ownership of public institutions in a manner that ensures accountability. It strengthens the case for the participation of citizens in policy processes to achieve what Mbogori (2008) describes as the need to perceive Africans as part of a larger continental infrastructure which its citizens have a duty to constitute and maintain.

He further argues that it is in the spirit of deliberative democracy to ensure that it promotes citizens' participation in decision-making. He posits that organised civil society and those with access to resources should engage in initiatives that promote the access of the poor, marginalised and unorganised to be able to participate in policy decisions. But for this to be achieved, strong African governance institutions need to be constructed. In their absence, it would be difficult to achieve participative governance.

According to Landsberg and McKay (2005), the weak institutions of governance are some of the major causes for the regression of development in Africa. Inevitably, the fragility of the governance institutions has made it difficult to provide mechanisms and structures for public participation in decision-making processes at the continental level, and in regional economic blocs and national governments. Yet, such participation can be a buffer against interstate bodies becoming a mere extension of governmental interests. If the engagement is discussed, negotiated and concluded only at the level of states, it may create problems of lack of accountability of the interstate organ to the citizenry. It has been observed that if citizens do not engage, then these institutions remain both untransformed and undemocratic. For instance, Landsberg and Mckay (2005:16) further argue that:

> *The challenge is transformation and thus can only happen by means of critical and independent engagement by civil society. Such a transformation paradigm could be found in a deliberative policy-making approach which challenges citizens and civil society actors grabbing the mandate to participate and play oversight and representative roles in governance and decision making.*

Some of the main reasons for advocating active citizens' involvement in the policy-crafting initiatives of the continent are to ensure that there is a collective approach in addressing what have been termed Africa's "big issues". These big issues, according to Landsberg and McKay (2005), are concerned with reducing poverty, ensuring social development, and stopping wars and conflicts through the promotion of peace-building initiatives, while at the same time promoting free and fair trade regimes. This also calls for the promotion of human rights and democratic governance, as well as fostering regional integration and cooperation.

This broader engagement is important because, in some instances, fragile state institutions do not always represent the broader interests of the citizenry. In the context of interstate organisations, this becomes even more important as it limits decision-making to narrow state or political interests, excluding those who might be marginalised or, in some instances, abused by those in positions of authority.

The exclusive nature of the construction of interstate organisations strengthens the case for an inclusive, strong and viable avenue in which civil society and non-state actors can engage and participate in SADC policy-formulation to promote accountability and inclusive decision-making. Landsberg and Mckay (2005) emphasise that, while civil-society engagement remains poor, interstate institutions and programmes are building strong policy and programmatic synergies and coherence amongst themselves. If civil-society actors fail to engage strategically, it will always be difficult to steer these institutions and programmes in more people-oriented directions. This makes it difficult to ensure accountability of the interstate organisations.

Several models and principles for engagement for civil-society actors are proposed by Landsberg and Mckay (2005). They propose that civil-society actors should have the freedom to express their views concerning all issues of promotion of societal development, regardless of how the state negatively views them. They also propose that civil society can ensure that African technocrats and exceptionally skilled intellectuals in various developmental areas are part of the debates for continental transformation. At the same time, they argue for a need to widen and strengthen the scope of inclusion of participants from all strata of continental and national governments in Africa.

Participative decision-making at all levels of SADC's institutions may assist in accelerating growth and development. Yet, to achieve this, a high degree of honesty, integrity and accountability by both the government players and civil-society movements is required. One way of doing this is to create a framework that assists both government and civil-society actors to promote cooperation based on achieving developmental goals. Most importantly, the successful transformation of Africa hinges on the genuine commitment to and active

participation by all those involved in its policy-making processes. This calls for a framework for Africa's development based on the creation of well-defined institutional structures and effective links between the various processes and initiatives that seek to develop it.

1.3 Problem statement

Whereas SADC provides for the elected representatives of member states to participate in its policy-formulation processes, it does not formally consider adequate consultations with other stakeholders, especially civil society.

While it is factually true that elected government representatives have the full mandate to make policy decisions that bind all its citizens, it is folly to assume that such decisions fully represent interests of all the citizens all the time.

Even though SADC declares a firm commitment to the involvement of civil society in its policy formulation processes through Article 23 of the SADC Treaty, there is little evidence of such participation. SADC is constructed as an interstate organ in which engagement with the institution and among member states is through elected government officials. The construction of SADC in this manner is based on the principles of representative democracy theory, in which it is assumed that the citizens are well-represented through their elected representatives and, as such, decisions are made on their behalf by those elected.

The assumption is based on the understanding that democracy is the rule of the people by the people, that parliament is the body that mirrors the will of the entire citizenry and, therefore, that it is the sum of people's hopes and aspirations.

At the same time, it is assumed that the executive or the government is created as an administration agency of state affairs on behalf of the citizenry and, therefore, it is derived from or appointed by parliament and thus taken from the people's choice of representatives. The executive, being an administrative agency of the people, is subservient to parliament which is the ultimate policy-making organ.

SADC decision-making is premised on the idea that each member state is well-represented. This makes sense for an interstate organisation. But given the current dominance of discourse on inclusive decision-making and participative governance, albeit at a snail's pace, it also makes provisions for the engagement of stakeholders through the SNCs and the SADC-CNGO. However, despite the provision of these spaces for inclusive decision-making, there seems to be limited evidence of the effectiveness of civil-society and stakeholder participation in the policy-formulation processes of SADC.

This is even though the principle of inclusion is important as it ensures that the policies that are made are more likely to be owned and implemented with the consent and support of the citizens. Invariably, this can assist in accelerated regional development. However, there remains a glaring gap in the extent of how inclusive or participative SADC decision-making is, or the implications of this. This gap also extends to member states' participation, as well as that of civil society through the SADC-CNGO and the SNCs.

Furthermore, because the theories of democratic governance and inclusive policy-making are not always directly applicable to interstate organisations, there is a need to develop standards for participation and inclusion beyond representation. In this regard, this research uses deliberative democracy to evaluate the nature of decision-making in the SADC and the extent of inclusiveness.

Deliberative democracy, with its known tenets of inclusivity, can enhance participation and inclusivity, and presents opportunities for the enhanced participation of citizens in decision-making processes. The current decision-making process is based on the absolute power of elected representatives, while deliberative democracy decision-making would be based on equality of voices for all stakeholders, such that the minority view or that of the marginalised is taken into consideration.

This could build on Mbogori's (2008) assertion that the spirit of deliberative democracy ensures that stakeholders and interest groups participate in decision-making. He states that organised civil society and those with access to economic resources should engage in initiatives that promote the poor, the marginalised and the unorganised to have access to and participation in policy decisions. In the context of interstate organisations, deliberative democracy can promote democratic accountability and deal with the closed nature of the organisations which have seen them suffer from democratic deficiency.

In short, to attain effectiveness and democratic legitimacy, there could be a need to apply the four tenets of deliberative democracy, namely: equality, reciprocity, publicity and accountability. This view is enriched by Kohler-Koch and Finke (2007:215) who argue that:

> *[The] ethical foundation of deliberative democracy suggests that democratic decision making ideally rests on public deliberation aiming at reasoned consensus. This ideal, however, is based on two demanding presuppositions: first, which all citizens can exercise and effectively claim their communicative rights and, second, that citizens possess the necessary cognitive, motivational, and organisational capacities to engage in public deliberation.*

Public deliberation introduces new themes and issues for political governance. It “lays siege” to political decision-makers by generating communicative power, and thus forces them to take up themes and issues that are discussed in society. Kohler-Koch and Finke (2007) conclude that to attain effectiveness and democratic legitimacy, institutionalised decision-making procedures must be linked to a functioning public sphere. The public sphere, for its part, depends on a specific societal infrastructure, since deliberations require a certain degree of organisation, which can be provided by civil society.

While allowing for some space for participation beyond mere voting, representative democracy is limited in relation to its selective nature of who can and should participate. While there could be some space for this participation, there is a problem that, in most instances, it is nominal participation, because real power in policy formulation lies within a select few that control the state instruments of coercive power and thus limited emphasis of equality, reciprocity, publicity and accountability as in deliberate democracy.

1.4 Purpose statement

This research seeks to find means and ways in which the SADC decision-making processes can be inclusive by allowing for the effective and meaningful participation of civil society in a manner that promotes public accountability and reduces the democratic deficiency caused by representative democracy in the organisation.

The research seeks to find out how deliberative democracy can promote participative decision-making in SADC’s policy-making processes. Further to that, the research seeks to contribute to debates on democratic governance and decision-making in interstate organisations.

In the process, the research might assist in developing principles for inclusive decision-making, drawing from theories of deliberative democracy. The research seeks to contribute to the body of knowledge on how regional interstate organs in general, and the SADC in particular, can foster a culture of inclusive decision-making through enhanced stakeholder participation in policy-formulation.

It also seeks to contribute theories about how improved democratic governance in the regional institutions can accelerate development. Over and above, it seeks to promote standards for the participation of civil society in the decision-making processes of interstate organisations.

1.5 Research questions

1.5.1 The primary research question

Why do civil society and stakeholders find it difficult to participate in SADC decision-making processes, despite statutory provisions in the SADC Treaty?

1.5.2 The secondary and related questions

I. Does the interstate nature of the SADC institutions limit the meaningful participation of civil society in policy-formulation processes?
II. Do SADC's democratic policy-formulation processes adequately include civil-society interests in the region and within member states?
III. How are the deliberative democracy principles of equality, reciprocity, publicity and accountability useful in enhancing our understanding of civil-society participation in SADC's decision-making processes?

1.6 Limitations

The key limitations of this research are related to the organisational issues of CSOs, particularly in their information management systems. Many of these organisations have poor information management systems, which makes it difficult to access vital information about their operations. In some instances, this is made even worse by high staff turnover, usually caused by poor remuneration. New staff may not be familiar with the activities of the previous staff because there is usually no proper handover-takeover.

In some of the countries, limitations also emerge from state–civil-society relations. These poor relations create difficulties in accessing information.

Other limitations arise from language barriers, as SADC countries have different official languages and not all of them are English-speaking. For example, Mozambique and Angola are Portuguese-speaking, while the Seychelles, Madagascar, DRC and Mauritius are French-speaking.

1.7 Conclusion

This chapter outlines how SADC is constructed and how its framing as an interstate organisation affects the participation of civil society in its policy-formulation processes. What comes out of this chapter is that, while the construction of SADC as an interstate organisation means that engagement on policy issues should be on a government-to-government basis, that does not mean that there should be no additional spaces for the direct participation of other stakeholders.

The writer and other critics further argue that SADC itself has made this realisation and, in its founding statutes and legal documents, has made provisions for such participation and provision of space through the SNCs and the signing of a memorandum of understanding with the SADC-CNGO. In this regard, the writer argues that the assumption that the elected government officials have a mandate to represent the citizens at regional level does not mean there should be no other spaces for their direct participation in policy formulation.

There are arguments that the concept of representative democracy is not enough to fully represent the citizens, and that there should be means and avenues for direct participation in policy-making. In that regard, there are arguments for use of alternative forms of democracy such as deliberative democracy to see if they can lead to enhanced participation of citizens in SADC's policy formulation processes. The section also provides the purpose of the study which is to explore how citizens' participation can enhance democratic governance through democratic decision-making.

1.8 Road map to the thesis

Chapter One of this thesis begins with an introduction to SADC as an institution and its decision-making organs. It then progresses to cover the foundations of stakeholder participation in SADC and discuss why it is important for civil society to participate in the decision-making processes of interstate organs. The introductory chapter also looks at the institutional and organisational framework for civil-society participation in SADC decision-making processes. After interrogating these issues, the chapter outlines the key issues of the problem statement, the purpose statement, the primary research questions and the secondary research questions. It concludes with the limitations of the research.

Chapter Two of the thesis focuses on the literature review. The review of the literature begins with general issues related to the importance of the participation of citizens in governance. It progresses to focus on democratic decision-making in established interstate organisations like the European Union (EU) and how they can be used as examples of improving stakeholder participation in decision-making in SADC. The literature then progresses to focus on the state of civil society and its role in democratic governance in Africa.

Chapter Three further develops the literature review, but narrows its focus to the literature that constitutes the foundations of the theoretical framework of the research. The theoretical framework presented consists of participatory democracy, deliberative democracy and representative democracy, and how citizens participate in decision-making under each of these models.

Chapter Four focuses on the conceptual foundations of the research: deliberative democracy. It interrogates the deliberative democracy tenets of decision making, namely: publicity, accountability, reciprocity and equality of voice. It then interrogates the application of the deliberative democracy framework to the decision-making processes of interstate organisations. The chapter concludes with an outline of how majoritarianism is dealt with in the event that issues are taken to a vote, as well as the counter-arguments to the concept of deliberative democracy.

Chapter Five focuses on the research methodology, beginning by outlining reasons why the qualitative research approach is the most appropriate. The chapter progresses to focus on the tenets of qualitative research, as well as how a case-study approach is applicable to the research. It then outlines the research instrument's construction and application, focusing on the interview guide. The chapter then speaks to data collection techniques mainly anchored on interviewing technique and document analysis, as well as the analytical framework. It concludes with a focus on ethical issues and why they are important for the research.

Chapter Six presents the research findings. The research findings are presented in three thematic frameworks:

- The first thematic framework focuses on the existence and functionality of prescribed institutional structures for engagement in member states of SADC and the organisational capacity of CSOs to engage. Under this thematic framework, the key focus is on the state of availability of SNCs and their construction, as well as their role in promoting participative decision-making. It also assesses the state of functionality of these SNCs.
- The second thematic framework focuses on the legislative framework for inclusive decision-making in SADC's policy-making processes. Under this thematic framework, some of the key issues include the organisational construction of SADC-CNGOs and the nature of their activities that enhance inclusive decision-making. Further to that, it focuses on the links and synergies and nature of collaboration between SADC-CNGO and civil society at the national level, together with its decision-making processes and procedures. Additionally, it also looks at the extent of SADC-CNGO's role in facilitating government–civil-society interaction and relations at country level.
- Thematic framework three examines the actual process of decision-making with reference to deliberative democracy. Some of the major issues of focus under this thematic framework include the state of SADC-CNGO participation in SADC policy-making, in particular the Council of Ministers. It further focuses on the extent to which these views are in line with the provision of Article 23 of the SADC Treaty. Over and

above that, it deals with how state–civil-society relations affect the decision-making processes.

The chapter also discusses previous research undertaken on stakeholder participation in SADC's decision-making processes. It particularly focuses on the research findings of the Namibian Economic Policy Research Unit (NEPRU), the Meta Com Research Centre for Policy Studies in South Africa and the SADC Secretariat Capacity Development Framework of March 2008.

Chapter Seven focuses on data analysis and conclusions. The conclusions are organised according to the existence of the prescribed institutional structures for engagement in each member state. It also focuses on the participation of civil society in SADC, measured against the deliberative democracy tenets of accountability, reciprocity, publicity and equality of voice. The section on equality of voice outlines how minority views are treated, as well as how communication can be used as a tool for enhancing inclusive decision-making.

Chapter Eight ties up and smoothens the conclusions.

The thesis then provides a detailed list of **references**.

It also provides the following annexures: Interview Schedule A for SADC-CNGO Secretariat, Interview Schedule B for senior members of the SADC Secretariat, Interview Schedule C for CSOs at country level and Interview Schedule D for senior government officials of SADC member states.

Chapter 2: Literature review

2.1 Introduction

The literature review deals mainly with why it is important for civil society to participate in governance and how that improves democratic decision-making. It reviews the literature on Africa, in general, and SADC. Its roots are in the works of Edigheji (2004) and Mhone and Edigheji (2003), who argue that governance in the SADC region is characterised by "exclusionary democracy" wherein the ruling elite dominates the political space to the exclusion of other key actors like civil society. These are also the views of Matlosa (2007), Mozaffar (2002) and Landsberg and McKay (2004), who share the idea that greater legitimacy in the governance of public institutions can be achieved by opening up spaces for the participation of different stakeholders.

The deliberative democracy framework (proposed as the conceptual framework for the analysis of SADC's decision-making process) is not new, as it has been applied in established interstate organs like the European Union (EU). There is vast literature on this topic, with Chalmers (2000), Benhabib (1998) and Habermas (1996) arguing that the strengthening of participation in political processes has increasingly become the yardstick against which the legitimacy of the EU is measured. It provides a framework of institutional and social conditions that facilitates free discussion among equals by providing favourable conditions for expression and association.

These writers suggest that participation using deliberation adds value by fostering mutual self-understanding, resolving disputes and curbing the influence of nation states in policy production. Moravcsik (1999), Joerges and Neyer (1997), Smismans (2000) and Meyer (1999) have used this to explain the operations of certain EU institutions, arguing that deliberative democracy has been a vital cog in explaining resistance against regional integration. The deliberative democracy platforms were useful in engaging and explaining the views of those European citizens who were against integration into an economic bloc.

However, there have been some strong debates against deliberative democracy within the EU. For instance, Everson (1998) and Barns, Schibeci, Davison and Shaw (2000) criticise deliberative democracy for what they call foreclosing the number of participants who may take part in the political debate or submit arguments to political institutions. They also posit that there has been limited regard to the sensitivity of different types of discourse or the articulation of different types of identity.

The literature on civil society and democratic governance in Africa looks at how democratisation in governance implies the opening up of debate, transparency in the management of public affairs, freedom of opinion and speech, and a separation of powers. It is centred mainly on the works of M'Baya (1995); Matlosa (2010); Landman (2005); Bratton, Mattes and Gyimah-Boadi (2005); Adedeji (2008); Mutasa (2008), and Masterson, Busia and Jinadu (2008). These works further explain the thinking that civil society has a *de facto* right to participate in public policy-making beyond the constitutional provisions of citizenship. This is to ensure equal access to the state and enhanced participation in governance by individuals and by collective groups, especially the historically disadvantaged and marginalised.

The distinctive features of participatory, deliberative and representative democracy are examined in the works of Macedo (2010), Brown (2006), Fuentes-Rohwer and Charles (2001), Staszewski (2012) and Hirst (1988). The common denominator in the arguments of these authors is that the decision-making process in a deliberative democracy treats everyone as equal in the sense that each vote carries the same weight and, therefore, no one preference counts more than the other.

On the contrary, van der Waldt (2010) suggests that representative democracy is problematic in policy-making as it gives too much power to the ruling party. Sometimes representative democracy does not allow for what Hanekom's (1987) systems model calls the initiation of public policy-making derived from legislature institutions, public officials and interest groups. The conceptual framework proposed in this thesis is based on deliberative democracy theory as espoused by Talmon (1970); Ozanne, Corus and Saatcioglu (2009); Vitale (2006); Habermas (1984); Fishkin (1995); Geenens (2007); Gutmann and Thompson (2004); Fearon (2012); Staszewski (2012); Manin (1987) and Cohen (1989), who suggest that deliberative democracy is more likely to produce policy decisions with legitimacy than those that merely reflect political preferences.

The counter-argument to this view is that deliberative democracy fails on procedure because of the inability to reach consensus on procedural rules that are acceptable to parties involved in the deliberation (Olson (2011), Hildreth (2012) and Young (2000)). On participatory democracy, the literature focuses on Hidreth (2012), Pateman (1970) and Bailey (2006). They agree that participatory democracy developed out of popular social movements in the 1960s and 1970s as a way of addressing inequality, injustice and exclusion based on race, class, gender and sexual orientation.

The reasoning in their arguments, as presented above, is that participatory democracy sought to radically democratise major social institutions. However, there is a counterview outlined by Warren (2002) who argues that the concept of participatory democracy is based on the false

notion that citizens always have the time, intelligence, resources, interest and desire to participate in public affairs.

The literature on deliberative democracy is not blind to the reality that there may be a need to use a majority vote in decision-making. Stack (2009) and Staszewski (2012) lead an argument that this must be preceded by an extensive deliberative process based on the four tenets of equality, reciprocity, publicity and accountability. The following detailed literature review demonstrates the importance of inclusive and democratic processes for effective decision-making.

The analyses of Stack (2009) and Staszewski (2012) suggest why the deliberative democracy theory is the most suitable for enhancing participative decision-making in SADC.

2.2 Democracy and governance in SADC

Matlosa (2007) acknowledges that while democratic political transition has taken place in the SADC region, there are still some critical challenges which require visionary leadership if the region is to achieve sustainable democratic consolidation. The critical challenges that he outlines include the need to ensure that the regional organisation moves with its people in finding solutions to its problems. He argues that the leadership in the region cannot stand aloof and pretend it knows it all. It needs to involve the stakeholders in its decision-making processes.

Unfortunately, this remains a dilemma in that the region's leadership tends to emphasise its role and power as derived from an electoral mandate and ignores the role of stakeholders as required by SADC's statutes. This is a dilemma that requires visionary leadership and prudent policy initiatives for the region to ensure that the current political change lasts and is irreversible. Linz and Stepan (1996) propose five key prerequisites for democratic consolidation of the region, namely: a vibrant civil society, an active and autonomous political society, respect for the rule of law, and an effective and efficient state bureaucracy, as well as an institutionalised economic society. These dovetail with the notions of deliberative democracy, which emphasises active collaboration between those in government and the governed in decision-making processes.

Edigheji (2004) and Mhone and Edigheji (2003) argue that democratic transition in the SADC region is still unfinished business beset with exogenous and endogenous challenges. They further argue that most SADC states have adopted free-market economic policies with dire consequences for socio-economic redistribution. This has resulted in governance characterised by exclusionary democracy where the political elite, especially the ruling elite, dominates the political space to the exclusion of other key actors like civil society. They are of

the view that the exclusionary tendency is evident in the way the political ruling elite have been able to stamp their unfettered hegemony over the democratic participation of citizens in decision-making processes.

To develop a credible framework for the development of the region, Matlosa (2008) argues that SADC has crafted a credible planning mechanism in the form of the Strategic Indicative Plan for the Organ on Politics, Defence and Security (SIPO). This is an implementation mechanism for the Organ on Politics, Defence and Security. SIPO is also a planning and implementation strategy for the commitment of member states towards regional integration. Matlosa (2007) argues that SIPO defines the various areas of integration as including the political, defence, state and public security sectors. It then pronounces regular free and fair elections as important in ensuring regional integration and, to that end, the plan makes proposals for SADC principles for free and fair elections.

Matlosa (2007) argues further that, within the framework of SIPO strategies, SADC has identified the terms for building democratic institutions and promoting human rights. Some of the strategies include the promotion of the principles of democracy and good governance, and the establishment of common electoral standards in the region, including a code of electoral conduct, as well as encouraging political parties to accept the outcomes of elections held in accordance with both AU and SADC electoral standards. It also calls for the establishment of a SADC electoral commission with well-defined roles and functions, as well as for the judicial systems of member states to be strengthened.

Over and above that, SIPO calls for the establishment of a regional commission for the promotion and respect of human rights. While the region has held regular elections as part of its democratisation agenda, this view builds on arguments by Osaghae (2004) about the fallacy of electoralism in democracy as being equated to the holding of elections. This, however, is not to undermine the importance of elections in democratisation. Elections undoubtedly contribute to but are not the only ingredient for democracy. According to Mozaffar (2002):

> *The spread of democracy in sub-Saharan Africa has endowed competitive elections with special significance. They have become the organised method of peaceful democratic transition, a salient indicator of democratic consolidation and the principal institutionalised means for large numbers of people to participate peacefully in forming and changing democratic governments afterwards. Credible elections have thus become a necessary albeit insufficient, source of behavioural, if not attitudinal, legitimacy in Africa's emerging democracies.*

Regular free and fair elections enhance popular participation in the governance process for the citizens and are part of the legitimate formation of a parliament that is representative of the key political stakeholders in each country. Despite regular elections, Matlosa (2007:426) still argues that:

> *Throughout the SADC region, the trend is that the political elite and the state are the main agents driving the actual process of democratisation and formulation of security policy, thereby turning both developments into state-centric projects. This situation explains the exclusionary nature of the evolving liberal democracy in majority SADC states. The situation clearly poses a problem in that the SADC region still has to entrench democratic practice and culture that embraces broad participation of various actors especially citizens, in the whole democratic dispensation.*

He further sees this as an important reason why CSOs should be empowered and be given adequate room to contribute to and participate meaningfully in SADC's policy-making processes. To Matlosa, this is important given that, in most SADC countries, there is a dominant-party syndrome which, regrettably, has led to the entrenchment of the ruling elite to the exclusion of other players, especially non-state actors. The dominant-party syndrome has seriously inhibited greater participation of citizens in governance. Odinga (1967:23) argues that:

> *… the government can be democratic only if the masses of the people were associated with policy making at all levels, if the people were drawn into the running of the party, if national issues were discussed in the branches, at public meetings, at press conferences, in our newspapers, among the women and youth, if careful thought is given to the role of the party in relation to the administration so that civil servants trained in the pre-colonial attitudes could not, in the day-to-day running of the country, undo the best plans made by the political leadership.*

2.3 Democratic decision-making in the EU

This section focuses on the EU as an established interstate organisation. What emerges in this review of the EU suggests that deliberative democracy makes sense in an interstate context precisely because of the need to deliberate on policy issues that cut across traditional national and sovereign boundaries. In this context, majoritarianism just does not always count; there is a need to promote consensus in decision-making and deliberative democracy is identified as capable of promoting that consensus. Given that this research is on deliberation and citizens in the policy-making processes of interstate organs, it is important to engage with some of the research and literature of established interstate organs institutions like the EU.

This is not to shy away from the local African context, but to enhance the debate by exploring the experiences of institutions that have walked the same journey and have documented their successes and failures.

The EU's negative and positive experiences can be useful in the construction of a more solid deliberative democracy engagement framework as they show how certain things are done. While it is accepted that there is a sea of difference between the European and African contexts and, as such, the experiences might not be the same, it is equally true that the fundamental principle of citizens' participation is universal. The principle of the universality of citizens' participation makes the literature from the EU and other regional blocs applicable to SADC.

According to Chalmers (2000:127):

> *The strength of participation in its political processes has increasingly become the yardstick against which legitimacy of the European Union is measured. Yet experiments in the deliberative and participatory democracy suggest that their practice invariably falls short of their lofty ideals. A reason is their failure to consider the process of communication itself.*

The case of the EU's fragility due to poor communication with its constituency is an indication of how deliberative democracy can be used to strengthen organisations. This is important because communication is a vital pillar of inclusive decision-making. Chalmers (2000) proposes that a deliberative approach for EU governance should involve a process of justification in which the three practical tasks of the EU – polity-building, problem-solving and the negotiation of political community – are debated and solved around the four values of transformation, validity, relationality and self-government.

Important issues for consideration in the transformation of the EU include the need for deliberation to express the values of transformation and, in particular, how the existing systems can be changed for the better. It also speaks to the requirement of validity – how the transformation process should be undertaken within the confines of the values needed for the deliberation process to be viewed as a collective process. Over and above that, it emphasises the need to ensure that there is rationality in the arguments, and that there is relationality and recognition of each individual's singularity and mutual dependence. This is seen as a way of ensuring that the deliberative process makes solid provisions for self-sustenance and self-governance.

The glimpse into EU operations is not meant to turn this study into a comparative analysis of SADC and the EU. It is simply meant to expand the argument on the participation of citizens

in governance beyond the African continent so that some important lessons can be used for the local study. The issue of citizens' participation in public institutions is important across the globe. For instance, in the past, the EU has promoted institutional processes that could enable the active participation of its people in the processes of continental governance. According to Chalmers (1997:127):

> *The strength of participation in its political processes has increasingly become the yardstick against which the legitimacy of the European Union is measured. Yet experiments in deliberative and participatory democracy suggest that their practice invariably falls short of their lofty ideals.*

It is a generally agreed-upon principle in the EU that deliberative democracy is one of the yardsticks for evaluating the legitimacy of the Union, by its being encrypted into the draft constitution as one of the organising principles of the Union. Any deliberative strategy also requires a strategy of organisational reform, which patterns these contexts in a way that they both contribute effectively to the practical tasks they address and meet deliberation's ideals.

The value of deliberation as a political strategy lies in the possibilities it can offer for the organisational re-imagination of the EU. To be progressive in its approach, the EU had to set up a constitutional framework to guide the deliberation process. This was operationalised through setting up what it called the "tasks" of the Union, which gave a framework for the issues to be deliberated. Chalmers (1997:129) further states that:

> *Three teleologies have underscored the work of the Union. It is concerned, first of all with polity building, the creation of a series of common political institutions and form of politics which transcends the Nation State. Secondly the Union is concerned with problem solving. Its remit is to act where there is a dimension to a problem that cannot be effectively resolved by Member States acting unilaterally.*

He further argues that, in this process, there is emphasis on the epistemic context of deliberation and what arguments count. Steffek (2010) suggests that civil-society participation is in many cases a democratic asset to European and global governance, because it acts as a professional watchdog. Civil society enhances the transparency of the political process and contributes to the plurality of voices present in the political process. Probably the greatest asset of professional CSO actors is that they are mediators, multipliers and information-brokers. Even if they do not reach out to every citizen and are rarely cited in the mass media, they contribute to the creation of a transnational public sphere and to the public accountability of European and global governance.

According to Crespy (2013:86):

> *Originally rooted in the norms of transparency and consultation promoted by international organisations, the idea of European governance was increasingly inspired by deliberative theories. A dialogue with European civil society (or civil dialogue) was institutionalised as a main device. However initially there was resistance because the strategy was grounded on the unclear boundaries between deliberation, participation and representation and therefore had a cold reception from territorial representation based bodies such as European Parliament and the Economic and Cultural, Social Committee.*

This is further expanded on by Steffek (2014), who argues that the popularity of deliberative democracy in the context of European governance is not an accident. First, advocates of the European integration project always highlighted the epistemic quality, problem-solving capacity and public-interest orientation of the regulatory decisions produced at the European level. The quality of regulatory output depends on the quality of the procedures that generate it, and this is where deliberation comes in. Second, in practice, it is obviously much easier to improve the deliberative quality of existing procedures than to redesign the entire institutional architecture of the EU. For friendly critics of the EU, a model of deliberative democracy, with its focus on procedures and the quality of decisions, is thus attractive.

The EU has over the years been conceived to be a model of deliberative democracy. Crespy (2013) speaks of the decision-making processes of the EU as constructed to fulfil the deliberative democracy model, but, unfortunately, its engagement is primarily with elite and professional organisations, thus rendering the process less effective in ensuring efficiency in the policy-formulation processes. He argues further that paternalism looms large when deliberative procedures involve only members of the functional elite, shielded from public scrutiny.

Buttressing the above view are those of Bexell, Tallberg and Uhlin (2010) and Omelicheva (2009), who argue that participation by civil-society actors in international governance has often been promoted as a potential cure for both these ills, while still being linked to the paradigm of deliberative democracy. CSOs are supposed to bring citizens' points of view into transnational deliberations among experts and government representatives.

In addition, opening up deliberations to civil-society actors is expected to enhance public awareness of the issues at stake in European governance and also create alternative political options and points of view. This is what Steffek and Nanz (2008:9) call to:

> *… conceptualise civil society actors metaphorically as a form of 'transmission belt' that connects citizens to the remote venues of international and European governance; with lateral ramifications that point to the public sphere surrounding the governance institutions. The promise of participation in deliberative procedures is hence twofold: well-informed decisions and enhanced public scrutiny …*

Deliberative democracy has, thus, become a widely accepted ideal for reforming international organisations in general and the EU in particular. In this context, institutionalised deliberation and civil-society participation are often seen as natural friends. This is not to say that deliberative democracy does not have its own problems in the EU. For instance, Kohler-Koch (2010) argues that it would be problematic to assume that CSOs are representing citizens in any meaningful way. This stems from the construction that many of the civil-society groups active at the European level are associations of associations, rather than associations of citizens.

Moreover, many CSOs, despite their names, do not have societal basis; they are expert organisations, run by experts and mainly targeting experts in their advocacy. They are *de facto* think tanks, not membership organisations. Quite often, the influence of intergovernmental organisations is also felt here. Intergovernmental organisations, particularly the EU, are aggregating transnational civil society into platforms, alliances and caucuses, making outreach easier. This has led Mahoney and Beckstrand (2011) to conclude that the EU also instigates the emergence of a European civil society that is friendly towards its own organisational goals and political purposes.

Figures about EU funding disbursed to civil society (mainly via the EU Commission) document that the sheer amount of money is significant enough to alter the civil-society landscape in Brussels and in some member states, especially in the eastern part of Europe where local civil society remains underdeveloped for historical reasons. It also shows that funding goes predominantly to organisations that promote the political goals of community institutions.

The deliberation process is informed by the tradition of rationality in the EU, which speaks of the possibilities of creating new public goods or forms of collective action. It also seeks to respect the principle of alignment, so that no community may impose unnecessary externalities on other parties. Further to that, it reconsiders existing communities and collective practices to include alternative interests and values. In the context of the regional bodies, Benhabib (1998:67) argues that deliberative democracy requires:

> *… a framework of institutional and social conditions that both facilitates free discussion among equal decisions by providing favourable conditions for expression, association,*

discussion and ties the authorisation to exercise public power and the exercise of it to such discussion by establishing a framework ensuring the responsiveness and accountability of political power to it.

This argument is further advanced by Dryzek (1999), who views deliberative democracy as a process requiring justification, whereby the individual argues his/her interests in terms of values and in a manner that, while it might not be accepted, counts as a good reason to all involved. The deliberative model thus presumes that any individual whose autonomy is compromised by a collective decision should have the right to participate in this debate. The only problem lies in what Cohen (1997:67) views as: "the condition of entry into the debate is recognition that the other participants have autonomous deliberative capacities that will be treated on an equal basis to one's own". This brings to the fore the importance of the participants involved. Also of great importance is what Stokes (1998) describes as the need to ensure that decisions in deliberations be taken on the basis of an argument that is commonly agreed to be the best.

Elster (1998) speaks about the need to understand that bounded rationality should be exercised in decision-making processes, as parties need to understand that it is impossible to have a wholesale measure of relationships empirically and sufficiently. There is a need to promote that all decisions are made with sufficient consensus. This is also the view of Walzer (1985): that any decision must legitimate itself in terms which perceive the proceeding debate as providing it with a series of persuasive and autonomous reasons for action.

In the context of the EU, Chalmers (2000:131) argues that deliberative rationality first acts to explain what it stands for. It serves as a principle of justification for the European community's participative approaches to decision-making. This argument runs along the lines that there is a need for transnational political communication and political debate transcending the nation state. For this kind of deliberation to be more meaningful and valuable, there is a need for what Habermas (1996:125) posits as "ensuring that the deliberation adds value by fostering mutual self-understanding, resolution of disputes, curbing excesses of the nation state and acting as a bulwark against the destabilising consequences of globalisation". Habermas (2000) sees the European community as the only regional bloc in the world which provides the institutional conditions that enable such debate to take place on a sufficiently stable basis. This is further buttressed by Chalmers (2000), who views the process of practical argumentation as being at the heart of EU policy and law-making.

The argument is further enhanced by Fischer and Forester (1993:529), who are of the view that the distinctive and central feature of the EU policy-making activities is:

> *… a constant discursive struggle over the criteria of social classification, the boundaries of problem categories, the inter subjective interpretation of common experiences, the conceptual framing of problems, and the definitions of ideas that guide the ways people create the shared meanings which motivate them.*

Deliberative democracy is also seen by Harlow (1996:161) as a regulative ideal: "It is both a principle through which holders of political power justify the exercise of that power and a more general principle in political justification." Deliberative rationality not only provides partial legitimation for the EU, but also imposes a *telos* to which the EU must aspire. According to Moravcsik (1999), because of its structured nature that allows for deliberation, EU policy studies have been highly influential in policy production for the regional body. Joerges and Neyer (1997) have used this to explain the operation of most EU institutions. Deliberative democracy, as argued by Smismans (2000), has been a vital cog in explanations of the European Economic and Social Committee (EESC). Meyer (1999) provides useful explanations about resistance against regional integration.

There have been some strong debates against deliberative democracy within the EU. For instance, Everson (1998:36) criticises it for what he calls "foreclosing the number of participants who may take part in the political debate or submit arguments to political institutions". Concurring with this argument is Barns, Schibeci, Davison and Shaw (2000) who states that there has been limited regard to the sensitivity of different types of discourse or the articulation of different types of identity. The EU has evolved to provide transparent spaces in its deliberative processes. According to Regulation 1049/2001/EC of the European Parliament and the Council, the Commission makes available a public register not only for the documents drawn up by them, but also the documents received by them. As a result, the parties that make their submissions to the EU Commission can see other submissions and comment on them.

The EU Commission paper broadens its *modus operandi* by setting minimum standards for consultation. These standards require that all necessary information should be provided in any consultative process and that all respondents should have access this information. The information should provide a summary of the context, scope and objectives of the consultation, setting out issues that are up for discussion and those considered to be particularly important, such as the contact details and explanations of the Commission's process for dealing with contributions.

The processes should ensure that there is adequate awareness, a single point for consultation established on the internet and sufficient time for responses provided. This should be normally six weeks for written responses and 20 working days for meetings. Over and above that, the receipt of contributions should be acknowledged and the results of open consultation should

be displayed on websites. Where consultations are restricted to a limited number of parties, there is also a requirement to ensure equitable treatment and adequate coverage. The Commission should ensure that it consults those affected by the policy, those involved in its implementation or bodies whose stated objectives give them a "direct interest" in the policy.

According to Chalmers (2000:157), the Commission has proposed criteria which suggest that it will not approach public consultations in a sectoral manner:

> *In deciding whom to consult, it will therefore consider the wide impact of the policy, the need for specific expertise, whether there is need to involve non-organised interests, the track record of participants, and finally the need for a proper balance between the representatives of large and small organisations, social and economic actors, wider constituencies and specific target groups and the EU and non-EU organisations. It is also important to deal with the question of non-participation of other citizens.*

Chalmers' argument is that, notwithstanding the size of the public sphere, what does one do with the situation where citizens or interests, for whatever reason, do not participate in the policy-making process, but are still subsequently antagonised by its outcomes. He concludes that it would be a grave mistake to assume that those who do not vote are universally and continually disinterested. It could be possible that they might indeed have political interests but see little benefit from participating directly in the processes. This is an important issue because attempts should be made to probe all interested parties, as Chalmers (2000) puts it, and that, notwithstanding this, greater deliberation in the EU public sphere still has two wider benefits.

The first is that it facilitates communication. Policy-making is the moment when the battleground for ideas is at its most intense. It imposes processes of justification on those communities driving legislation. This justificatory process can enlarge the latter's understanding of the problem. As a process of interaction between different communities, it also publicises and politicises the process, as other groupings are made aware of the impending norms to which they are subject and acquaint themselves with the potentialities and limits of those norms.

Secondly, it is argued that, in the process of classic deliberation, there is limited provision of institutional conditions because the element of mutual accountability is lost in the quest for the most appropriate answer. In the process, arguments become entrenched to a point of being hegemonic and, thus, there is no room for acceptance of any counter-arguments. To that end, Chalmers (2000) speaks of the need to ensure that the right answer should justify itself firstly, that it is not unnecessarily intuitive and that it does not extend the reach of inappropriate

hegemonies. This calls for the individual governments to sufficiently protect their citizens against majoritarian bias and excessive intrusion.

2.4 Civil society and democratic governance in Africa

According to M'Baya (1995), democratisation in governance implies opening up to debate, transparency in the management of public affairs, freedom of opinion and speech, and a separation of powers. Democratisation develops a spirit of emulation and competitiveness, and also liberates the creative potential of a people. It is useful in putting solid checks and balances against any abuse of centralisation of thought, power and wealth. It stimulates self-control and economic vibrancy, as well as social progress, which enables citizens to take charge of their own destiny. M'Baya (1995) sees the success of the new African states as resting on restructuring their political relations with civil society in order to restore the creative potential of society. Among some of the useful ingredients for achieving of this are increased dialogue with civil society as well as democratisation of thought and power. He also calls for decentralisation of the decision-making process to allow for the participation of the various strata involved. M'Baya (1995:78) argues that, for Africa to achieve sustainable economic growth, it must embrace the participation of citizens in policy-making. He states that:

> *Democratisation in Africa must be effectively translated in economic, political and socio-cultural power. At the level of action oriented programme planning and particularly at the level of implementation, the participation of the population and their various grassroots communities, organisations and associations is crucial for the economic and social development enterprise to be successful.*

Matlosa (2010) expands on this insinuation with an argument that democratic governance can be examined from mainly minimalist and liberal perspectives. On the one hand, he views the minimalist approach to democracy as that which locates it in relation to values and principles of political contestation as well as participation. On the other hand, the liberal perspective is viewed by Landman (2005:20) as the:

> *Notion of participation presupposes political control of the citizens over people who govern on their behalf. This notion captures the idea of popular sovereignty which presumes the protection of the right to vote as well as the existence of universal suffrage.*

Bratton, Mattes and Gyimah-Boadi (2005) refer to this perspective as procedural or electoral democracy. At a second level, Matlosa (2010) sees democracy as going beyond mere procedural notions and moving on to the promotion and protection of political rights and civil liberties. In that regard, Matlosa (2010) argues that:

> *The liberal notion of democracy transcends procedural democracy and extends its essence beyond just contestation and participation to include the protection and promotion of political rights and civil liberties. It includes constraint over leaders and representation of citizens, the rule of law, property, and minority rights.*

Haynes (2001) elaborates on this notion by calling it the "premium on the institutional dimensions of democracy" in that it calls for strengthening of institutions to compel the public officials to account for their actions. At a third level, Matlosa (2010) views democracy from a socio-structuralist dimension in which it goes beyond both proceduralist/electoralist and institutionalist dimensions.

According to Saul (2005), in contrast to the proceduralist and institutionalist dimensions of democracy, the socialist structural definition of democracy places a premium on social and economic rights and social power relations in society. Matlosa (2010:125) concludes that:

> *a useful approach to our understanding of democracy in Africa is to have in mind these three epistemological dimensions ideations, namely that (a) at a very minimum level democracy is simply just procedural and limited to elections, (b) at slightly higher level, the institutional dimensions of democracy have emphasised its liberal form with emphasis on civil and political rights, and (c) another relatively higher ideational level, socio structuralist perspective of democracy conceives of the system in its socio-economic characteristics and the concomitant social configuration of power.*

While many African countries have embraced and achieved multi-party democracies, the extent to which they allow for the active participation of their citizens in decision-making beyond voting remains an issue for extensive debate. According to Adebayo (2008:248), "there can be no good governance without a deep-rooted culture of popular participation". Popular participation is the empowerment of people to involve themselves in creating democratic institutions that allow for their participation in decision-making and in designing policies and programmes that serve the interests of all. It brings about a new synthesis of the fundamental objectives of political, economic, environmental and social change.

Since governments, by nature, give priority to the interests of those who control power, enhanced popular participation that is just, sustainable and inclusive may assist in making sure that communities that promote democratic decision-making may emerge. Adebayo (2008), however, warns that there should be vigilance in the participation process, as it is not an event but a process which, in most instances, is inhibited by vested political interests which can create obstacles to control the process towards their own ends. Mutasa (2008) is of the

view that the growth of the state in Africa without a vibrant civil society is inimical to democracy and thwarts the possibility of a responsible and accountable system of governance.

The importance of the participation of citizens in decision-making processes is limited not only to nation states; it is also increasingly becoming important even in continental, regional and intergovernmental institutions. The full enjoyment of democracy and human rights requires the existence of an entrenched and vibrant civil society. M'Baya (1995:77) buttresses this argument with a view that:

> *The new development model not only requires that such collective participation structures should exist, but that they, as partners with the state and business, should have a say in the development of Africa. This is all the more important as participatory human investment, the valorisation and utilisation of human skills and resources must have at least the same importance as capital in the new development paradigm.*

Popular participation implies the mass involvement of people in social processes, including the political and economic realms. It shows that people participate either directly or indirectly to influence decisions that affect their life chances. The African Charter for Popular Participation in Development and Transformation (1990:6) states that:

> *Popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitably its benefits.*

Discourse on the role of civil-society participation in governance and public policy-making processes has gathered momentum in recent years. The discourse builds on the provision of spaces for citizens' participation by important regional, continental and international agencies.

Masterson, Busia and Jinadu (2008:2) are of the view that:

> *There is consensus to give civil society a de facto right to concretely participate in the public policy making beyond the constitutional provisions of citizenship, to ensure equal access to the State and enhanced participation in governance by the individual and by collective groups especially the historically disadvantaged and marginalised.*

As result, a number of avenues have been created to enable the enhancement of the citizenry in policy-making processes with the understanding that such involvement will promote accountability that, in turn, will accelerate development. According to Jerome (2010:13):

> *Governance has emerged as the key issue in development discourse and practice with a wide recognition that without good governance the progress of development can be compromised. Poor governance holds back and distorts the process of development and has a disproportionate impact on the poorer.*

In the context of Africa, Jerome (2010) further argues that while the term "governance" remains subject to debate as a multi-faceted and multi-dimensional concept, there is little challenge about what good governance is. In that regard, Jerome (2010) argues that good governance covers sustainable development, human security, political stability and high economic performance, as well as accelerated sub-regional and continental economic integration.

The argument goes further to speak of good governance as a prerequisite for development; it can be better entrenched by the active and meaningful participation of citizens in the governance and policy-making processes. There are, however, some dissenting voices like Mkandawire and Soludo (1999) that do not see good governance as a prerequisite for development. While this is an important debate, it is not the intention of this research to wade into that territory. For now, this research relies on the widely recognised view that inclusive, democratic decision-making is an important ingredient in the development of interstate organisations.

The recognition of the importance of participation is what led the then-Organisation of African Unity (OAU), at its 1990 Arusha Conference, to adopt the African Charter for Popular Participation in Development and Transformation. Adebayo (2004:302) sees the output of that conference as "the African Magna Carta ... the Charter, therefore was the voice of the people; it well and truly led the drive for democracy in Africa". This charter set up participation by citizens as the vital cog in the acceleration of development in Africa. It clearly and unequivocally called for the increased role of popular participation in African development and linked its intrinsic value to better governance in Africa, entrenching democracy, accountability, economic justice and development for transformation.

This is what Jinadu (2010) argues was the resuscitation of a theory of governance grounded in the social contract between the state and civil society, based on the works of John Locke. This argument builds from a similar one by Nyong'o (cited in LeBas (2002)) who states that the charter explicitly makes the imperative a necessity to establish a monitoring mechanism for civil society to institutionalise relations with the government in every country. This has the effect of assisting African systems with the restructuring of the relations between the state and society, through strengthening the capacity of civil society to impact policy reforms and creating accountability systems of governance.

Engagement between the state and civil society has its own complications. For instance, Masterson (2010) speaks of the complications of the engagement between the state and civil society because he sees the latter as much more complicated. For example, he argues that, in both the developed and underdeveloped states, civil society continues to be accepted as a significant factor in the determination and driving of governance policies. Yet, the term "civil society" remains nebulous.

Masterson (2010) further speaks of the gap which remains unexamined – that of the field of relations between civil society and the state in the context of institutional governance. His view is that, as the democratic space opens, there is evidence that CSOs in African states have undergone rapid and profound transitions in their interactions and engagements with key policy-making actors, such as governments and other state institutions, on policy-making and governance issues. This is more profoundly articulated in the ways these CSOs have moved to expand their engagements with interstate organisations like the AU, the Pan-African Parliament (PAP) and the African Peer Review Mechanism (APRM).

Regrettably, even with all these spaces provided, there are some states that have remained closed by not providing space for civil-society participation in governance or decision-making processes. This denial has been the cause of tense relations between the government and civil society. Nzongola-Ntalaja (1998:2) argues that:

> *The deliberate denial of citizenship and the right of citizens to participate in the political governance of their country's affairs proved catalytic in the numerous Africa states in galvanising civil groups' organisations to mobilise and advocate for democratic reforms.*

In some cases, the denial of rights and liberties has left the civil-society movement with little recourse besides direct confrontation with the state and, in many instances, through violent protests which, unfortunately, have met with a state crackdown, often using the state apparatus to silence dissent.

This is more pronounced in some SADC states which have intensified attempts to dismantle and silence the voices of civil society and deliberately excluded them from any form of participation in the governance and policy-making processes. Teshome-Bahiru (2009a:82) buttresses the view of the exclusion of civil society in policy-making, arguing that:

> *In the early years of independence, in many African countries, the distinction between civil society (trade unions, religious groups, students' unions, and human rights organisations) and state became blurred. Gradually, the new African rulers who came from middle class began to distance themselves from the civil society and started to*

rule their subjects in the same way as white colonial white rulers used to rule their colonies. As soon as they took political power the nationalist leaders who emerged from the civil society favoured one party state and government and in the process transformed themselves into authoritarian rulers.

Nzewi and Zakwe (2009:44) are of the view that:

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

2.5 Conclusion

This chapter described the literature that constitutes the building blocks for the theoretical and conceptual framework of this research. It analysed the existing literature on the state of civil society in Africa and why it is important. It also narrowed its focus to the southern African region to ensure that it also brings to light existing research and literature on the issue of civil society in the region. The following chapter looks in-depth at the theoretical framework of the research and uses the literature provided in this chapter to build a solid case about the key concepts that constitute the theoretical foundations of the research and how they are meant to enhance the participation of civil society in the decision-making processes of interstate organisations.

Chapter 3: Theoretical framework

3.1 Introduction

Chapter Three presents the theoretical framework for the research, which is anchored on decision-making theories. As such, this chapter presents key decision-making theories, namely: participatory democracy theory, deliberative democracy theory and representative democracy theory. It interrogates how each hypothesis functions in promoting inclusive decision-making in interstate organisations and the extent to which it allows for inclusive stakeholder participation.

This chapter analyses the application of each of the three theories to the decision-making processes of the SADC region and what that means for stakeholder participation. These theories help to explain the democratic situation in SADC. The current policy-making processes in SADC are based on representative democracy, which gives substantial policy-making power to elected representatives from member states. Participatory democracy theory indicates how, even in a representative democracy, there could be some participation, albeit in limited amounts. Deliberative democracy indicates that there could be improved democratic governance and the infusion of democratic decision-making mechanisms in the SADC region through the provision of more spaces for the active and meaningful participation of citizens in policy-making.

3.2 Representative democracy

Proponents of representative democracy such as Macedo (2010) are of the view that majority rule is straightforward and superficially compelling, because when society makes collective decisions, citizens who would be legally bound by a specific decision (or their politically accountable representatives) should have the opportunity to vote, and the side with the most commanding votes should win.

This contention is based on an assumption buttressed by Brown (2006), who argues that the decision-making process has the ability to treat everyone as equal in the sense that each vote should carry the same weight and, therefore, no-one's preferences should count more than anyone else's. Furthermore, majority rule is equally viewed as increasing free will, preference, satisfaction and the extent to which citizens could be said to consent to governmental authority, because, by definition, more people are getting what they want than would be the case under any other decision-making procedure. Brown (2006) further argues that the government is a very big institution which makes many policy decisions for and on behalf of a

plurality of citizens with diverse interests and, as such, whatever policy decision is taken reflects that diversity.

Heterogeneity could be even a bigger problem in SADC because of its institutional construction as an interstate organ with bureaucratic decision-making structures. Fuentes-Rohwer and Charles (2001) note that, since the government makes so many decisions on a wide variety of issues, each citizen would belong to both majorities and minorities. The same argument is advanced by Staszewski (2012:862), who is of the view that:

> *Majority rule is thought to be the most democratic procedure for making collective decisions in a pluralistic society that is characterised by persistent political disagreements because if there is no agreement on political matters there can be an agreement to abide by the results of a majority vote.*

Representative democracy theory views the power and authority of government as derived from the mandate acquired from voters in an election. It is a very important tool for deriving a mandate because, in voting candidates into government, citizens have given them unquestionable legitimacy to exercise constitutional power on their behalf. A similar view is shared by Hirst (1988), who interprets representative democracy as a powerful tool for legitimating the actions of a government that no serious politicians, even those who just lost recent elections, would question.

Democracy is an unquestionable good and representative democracy is identified with democracy. However, as good as it may be, an in-depth enquiry into representative democracy points to some very unhealthy outcomes – because, in some instances, electoral victory (especially in a first-past-the-post electoral system) is used as a tool by governments to entrench their authority by denying others a space for divergent views and as a way to escape from the legitimacy of public accountability. This contention is what Hirst (1988) calls the abuse of electoral victory by using it as a means of stifling other claims to political competition and public accountability.

This research advocates a departure from an overreliance on representative democracy as the most suitable way of promoting public accountability by a government. It is a legitimate enquiry which acknowledges the positive aspects of representative democracy as explained above, but which sees it as insufficient in promoting inclusive decision-making and, thus, calls for alternative forms of democracy which could enhance stakeholder participation in the policy-making processes of the SADC community.

One of the founding fathers of American democracy, Abraham Lincoln (1789) saw representative democracy as “a government of the people, by the people, for the people”. This

is viewed by some as a mere political cliché, because it is held as a stretch of the imagination that people could rule themselves. As classical elite theory argues, there is always a group of people at the top of the social stratum and who are thus in charge. Hirst (1988) argues that, in a representative democracy, political authority is presented as delegated power brought into existence by the expressed will of the people. This means that sovereign power ultimately resides in the people and that form of government gives expression to the will of the people. The assumption is that parliament, because of its delegated power from the people and its legitimacy, would be duly representative of the people's will.

Subsequently, the legislature gives some of its delegated powers to administrative agencies of the government to implement government policy and enforce laws. It ensures that the judiciary is active for it to interpret laws. Simply put, the assumption is that the sovereign will of the people is held in trust by the legislature, that it is faithfully and sincerely executed through the government, and that, in so doing, there are no wilful violations of basic liberties or any infringements of the rights of citizens as provided for in the law. There is seemingly an assumption that there would be universal application of the laws equally to all people and that the rights which each citizen possesses as an individual would be protected and not violated. Similarly, if there is an implementation of policies in collision with the rights of persons, it is assumed the government would be called to account by the legislature.

This approach assumes that representation guarantees that parliament, as the body that represents the direct interests of the people, would always make decisions in the citizens' best interests. The essence of making the executive answerable to parliament is to ensure that its delegated authority is not abused and that it is exercised by the people through parliament.

Representative democracy identifies two types of decision-making procedures: one for electing political personnel and the other for setting up policies or laws. It explains that, in choosing one, people also choose the other; yet, it is parliament that makes the laws and the government that makes the policies, and not the people. Again, while representing the people, parliament would not necessarily *be* the people. The assumption that citizens choose public officials based on an understanding of the policies and stances they represent is highly contested. In the process of voting, it is difficult to tell whether voters are influenced by policy choices. In many instances, they might be driven by the charisma of the candidates and might not have paid attention to any specific policy promises or parties. Voters choose and identify with parties and party leaders, and are usually ill-informed about policy proposals. Simply put, in many instances, voters do not understand where the representative democracy game would take them. As important as an election might be, successful candidates – and therefore the representatives of the people – might not always represent the true will of the people.

The thinking that there is impartiality in a representative democracy set-up and that the policies that are developed cannot infringe on the will of the people is debatable. While it is a generally acceptable assumption that what parliament does is to pass general laws and that the executive is more than an important agency of enforcement of those laws, several critics question that assumption. Hirst (1988) avers that, far from being a servitor of the legislature, the government is the initiator of legislation; legal requirements necessary for policy programmes are brought to the legislature and are carried by means of party discipline. The government inevitably becomes a party government. There is no pure form of representation, just packages of political mechanisms and voting systems. Representative democracy has the limited value of enabling some of the leading decision-making personnel in the state to be changed periodically.

Representative democracy is used as a way of shielding the government from public scrutiny and accountability. This makes the government accountable and responsive to public debate. Public pressure may help to make the process of policy formulation and execution more consistent and effective. There is no dispute that in a representative democracy there are some levels of engagement between citizens and their elected officials, but the ultimate power of decision-making rests with elected government officials. Political elites in control of the coercive instruments of state power have the ultimate say on what policy decisions could be initiated, because, as nationally elected leaders, the president and other government officials are assumed to reflect the preferences of the majority electorate and are, therefore, politically accountable to the whole national constituency. However, in practice, this is not the case because representative democracy seems to ignore the views of minorities.

Representative democracy as an inclusive policy-making model has left many questions as to how it has been able to promote inclusive policy-making and democratic decision-making in the SADC region. Its inability to effectively promote the inclusiveness of divergent views has led to some conclusions that it may not be the best form of democratic decision-making because of its exclusive nature. For instance, Staszewski (2012) argues that representative democracy is a poor means to the wrong end from the standpoint of democracy. He states that, even if there were a desire to have policy decisions reflect the pre-political preferences of people, relying on elected officials to control the discretionary policy choices of the regional body would not be plausible and could not be expected to produce the best policy proposals.

While some proponents of representative democracy would argue that the political model suggests that interstate agencies should be able to justify their policy decisions with an array of political reasons, the implementation of this theory would have normatively unattractive consequences that even the strongest proponents of an enhanced role of representative

democracy in regional policy-making would sensibly resist. Majoritarian rule, which characterises representative democracy, is not necessarily the most inclusive form of democracy. Some of the criticism against representative democracy theory relates to its being merely a procedural theory, with Gutmann and Thompson (2004) arguing that, as a purely procedural theory, representative democracy places no substantive limits on the permissible contents of majority decisions and that there are no obligations to consider the interests or perspectives of minorities in making decisions under this procedure. They further view it as suggesting that "numerical might" makes right, but at the same time it fails to explain how the minority could plausibly be understood to have consented to the coercive decisions of the majority under these conditions.

What further exacerbates the problem is the fact that there are many groups within society that systematically lose on issues of great importance to the whims of the majority if decision-making is based on numerical superiority. Macedo (2010) notes that while majority rule could reliably measure preferences when there are only two options, nearly every important issue of public policy could be resolved in a wide variety of ways. In the context of SADC, it could be of greater use to look beyond merely aggregate democracy and beyond powers of elected officials in deciding policy issues. Ultimately, this would lead to the creation of viable alternative models for entry into the process by citizens through civil advocacy. This is important because representative democracy which relies on the tyranny of the majority might not be the best option for democratic decision-making. Such a view is reflected in Eskridge, Frickey and Garrett (2001), who argue that social choice theory has demonstrated in some circumstances that majority rule may not resolve the choice between three or more mutually exclusive alternatives that are voted on.

Accordingly, the outcome of majority voting in law-making bodies is frequently the result of the way in which the decision-making process is structured, rather than the true policy preferences of a majority vote. To illustrate that majority rule is not always right, Staszewski (2012:63) gives an illustration of a group of five strangers in a train cabin arguing about what to do regarding smoking, given that three of them are smokers while two are not. One of the two non-smokers has asthma and exposure to smoke could lead him to serious illness or even death. While they are arguing, one of the non-smokers notes that he saw a cabin exclusively for smoking. If the decision of what to do is based on a vote, the non-smokers are likely to lose, but with deliberations, it would be easy to reach a conclusion that takes care of the interests of both sides. Macedo (2010:16) further argues that "we should stop talking about majoritarianism as a plausible characterisation of a political system that we would recommend and that legitimate democracies would respect minority rights and promote fair and inclusive deliberation". He notes that representative democracy traits become a tyranny of the majority.

Staszewski (2012) weighs in, arguing that contrary to conventional wisdom, elected representatives are not politically accountable to voters for their specific policy decisions.

An informed electorate should possess knowledge of government decisions and preferences about their desirability, as well as the ability to identify who is responsible for policy choices and can vote based on that information at the next general election. Yet, in actual practice, political science literature on voter knowledge and decision-making calls into question whether any of these conditions are regularly met. According to Schacter (2006), the electorate does not have pre-existing or fixed preferences on any of the issues that are brought to its attention, and public opinion could potentially be "crafted" by public officials and other elites for their own purposes. As such, even in a deliberative democracy, there could be voting. Staszewski (2012:877) argues that certain majoritarian preferences may be considered when reasoned deliberation fails to settle an issue. He states:

> *I suggest that deliberative democracy does coherently carry certain majoritarian preferences in some circumstances. The key question as always under deliberative democratic theory is whether the reasons for policy decisions could reasonably be accepted by free and equal citizens with competing perspectives.*

3.3 Participatory democracy

The concept of participatory democracy arose out of a desire to protect and guarantee human, civil and political rights. According to Hildreth (2012:299):

> *Participatory democracy developed out of popular social movements in the 1960s and 1970s. These movements sought to address inequality, injustice and exclusion based on race, class, gender, creed and sexual orientation. They also sought to radically democratise major social institutions.*

Participatory democracy has been broadly viewed as consisting of three core elements, as identified by Pateman (1970). At the first level is a call and desire to see the maximum participation of all citizens in self-governance across all sectors of society, but with family, workplace, social life and government being key among the sectors. At the second level is a claim that participatory approaches and the experiences thereof assist in transforming individuals into active and responsible citizens. It is thus argued that, through participation, it is possible to create a political community capable of transforming private individuals into free citizens, and partial and private interests into public good. At a third level is an assumption, advanced by participatory theorists, the expansion of democratic participation and the subsequent transformation of individuals leads to the sweeping goal of social transformation. Social transformation is viewed by authors such as Pateman (1970) as framed in a virtuous

spiral that creates a political community composed of active citizens who demand more democratic institutions, which in turn offer further opportunities for participation, with the hope that this creates a self-sustaining system that maximises participation.

Participatory democracy has not just been used in actual verbal engagements; it has also been used extensively in democracy. According to Bailey (2006:197):

> *Government and other public bodies have started to experiment with using dialogue to inform science and technology-based policy. Although these early experiences should be used to inform the approach to future dialogue exercises, enabling government to continually improve its practice, we have been struck in the cases that we have been exploited by the lack of learning from experiences within organisations.*

Ensuring that there is information-sharing is vital in the education of participants about the happenings of the public sphere. There is also a need to ensure that the design meets democratic ideals that could assist in the promotion of community cohesion. A well-designed participatory process may contribute to social cohesion in both small and large communities. It could smooth tensions between those closely involved in issues and those who may have conflicting objectives, and it could create a more general feeling of community involvement. At the same time, the approach should be practicable, because full participation can be very costly and time-consuming, requiring complex logistics.

One may need to consider not just direct costs, but also opportunity costs. At the same time, participation could increase the quality of decision-making processes essentially because it brings more to bear on issues. Stakeholder and public perception of issues could widen and enrich perceptions that may drive authorities' thinking. More debate could lead to greater clarity on issues and the process could become more innovative with broader framing.

There is, however, a view that the influence of participatory democracy appears limited. Some authors, like Manin (1987), who were always sympathetic to the cause of participatory democracy have since accepted that its influence has subsided; they now speak of it in the past tense as they view the idea as having emerged from the political discourse of the 1960s and subsided with it. According to Hildreth (2012:296):

> *While early deliberative theorists paid careful attention to the relationship between participatory democracy and deliberative democracy, participatory accounts are now only rarely mentioned in the literature. Deliberative democratic theory seemingly has moved beyond, even forgotten, participatory democracy.*

There is no definitive quarrel between participatory democracy and deliberative democracy theorists, as the latter view the former as having shortcomings in terms of inclusion.

Warren (2002) is one such critic who argues that participatory democracy often seems beset by a fuzzy utopianism that fails to confront the limitations of the complexity, size and scale of advanced industrial societies. He argues that the deliberative democracy notion presents itself as a more realistic alternative to the participatory theory and argues that the concept of participatory democracy is based on the false notion that citizens always have the time, intelligence, resources, interest and desire to participate in public affairs.

Hildreth (2012) expresses the view that community, participation and citizenship are all related, but he fails to provide the umbilical link between the three factors. In that vein, he views participatory democracy as failing to account for the complexity, size and scale of modern society, the diversity of interests and views, and how the accommodation of each differs all the time. Thus, Dryzek (1992:109) speaks of the need to acknowledge social complexity within various deliberative approaches, calling for the identification and expansion of multiple fora of deliberation, instead of participatory theorists' calls for the total transformation of society. Rather, the deliberative democracy approach hopes to expand the quality and quantity of deliberation.

The goal is to improve the legitimacy and authority of democratic will formation. In the end, Prachett (1999) sums it up with an argument there is nothing particularly new about public participation as a supplement to representative democracy. Officials solicit public comment, hold public hearings and issue public reports on their activities, but the promise of deliberative democracy hinges on more than public consultation. Deliberative democrats believe that ordinary people ought not only to be consulted, but also to have a hand in actual decision-making. Ryfe (2002) thus views deliberative democracy as the simplest way of opening the policy-making process to greater citizen input. Further to this, Ryfe (2002) argues that while deliberative democracy is difficult and fragile, it is not impossible to achieve.

Deliberative democracy emphasises reaching consensus as important to the deliberation process. The goal of deliberative democracy is to reach understanding for all parties. For Habermas (1996), consensus is not important for the sake of agreement, but because it signifies the construction of valid norms. It is, however, important that the early works on deliberative democracy – which have come to be known as "type one deliberation" and are represented in the works of Habermas and Benhabib (1996) – are basically idealistic, as they are asking for the impossible in thinking that the actual deliberation process is capable of fulfilling proposed rigorous norms.

The new contemporary deliberative democracy theorists, such as Dryzek (2000), Gutmann and Thompson (2004), and Young (2000), have challenged type one deliberation and come up with “type two deliberation”, which expands the types of discourse to include, among many other things, rhetoric, storytelling, testimony and bargaining. This approach is more useful as it provides a more practical course and deals effectively with institutional constraints on deliberation.

Important differences between deliberative democracy and participatory democracy can be outlined as follows: while the latter emphasises the democratic transformation of individuals and their institutions, the former emphasises the interaction of citizens with their institutions in a manner that stresses democratic justification and reason. Hildreth (2012:299) speaks of:

> *Both participatory and deliberative theorists positioning themselves as alternatives to minimalist, aggregate theories of democracy. Against conceptions that reduce democratic decision making to the tallying of votes or bargaining for power among interest groups, both call for expanded citizen participation in private public life.*

This is also the view of Dryzek (2000), who emphasises that the expansion of the role of citizens could make democracy more robust, involve more stakeholders, and allow for decisions that are legitimate and accepted by all. Further to that, it allows for the development of decisions that are authentic and identify with the interests, hopes and aspirations of citizens. To a lesser extent, it does not recognise the need to protect social, environmental and economic rights.

Habermas (1990) speaks of the importance of the formation of a conscious, active citizenry as an essential ingredient in the consolidating citizens’ access to governance and strengthening their role in decision-making processes. Participatory democrats view it as emphasising the need to construct forms of direct democracy that can function alongside the representative system. This, however, is not to push for participatory democracy to substitute the indirect system with a direct one. Vitale (2006) argues that it creates new spheres of discussion and political deliberation that eliminate, or at least reduce, serious problems of legitimacy raised by representative institutions, such as the distance between representatives and the represented, and the lack of transparency and public accountability at the highest level. He further argues that the theory of participation is a subjective relationship that is constructed around the central assertion that individuals and their institutions cannot be considered in isolation from one another.

Vitale (2006) is of the view that there must be interaction and dialogue among individuals as well as among institutions. Simply put, the model of participatory democracy advocates for a

direct and indirect exercise of democracy through broad-based discussion and dialogue that results in decisive rather than mere consultative solutions. Yet, as Vitale (2006:752) argues:

> *The harmonic coexistence also depends on reforming the traditional mechanisms of political representation, making elected representatives more accountable to the represented and the internal structures of the political parties more participatory and democratic.*

There is also a need to ensure that the deliberation process takes into account and tries to provide answers to some of the questions asked by authors such as Reykowski (2006):

- Are ordinary people able to solve important ideological and moral controversies by means of deliberation?
- What are the effects of deliberation?
- What factors may facilitate this process?

These are important questions, particularly given that the idea of deliberative democracy is solidly rooted in what are sometimes questionable assumptions that meaningful participation in deliberation is a common characteristic of citizens' advanced democracies. There is also a need to insulate deliberative democracy from the manipulative powers of powerful government and business operatives. According to Stout (2010), there is a need to work against situations in which multinational companies utilise participatory practices in a manner that is meant to co-opt indigenous people, as opposed to empowering them.

Stout (2010:35) further argues:

> *Because policy decisions remain off the table, participation appears to serve no other purpose than providing rhetorical legitimacy to powerful cooperation and their host governments. While extremely polemic, the stringent warning of this argument is that sometimes no participation is more honest than hollow participation that conceals actual purposes. Such transparency is an important factor of democratic governance.*

3.4 Deliberative democracy

The deliberative democracy theory is traceable to the early works of French philosopher Jean-Jacques Rousseau who, in his *Discourse on inequality* in 1755, argued that the state should be directed by the general will towards the common good. He argued that the general will is based on common interest, while the will of all founded on private interests is the aggregate of common interest. The argument advanced stipulates that the common interest allows society to exist while the contrary will tear it apart. Rousseau (1772) rejected the contention because of what he argued is the need to safeguard popular sovereignty by not transferring it

to representatives who would develop oligarchic special interests that do not promote the development of the masses.

Talmon (1970) concurs with Rousseau (1772) in his argument that the pure general will of the people cannot be relegated to the assembly or mere parliamentary majority. He further argues that the general will in the real sense is where the true general will resides, even if that will happens to be expressed by numerical majority. He indicates that the true measure of democracy is the amount of involvement of those who elected the parliamentarians in making decisions that affect their lives. Talmon (1970) calls it the philosophical fountainhead of totalitarian democracy in that it liberates people from their individuality and loyalties to allow the deliberation to direct them to the common will. This would help develop a society with a vision shared by all. This is only possible if all citizens are given a voice to state their views on how they want the society to advance forward. This is the essence of deliberative democracy.

According to Ozanne, Corus and Saatcioglu (2009), the idea that the popular majority vote does not count as democratic until certain egalitarian prerequisites are satisfied stems from great philosophers such as Rousseau, Aristotle, the Jacobins and John Dewey through to contemporary theorists such as Amy Gutmann, Dennis Thompson, Jürgen Habermas, John Dryzek and Iris Young. The participation of citizens in policy-making processes using the deliberative democracy framework has become an important tool in public discourse and in settling issues in the public policy arena. Deliberative democracy is viewed as a very useful tool in reaching decisions that gain the respect of and are accepted by parties involved in the discourse. The recognition of deliberative democracy as a tool for reaching constructive decisions has given it credibility and acceptance in many communities.

Vitale (2006) contends that deliberative democracy has assumed a central role in debates regarding important democratic practices and situations in complex contemporary societies. His view is a result of the ability of the concept to acknowledge citizens as main actors in the political process and to further acknowledge their important role in political deliberation and policy-making. In answering questions about what kind of democracy communities should build, and what limits and possibilities should be constructed for participation and public deliberation, the concept of deliberative democracy provides a solid base in defining spaces and avenues for the active and positive participation of citizens in policy decision-making processes.

The concept of modern-day deliberative democracy is rooted in the writings of Habermas. In his discourse theory, Habermas (1984) constructs the concept of democracy from a procedural dimension. He argues that democratic legitimacy requires that the process of political decision-making occur in a broad public discussion in which all participants can debate

various issues in a careful and reasonable fashion. He further argues that decisions can only be made after the process of discussion has taken place and there is sufficient consensus on both procedure and content. As such, the socially integrated force, which can no longer be drawn solely from sources of communicative action, must develop through widely diversified and more-or-less autonomous public spheres, as well as through procedures and democratic opinion within a constitutional framework.

In addition, this force should be able to hold its own against two other mechanisms of social integration: money and administrative power. This view is further developed by Fishkin (1995:41) who argues:

> *We can put the ideal speech situation at one extreme of an imaginary continuum and then imagine various forms of incompleteness compared to the ideal as we think about more realistic forms of deliberation. When arguments offered by some participants go unanswered by others, when information that would be required to understand the force of claim in absent debate, or some citizenry is unwilling or unable to weigh some of their arguments in debate here, the process is less deliberative because it is incomplete in the manner specified.*

In a practical context, a great deal of incompleteness must be tolerated. When improving deliberation is discussed, this is not a matter of improving the completeness of the debate and public engagement or perfecting it, because that would be virtually impossible under realistic conditions.

The deliberative theory of democracy, as presented by Habermas (1984) and applicable to the debate about the participation of civil society in SADC's policy formulation, reconstructs what could be said to be the normative approach, which emphasises the epistemic facets of decision-making. Gutmann and Thompson (2004) expand on this notion, arguing that students of deliberative democracy should not worry about sincerity or truthfulness, but rather about the actual arguments and motives behind these arguments. To these authors, the key is that deliberators present their arguments in such a way that they are accessible to the relevant audience, respond to reasonable arguments presented by opponents and manifest an inclination to change their views or cooperate with opponents when appropriate.

However, Geenens (2007:355) presents a variation to the approach by Habermas(1984) by focusing on the procedural aspects of democracy, which he states are as follows:

> *The model is unable to take into account other valuable aspects of democracy, this being shown in reference to two concrete phenomena from political reality, majority voting and the problem of the dissenter. In each case, the deliberative model inevitably*

fails to account for several normatively desirable features of democracy, such as formal political equality and proper respect for the judgement of citizens.

While there could be substance in his argument, it cannot be correct in its entirety because there are various tenets of democratic engagement and none of them have the same values. As such, it would be asking for too much to assume that Habermas' model of democracy should incorporate what could be universally inclusive tenets of democracy.

Deliberative democracy emphasises the interactions of citizens and their institutions in decision-making. The deliberative ideal of democracy starts from the premise that political preferences will conflict and that the purpose of democratic institutions should be to resolve differences. In dealing with the issues, the majoritarian approach is rejected, as there is need for what Miller (1992) calls the desire to find common ground to transform initial policy preferences, which may be based on diverse interests, into issues of commonality. This argument dovetails into the marrow of the research on the participation of civil society in SADC policy initiatives, as it seeks to first answer the question of how SADC civil society could improve the interface with the regional institution and how the engagement is based on mutual synthesis of divergent views in order to find a convergence of views and ideas.

In expanding his argument, Miller (1992) further outlines that, in a deliberative democracy, the pattern of opinion (the extent to which opinions on the issue correlate or fail to correlate with opinions of others) should become public knowledge as different speakers argue for and against various composite proposals on the table. It would then be difficult to make a public argument against the disaggregation of decisions where the original choice was multi-dimensional. His view builds on that of Dummet (1984), who earlier had argued that the important issue is about whether to please as many as people as possible or to please everyone collectively as much as possible. His view is that it is important to move with the majority view as it represents wider interests, but that should not be done with complete disregard of other views. The aggregate outcome of deliberative democracy is a revelation about what issue is at stake and if, indeed, it was not obvious from the very onset.

However, what should be made clear is that the deliberation process does not require the paddocking of citizens into a single deliberative body, as they may represent very different interests. This is what Miller (1992:67) calls:

The mistake of thinking that the deliberative ideal requires us to treat the citizens of any nation state as a single deliberating body. Although it is a requirement of democracy that every citizen should have the opportunity to participate in collective

decision making in some way, this requirement can be met in a system embodying a high degree of pluralism.

Miller (1992) further argues that this approach assists in the shifting of democratic practice towards the deliberative ideal, encouraging people not to merely express their political opinions through polls, referendums and the like, but to form their opinions through debates in public settings.

According to Gutmann and Thompson (2004), the moral of the deliberative democracy theory is inevitably a part of democratic discourse and that democratic deliberation does a better job of dealing with moral deliberation under a procedural or constitutional democracy. From a deliberative perspective, a citizen offers reasons to support the adoption of some law or policy that are acceptable to others who, in turn, are motivated to find reasons for their preferred policies that are acceptable by others. They call this the theory of reciprocity. This argument is buttressed by Worley (2009:462), who asserts that:

… an important implication of the reciprocity principle is that deliberation is the process of mutual reason giving among suitably motivated citizens and should take place not only in the privacy of citizens' homes or in their solitary reflections, but also in public political forums. Reasoned consensus about the laws and policies required by justice or by common good in the normative ideal that deliberative democratic processes should approximate as closely as possible because the advantages of deliberative democracy are realised in actual social interactions, not hypothetical thought experiments.

The idea is also shared by Olson (2011), who argues that deliberative democracy emphasises norms of quality and reciprocity in political arguments as the basis for working against marginalisation and exclusion. In the deliberative democracy school of thought, there are strong arguments for deliberation among citizens to justify laws and institutions to which citizens are subjected. In summary, decisions made through deliberative democracy are likely to bring about changes that are more legitimate, fairer and more stable. This is what Falk (1990) argues is providing models, inspiration and guidance in the essential work of world-order redesign.

Ozanne, Corus and Saatcioglu (2009) speak of how the use of deliberative democracy as an effective way of improving decision-making has changed form over the years. For instance, as already explained, beginning with Aristotle and continuing with John Stuart Mill, the models of deliberative democracy being advocated were elitist; only a privileged group of educated citizens were allowed to participate. Later, scholars like Dewey (1927) revolutionised the

concept and came up with proposals that cautioned against the dangers of selective deliberation and advocated that citizens' involvement be fostered. Dewey (1927) argues that the best social policy occurs when experts and citizens engage in ongoing dialogue in public spheres.

Democracy works poorly when individuals make judgements in isolation, lack empathy for other perspectives and fail to act on issues that matter to them. Dewey (1927) was of the view the public can rise to the occasion if there are social structural changes to improve methods of public discussion and if there is public education in skills of democracy. The same view is shared by Sniderman et al. (1991, cited in Turner (2003)) who argues that there is evidence that education increases the sophistication of political reasoning. This led Turner (2003:201) to conclude that *"*in general, increasing one's cognitive capacity through education makes it easier to process relevant information effectively".

The effectiveness of regional civic organisations depends on their capacity to mobilise their constituencies around issues that cross jurisdictional boundaries, which in turn is a function of their perceived legitimacy as a force in regional issues management. Lewis (1998:496) argues that:

> *Central community-based problem solving is the creation of free spaces, public places in the community in which people are able to learn a new respect, a deeper and more assertive group identity, public skills and values of cooperation and civic virtue, settings between private lives and large scale institutions with are relatively open and participatory character.*

In order to achieve this, active teams that work on identifying problem issues in a progressive manner are needed. Lewis (1998) speaks of what he calls "citizens' leagues" or regional organisations which:

> *Are citizen-based organisations that are non-partisan, independent, and open to all citizens that identify a broad spectrum of timely community issues and design and guide the implementation of the objective strategies that are consistent with a vision of community governance and that build community consensus and trust.*

The approach suggested is like the one utilised in the policy development process, in which broad-based meetings are convened to deal with the following issues as outlined by Lewis (1998): that, among other things, critical issues and problems that affect the community should be identified, and researched, studied and deliberated, in a manner that identifies alternative solutions as well as proposals and recommendations for policy actions. These should influence appropriate policy-makers to act on recommendations.

It should, however, be noted that the citizens' deliberation structures do not replace the government, but play a complementary role. Citizens' leagues do not replace existing governance structures, but instead provide an arena for citizens to address their concerns in a shared, deliberative fashion, the outcomes of which could be shared with elected officials, not as individual citizen preferences, but as a coherent and thoughtful citizens' voice. They also enable citizens to mobilise and act, not individually, but in concert and collectively on solutions that have emerged from a common quest.

This approach assists in linking local national discourse to regional and international discourse, where a platform is provided in which politics of the community interact with politics of the country so that they could be put into a new context of wider possibilities for accommodation and creativity. The same view is shared by Ojha (2009), who argues that in the search for democratisation, civic engagement is increasingly seen as an integral pillar; yet, there is still limited understanding of how it works in practice and in various contexts. He further argues that the term "civic engagement" has been frequently used in discourses of democratisation without the epistemological interrogation of how it is enacted in practice. Be that as it may, he argues that, even with this premise, there is no doubt that the involvement of citizens in governance can be more effective than liberal or individual approaches. Despite the emphasis on deliberation and civil society engagement, there is limited dialogue between such conceptual developments and the empirical context of civic engagement and policy decision-making.

In the deliberation process, decision-making is made in the context of a strong political community because it is aimed at influencing livelihoods of the specific communities. According to Chalmers (2003:186), any decision taken should be taken on behalf of and over some political community. He further argues that:

> *It is the fact that a decision is a collective decision that gives it a public rather than a private dimension. This political community must, moreover, be effective in nature in that it expresses and establishes feelings of cross allegiance and mutual recognition between its members.*

Coupled with the need to take the importance of the political community into consideration is the requirement of a political decision that is couched in terms of public reason. It is what Chalmers (2000:187) calls the requirement that a political decision be couched in terms of public reason, so that it takes on board generalisable rather than private interests. He asserts that:

In the process outlined this happens through parties having to couch their arguments and measures, first, against how it contributes to any process of polity building, problem solving or enlargement of the political community. It would have evaluated against how far it meets the set conditions.

Also of great importance are the requirements of authorisation and accountability, which speak to the idea that representation suggests finality, in that any self-governing political process must have mechanisms of authorisation and accountability. In this regard, there is a need for the creation of governance models that allow for final authority to be vested in all processes in the political community which have the greatest collective ownership.

Vitale (2006:746) argues further that "deliberative democracy has assumed a central role in the debate about deepening democratic practices in the complex contemporary societies by acknowledging the citizens as the main actors in the political process". The contemporary normative approaches to deliberation by Habermas that were explained in the opening sections of this chapter are based on a procedural dimension that is grounded in discourse theory and political deliberation. This approach advocates that democratic legitimacy requires the process of political decision-making to occur in a framework of broad public discussion, in which all participants are able to debate the various issues in a careful and reasonable manner.

According to the logic of Habermasian reasoning, discourse and democracy are two sides of the same coin mediated by the law and, once legally instituted, the discourse principle is transformed into the principle of democracy. His arguments are further developed to anchor thinking that decisions would be better off for the development of communities if there was understanding that political power should be extracted from the communicative power of citizens. This is what is referred to as the "procedural theory", which measures the legitimacy of judicial norms in terms of the rationality of the democratic process of political legitimacy. Habermas is of the view that the socially integrating force of solidarity, which can no longer be drawn solely from sources of communicative action, must develop through widely diversified and autonomous public spheres, as well as through procedures of democratic opinion within a constitutional framework.

Expanding on the Habermasian theories, Geenens (2007:19) speaks of different approaches to deliberative democracy models, with Habermas offering not just a possible model or an attractive ideal of democracy, but rather an ideal that democratised citizens might subsequently try to realise. Habermas does this by systematically reconstructing the intuitive self-understanding of democratic societies, namely the principles and ideas that citizens themselves consider to be the normative underpinnings of democratic practice. He further

argues that the deliberative account of democracy is fundamentally incomplete, mainly because of its failure to clearly articulate how to deal with dissent.

This failure to provide clearly for how dissenting views are accommodated in the bigger matrix means that it does not exhaust the projected content of the normative idea of democracy. Geenens (2007) poses the question as to whether deliberative democracy could provide a complete and desirable interpretation of the idea of democracy having practical implications, as it is often ingeniously upheld as an ideal that ought to be realised with its influence clearly visible, for instance, in shaping new procedures. Invariably, reducing democracy to a strictly epistemic ideal at the expense of other equally important aspects of democratic legitimacy could easily lead to technocratic consequences. This suggests that, while the basic tenets of deliberative democracy are generally identical, the conclusion that Geenens (2007) reaches is that deliberative democracy is not a unified theory and could be compared to a construction site where many architects are simultaneously at work.

However, Chalmers (2000) firmly stands by the view that deliberative democracy is the only strategy that expresses a series of political ideals which are particularly germane in the modern world. To that end, he further asserts deliberative democracy as a form of collective self-overcoming in which the argumentation process is used to find and create new ways of improving and justifying processes. Rorty (1989:9) sums it up as:

> *… a method to describe lots and lots of things in new ways, until you have created a pattern of linguistic behaviour which will tempt the rising generation to adopt it, thereby causing them to look for appropriate new forms of non-linguistic behaviour, for example the adoption of new social institutions.*

Deliberation is thus conceived of as a highly strategic form of communication, with Chalmers (2000) describing it as an autonomous form that exercises systematic and reflective control over its environment. He, thus, views deliberative processes as invariably involving a series of strategic issues, which include evaluation of the improvement of processes of the regulation, the coordination strategies for collective action, and emphasis on interdependencies and solidarities between the participants and strategies of interpretation that seek to secure commonality and consensus of interpretation of processes among participants.

Chalmers (2003:142) expands his view by highlighting that:

> *It is insufficient for deliberation merely to have strategies about goals; it must also set strategies for the means for realising these goals. This involves paying attention to the contexts of deliberation in order to ensure that there is nothing deterministic in this process. Certain outcomes cannot be secured simply through configuring the settings*

in which deliberation takes place; it would seem to be a constitutional task of the first order to set out what is legitimate to the debate and what is not.

This process, while it might appear to curtail free speech, enhances the constitutional parameters for the participation of citizens in the governance processes. In all the arguments about deliberation, it is of great importance to understand that institutions and the way they are organised play an important role in influencing the deliberation process. For instance, Chalmers (2000) views this as the performative, epistemic and institutional dimensions of deliberation, which interact with and affect the performance of each other.

The choice of goal will affect and be affected by the institutional settings in which deliberation takes place and the types most suited to the realisation of goals, and which types of knowledge are valuable for the attainment of specific goals. Chalmers (2003) further emphasises the importance of linking democratic processes to political institutions and how they relate with civic activism. Emmott (1997:143) speaks of the importance of the promotion of civic activism centring on activities that promote politics of the common good. He states that:

Its distinctive contribution lies in its considering this good neither to be a universal ideal nor something that can be reduced to collective sentiment. Instead, it crystallises in those decisions which both recognisably reflect the collective will and are informed by public reason and debate.

This vision, according to Pettit (1997), is only achievable if institution-building is emphasised as an integral part of the deliberative discourse. The discourse leads to a conclusion by Michelman (1998:143) that where there is no fixed common good, decision-making is made through reasoned debate within political institutions. He views the nexus between ethos and participatory political institution-building as being central to the ways in which participation in these institutions secures self-government, in that it is only through free and equal participation by individuals in the public sphere that any kind of collective authorship over binding acts can be established. Participation of citizens in governance is transformative; Brumfitt and Hall (1993) suggest that, through participation in political processes, individuals move from being private citizens to self-oriented beings who are publicly minded and move toward common goals and interests and collective values with fellow citizens.

3.5 Cosmopolitan democracy

In addition to participative, representative and participatory democracy, cosmopolitan democracy can buttress the importance of the participation of civil society in interstate organisations. Cosmopolitan democracy is a theory that applies democratic norms and values to the transnational and global sphere. The main argument is that global governance is

possible and needed. It is based on the premise that decisions are made by those affected, avoiding a single hierarchical authority. Archibugi (2004) explains it as an ambitious project, the aim of which is to achieve a world order based on the rule of law and democracy. This concept originated from the end of the Cold War, after the victory of Western liberal states inspired hope that international relations could be guided by the ideals of democracy. Archibugi and Held (1995) suggest that cosmopolitan democracy was aimed at building a world order to promote democracy on three levels: inside nations, among nations and towards global democracy. In addition, they note the premises of democracy which include the following: that democracy is an unfinished journey and an endless journey, that every country has its own democracy based on its history and that it should be initiated internally within a state to succeed. However, some scholars have argued that this concept may be affected by factors such as political power, self-interest of governments and geopolitical interests.

Archibugi (2004) identifies three schools of thought that explain the possibility of cosmopolitan democracy: realists, communitarians and the school which suggests that international democracy can be achieved if state democracy is achieved. Realists such as Morgenthau (1993) argue that states are mostly driven by national interests; hence, cosmopolitan democracy is impossible. Realists believe that states can never be controlled by intergovernmental institutions because they are sovereign entities. International law is by nature unenforceable and obedience to it is consent-based, meaning that states adhere to the dictates of international law on their own will. An example is the exit of Zimbabwe from the Commonwealth, as well as the planned exit of Britain from the EU as their own interests became threatened. Inclusiveness has been an issue at the top of the agenda at the UN as smaller powers have lately argued that the institution is not democratic in structure, as only five big powers are permanent members with veto power, even though the institution has grown since 1945 in terms of membership.

This structure thwarts citizen participation, as the respective heads of state and government (who they would have voted for through a representative democracy) are powerless in these institutions. However, some scholars have criticised this view saying that it overlooks the need of states for cooperation. Chingono and Nakana (2008) argue that countries should belong to a regional group to increase their clout and ensure security. They go further to say that the regional integration discourse assumes that neighbouring countries that have similar economic, socio-political and security problems may benefit from integrating their economies because this creates a situation of mutual interdependence and development. Communitarians argue that democracy would be easily applicable to relatively homogenous communities. The concept of cosmopolitan democracy may also assist to buttress the importance of participative decision-making in interstate organisations. The concept focuses

on the ways of expanding global governance by looking at regulating worldwide political relations through the participation of stakeholders in decision-making.

According to Archibugi (2004), the notion of globalisation might be understood simply as a phenomenon affecting the internal regimes of various states, but it could as well be taken as a new way of understanding and regulating worldwide political relations. It should be noted that democracy cannot be understood only in terms of the majority principle; instead, how different individuals are affected by a given decision should also be considered. It is important to understand that, along with its internal dimension, a state is also characterised by being a member of the international community.

As such, in decision-making processes, citizen participation assumes serious importance, given the realisation that processes within intergovernmental organisations are often characterised by the absenteeism of civil society, thereby reducing the democratic representivity of these fora, diminishing their contributions and impacts to that of “toy telephones”, and limiting their roles to purely decorative ones. Archibugi (2004) further argues that, except for the EU, substantial evidence suggests that the absence of active regional parliaments has hindered the participation of citizens in interstate organisations. This could be the situation with the case of SADC, which still has no regional parliament.

The closest that SADC has to a regional parliament is the SADC Parliamentary Forum, which is just an advisory forum and not a legislative parliament. The importance of regional institutions lies in the fact that issues that slip through at the state level can be dealt with at the regional level. In many cases, the regional level might emerge as the most appropriate level of governance. Most importantly, regional networks and organisations can also become important in promoting stability in areas where states have been incapable, on the one hand, of preserving legitimised force within their borders and, on the other, of maintaining peaceful relations with their neighbours.

There is no doubt that mechanisms should be put in place to enhance the participation of citizens in decision-making. The concept of cosmopolitan democracy also identifies with the tenets of deliberative democracy, as they both relate to the enhanced participation of citizens in decision-making.

3.6 Conclusion

This chapter has outlined three decision-making theories and models that inform the current set-up of the SADC region and how there could be improvements in adopting a new approach. The current approach, characterised as participatory democracy and representative democracy, is viewed as limiting stakeholder participation in the decision-making processes

of interstate organisations like SADC. In this regard and desirous to strengthen and enhance the participation of stakeholders in the decision-making processes of SADC, this thesis attempts to test the deliberative democracy framework.

Chapter 4: Conceptual framework

4.1 Introduction

Chapter Four presents the conceptual framework for the research. The conceptual framework is based on deliberative democracy, particularly its four tenets of equality, reciprocity, publicity and accountability, which are elaborately explained in this chapter. Deliberative democracy emphasises the accountability of public officials by subjecting policy and governance decisions to public participation.

The chapter looks at the conceptual framework for engagement between civil society and SADC. It also focuses on the obligation of public officials in interstate organisations to engage in reasoned deliberation on which courses of action would promote the public good. This conceptual framework is important as at it is guided by the belief that elected officials in interstate organisations must engage in decision-making processes that consider all relevant interests and perspectives, while at the same time conforming to specific relevant arguments.

While government representatives to interstate organisations should be given credit for justifying their policy decisions, given that their power is derived from election results and the theory of representative democracy, this may be viewed as promoting politics of exclusion. This argument is more pronounced in Staszewski (2012:852), who argues that:

> *Policy making in a democracy is not, and should not try to be, purely majoritarian and even if we wanted policy decisions to reflect the pre-political preferences of the people, relying on elected officials to control the discretionary policy choices of the administrative agencies could produce a contested outcome.*

According to Watts (2009), not only is the role of political reason in decision-making a matter of great practical importance and sharp legal disagreements, but this is an issue which goes to the very heart of what distinguishes leading contemporary theories of legitimacy in the state. This argument is further enriched by McNollgast (2008), who is of the view that the central idea is that if agencies were following the preferences of elected officials who are politically accountable to voters, the agency's policy decisions would be democratically legitimate because they would presumably reflect the will of the people and achieve the consent of the governed.

While representative democracy is important as it focuses on the ability of elected officials to supervise and control the discretionary policy choices of regulatory agencies as the basis for democratic legitimacy, it is not sufficient to ensure inclusive decision-making, especially in interstate institutions. The problem with the representative democracy theory is that it is based

on the winner-take-all concept. It does not help SADC's commitment to inclusive policy-making. Brown (2006) argues that the representative democracy or political control model is based upon the majoritarian or pluralistic conception of democracy, which reflects a belief in the hegemony of popular control of governmental decisions. Gutmann and Thompson (1996) join the argument, describing the representative democracy model as exemplifying an aggregative view of democracy, whereby the primary role of the government is merely to ascertain and implement the pre-political preferences of citizens in the form of numerical majorities or other forms of coercive influence.

The elitist approach (in which the power of decision-making seems to reside only in the elected political elites) creates a perception, whether right or wrong, that SADC is a club of elites whose policy decisions are designed to satisfy the interests of the elected officials and not citizens. Gutmann and Thompson (1996) argue that elected officials should provide reasoned explanations for their decisions that could reasonably be accepted by free and equal citizens with fundamentally competing perspectives. In the decision-making process of SADC, there could be a need to retreat from the elitism which characterises the current set-up and work on adopting policy decisions on the basis of open discussion. Staszewski (2012), in concurrence with this view, argues that decisions adopted pursuant to these criteria are democratically legitimate because each interest and perspective is treated with equal respect, and arbitrary decision-making is prohibited.

The importance of this approach is that it helps to cushion citizens from arbitrary government action on policy-making and governance. The research contends that participatory democracy is too limited an approach, as it does not speak on important issues, such as the promotion of equality of voices and how to deal with minority views in participation. This research contends that a deliberative democracy theory approach provides a more effective means to a more attractive end from the standpoint of democracy. It provides for greater legitimacy based on theories that seek to eliminate arbitrary governmental action and reach the best decision on merit, considering the available information and fundamental differences of opinion.

In the selection of the deliberative democracy conceptual framework, the researcher is not dismissing the argument that there is some engagement in the representative democracy set-up. However, the previous arguments have shown that engagement in deliberative democracy tends to have more legitimate outcomes based on the concept's key tenets of equality, reciprocity, information and accountability.

4.2 Deliberative democracy as a framework for policy decisions

The research sought to find ways of enhancing people's participation in SADC's decision-making processes and identified deliberative democracy as a suitable conceptual framework for participative decision-making in the region. The deliberative democracy conceptual framework evolves from a theoretical framework that is based on a realisation that current state affairs, as represented by representative democracy, have glaring shortcomings in providing spaces for the direct participation of SADC citizens in policy-making processes. The reasons for its weaknesses all border on its rigid construction, which gives too much power for decision-making to elected government representatives and too little to citizens.

On the other hand, the deliberative democracy conceptual framework is suitable for this study because of its ability to allow for inclusivity and respect for a diversity of views on decision-making. O'Doherty and Davidson (2010) argue that deliberative democracy emphasises democracy as government by discussion and, specifically, rational deliberation by a process of reason, giving citizens a chance to speak about matters of common good. The policies formulated and produced under a deliberative democracy process are likely to be solid and acceptable to most citizens. Fischer (2003) sees deliberative democracy as an important theory of public administration because it provides a bridge between democratic theory and concrete policy practices.

4.3 The tenets of deliberative policy decision-making

The deliberative democracy conceptual framework is based on the four tenets of equality, reciprocity, publicity and accountability. All four tenets are important components capable of enhancing inclusive decision-making in SADC's policy-making processes. Gutmann and Thompson (2004) argue that deliberative democracy asks citizens and their representatives to provide and appeal to principles that individuals trying to find fair terms of cooperation would secure and not unreasonably reject. It does not matter whether the reasons are procedural or substantive; they should be acceptable by free and equal persons seeking fair terms of cooperation. To that end, Gutmann and Thompson (2004:7) summarise the major four tenets of deliberative democracy, which also form the cornerstone of the research on the democratisation of SADC, as:

> *… a form of government in which free and equal citizens and their representatives justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in future …*

4.3.1 Communication and publicity

The reasons given in the deliberation process should be accessible to all citizens addressed. This means that deliberation should be in public places, and the content and procedural issues should be open – the deliberation process cannot even begin if those being targeted cannot understand the content and procedural issues. The assertion that communication, publicity and the media are mechanisms of vertical accountability is supported in the democratisation literature by the likes of Diamond (1999), who argues that the horizontal mechanisms of the state are complemented by additional mechanisms of vertical accountability, such as publicity in a strong media.

This argument is expanded on by Coronel (2003), who argues that when legislatures, judiciaries and other oversight bodies are powerless against the mighty or are themselves corruptible, a strong culture of communication in the media becomes the only viable tool for enhancing accountability, as well as for enforcing checks and balances against the abuse of power. She expands the argument further to describe this role of the media as a “heroic” one, exposing the excesses of presidents, prime ministers, legislators and magistrates, despite the risks. The media is also seen as serving as a transmitter between governors and the governed, and as an arena for public debate that leads to more intelligent policy- and decision-making. Coronel (2003) concludes that, in modern democracies, there is an expectation that the media will help to build a civic culture and a tradition of discussion and debate which was not possible during the period of authoritarian rule.

In the context of the SADC regional grouping, a more vibrant media with influence on the communication lines between stakeholders and their elected representatives has a greater chance of enhancing collective decision-making than an approach which is exclusively available to elected representatives. These arguments are advanced by Ogbondah (1994) who is of the view that open communication lines that allow for investigation and the unearthing of embezzlement within the ruling bourgeois class are an important element in stemming corruption, which has been identified as one of the reasons for the failure of communication for development programmes in Africa. This leads Farrington, Moss and Rew (1998) to argue that pervasive corruption, mismanagement and spoliation by African leaders are among the main reasons for failure of development programmes in Africa.

The argument, therefore, is that a free press and open communication could be a weapon that might enhance interaction between the government and stakeholders, and thus increase participative decision-making. Ogbondah (1994) blames the disappointing level of development in Africa on the fact that its political leaders mismanage and embezzle resources that should have been used to improve the level of modernisation as well as the overall social

and material wellbeing of the people, but he argues that a free and independent African media can assist in the development of the political economy of the sub-Saharan region. This could be done by exposing the corruption, graft, ineptitude, bribery, mismanagement and outright embezzlement of resources meant for national development by those trusted with the conduct of public affairs.

This argument is developed further by Voltmer (2006), who is of the view that a viable democracy requires more than the implementation of key institutions of government, but rather, that an accountable and efficient government is embedded in a complex web of interdependent conditions that require considerable time and effort to develop. He notes that, in the context of apparent problems and frequent setbacks, scholars and policymakers alike have become aware of the crucial role of the media in the processes of democratisation and consolidation. But, equally like political institutions, Voltmer (2006) notes that the media in many new democracies often seem to lack the qualities that would qualify them to play a key role in promoting accountability and inclusive politics.

Regrettably, the media and the communication systems of SADC and its subsidiary organisations continue to be criticised for remaining too close to the political power-holders to be able to act as effective watchdogs; political reporting is regarded as too opinionated to provide balanced gatekeeping, and commercial pressures on news coverage often encourage an overemphasis on the trivial and popular at the expense of serious and sustained attention to international affairs and complex issues on the policy agenda.

Norris and Odugbenin (2008) observe that the challenges plaguing all democracies include expanding and deepening opportunities for inclusive public participation in civil society; ensuring the responsiveness, transparency and accountability of government institutions, and strengthening the overarching framework of fundamental freedoms and internationally agreed-upon standards of human rights. In this context, they see a free press as a sector of civil society which could empower people to make better choices by providing them with more timely and accurate information.

For governance, a two-way flow of information is the central conduit connecting citizens and the state. Without transparency about the performance of the government and the policies offered by parties and candidates contending for elected office, and without alternative sources of information about this process, the act of casting a vote becomes meaningless, as elected officials and parties cannot be held to account (Norris & Odugbenin, 2008). The independent news media have been regarded as particularly important for promoting government transparency and accountability, especially by highlighting cases of corruption and misconduct.

Elected leaders also require accurate news about public concerns to be responsive to social needs and development challenges. Subsequently, Norris and Odugbenin (2008:8) argue:

> *… that countries with both widespread media access and an independent free press have been found to experience lower corruption, greater administrative efficiency, higher political stability and more effective rule of law, as well as better developmental outcomes, such as lower infant mortality rates and greater literacy. The democratic public sphere helps to promote governance which is accountable to citizens and, based on this normative vision, observes the following characteristics of a democratic public sphere.*

Norris and Odugbenin (2008) further argue that a pluralistic communications system functions when the news media are independent from state control, official censorship and legal restrictions, and they reflect diverse perspectives, social sectors, interests and political persuasions. This system should guarantee constitutionally or legally guaranteed civil liberties and political rights, especially the fundamental freedoms of expression, opinion, information and assembly, as well as open and transparent governance. Further to this, it should enhance the rich and robust participation of civil society, functioning within multiple organisations and diverse associations, and facilitating unrestricted deliberation, cooperation and collaboration on issues of common concern.

The notion of deliberative democracy and the public sphere advocates that the core responsibilities of communication should be understood to involve, at a minimum, their individual and collective roles as watchdogs, agenda-setters and gatekeepers. Norris and Odugbenin (2008) argue that, as watchdogs, the news media have a responsibility to help guard the public interest, ensuring that powerful decision-makers are accountable by highlighting cases of malfeasance, misadministration and corruption, and thereby strengthening the transparency and effectiveness of governance. This represents the classic notion of the news media as the fourth estate, counter-balancing the power of the executive, legislature and judiciary branches.

Norris and Odugbenin (2008) strengthen their arguments with further views that, as “agenda-setters”, the news media have a responsibility to raise awareness of pervasive social problems, helping to inform governing officials about social needs and the international community about development challenges. Further to this, they argue that, as “gatekeepers”, the news media have a responsibility to reflect and incorporate the plurality of viewpoints and political persuasions in reporting, to maximise the diversity of perspectives and arguments heard in rational public deliberations and to enrich the public sphere.

A similar view is expressed by Rickard (2011), arguing that the media and communication channels have an obligation to help to maintain a constitutional democracy in close contact with citizens. The media should use its power and freedom in defence of judicial independence and the respective constitution by playing the roles of watchdogs, agenda-setters and gatekeepers. Beardsworth (2011) further argues that this role is vital for the reform agendas of democratic governments that are responsive to social needs, inclusive and accountable to citizens.

According to Lowenstein (1970), a completely free press is one in which newspapers, periodicals, news agencies, books, radio and television have absolute independence and critical ability, except for minimal libel and obscenity laws. This is also the view of Lederman, Loayza and Soares (2005) when analysing the effects of democracy, parliamentary systems and the freedom of the press on corruption. Their results confirm the general assumption that a free press inhibits corruption and promotes accountability. Gunther and Mughan (2000) call mass media the “connective tissue” of democracy. O’Neil (1998) writes that, without the freedom of communication that mass media provide, the foundation of democratic rule is undermined.

Curran (2002) distinguishes between the classic liberal perspective on media freedom and the radical democratic perspective. The classic liberal perspective focuses on the freedom of the media to publish or broadcast. The radical democratic perspective focuses on how mass communications could mediate conflict and competition between social groups in society in an equitable way. Weaver (1977) distinguishes three components of press freedom: the relative absence of government restraints on the media, the relative absence of non-governmental restraints, and conditions that ensure information freedom and the dissemination of diverse ideas and opinions to large audiences. Within the classic liberal perspective, according to Curran (2002), is a strand arguing that the media should serve to protect the individual from abuses of the state. Within the radical democratic perspective, he continues, is a strand that argues that the media should seek to redress imbalances in society.

The three core political functions of the news media system are as a civic forum, a mobilising agent and a watchdog. Based on this, Curran (2002) develops more specific benchmarks that could be used to audit the performance of the news media system in any democracy. This is based on the Schumpeterian tradition that defines representative or liberal democracy in terms of three dimensions: pluralistic competition among parties and individuals for all positions of government power; participation among citizens in the selection of parties and representatives through free, fair and periodic elections, and civil and political liberties to speak, publish,

assemble and organise, as necessary conditions to ensure effective competition and participation.

Other scholars who support the notion that the mass media constitute the backbone of democracy include Fog (2004), who argues that they identify problems in society and serve as a medium for deliberation, they supply the political information that voters base their decisions on, and they serve as watchdogs that societies rely on for uncovering errors and wrongdoings by those who have power. Caparini (2010) views a free and independent news media as a key element in democracies, where they play a vital political role in keeping governments and citizens aware of and in contact with one another. One of the basic assumptions of democracy is that power rests with the people and that those who are entrusted with public governance must remain closely in tune with the views and preferences of ordinary citizens.

According to democratic theory, the media functions as a bridge or transmission belt between society and those who govern. Caparini (2010) argues that the mass media are closely linked to the political system and the public sphere; they play a dual role of representing and forming political opinion. On the one hand, mass media communicate information that individuals use to make informed decisions and political choices. On the other hand, politicians rely on the media to present their positions, take stock of public opinion and interact with the public. Media, therefore, form a fundamental interconnective tissue between society and the government, communicating information, intentions, concerns, priorities and reactions to policies. Caparini (2010) further argues that social and political theorists recognise that preconditions for the establishment and preservation of democratic governance include freedom of expression for individuals and groups with divergent views.

The basic doctrine of democracy holds that, through the airing of divergent views, citizens will be able to choose the most commendable and credible ideas, and that society will thus advance. In the realm of media theory and policy, this concept has manifested in the idea that media plurality (as in multiple media outlets) is a primary element in providing the opportunity for diverse voices to be heard and for ideas to be circulated.

An effective and independent media acts as a government watchdog by subjecting the actions of the government to public scrutiny and, thereby, holding governments to account for their policies and management of the public sphere. Investigative journalists may expose corruption, wrongdoing and misuse of public office in the government. At the most basic level, Caparini (2010) argues, the media in a democratic society should publish available, comprehensive and reliable information about political and social processes at work, to enable the average citizen to make educated decisions and thereby participate in the political process.

This information and public discussion and debate provided by the media is supposed to make it possible for citizens to see and understand what is going on in politics and society, and to evaluate their own positions on political processes by comparing them to other views and opinions.

The preceding views lead to arguments by Dahl (1973:191), who states that for many it is very difficult to understand what is meant by the concept of democracy. Keane (1991:168) defines democracy as a concept that "comprises procedures for arriving at collective decisions in a way which secures the fullest possible and qualitatively best participation of interested parties". Dahl (1973:112) is of the view that "each citizen ought to have adequate and equal opportunities for discovering and validating the choice on a matter to be decided that would best serve the citizens' interests". He further argues that throughout the process of making binding decisions, citizens ought to have an adequate and equal opportunity to express their preferences.

According to the liberal theory, one of the primary roles of the media in a democratic country is to act as a watchdog (Curran, 2002:217). Contemporary democratic theory appreciates that the watchdog role ensures that the government is held accountable for all its actions. It is argued that the government cannot be held accountable if citizens are ill-informed about the actions of officials and institutions. This role, therefore, requires the media to act as guardians of the public interest, warning the citizens against those who are doing them harm. Thus, according to Curran (2002:217):

> *For the media to perform this role effectively, it must be independent of the government and of all other pressures that might influence its operation. It is feared that once the media is subject to state regulation, it becomes difficult to fulfil the watchdog role.*

The watchdog role requires that the media not only monitor the full range of state activities, but also fearlessly expose the abuses of those in power. Additionally, the media must ensure that the government and politicians do not abuse the power granted to them or exceed their mandates. Curran (2002) posits that the watchdog role overrides all the other important functions of the media and that, despite various criticisms, the watchdog role is still considered in most of the literature to be an important role for media in any democracy.

Contemporary democratic theory appreciates the media's role in ensuring that governments are held accountable. In both new and old democracies, the notion of the media as watchdog and not merely a passive recorder of events is widely accepted. Coronel (2003) argues that governments cannot be held accountable if citizens are ill-informed about the actions of

officials and institutions; the “watchdog press”, as the guardian of the public interest, warns citizens against those who are doing them harm. Sen (1994) also outlines the need for “transparency guarantees” such as a free press and the free flow of information. Sen (1994) sees the media as a watchdog against not just corruption, but also disaster, further arguing that there has never been a famine in a functioning multi-party democracy with regular, credible elections, healthy opposition parties and an unfettered media.

Sen (1994) is of the view that a free press, together with the practice of democracy and political opposition, acts as an early warning system by broadcasting information which could positively contribute to the prevention of famine. Sen (1994) argues that historically famines have been associated with one-party states, such as North Korea in the past few decades; with military dictatorships, such as Ethiopia, or with colonial arrangements such as in pre-independence India and Ireland. It is this researcher’s conclusion – in conjunction with Sanjukta’s (2012) argument – that an independent media acts as an anchor for many facets of a society and supports its fundamental workings, by upholding the ruling party or exposing its vices; bringing out the positives and negatives of industry; making citizens’ voices audible to decision-makers, and, most importantly, revealing and spreading economic and other information.

A free media is shown to promote economic development by solving principal–agent problems through the free flow of information, thus improving public policy implementation. In the context of the SADC community and its relations with stakeholders for improved stakeholder participation in decision-making, it is paramount that there are clear lines of communication between different players, anchored on a strong and vibrant media capable of promoting diversity and inclusive deliberations.

4.3.2 Accountability

The concept of accountability in deliberative democracy aims to produce a decision that is binding for some period and, as such, participants should take the process seriously and not just as an academic discussion. The nature of deliberation should be such that it produces results that influence how the government makes public-policy decisions that respond to needs of the citizenry, as well as their hopes and aspirations, and thus be accountable to them. According to Stapenhurst and O’Brien (2005), accountability ensures that the actions and decisions taken by public officials are subject to oversight, to guarantee that government initiatives meet stated objectives and respond to the needs of communities that are meant to be benefiting, thereby contributing to better governance and poverty reduction.

Such observations are underlined by Bovens (2007), who describes accountability as a relationship between an actor and a forum, in which the actor has an obligation to explain and

to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences. Bovens (2007) further views accountability as having three indispensable components. The first one is that the actor should be obliged to inform the forum about his/her conduct. The second one is that the forum should have an opportunity to debate this conduct with the state, as well as an opportunity for the actor to explain and justify his/her conduct during the debate. The third one is that both parties should know the forum is able not only to pass judgment, but also to present the actor with certain consequences.

According to Mulgan (2003), accountability is a relationship of social interaction and exchange involving complementary rights on the part of the account-holder and obligations on the part of the account-holder. He stresses a few defining features. Firstly, it is external, which means that the account is given to some other person or body outside the person or body being held accountable. Secondly, it involves social interaction and exchange. Lastly, it implies some rights of authority. Sirker (2006), on the other hand, refers to accountability as the obligation of power-holders to account for or take responsibility for their actions in both conduct and performance. However, to Paul (1992), accountability means holding individuals and organisations responsible for their performance, which is measured as objectively as possible.

Bovens (2007) expands his views on accountability by describing it as a broad concept that embraces a myriad of values such as responsibility, equity, efficiency, democracy, integrity, responsiveness and transparency, all of which are considered important values in the modern-day social and political context. On the other hand, Beckmann (2000:8) points out that accountability follows the exercise of power, use of resources and implementation of policy, inextricably linking the concept to democratic management and other related concepts such as participation, decentralisation, empowerment and transparency. Bovens (2005:16) argues that:

> *In contemporary political and scholarly discourse accountability often serves as an conceptual umbrella that covers various other distinct concepts and used as a synonym for many loosely defined political meanings such as transparency, good governance, equity, democracy, efficiency, responsiveness, responsibility, and integrity.*

Expanding on the same subject, Mulgan (2003) argues that the term accountability has come to stand as a general term for any mechanism that makes powerful institutions responsive to their public. Government officials and bureaucrats, notes Malena, Forster and Singh (2004), are accountable for their conduct and performance. This includes being held accountable for obeying the law, not abusing their powers, and serving the public interest in an efficient, effective and fair manner.

There are different forms of accountability, with Koppell (2005) presenting five different dimensions of accountability – transparency, liability, controllability, responsibility and responsiveness – that are each ideographs and umbrella concepts themselves. However, this approach, which creates broad assumptions of accountability concepts, creates problems. Bovens (2005) argues that such broad conceptualisations make it impossible to establish empirically whether an organisation is accountable, because each of the various elements needs extensive operationalisation itself and because the various elements cannot be measured along the same scale. Some dimensions, such as transparency, are instrumental for accountability, but are not constitutive of accountability; others, such as responsiveness, are more evaluative than analytical.

A more realistic approach is presented by Stapenhurst and O'Brien (2005), who provide two distinct stages for the concept of accountability, namely: answerability and enforcement. On the one hand, they argue that answerability refers to the obligation of the government, its agencies and its public officials to provide information about their decisions and actions, and to justify them to the public and those institutions of accountability tasked with providing oversight. On the other hand, Stapenhurst and O'Brien (2005) argue that enforcement agents, the public or the institution responsible for accountability could sanction the offending party or remedy the contravening behaviour. As such, different institutions of accountability might be responsible for either or both stages.

Apart from enforcement and answerability, Schedler (1999) suggests a third way of controlling the use of political and other powers by managers: monitoring and evaluation. These are important to the policy- and decision-making processes.

4.3.2.1 Types of accountability

There are various types of accountability, including public, political, administrative, bureaucratic, legal and constitutional, fiscal, performance, social, and moral. Stapenhurst and O'Brien (2005) distinguish between horizontal and vertical accountability. Horizontal accountability is the capacity of state institutions such as the judiciary and legislature to check abuses by other public agencies and branches of the government, or the requirement for agencies to report sideways. Vertical accountability is the means through which citizens, mass media and civil society seek to enforce standards of good performance on officials. Bovens (2005) argues that these types of accountability could be formal or informal, internal or external, individual or collective, and could work vertically, horizontally or diagonally.

The key type of accountability that is relevant to the present study is public accountability. Bovens (2005) is of the view that the need for the state to be accountable to its citizens stems

from the social contract that citizens share with the state. In a democracy, Bovens (2005) argues, this contract is operationalised when citizens elect a government and invest elected representatives with the power to govern them. The government is under obligation to perform its duties of governance in a manner that takes citizens' interests to heart.

Elections are considered to be one of the main mechanisms to ensure that the government respects this contract; yet, they are not an end, but a means to an end. Størm (1997) emphasises political accountability as an important type of public accountability within democracies. He argues that it signifies the real arena where accountability is exercised along the chain of principal–agent relationships, with voters delegating their sovereignty to popular representatives who, in turn, delegate most of their authority to a cabinet of ministers. Ministers subsequently delegate most of their authority to civil servants or to various, more-or-less independent administrative bodies (Bovens, 2005). According to Lindberg (2009), when decision-making power is transferred from a principal (the citizens) to an agent (the government), there must be a mechanism in place for holding the agent to account for its decisions and, if necessary, for imposing sanctions, ultimately by removing the agent from power.

Another form of accountability that is gathering currency is some type of social accountability. As Malena, Forster and Singh (2004) point out, and as a growing body of evidence shows, social accountability efforts on the part of citizens and civil-society organisations could serve to create new, effective vertical mechanisms of accountability and to strengthen existing horizontal ones. If properly practiced, it could lead to improved governance, improved public-service delivery and enhanced development effectiveness. Desai (2009) is of the view that social accountability is the responsibility of public officials, who must justify their conduct and performance to citizens using accountability mechanisms. It is also the responsibility of citizens to extract accountability from public officials. Figure 3 indicates how Boyens (2005), links the concept of accountability to rights and duty-bearers.

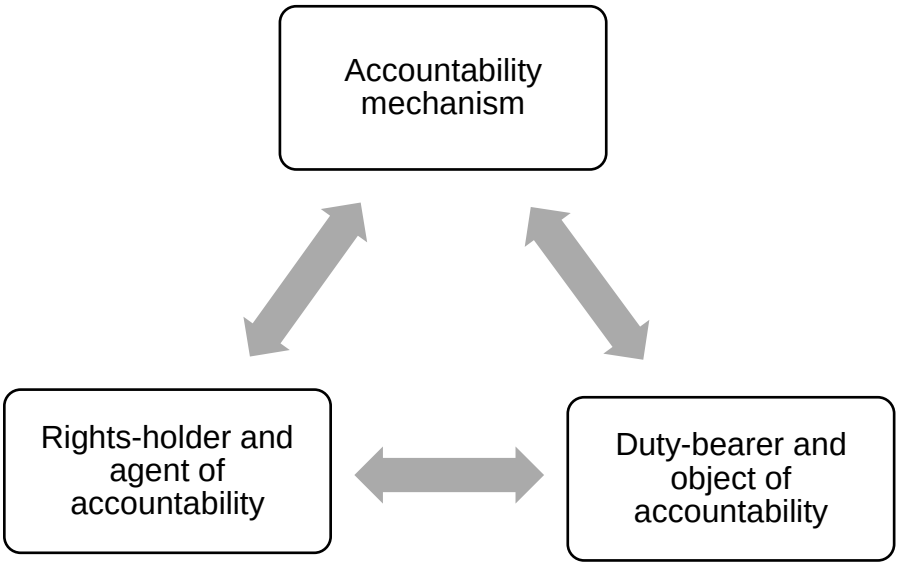


Figure 2: Accountability, rights and duty-bearers
Source: Bovens, 2007, p. 43

4.3.2.2 The importance of accountability

Social accountability is viewed by Stapenhurst and O'Brien (2005) as an approach towards building accountability that relies on civic engagement whereby ordinary citizens and/or civil-society organisations participate directly or indirectly in exacting accountability. Political accountability has been defined as the obligation of both political and public officials in governments to be held accountable for their actions to the citizens (Schedler, 1999; Bratton & Logan, 2006), serving the dual purpose of ensuring that representatives do not abuse power and enabling governments to function effectively and efficiently. It also refers to the processes and mechanisms that are in place to ensure that those in decision-making positions adhere to the principles of democracy and good governance, with answerability and enforceability being identified as the two fundamental constituents of political accountability.

Malena, Forster and Singh (2004) link several concepts and agendas to social accountability mechanisms, arguing that they have a key role to play in improving governance and deepening democracy. Governance, according to the United Nations Development Programme (UNDP) (1997), refers to the exercise of political, economic and administrative authority in the management of a country's public affairs at all levels. It incorporates complex mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations. Malena, Forster and Singh (2004) link social accountability to governance, empowerment and the effectiveness of development (Figure 4). The underlying concept behind social accountability is the active

involvement of citizens in exerting accountability from their elected representatives and leaders, which has strong potential to contribute to poverty reduction through more pro-poor policy design, improved service delivery and empowerment (Malena, Forster & Singh, 2004).



Figure 3: Social accountability
Source: Bovens, 2007, p. 48

In many cases, citizens, communities and CSOs do not merely participate in social accountability activities; they initiate and control them. By monitoring government performance, demanding and enhancing transparency, and exposing government failures and misdeeds, social accountability mechanisms become powerful tools against corruption. Indeed, it has been argued by some that the only true safeguard against public-sector corruption is the active and ongoing societal monitoring of government actions and the evolution of more open and participatory anti-corruption institutions.

However, Odhiambo-Mbai (2008) sees it differently, arguing that it is not always true that democratisation is equal to accountability or that accountability is in turn equal to good governance. He cites the case of the situation in sub-Saharan Africa after decades of the restoration of multi-partyism. Evidence on the ground indicates that widespread abuse of public office by public officials is still largely the norm. Schedler (1999) speaks about systems of accountability that are internal to the state as “horizontal” mechanisms of accountability. These include political mechanisms like constitutional constraints, separation of powers, the legislature and legislative investigative commissions.

Fiscal mechanisms include formal systems of auditing and financial accounting, while administrative mechanisms refer to hierarchical reporting, norms of public sector probity, public service codes of conduct, rules and procedures regarding transparency, and public oversight. Legal mechanisms include corruption control agencies, ombudsmen and the judiciary (Malena, Forster & Singh 2004; Goetz & Gaventa, 2001). It is important to understand that these are important tenets that could enhance the participation of the quality of decision-making processes at SADC level through the involvement of different stakeholders.

4.3.3 Equality of voice

The deliberative democracy framework speaks of a need to respect diversity or treat all views presented equally. It envisages that the process should be dynamic, allow for the respect of diversity and ensure equality of voice. Even where the minority voice does not carry the day, it should be taken into serious consideration, because although deliberation aims at a justifiable decision, it does not presuppose that the decision at hand will, in fact, be justified, let alone that the justification today will suffice for the indefinite future.

Arguments for the principle of equality in the deliberative democracy context are based on a framework that speaks of making authoritative and enforceable collective decisions aimed at providing guidance on how rights and opportunities could be made with the same level of respect for all citizens. Cohen (1996:50) argues that “in democratic society, members are conceived of as free and equal citizens”. A principle of equality of voice and democracy presents norms that are suited to persons thus conceived. It articulates values that apply to the democratic arrangements for making binding, authoritative and enforceable decisions, and it aims to provide guidance about the appropriate design of such arrangements. Cohen (1989) further argues that the principle of equality applies to the framework for making authoritative and enforceable collective decisions and specifies, *inter alia*, the system of rights and opportunities for free and equal members to influence decisions with which they are expected to comply and which are made in their name. Most importantly, it is framed in a manner that ensures members can legitimately make demands on the highest level of authoritative collective decision-making.

Equal opportunities to influence decisions at the same level, without resorting to weighting of votes, is what Rawls (1993) calls the “fair value of political liberty”, which condemns inequality in opportunities for holding office and influencing political decisions by influencing the outcomes of elections and decision-making. It should, however, be noted that equality of voice is not a requirement of authoritative systems of collective decision-making. Decisions should also be substantially just, according to some reasonable conception of justice, and effective at advancing the general welfare of citizens.

The principle of equality of voice – as Rawls (1993) puts it – is that people who are equally motivated and equally able to play a role in influencing binding collective decisions ought to have equal chances to exercise such decisions. Rawls (1993) concludes that the conception of equal opportunities for all is relevant in decision-making processes because the voice of the majority is not always correct – the majority could be wrong. That is why it is important to rationalise and reach decisions on the bases of inclusion and respect of all the views that have been presented.

According to Karpowitz, Raphael and Hammond (2009), the struggle to balance the voices of lay citizens and the voices of experts and the elite has always been a feature of deliberative democracy. Deliberation fulfils its special claims to democratic legitimacy when, in making decisions, participants focus on how well they justify their views to one another, rather than on participants' authority, status, numbers, muscle or money. The decisions that result from this process of deliberation are fairer, more legitimate and less arbitrary. These decisions are also most likely to be wiser, because they allow a broad range of perspectives and information to be pooled together.

When making decisions using the deliberative process, dealing with minority views is important. The deliberative process, while pushing for consensus in decision-making, does not coerce minority views. Deliberation makes people open-minded and willing to listen to minority views, resolving conflict properly and leaving deliberators feeling that everyone received a fair hearing. Karpowitz, Raphael and Hammond (2009:579) argue that:

> *At any given time and place there are identifiable groups that are more identifiable to organise, articulate, mobilise, and integrate into policy discussions. They may be formally excluded from aspects of political systems because they are denied voting rights or legal standing in administrative arena or may lack resources for effective organising and action. Such groups typically exert demonstrably less influence on institutional and public policy-making through organised lobbying, campaign, contributions and major methods affecting policy.*

Respecting minority views helps to broaden the range of voices and views in the wider public sphere.

4.3.4 Reciprocity

Reciprocity emphasises that deliberation should allow for mutually respected decision-making. Each party that is engaged in the deliberative process should be guided by the spirit of reciprocity, and be ready and willing to engage and share their views openly in a manner that allows for the free flow of ideas from different parties.

The deliberative democracy tenet of reciprocity is premised on the understanding that citizens owe one another justifications for decisions. Deliberative democracy takes reciprocity more seriously than do any other theories and makes it the core of its democratic principles. Gutmann and Thompson (2004) are of the view that the principle of reciprocity implies that the capacity to make critical judgments is a prerequisite for making reciprocal claims, while denying citizens' space to engage in ideas is not consistent with the principle of reciprocity. Reciprocity recognises that citizens owe one another mutually justifiable reasons for laws and policies that they would impose on one another.

Reciprocity is a process of seeking not just any other reason but mutually justifiable reasons and reaching mutually binding decisions based on those reasons. In this regard, reciprocity is more than just discussion; it is both substantive and procedural. The importance of the deliberative democracy tenet of reciprocity is that it allows citizens to show respect to one another by recognising their obligations to justify to one another, in terms that permit reasonable disagreements, the laws and policies that govern their public life.

The principle guiding deliberative democracy reciprocity is that citizens and their elected representatives seek to give one another mutually acceptable reasons for the laws and policies they adopt. The underlying emphasis is a desire to justify policies to people who would be bound by them. In this regard, reciprocity sets standards or criteria for assessing decision-making on the strength of justifications that are accessible, moral, respectful and revisable.

Invariably, reciprocity requires reasons that can be justified to all parties who are motivated to find fair terms and social cooperation. It further allows for accommodation based on mutual respect, encouraging cooperation on fair terms. The importance of accommodation in policy-making is that it allows citizens to promote policies where their principles converge, even though these policies would be lower in their list of political preferences under other circumstances. It also requires more than simply agreeing to disagree; it encourages each side to have a favourable attitude towards and constructive interaction with the side that it disagrees with. This keeps open the possibility of a different, more accommodating solution in the future.

4.4 Application of the deliberative democracy conceptual framework

This research assumes that a proper application of the deliberative democracy conceptual framework in the decision-making processes in SADC would enhance inclusive and collective decision-making, which would go a long way in the democratisation of the institution. Gutmann and Thompson (1996) see it as an essential component in the promotion of collective decision-making which produces legitimate and acceptable decisions while, at the same time,

encouraging public-spirited perspectives on public issues. Further to that, it could enable SADC to promote mutually respected decision-making processes which would allow it to correct its mistakes on governance policy-making or any related issues in a manner that improves its democracy credentials and collective decision-making.

This research assumes that applying deliberative democracy to SADC's decision-making processes would likely produce policy decisions with greater legitimacy and a better chance of promoting statutory goals than policy decisions that merely reflect political preferences. Bassette (1980) argues that, in a deliberative democracy context, decisions should reflect preferences that emerge from a process of reasoned deliberation rather than the pre-political preferences of most citizens or the strength of competing interests and pressure.

This means that participants in the policy-making process should engage in a procedure of deliberation and debate, where they exchange information, arguments and ideas about the best course of action under the circumstances. In a deliberative democracy set-up, there is more willingness by participants to be open-minded and allow for a free flow of ideas. This could assist SADC, especially given that some member states could be characterised by poor relations between citizens and the government.

Gutmann and Thompson (1996) see this emphasis on participation as a positive phenomenon. Participants should be open-minded and willing to revise their pre-existing views and preferences based on new information and arguments, while any empirical claims that underlie their positions should be based on the best-value information and reliable methods of inquiry. It is also important for the participants in the deliberative democracy process not to be persuaded by their naked personal preferences ("this is what I want") or by self-interest arguments ("this is good for me"). Both public officials and citizens are expected to provide rational explanations for their positions that could reasonably be accepted by free and equal citizens with fundamentally competing perspectives, and to explain how the proposed course of action would promote the public good.

Over and above that, there is a need to ensure that the deliberative process is generally transparent to the public and that the justifications which officials offer for decisions are publicly accessible. This openness and transparency provides citizens and other public officials with an opportunity to discuss, evaluate and criticise specific decisions.

For instance, Staszewski (2012:886), argues that:

> *… the key distinction between the majoritarian or pluralistic theories of democratic governance and more deliberative alternatives is that while the former theories focus on making decisions that accord with the prevailing distribution of political power, the*

> *later theories emphasise the importance of having mutually respectful discussions of the merits of issues and ensuring that everyone's interests and perspectives are taken into account in decision making.*

Gutmann and Thompson (1996) also argue on the same trajectory, speaking of how they view representative democracy theories as more focused on procedural issues, while deliberative democracy theories are concerned with both procedural and substantive issues, thus strengthening the validity of policy choices. Fearon (2012) also sees deliberative democratic theories as having several major advantages over majoritarian or pluralistic conceptions of democratic governance. He argues that policy decisions that are adopted pursuant to the requirements of deliberative democratic theory are more likely to be effective than policy decisions that deviate from (or are considered exempt from) these standards. The way the process is designed eliminates individualism and emphasises the collective. Elster (1998) speaks of the deliberative democracy process as capable of eliminating self-interest and limiting self-interested proposals. Manin (1987) views the capacity to help participants to ascertain their own preferences on the best course of action under the circumstances as one of the biggest strengths of deliberative democracy theories.

With the application of the deliberative democracy model to SADC's policy-making processes, there would be a strong possibility of inclusive democratic decision-making which could be the basis of accelerated regional development. Staszewski (2012:88) observes that:

> *A deliberative process can be expected to yield more justifiable decisions on the merits because the deliberation process is by definition focussed on the substantive merits of the decision. This is not necessarily true of decision making procedures that merely aggregate the pre-political preferences of voters, elected representatives or interest.*

There are, however, some suggestions that deliberative democracy seeks to find one answer when, in social science interpretations, there can be no single answer. Gutmann and Thompson (1996) quash this accusation, arguing that securing this benefit does not require a single correct answer to controversial policy questions; it depends on a belief in a well-informed decision-maker's ability to reasonably conclude that some policy decisions are more justifiable than others on a fairly regular basis.

Gutmann and Thompson (1996) expand their arguments with an assertion that policy decisions made and adopted pursuant to the requirements of deliberative democracy theory are likely to be more legitimate than policy decisions that deviate from these standards. This is true from the perspective of majority rule because the deliberative process provides most

policy-makers with the information and competing perspectives they need to ascertain preferences on the best resolutions to specific policy issues.

The research assumes that if SADC policy formulation processes are based on deliberative democracy, they are more likely to assist in building consensus on solutions. Further to that, it assumes that even where such consensus is not reached, elected officials will most likely have good reasons for choosing their courses of action over available alternatives to make legitimate policy decisions. Manin (1987) stresses the point that deliberative democracy theories require that a decision-making process adequately consider the interests and perspective of minorities. Cohen (1989) buttresses this, arguing that the deliberative democracy process is most likely to bring about substantive outcomes that are the object of a free and reasoned agreement of equals, and the resulting policy decisions could be understood as collective choices that are presumably legitimate from the standpoint of minorities. Contributing to the same debate, Staszewski (2012:889) speaks of deliberative democracy as a very good theory because of what he terms:

> *… a theory that requires public officials to consider the interests and perspectives of minorities will clearly have greater democratic legitimacy from the minority's point of view than a theory that assumes that all citizens have provided their blanket consent to the governed by the unfiltered preferences of a majority, irrespective of the substantive merits of those decisions.*

One other consideration, which makes the deliberative democracy conceptual framework more useful in the drive to enhance participative decision-making processes at SADC, is that it allows for the policy process to be monitored by citizens. This is an important element of the policy-making cycle which also assists in promoting collective decision-making and inclusivity. On the same point, Downs (1957) sees deliberative democratic theories as easier to monitor and enforce in practice than the majoritarian or representative democracy competitors. The advocates of majoritarian or pluralistic theories tend to envision a political market that operates with an "invisible hand", like an economic market. Their view derives from an idea that elected officials are elected to power based on the demand of certain policy programmes and their ability to convince the electorate that they have the capacity to deliver. If they fail to deliver, the assumption is that voters will vote them out in the next election and choose a new set of leaders likely to represent them better by delivering on their policy promises.

Eskridge, Frickey and Garrett (2001) argue that, in the real world of politics, that is not the case and that periodic elections are not dependable mechanisms for ensuring that public officials implement the will of the people on most policy matters. In a representative democracy, any attempt to try to enforce the elected officials to implement their promises is a

daunting task. On the other hand, in a deliberative democracy set-up, there is room for competing arguments and acceptance of diversity.

Staszewski (2012) speaks of deliberative democracy theories as dependent upon public officials and citizens to participate in the deliberative process, to represent competing points of view, and to evaluate and potentially criticise policy decisions and their proffered justifications, as well as to potentially seek political and legal reform. He further argues that deliberative democracy theories allow for openness – a prerequisite for successful policy-making. He indicates that this system can work only if the policy-making process is accessible and transparent, and if public officials provide reasoned explanations for their policy decisions.

The deliberative democracy process also has self-correction mechanisms. Gutmann and Thompson (2004) argue that while there are no guarantees that all set deliberation conditions will be met, the deliberative democratic theory stands a much more realistic chance of succeeding on its own terms, and being able to identify and rectify its own shortcomings in practice, than its majoritarian or pluralistic counterparts. This argument is expanded by Staszewski (2012:893), who states “that deliberative democracy theory recognises that political preferences and priorities have a legitimate role to play in policy-making in many situations, but only when certain conditions are met”.

Over and above its commitment to exhaustive deliberation in decision-making the deliberative democracy theory does not rigidly stick to this and ignores that there could be a need for voting at some stage.

Gutmann and Thompson (2004) express a view contrary to that of critics of deliberative theory, namely that voting is essential to theories of democratic governance to mark closure of an episode of reasoned debate and to minimise any remaining disagreements after each participant has expressed their views on the merits of the relevant proposals, ultimately resulting in political action with potentially significant consequences.

Thus, the deliberative democracy process should be more accurately understood as a give-and-take public argument aimed at making a decision that will guide future action and that is justifiable to the people bound by it, because where policy decisions must be made, theories of deliberative democracy should dovetail with voting. The question then becomes: why embark on voting, which is majoritarian, when making some decisions under the conceptual framework of deliberative democracy, the design of which is to use discussions to arrive at decisions?

4.5 Managing majoritarianism

While deliberative democratic theorists do not necessarily believe that majority rule is required by democracy, they do recognise that abiding by the results of a majority vote is an appropriate decision-making procedure in many situations. The difference is that while theories of representative democracy understand majority vote as the sum-total aggregation of preferences or the weighing of competing interest-group pressures as the only legitimate goals of policy-making, deliberative democracy theories view a majority vote or deference to public opinion as a closure device. Staszewski (2012) thus argues that while majoritarianism and pluralism are purely procedural theories of democracy, which are typically silent on the evidence, arguments and claims that are considered before a vote is taken, deliberative democratic theory recognises the need to attend to the content of a policy dispute in order to assess the justifiability of both the means of reaching a resolution and the resolution itself, such that, at the end of it all, the majority may decide, but only after an exhaustive process of deliberation.

Deliberative democracy does embrace the results of majoritarianism if they come after exhaustive deliberation that fails to reach consensus and a vote is needed as a closure mechanism. Stack (2009) argues that deliberative democratic theory maintains that an adequate deliberative process must precede the assessment of, or reliance upon, majoritarian preferences of public opinion in making authoritative policy decisions in the context of administrative rule-making. At the same time, the voting may not violate any fundamental rights or liberties as determined by the principles of deliberative theory. Most importantly, the decision may not be arbitrary or capricious on the merits, meaning that participants in the deliberative process must consider the interests and perspectives of everyone who would be affected by the decision, and it must be justified by arguments and evidence presented and supported by reasoned explanations.

One other positive notch for deliberative democracy is its flexible external review mechanisms, such as a judiciary review, which tend to emphasise the provisional nature of most policy choices in a democracy. This is particularly important in SADC, as there is emphasis on the self-evaluation of member states using the AU-designed African Peer Review Mechanism (APRM). The mechanism encourages member states to conduct a self-evaluation of their governance that involves all key stakeholders.

The primary benefits of providing more space for deliberation in SADC are that it will make the administrative process more transparent and that it has the potential to improve the alignment between the organisation, its member states, decision-making and public opinion, and the

philosophies and priorities of the existing political leadership, without sacrificing the quality or legitimacy of SADC policy choices.

4.6 The counter-arguments

While deliberative democracy is the conceptual framework for this study, the researcher is not restricted to thinking that it is pure and therefore devoid of any shortcomings. Deliberative democracy, like all theories, has its critics. For instance, Olson (2011) argues that while two of the most widely advertised advantages of deliberative democracy are its abilities to accommodate the diversity of democratic citizens and to renegotiate preferences and values through shared modes of political argumentation, thus spanning a wide range of social and cultural differences, it does not take into cognisance the highly demanding time requirements on people.

It also fails to make a serious assessment of citizens and how the contextual environment affects their ability to engage effectively in deliberation. Olson (2011) argues that an assessment of citizens' capabilities could be used as a critical leverage against the existing democracy, highlighting the ways in which people and polities fall short when compared with the ideal of deliberative citizens and contexts. However, in the real world of politics and policy formulation, only a few citizens are enlightened enough to have a thorough understanding of the demands of deliberation, especially the normative arguments, and how they could be used to improve the existing democracy.

The deliberative democracy theory has also been limited by its emphasis on the issue of equality; some critics have identified this as its own weakness because of a failure to address the societal inequalities arising from class differences. Olson (2011:528) argues that:

> *On the issue of equality it should be noted that citizens often correspond to their social differences from one another and this affects their ability to engage. The situation is profoundly disturbing in liberal democratic theory imagination which is structured on a belief that all people are created equal. If people are unequal in their specifically democratic capacities, and inequalities follow the lines of social difference, deliberative democracy may privilege some kinds of people above others, reproducing social differences rather than blunting their effects.*

These accusations have led to a view that deliberative democracy perpetuates power differences and inequality, rather than thematising them as topics of common concern. Compounding this is the accusation that deliberative democracy fails to stipulate principle issues of equality and inclusion that would condemn social differentiation. This has given its critics a field day as they argue that the theory looks at society in absolute terms without taking

into consideration class differences and how they influence participation in governance issues. Olson (2011:544) concludes that deliberative democracy strategy is silent about the kinds of normative claims that should count in the public sphere. It does not try to discern implicit norms of political practice. Rather, it emphasises politics while leaving normativity up to the people involved. He views deliberative democracy as having glaring shortcomings, arguing that:

> *Deliberation limits reveal important insights about its relation to politics in the broader sense these limits imply the need for other avenues of political action. Deliberative politics cannot stand alone it must be seen as a broader palette of political possibilities. It is important for deliberative theorists to have a better account of the complex social texture of the deliberative interaction. It should not just be crisscrossed by presuppositions of all kinds but rather should focus towards universalised forms of practice towards differentiating assessments of fellow citizens. These countervailing tendencies reveal tensions within deliberation itself.*

Further counter-arguments are that deliberative democracy seems to ignore political processes and emphasises citizen participation when the political environment depends on relations between citizens and the elected representatives that directly affect the policy-making processes.

The extent to which deliberative democracy promotes the equality of voice and inclusion of all people in deliberation, without taking into consideration the different social strata they come from and how this affects their ability to engage, is another key weakness of the theory. Further, there is a view that it is an inadequate and harmful account of how citizens go about understanding their fellows in public deliberation and that it privileges a form of communication by Habermas only. Olson (2011:545) argues:

> *Our notions of who is qualified to speak and how valuable their contributions are reflect deep currents of power and disadvantage in society as a whole. If deliberative democracy is going to live up to its advertised potential as emancipatory, equalising solution to these problems, it must avoid perpetuating them at the same time. This requires deliberative theorists to acknowledge the limits of deliberation and forge connections with other political modalities without backing away from their own distinctive claims about the promise of a linguistic turn in political practice.*

Young (2000:12) argues that deliberative democracy fails on three accounts, starting with what she calls its exclusive nature which produces structural inequalities and that it is inattentive to issues of discursive power. She argues that by engaging with what she calls the “dominant institutions”, deliberative democracy limits alternatives, thus replicating structural inequalities

under the guise of democratic engagement. Hildreth (2012:304) is of the view that "constructing deliberation as a discussion of legislation or policy implementation allows participants to tinker with margins of the policy, but precludes investigating the root cause of the problems". This view is shared by Young (2000). She views the problem not as the inability to reach consensus, but as the inability to set up procedural rules that are acceptable to all parties. She also views the deliberative process as inattentive to important issues of decisive power. She speaks of deliberative democracy as only focusing on the need for agreement to give policies legitimacy; it does not theorise what the conditions for achieving legitimacy. Part of this shortcoming is related to whether the institutions themselves allow for internal transformation and, most importantly, the deliberative structures. Young (2000) contends that policies often fail to make a meaningful justification or to account for how to deal with structures of deliberation which are inherent within the conditions of the deliberation process.

4.7 Conclusion

This chapter has examined the foundations of deliberative democracy and the main actors in policy-making processes. It has covered the state and civil society in policy-making in Africa. Further to that, it has explored facets of the concept of deliberative democracy and its importance in policy-making.

In reviewing the literature, a discovery was made that while there are volumes of literature regarding deliberative democracy in general, there is little on how civil society could use this concept to enhance its participation in the policy-making processes of interstate organs like SADC. This is a considerable gap, especially in how civil-society players could collaborate with national governments to make meaningful contributions to the policy-making processes of interstate organs like SADC. At face value, it may seem impossible to see how the concept of deliberative democracy could be used to promote enhanced civil society and regional bloc relations in decision-making. However, the conclusion is that there is a gap that, if filled, could enhance people-centred policy-making within interstate organisations.

Most importantly, this research is projected to add new dimensions to the literature on citizens' loss of faith in the institutions, processes and actors associated with conventional representative democracy. The use of the deliberative democracy approach would provide a literature that strengthens the rebuilding of public focus, interest and confidence in redesigning politics through the design and implementation of modes of citizen engagement with a clear element of citizens' participation, but within the boundaries and without usurping powers conferred on citizens' representatives through representative democracy. It has created trends in studies of deliberative democracy, the focus of which is the micro-political community level. This has inevitably created a large gap in the literature, as there is limited engagement about

deliberative democracy at macro-level institutions. Finders and Curry (2008) share the same view in their argument that there is a strong need to shift from micro-political experiments towards the use of deliberative forms of participation at the macro-political level, so that deliberative democracy mechanisms are used as the basis for considering the root of a political system.

Fishkin (1991) and Dryzek (2000) further argue that the trend, until recently, has been to focus primarily on local and community politics, in the process disregarding development and trends at the national level and beyond. Johnston, Blais, Gidengil and Nevitte (1996) reinforces this argument, arguing that it is exactly such reasons that make the analysis of experiments with deliberative democracy at the national level and in relationship to “mega political” debates or the “mega political orientation” of a polity (namely, those concerning the nature of a polity’s constitution and the distribution of powers) more relevant within a wider discussion concerning the evolution of modes of participation and the nature of democracy.

A political analysis that focuses on deliberative democracy in relationship to “mega politics’’ is important in providing a new body of literature that adds a new veneer to our understanding of inclusive politics, strategic-game playing and potential veto power. The present work would thus be useful at a very opportune time to provide new literature on how deliberative democracy could be used to promote relations and common approaches to policy-making at interstate organs like SADC.

This work should also fill in a gap in the literature regarding how deliberative democracy could be adopted and used in the transformation of interstate institutions, rather than simply an aggregation of preferences. Most importantly, this work should add new dimensions to the literature and help to fill in the gap regarding how deliberative democracy could be used by citizens in demanding a redistribution of power within representative democracies in a way that strengthens and increases citizens’ influence over specific policy decisions. The research seeks to outline a potential link to how deliberative democracy can assist in opening up spaces for citizens to participate.

Chapter 5: Methodology

5.1 Introduction

Chapter Five describes the methodology that was used in conducting the research on civil-society participation in SADC policy formulation and processes. The research was conducted using the qualitative research method. The design of the research is moulded around a case study. Data was collected using individual interviews. The research instrument used was an interview schedule with guiding questions. The reasons for the selection of the qualitative research method, a case study design and data collection using interviews are explained in detail in the pages that follow.

The research uses both primary and secondary data. The primary data was collected from four categories of respondents, namely: senior officials from the SADC Secretariat, senior government officials whose duties require interaction with civil SADC institutions and senior officials from the SADC Council of Non-Governmental Organisations (CNGO). In total, three officials were interviewed from the SADC-CNGO, three senior officials from the SADC Secretariat, one government official from each of the ministries of foreign affairs of Zimbabwe, Zambia, South Africa and Malawi, and 26 respondents from different civil-society organisations from various countries that are members of SADC. Interviews were conducted from a total of 12 SADC member states, namely: Zimbabwe, South Africa, Zambia, Malawi, the Seychelles, Mauritius, Botswana, Namibia, Mozambique, Swaziland, Lesotho and Tanzania.

An average of two civil-society organisations from each of the 12 countries were interviewed. The organisations interviewed represent the apex civil-society organisation and at least one other civil-society organisation. This was done deliberately to find a holistic picture as represented by the apex organisation, which is the link of civil society at country level with the SADC-CNGO and the organisations at country level themselves. In total, 34 respondents were interviewed, representing a healthy mix of different stakeholders who were able to give a clear and holistic picture for the study. All the respondents were high-quality informants with a wide and deep understanding of SADC as an interstate organisation, civil society in the region and the operations of governments in relation to the issues at hand. The choice to conduct research in 12 out of the 15 SADC member states assisted in providing a comprehensive picture of the situation at hand, as the sample represents 75% of the organisation's member states. The research took note of the unique language differences of the SADC member states, as the sample included Francophone, Anglophone and Lusophone countries.

The research sourced data from secondary sources to complement the primary research data, which was sourced through document analysis. The documents that were analysed included records of minutes of the SADC Summit of Heads of State and Government, minutes of the SADC Council of Ministers, SADC communiqués, SADC policy documents, civil-society policy drafts, SADC protocols, civil-society organisation press releases, SADC press releases, SADC yearly reports and the government yearly reports, among others. Most of this data was sourced from the SADC library in Gaborone, Botswana, while other documents were sourced from the website of the organisation.

Other secondary material -– on the activities of civil society – was sourced from the SADC-CNGO offices in Botswana, as well as its website. Other material, particularly on the activities of civil society at the country level, was acquired from offices and through interactions with different civil-society organisations at the country level.

The sources of data for the research covered all spaces adequately to ensure the credibility and validity of the research. Using such a large pool of stakeholders who play different roles in the institutional settings of SADC and civil society, together with complementary documents, gives credibility and comprehensiveness to the issue under scrutiny.

5.2 Reasons for the qualitative approach

For the purposes of the proposed research, the researcher chose to carry out a descriptive qualitative research design in the hope of finding out respondents' perceptions of and experiences in dealing with both media and the government in the areas of accountability, governance and democracy. According to Snape and Spencer (2003), qualitative research studies a subject in its normal surroundings and tries to interpret it, as well as to give it meaning.

Burns and Grove (2009) argue that qualitative research is a systematic, subjective approach to describing life experiences and giving them meaning. Qualitative studies allow researchers to explore behaviours, perspectives, feelings and experiences in depth, quality and complexity of a situation through a holistic framework. This research sought to undertake an in-depth investigation into the participation of civil society in SADC policy formulation. Furthermore, it sought to unravel the nature of the bureaucratic relations between SADC as an interstate organ and organised civil society, in relation to the processes of policy formulation, as well as how inclusive and participative decision-making could be enhanced. The research further sought to ascertain whether SADC is true to its commitment in its founding statutes that it would be an organisation that would include its citizens in governance.

The research thus explores whether spaces are provided by SADC for civil-society players to meaningfully participate in decision-making processes. It further attempts to examine whether civil society participates in these processes, and whether the participation is meaningful or just ceremonial. In the end, it sought to ascertain whether the organisational construction of SADC relates to institutional and statutory provisions for stakeholder participation in decision-making processes. It enquires into the state of functionality of the said institutions and why they might limit the participation of stakeholders in the decision-making processes of SADC, despite a firm commitment by the organisation in Article 23 of its founding treaty – which states that there should be participation of citizens.

The research seeks to establish the nature of the relations between SADC as an interstate organisation and civil-society organisations, so that there could be inclusive decision-making in the policy-making processes of the regional body. The research is about the ways in which society has increased interaction between interstate organs and civil society, which could assist in inclusive decision-making and promote sustainable development that ensures improvements in the livelihoods of the citizenry.

To achieve its objectives, the research made use of inductive reasoning and analysis, the results of which could be best and most easily uncovered through the use of qualitative research as compared to quantitative research. The quantitative research methodology mainly concerns itself with hardcore scientific facts, while qualitative research probes deeper to determine how societal relations influence certain issues. Smith, Bekker and Cheater (2011) argue that qualitative methods are ideal for exploring topics where little is known, making sense of complex situations, gaining new insights into phenomena, constructing themes to explain phenomena and, ultimately, gaining a deeper understanding of the phenomena.

In the context of civil-society participation in SADC policy, this study sought to dig deeper and identify untold issues regarding the policy processes of the regional body, especially with regards to the topical issues of stakeholder participation in SADC's decision-making processes.

5.3 Tenets of qualitative enquiry

According to Fossey, Harvey, McDermont and Davidson (2002), qualitative research has its origins within diverse disciplines including anthropology, sociology and psychology, and in all instances, it is concerned with the interpretation of subjective meaning, description of social context and the privileging of lay knowledge. The study sought to dig deeper into the subject matter, which is one key tenet of qualitative research. In their description of the ability of qualitative research to probe an issue, Nuttall, Shankar, Beverland and Hooper (2011)

describe it as a deeper, often contextual, emotional understanding of people's motivations and desires, that assumes that people do not always act in accordance within the principles of rational self-interest; hence, they do not always know why they behave the way they do. This approach makes sense and meaning out of the experiences of SADC citizens and SADC as an institution regarding issues of inclusive decision-making. The other key tenet of qualitative research that informed this study was its capacity to dig deeper into an understanding of human relations and how people interact with their institutions – in this case, how citizens interact with SADC as an institution and how the organisation, in turn, allows for inclusivity in its decision-making processes.

Using these key tenets of qualitative research, this research uncovered the policy decision-making processes of SADC, especially how SADC's construction as an interstate organisation affects its ability to enable sound stakeholder participation in decision-making processes. Over and above this, it utilised qualitative enquiry to test how the application of alternative forms of democracy based on deliberation could improve the working relations of SADC and allow for inclusive policy-making.

The above is consistent with arguments by Horowitz and Child (2012), who state that qualitative methods, when carefully and sensitively applied, can help to understand beliefs and behaviours within a community. This argument is enhanced by Williams, South, Yanchar, Wilson and Allen (2011), who are of the view that this is an interpretative understanding of the designs of society that provides interpretive and negotiated accounts of society's transformation based on participant involvement. This approach helps in the understanding of society from what Shanna, Daly and Bodner (2012) call "design lenses", which is important as it assists in interrogating critical variations of how individuals relate to societal institutions. This is a key focus of this study that sought to unravel the intricacies of the relations between SADC as a regional body and civil society, especially how its accountability could be improved through inclusive policy formulation processes.

The choice of qualitative research was informed by a logic popularised by Frankel and Devers (2000), who are of the strong view that, in most cases, inductive and qualitative research describes meanings before developing explanations. They are of the view that qualitative research designs are often emergent and flexible, and because inductive reasoning is emphasised, what researchers learn in earlier stages of the research substantially affects subsequent stages of the research process. In this way, a qualitative research process is nonlinear and non-sequential; it makes several changes in search of the social reality. Neuman (2011) argues that qualitative research uses the language of cases and contexts, employs bricolage, and examines social-reality processes and cases in context, as well as

interpretations or the creation of meaning in specific settings which look at life from multiple points of view and explain how people construct identities. He further argues that instead of converting people's lives into variables or numbers, qualitative researchers borrow ideas from the people they study and place them within the context of a natural setting.

This framework by Neuman (2011) has been important for this study in that it suited the research purpose of finding ways of enhancing the participation of civil society in the decision-making processes of SADC. Furthermore, the framework assisted in determining whether the reasons for participation (or the lack of it) is due to different influences of the contextual environment in line with what Neuman (2011) calls "multiple reality", derived from the qualitative researcher's emphasis on the understanding of different social contexts to have a wider understanding of the social world. Creswell (2009), in early works, argued that, in qualitative research, the intent is to explore a complex set of factors surrounding the central phenomenon and to present the varied perspectives or meanings that participants hold.

This is crucial given that the ways people view the world are different and, as such, even in the context of this research, different perspectives can only emerge through the use of a flexible methodology such as qualitative research. The approach was also guided by Merriam's (2002) view that the key to understanding qualitative research is to play with the idea that socially constructed reality and an individual's understanding of the world is seriously influenced by their interactions with that world and as defined by peculiarities of their communities. She further argues that the world or reality is not a fixed, single, agreed-upon or measurable phenomenon, but has multiple constructions and interpretations that are in flux and change over time.

It is thus in the qualitative researcher's interest to have a wider understanding and derive meaning from interpretations of these at a specific time and in context, and how it influences events in society. This conforms to the framework by Peshkin (1988), who argues that, in many instances, qualitative researchers undertake a study because of the lack of a theory or because an existing theory has failed to adequately explain phenomena they use inductive reasoning where they gather data and build concepts or theories, rather than deductive reasoning where they derive postulates or hypotheses to be tested as in positivist research.

The idea behind this research has been to produce an informed, rich and sustainable description of decision-making processes in SADC, insofar as they relate to inclusivity and the participation of different stakeholders. In that regard and consistent with the said desire, the results of the research are well-described in words and quotes, among other things, so that the whole situation is well-understood. This dovetails with Peshkin's (1988) assertion that the

product of qualitative research is richly descriptive words and other images, rather than numbers, in describing what researchers have learnt about the phenomenon.

Research in which quotes and excerpts are necessary tools used to enhance the descriptive nature of qualitative research is usually referred to as “thick” description. Davidson, Stayner, Lambert, Smith and Sledge (1997) argue that central to good qualitative research is whether the research participants’ subjective meanings, actions and social contexts are articulated as understood and illuminated by them. This qualitative enquiry also takes note of important assertions by Fossey, Harvey, McDermont and Davidson (2002) that participants’ perspectives should be authentically represented in the research process and that interpretations, derived from information gathered from the different civil-society, government and SADC Secretariat respondents, pass the test of authenticity.

Further to that, and true to the guidance by Fossey, Harvey, McDermont and Davidson (2002), the researcher pays attention to qualitative research tenets described as the need for congruence between the perspectives (or paradigm) that inform the research questions and the research method. Most importantly, the researcher makes sure that the study is not methodologically ambiguous by taking into consideration ethical issues, particularly whether the subjective meanings, actions and social contexts of those being researched are illuminated and respected faithfully.

This was also partly achieved by making sure that the research is practical in terms of technique, unit of analysis and geographical spread. To that end, the research was confined to SADC as an institution and the SADC-CNGO, as well as 24 apex national civil-society organisations from 12 selected SADC countries and four government representatives from four member states.

5.4 Case study analysis

This research uses SADC as an institution to interrogate its decision-making processes and how it allows for stakeholder participation. SADC is constructed as an international organisation and decision-making is limited to the elected representatives of each member state. The assumption is that, by being elected, representatives have an unquestionable mandate to make decisions on behalf of their citizens, even without consulting them. However, the same institution makes commitments in its statutes for enabling stakeholder participation in its decision-making processes.

The real question that arises is the extent of the actual participation of stakeholders in these decision-making processes. In this regard and to understand its decision-making processes, the research treats the institution as a case study and uses the deliberative democracy

framework as a measure of how stakeholder participation in the decision-making processes of the organisation could be enhanced. It is important to look at how, as a case study approach, it relates to the greater methodology of qualitative research approaches. Badenhorst (2008) describes a case study as a collection of detailed information about a case. As a case study, the research will look intensively at something and draw conclusions only about that specific group in that context – in this case, SADC and the institutions that link with it on the subject matter.

This study is an organisational case study which is informed by bureaucracies, institutions, organisational structure and performance change. The above explanation is consistent with the intentions and approaches of this research. It may, however, be important to start with a historical review of the case study approach – how it relates to the qualitative methodology. Qualitative case studies can be traced to sociologist Robert Part at the University of Chicago (in the USA) in 1920 who coined the term “scientific or in-depth reporting”, which was about describing local events in a way that pointed to major social trends. In a case study approach, as described by Badenhorst (2008), researchers are not looking for universal or generalisable truths, nor are they looking for cause–effect relations. Instead, the emphasis is on exploration and description.

In the case study, Badenhorst (2008) argues further, there is a clinical examination of the interplay of all variables to provide a complete understanding of an event that is usually referred to as a thick description of the entity being evaluated, the circumstances of the people involved and the nature of the community. According to Feagin, Orum and Sjoberg (1991), the case study is the most appropriate methodology when a holistic, in-depth investigation is needed. Yin (1993) identifies case studies as explanatory and descriptive, and Tellis (1997b) is of the view that case study research is not sampling research. It is research that maximises what could be learnt in the period available.

Case studies are an important approach because of their ability probe deeper and give a thoroughly informed understanding of the case at hand. Case studies are effective informants in the formulation and implementation of public policy. This case study explains issues explicitly by outlining research practice based on notions of purpose, place, process and product. This approach dovetails with Tellis’s (1997b) argument that case studies are a multi-perspective analysis, meaning that the researcher considers not just the voice and perspective of the actors, but also the relevant groups of actors and the interactions between them. He argues that they give a voice to the voiceless and powerless. This is exactly the interest of this research – to explore how the voice of SADC citizens, through civil society, could be further included in the decision-making processes of policy formulation. On the other hand, the

research also applies Stake's (1995) proposal that the case study approach should be a more intuitive approach, empirically grounded and not based on generalisations.

The research paid maximum attention to what Yin (1994) calls construct validity, internal validity, external validity and reliability. Furthermore, this case study approach was conducted in line with what Schwandt (1997) calls the inquirer's contextual attempt to answer the "how" and "why" questions. In the light of the relations between SADC and civil society, the case study approach will help to contextualise the research and craft it in a manner that allows for a design to investigate the rich complexities of social phenomena and the social environment in which they are situated. In the end, it produces the thick contextual description of the current set-up in SADC as it relates with civil society and how it affects its decision-making processes. Further to that, it provides a contextual description of how the situation could be enhanced through the application of deliberative democracy and how this new approach could improve the accountability of the interstate organisation through enhanced decision-making processes.

The research dovetails with what Stake (1998) describes as the potential to be a force in public-policy settings and to improve the reflection of human experience. The previous arguments outline and locate the research within the participation of civil society in SADC policy formulation and as an organisational case study seeking to compile a thick description of how the interstate organisation could improve its accountability through participative and inclusive decision-making.

5.5 Research instruments

5.5.1 The interview guide

Data for this qualitative study was collected using a research questionnaire administered through face-to-face interviews and video interviews using Skype. Semi-structured interviews were held with interviewees using an interview schedule with guiding questions. Each interview schedule anchored on the four key tenets of deliberative democracy, which are equality, reciprocity, accountability and publicity. The interview guides are provided at the end of this document as annexures one to four. Additional data was collected through document analysis.

The process of developing the interview schedule took some time and included quality testing by the academics at the Wits School of Governance (Johannesburg, South Africa) during the panel defence of short and long proposals. Once the interview schedule was sharpened and ready for use in the field, it was subjected to a pilot test. The process of pilot testing was important, as it assisted the researcher to get a feel for the nature of questions, their ability to elicit the required information from respondents and the ways in which respondents might

react to them. This process allowed for the questions to be modified, if need be, before the actual fieldwork was conducted. There is substantial literature in this regard, with Hunt, Chan and Mehta (2011) arguing that, before beginning the first interviews, the researcher should prepare for the exchanges by developing an interview guide.

Three organisations in Bulawayo, Zimbabwe were used to pilot test the interview schedule, and this assisted the researcher to modify and eliminate some of the questions so as to enable the conducting of smooth fieldwork. For instance, the number of questions that were asked were reduced in all categories, as it became clear that some of them were repetitive and that this made the interview process too long, thus affecting the concentration of respondents. The modification of the research instrument dovetails with arguments by Munhall (2007), who states that evaluating the experience of a practice interview and receiving feedback from the interviewee can improve the quality of the questions and support the art of listening.

The interview guide comprised different questions for various groups constructed around specific thematic areas. The questions for civil society at the country level were aimed at guiding the strength of civil-society organisations and how that affected their ability to engage. They were constructed to assess the organisational strengths of these organisations, to find out whether their ability (or inability) to participate effectively in the policy-making processes of SADC also had something to do with their internal strengths or weaknesses.

The questions for government officials that deal with SADC-related matters were aimed at their understandings of roles and responsibilities as provided by statutes with regards to the promotion of participation of different stakeholders. The questions were also intended to find out about the government framework for engaging with civil society on matters related to the regional organisation, particularly the facilitation of interactions as provided for by the SADC Treaty. They were also aimed at measuring the state of functionality of the SNCs as the official institutions for engagement between government and civil society. The questions also looked at the state–civil society relations and how they affected inclusive decision-making at SADC.

The questions for the SADC Secretariat were aimed at finding out the legal framework for the participation of civil society in decision-making. They were also aimed at finding out the organisational construction of SADC and how it influences decision-making at different levels. The questions were also intended to find out the Secretariat's vision and the development framework for the participation of the citizens in decision-making, particularly focusing on the SNCs.

The questions for the SADC-CNGO Secretary were designed to find out about the engagement mechanisms and strategies of the organisation, and how they facilitate

participative decision-making at the national and regional levels. They focused on issues that are peculiar to civil-society organisations in the promotion of inclusive decision-making at SADC. They also focused on the decision-making processes in the organisation and how they affect their ability to engage.

All the respondents were high-quality informants with understanding of SADC as an interstate organisation, civil society in the region and the operations of governments in relation to the issues at hand. The choice of conducting research in 12 out of the 15 SADC member states assisted in giving a comprehensive picture of the situation at hand, as it represented 75% of the member states. The research also took note of the language differences of the SADC member states, and covered the Francophone, Anglophone and the Lusophone countries, and how they affected various member states' interactions with SADC.

5.6 Data collection techniques

5.6.1 The interviewing process

Primary data was mainly collected using interviews. During the interview process, careful attention was paid to how the interviews were handled. The approach to the interviews was modelled around the framework by Vivar (2007), who defines interviews as verbal interactions between researcher and participants to acquire valid and reliable information appropriate to the research questions. In that regard, questions may be structured, unstructured or semi-structured.

During the interview process, the researcher paid special attention to the types of questions to ask in different contextual environments, because understanding the context is important for getting the best results. The researcher paid attention to where the interview was conducted, since the responses of an interviewee can be influenced by the immediate environment. This approach builds on that of Neuman (2011), who recognises this important aspect of interviewing in his argument that the space and context of an interview are very important. For instance, a conversation in a private office may not attract the same responses if conducted in a public place.

Furthermore, interviews were conducted in an environment in which the interviewee was comfortable. That arrangement feeds into assertions by DiCicco-Bloom and Crabtree (2006), who view an in-depth interview as a personal encounter in which open and direct verbal questions are used to elicit detailed narratives and stories. One other important issue that was given special attention by the researcher was due diligence and care in the interview process. As Given (2008) observes, the interviewer's skill is arguably the most important component of the interview process and can make the difference between high-quality and mediocre data.

She further argues that, in addition to standard interviewing skills, the interviewer must be able to keep participants focused on the specific moments of the event. According to Britten (1995), it is important to consider prompts and cues that are normally part of the interpersonal discourse, but which are often unnoticed. The duration of the research is also very important.

The researcher kept interviews to a reasonable length and level to avoid fatigue and burnout in respondents. This approach is also recommended by Britten (1995), who argues that the duration of the interview should be sufficiently long to allow for silences and to avoid the need to hurry participants' responses. Pauses and silence can be part of the interview. It is thus important that, in the interview process, the researcher exercises restraint and avoids rushing to fill them, because silence allows participants to collect their thoughts and to reflect on questions and experiences. Munhall (2007) suggests that researchers should attend to long pauses and reflect upon whether they might signal a struggle to find words. Equally important is the need to have a clear message and avoid the use of complicated jargon during interviews. The interviewer should verify the meanings of terms used and not assume that participants fully understand the questions asked.

During the interviewing process, the researcher ensured that responses were recorded properly. This was done through use of efficient recorders and taking of field notes. Proper recording in the field is important, as Rubin and Rubin (2005) argue, since maintaining high-quality tape recordings can prevent difficulties later in the research process. Excessive background noise, weak batteries, the placement of the recorder and other issues are all factors influencing the quality of recorded interviews. Because of advancements in technology, some digital recorders are efficient but could also be complicated; for that reason, the researcher undertook adequate practice on how to use them prior to the research. To avoid power failure, the researcher carried backup energy batteries into the field.

The researcher also took field notes which were written up after every interview, so that the interview environment was well-recorded for reference during the analysis process. This is consistent with Bernard's (2002) argument that researchers ought to write methodological field notes to chart their growth as an instrument for data collection, in addition to descriptive and analytical field notes. Charmaz (2006) advances a similar argument that writing field notes after each interview provides an opportunity to reflect on and chronicle the interviewing process. Fossey, Harvey, McDermont and Davidson (2002) use a similar line of reasoning that field notes describe not only the researchers' experiences and observations, but also his reflections and interpretations.

5.7 Document analysis

The research acquired data from secondary sources to complement the primary research data. Secondary data was acquired from document analysis. The documents analysed included a record of minutes of the SADC Summit of Heads of State and Government, minutes of the SADC Council of Ministers, SADC communiqués, SADC policy documents, civil society policy drafts, the SADC protocols, civil-society organisation press releases, SADC press releases, SADC yearly reports and the government yearly reports, among other papers. Most of these documents were sourced from the SADC library in Gaborone, Botswana, while other documents were from the website of the organisation. Other secondary material was acquired from the SADC-CNGO offices in Botswana, as well as its website. Other material, particularly on the activities of civil society at the country level, was acquired from offices and interactions with different civil-society organisations at the country level.

Document analysis, according to Creswell (2009), consists of public documents such as the minutes of meetings and newspapers, as well as private documents such as journals and diaries. He argues that document analysis enables a researcher to obtain the language and words of participants which can be accessed at a time convenient to the researcher and, thus, are an unobstructed source of information. Documents contain data which are thoughtful in that participants have given attention to compiling them. Most importantly, as written evidence, these documents save a researcher the time and expense of transcribing.

In the data analysis process, the researcher paid close attention to some obstructive issues related to data analysis. These obstructions are what Creswell (2009) outlines as the danger of individuals who lack a sound understanding of their institutions and thus use records out of perspective. Documents present the researcher with difficulties to walk in a thick fortress in search of information, even in some areas that may be taken as “top secret” and therefore not for sharing with the public. Furthermore, there could be problems associated with privileged and protected information which may be subject to privacy laws in a specific country, yet is very important for the research. There are additional challenges relating to the authenticity of some source documents.

Having taken into consideration the above positive and obstructive issues of document analysis, this research on the participation of civil society in SADC policy formulation processes made use of the following documents: records of minutes of the SADC Summit of Heads of State and Government, minutes of the SADC Council of Ministers, SADC communiqués, policy documents, civil society policy position papers, SADC protocols and civil-society organisation press releases, as well SADC press releases and yearly reports, and government yearly reports, among other resources. Most of these documents were readily

available on the SADC website, the SADC-CNGO website and the SADC library at its headquarters in Gaborone, Botswana.

5.8 Data analysis

Data analysis is a crucial stage in the research process. In the context of the participation of civil society in SADC policy formulation, the data from the field was carefully analysed to ensure that it adequately answered the research questions. Data was analysed against the four tenets of deliberative democracy, namely: equality, reciprocity, accountability and publicity. Special attention was taken into consideration in line with what Fossey, Harvey, McDermont and Davidson (2002) describe as the need to ensure that the information gathered is recorded in a manner that enables the researcher to analyse the data, while concurrently allowing him to describe subjective meaning and social context from the data. In the analysis process, the researcher ensured that described qualitative data was well-reviewed, synthesised and interpreted to describe and explain the nature of relations between SADC as an interstate organisation and civil society, and how they could be improved to ensure participative and inclusive decision-making.

The sources for the primary data were semi-structured interviews conducted using an interview schedule with four categories of respondents. Respondents were some members of the senior management in the SADC Secretariat, some members of the senior management in the SADC-CNGO, some members of selected civil-society organisations at the country level and some senior government officials from selected member states whose responsibilities included dealing with issues relating to SADC. Secondary data was acquired through an analysis of the records of the meetings of the Council of Ministers, SADC policy documents, SADC protocols, SADC communiqués and all other related SADC publications.

In the process of data analysis, the researcher made use of the four tenets of the deliberative democracy conceptual framework as a guide. In that regard, all data from the primary sources and secondary sources was organised according to the categories of deliberation accountability, deliberation reciprocity, and deliberation publicity or deliberation equality.

The analysis frame borrows significantly from Green (2007), as it uses his prescription by starting with counterchecking the interview transcripts and contextual data. After that, the researcher organised data from whole transcripts, which were then delineated according to themes guided by the tenets of deliberative democracy. Thereafter, the researcher made representations of how each aspect links up and how they feed to the greater picture of inclusive decision-making in SADC using the deliberative democracy conceptual framework as an evaluation tool. The use of the four deliberative democracy tenets, explained above,

assisted in evaluating the current configuration of SADC's decision-making processes and in indicating how the deliberative democracy approach could enhance decision-making in the institution's policy-making processes.

5.8.1 Analytical framework

The analytical framework for the data that was sourced from the primary and secondary research uses the four tenets of deliberative democracy – reciprocity, equality, publicity and accountability – to evaluate the state of inclusiveness of the decision-making process in SADC and the opportunities that exist for enhanced inclusivity in decision-making.

The analytical framework is based on the following thematic frameworks:

I. Detailed description of SADC and its decision-making institutions.
II. Identification and discussion of the legislative framework that enables participation.
III. Application of the tenets of deliberative decision-making, and description of the actual processes in SADC in relation to civil-society participation.

The first step in the data analysis process was the synthetisation of the data gathered according to the themes of the conceptual framework, which is based on the four tenets of deliberative democracy of equality, reciprocity, accountability and publicity. Tesch (1990) argues that the differing analytical procedures can be grouped into content, discovery and meaning. The analytical process of this study focused on two levels. The first level was about reviewing and identifying recurrent themes within the data, as well as common themes of meaning across the data. The second level was about the data bringing back together into meaningful relation with one other, developing, as it were, a narrative structural synthesis of the core elements of the experiences described. This was aimed at establishing patterns and connections among elements of data. These were then coded, sorted and organised to identify patterns or connections between them.

In the process of data analysis, the researcher continuously compared the data to the collection method and evaluated it against the four tenets of the deliberative democracy conceptual framework: reciprocity, equality, accountability and publicity. This is in line with Lincoln and Guba's (1985) argument that thematic analysis typically involves a constant comparative method – meaning a progressive process of grouping text segments, to create and then clarify the definition of categories or themes within the data. Tesch (1990:27) describes this process as: "the thematic analytical procedures refocuses on developing categories, derived inductively from data itself, rather than from prior theory to enable systematic description''. During the analysis process, the researcher ensured that data was understood and located in the contextual environment from which it was gathered. The context

related to each country and its peculiar circumstances. This helped to attach appropriate background information to the data.

In the process of data analysis, the researcher paid special attention to the advice of Rice and Ezzy (1998), who argue that whatever analytical approach is used by the researcher, an effective system for readily retrieving data is essential, since qualitative analysis involves progressively exploring the data, and comparing and contrasting different parts of the data to evolve a more sophisticated understanding as more data is gathered and retrieved iteratively. Rice and Ezzy (1998) suggest that coding, which they view as labelling segments, is central to effective data retrieval in two ways. First, it allows the researcher to clearly locate and bring together similarly labelled data for examination and, second, to identify more than one label when wanting to consider patterns, connections or distinctions between them. Whatever the case, qualitative data analysis involves much more than just simply coding data, and developing and understanding qualitative data.

There are, however, some authors – for instance, Duggleby (2005:34) – who argue that qualitative data analysis should occur concurrently with data collection, so that investigators can generate an emerging understanding about research questions, which in turn informs both the sampling and questions being asked. This iterative process of data collection and analysis eventually leads to a point in the data collection where no new categories emerge; this is called saturation. In the process of data analysis, the researcher integrated the interaction dynamics of different groups that were sources of data. Most importantly, as Denzin (1994) argues, good qualitative research is characterised by congruence between the perspective (or paradigm) that informs the research questions and the research used.

5.9 Ethical issues

Due consideration was taken regarding ethical issues. This research was conducted without exploiting the interviewees. According to Anderson (1999), during the research process, the interviewee should not be exploited for personal gain; as such, it is important to build a way of acknowledging the contributions that the respondents make into the research method. According to Klockars (1977), the measure of the ethical quality of any interview study is whether the researcher harms the participants.

In this research, all possible measures were put in place to ensure that the respondents were well-protected during and after the interview process. This is consistent with the argument by Reiman (1979) that the outcome of the research process should enhance the freedom of participants more than it enhances the researcher's career. In line with this assertion, Seale (1999) argues that the research process take into consideration four ethical issues, namely:

a) Reduction of the risk and unanticipated harm of the respondents during and after the research process.
b) Protection of the interviewee's information, which means it should be secure from any possible leakages.
c) The need to effectively inform the interviewees about the nature and purpose of the study, so that their responses are well-informed by the reality and dynamics affecting that study.
d) Reduction of the risk of exploitation of the interviewee.

In this research, all the above ethical issues were taken into consideration by making sure that, among other things, the interviewee was protected and that the respondents were not exploited. This ensured that the outcome of the research does not reflect crooked means and unethical ways of data collection.

To ensure that consent was granted without reservation by respondents, the researcher requested that respondents sign an interview consent form, after explaining the nature of the research and how the data would be used after the interview. There were respondents who requested to remain anonymous for professional reasons and the researcher did not list their names or positions in the organisations for their protection.

5.10 Conclusion

This chapter outlined the research methodology for this study. It outlined qualitative research as the preferred method that was used, comprising an interview guide and document analysis. It outlined the interview data collection techniques and how the interviews were conducted. It further outlined how this research fits within the confines of a case study.

Most importantly, it defined the number of people who were interviewed, how they were selected, and how they would contribute solid data about how participative and inclusive decision-making in the policy formulation processes of SADC could be enhanced. It further outlined the data analysis process and how it was synthesised to give meaning, particularly as evaluated against the deliberative democracy tenets of reciprocity, equality, publicity and accountability.

Chapter 6: Presentation of the research findings

6.1 Introduction

This chapter looks at how the data that was sourced from the research process is organised. Data for this research was sourced from four different sources incorporating both primary and secondary data. The sources for primary data were semi-structured interviews conducted using interview schedules from four categories of respondents. These respondents included senior management officials in the SADC secretariat, members of the senior management in the SADC-CNGO, senior members of the management of selected civil-society organisations at the country level and senior government officials from selected member states whose responsibilities included dealing with issues to do with SADC.

Secondary data was sourced through an analysis of the records of the meetings of the Council of Ministers, SADC policy documents, SADC protocols, SADC communiqués and all other related SADC publications. In the process of data analysis, the researcher made use of the four tenets of the deliberative democracy conceptual framework as the guide; data was organised according to whether it fitted within the category of accountability, reciprocity, publicity or equality.

These four tenets were used to analyse the data from all the primary sources and the secondary sources mentioned above. The analysis frame borrows significantly from Green (2007), as it uses his prescription by starting with counterchecking the interview transcripts and contextual data. After that, data was organised from the transcripts and then delineated according to the themes guided by the four tenets of deliberative democracy.

Thereafter, the researcher made representations showing how the categories of data link up and how they feed into the larger picture of inclusive decision-making in SADC, using the deliberative democracy conceptual framework as an evaluation tool. The use of the four deliberative democracy tenets explained above assists in evaluating the current configurations of SADC's decision-making processes and, thus, in indicating how the deliberative democracy approach can enhance inclusive decision-making in the institution's policy-making processes.

6.1.2 Data presentation framework

The framework for the presentation of data sourced from secondary and primary research used the four tenets of deliberative democracy of reciprocity, equality, publicity and accountability to evaluate the state of inclusiveness of the decision-making process in SADC and the opportunities that exist for enhanced inclusivity in decision- making.

The data presentation framework is based on the following thematic frameworks:

I. Description of SADC and its decision-making institutions in detail.
II. Identification and discussion of the legislative framework which enables participation.
III. Application of the tenets of deliberative decision-making, and description of the actual processes in SADC in relation to civil-society participation.

6.2 SADC organisational framework and decision-making institutions

The way an institution is arranged is important in determining the policy formulation and decision-making processes. This is because there is a correlation between the policy formulation and the political environment, which is usually a result of the power dynamics of the day. According to Ditlhake (2012:1):

> *Article 23 of the SADC Treaty recognises civil society as a key stakeholder in the process of regional integration. Although the treaty provides for civil society participation in SADC processes, reality on the ground however remains a contradictory experience. Until around 2011, SADC was almost completely closed to mainstream civil society, with the exception of specialised associations such as private sector and workers. The entire gamut of civil society engaged in human rights, economic justice, environmental protection, women, children, youth etc did not consistently and effectively engage with SADC.*

Ditlhake (2012) further argues that the way that SADC is constructed made it structurally closed to civil society and that there were no measures in place to operationalise Article 23. Article 23 remains a political pronouncement, which is not applied through a comprehensive policy framework. At SADC, the Summit of Heads of State and Government provides policy oversight. The Summit adopts major regional policy frameworks such as declarations which may be developed as part of operationalising policy proposals. The SADC Council of Ministers approves major policy, strategic and budgetary issues relating to or emanating from efforts to operationalise policy implementation. The Council makes recommendations to the Summit on major policy issues that require the attention of the Summit. Below is the architectural and organisational construction of the organisation including the role and responsibilities of each of the major organs.

6.2.1 The Summit of Heads of State and Government

The Summit is the SADC's supreme policy-making institution. It is made up of heads of states and government of all member states and is chaired by the SADC chairperson with a deputy.

It gives overall policy direction and has overarching control of the organisation. It is the supreme policy-making institution of SADC.

According to Oosthuizen (2006:188):

> *From its own ranks the Summit elects the SADC chairperson and deputy chairperson. Upon the recommendation of the COM, it appoints the Secretariat's executive secretary and deputy executive secretary, and judges of the tribunal. It decides on the admission of member states and the procedures for doing so. It also determines the membership contribution formula.*

Some of the Summit's major powers include the reviewing the RISDP and amending the SADC Treaty. It works through discussion of matters tabled by the chairperson at the request of the chairperson of the Organ on Politics, Defence and Security (the Organ). Furthermore, it may also, when recommended by the chairperson of the organ, decide on enforcement action if peaceful attempts at resolving a conflict have failed. The Summit must meet at least twice a year, but may convene extraordinary meetings should the need arise. According to Oosthuizen (2006), when it comes to decision-making in the Summit, the exceptions to consensus rule apply. This means that all decisions made by the Summit are binding on all member states regardless of whether they agreed. Decisions are generally made by consensus, although though there are some that require a vote.

Those decisions requiring a vote include an amendment of the SADC Treaty or dissolution of its institutions; these votes require a three-quarters majority of the Summit's members. A unanimous decision is required for the admission of a new member state, as well as decisions to impose sanctions or enforce action failing peaceful efforts to resolve conflicts. With regards to decisions on enforcement of action, Oosthuizen (2006:191) states that "when peaceful attempts to resolve a conflict fail, the Chairperson of the Organ may recommend to the Summit that enforcement action be taken against one or more of the disputant parties".

Ditlhake (2012:1) argues that civil society views the Summit as merely an approval structure of decisions that have been discussed and agreed at the senior official level and the Council of Ministers. In its current form, there are no mechanisms through which civil society can provide direct input to the Summit. Ditlhake (2012) concludes that civil society should, therefore, engage SADC National Committees contact points or lobby through political parties. Civil society could also lobby high-profile persons with access to government officials or engage key institutions which may have influence on Summit agendas such as the UN, AU and the Organ.

6.2.2 Council of Ministers

The Council of Ministers (COM) consists of ministers from each member state. In line with the SADC Treaty, these are usually ministers who are responsible for foreign affairs or economic and financial affairs. The Council is responsible to the Summit and advises it on policy matters. It is tasked with ensuring that the organisation functions efficiently. It compiles SADC's common agenda and strategic priorities and programmes, including the RISDP. It also decides on new areas of cooperation and recommends approvals of protocols and other treaties to the Summit. It also supervises the Executive Secretary and other bodies subordinate to it.

The COM is answerable to the Summit and works as an advisory body to the latter on policy-related matters. Oosthuizen (2006) indicates that the COM develops the SADC Common Agenda and strategic priorities, and approves as well as oversees the implementation of SADC policies, strategies and programmes, including the RISDP. It decides upon additional areas of cooperation, recommends the approval of protocols (and other treaties) to the Summit, gives preliminary consideration of proposals for amending the SADC Treaty and may approve cooperation agreements between SADC and states.

Further to that, the COM has powers to recommend the establishment of new SADC institutions and bodies, or the reconfiguration of existing ones, to the Summit. Over and above these powers, it may create its own operation committees whenever necessary and may make recommendations on new applications for membership to the Summit. In the event that the need arises for the organisation to be dissolved, the COM has the powers to make preliminary recommendations on how this should be done.

The COM has overall oversight on the functioning of the Secretariat, as well as recruitment of staff. For instance, it is the body that recommends the appointment of the Executive Secretary and Deputy to the Summit. It is also responsible for the appointment of auditors, calls for the nomination of judges to the Tribunal, recommends judges to Summit and then designates which five of them are appointed as regular judges. With regards to staffing and general administration issues, Oosthuizen (2006:192) states that:

> *Generally the COM is responsible for determining the number and specifications of SADC posts and the conditions of service of SADC staff members. As regards the tribunal it determines the conditions of service, salaries, and benefits of the judges, registrar and other staff.*

Further to that, the COM has powers to waive the immunity and privileges of the Executive Secretary and Deputy Secretary, and approves administrative regulations, standing orders and rules for managing the organisation's affairs.

The COM is empowered to decide what funding, other than that from member states, could be harnessed for the organisation. It also decides on the financial year, approves the estimates of revenue and expenditure, and must approve the audited annual statement of accounts for the Secretariat and financial regulations submitted by the Executive Secretary. This is over and above its responsibility of determining the management of the SADC Regional Development Fund. Decision-making in the COM is by consensus.

6.2.3 The Troika

In a meeting held in August 1999 in Maputo, Mozambique, the Summit decided to formalise the practice of a *troika* ("triumvirate" – "sum-total") system. The Troika consists of the Chair, the incoming Chair and the outgoing Chair of SADC. According to Article 9(a) of the SADC Treaty, "the Troika will apply with regards to the following institutions: Summit, Organ, Council, and Integrated Committee of Ministers*".* The respective offices of the Troika are held for a period of one year.

The membership and the term of office of the Troika of the COM and the Integrated Committee of Officials is the same as that of the Troika of the Summit. The Troika of the Summit functions as a steering committee of the institution and, in between meetings, it is responsible for decision-making, facilitating the implementation of agreements and providing policy direction. The Troika of each of the institutions is empowered to create committees on an *ad hoc* basis to determine its operational frameworks as well as rules and procedures.

The Troika is empowered to co-opt members whenever a need arises. The Troika system has made it easy for the institution to execute some tasks and to expeditiously implement decisions, thus assisting in the provision of policy direction for SADC in between meetings.

6.2.4 The Organ on Politics Defence and Security

The SADC Organ on Politics Defence and Security is managed on a Troika basis and is responsible for promoting peace and security cooperation in the SADC region. It is mandated to steer and provide member states with direction regarding matters that threaten peace, security and stability in the region. It is coordinated at the level of the Summit; consists of a Chairperson, incoming Chairperson and outgoing Chairperson, and reports to the SADC Summit Chairperson. The SADC Summit and the Organ Troika Summit are mutually exclusive; the Chairperson of the Organ does not simultaneously hold the Chair of the Summit.

The structure, operations and functions of the Organ are regulated by the agreements on cooperation. The organ has the following structures: the Chairperson of the Organ, the Troika, the Ministerial Committee, the Interstate Political and Diplomacy Committee, the Interstate

Defence and Security Committee and any other substructures that may be established by any ministerial committee. The Organ has developed fairly good mechanisms for security cooperation, conflict prevention, management and resolution. Some of these institutions include the SADC Electoral Advisory Council, the SADC Mediation Support Unit, the SADC Standby Force, the SADC Regional Peacekeeping Training Centre and the Regional Early Warning Unit. Like the Summit Chair, the Organ Chair rotates on an annual basis.

6.2.5 The Integrated Committee of Ministers

The Integrated Committee of Ministers (ICM) replaced the Sectoral Committee of Ministers and, although it was formally established in 2001, it started to function in 2003. Its main function is to provide policy guidance to the Secretariat, as well as to oversee the work of four socio-economic directorates of the Secretariat including the implementation of the RISDP.

All the ICM ministers (at least two from each member state) meet in plenary at the integrated committee level. It also operates at the cluster level, where ICM ministers meet separately in four groups corresponding to the directorates of trade, industry, finance and investment; infrastructure and services; food and natural resources, and social and human development and special programmes. The ICM may make policy recommendations for changes by the COM. Its decisions are implemented by the Secretariat. Policy changes to the COM are implemented by the Secretariat. According to Oosthuizen (2006:194):

> *The ICM may create the necessary permanent or ad hoc sub committees to attend to cross-cutting issues such as gender, and HIV and AIDS, relevant to more than one directorate and other issues. In effect, the cluster-level meetings seem to be subcommittees of the plenary of the ICM. It also seems as if the later reports to it on the implementation of the RISDP.*

The ICM may make decisions regarding the implementation of policies between the COM.

6.2.6 The Standing Committee of Senior Officials

This is a technical advisory committee to the COM which meets twice a year. It consists of one Permanent/Principal Secretary, or an official of equivalent rank from each member state, preferably from a ministry responsible for economic planning or finance. The Chairperson and Vice-Chairperson of the Standing Committee are appointed from the member states holding the Chairpersonship and Vice-Chairpersonship of the COM. The policy documents, strategy papers and preliminary negotiations and agreements are constructed at the senior official level. The agreed policy positions are then tabled at the COM. In many cases, there are also thematic meetings of senior officials to discuss specific policies and strategies in detail. It

meets at least four times a year and the general position with regards to the troika system, quorum and decision-making applies. It is responsible and reports to the COM.

6.2.7 The SADC Tribunal

The Tribunal works as an arbitration body and provides advisory services to the Summit. In terms of the SADC Treaty, the Tribunal is meant to ensure the treaty and subsidiary instruments are adhered to and are properly interpreted, and to adjudicate upon disputes that referred to it. The Summit is mandated to take appropriate action, which could include sanctions, when the Tribunal reports that member states have acted contrary to the tribunal decisions.

The Tribunal was disbanded at the 2010 SADC Summit after several judgment rulings against the Zimbabwean government. On 17 August 2012 in Maputo, Mozambique, the SADC Summit addressed the issue of the suspended SADC Tribunal. The Summit resolved that a new Tribunal should be negotiated and that its mandate should be confined to interpreting the SADC Treaty and to protocols relating to disputes between states. The newly constituted tribunal was approved by the Summit held in Victoria Falls, Zimbabwe on 17 and 18 August 2014.

6.2.8 The SADC Secretariat

The Secretariat is the principal executive institution of SADC, and is responsible for the strategic planning, coordination and management of SADC programmes. It is also responsible for implementing SADC's policies as well as the decisions of institutions such as the Summit, the Troikas and the COM. Its headquarters are in Gaborone, Botswana.

The Secretariat is guided by Institutional Vision and Mission and according to Oosthuisen (2006:195):

> *The Secretariat is responsible for the co-ordination, harmonising and reviewing the strategies, policies and projects of the organisation and its members, and for the strategic planning and management of SADC programmes and projects. It also assists with and monitors the implementation of SADC treaties, plans and projects, and ensures that the gender matters and other cross cutting issues such as poverty eradication and combating HIV and AIDS are integrated with SADC policies and plans.*

The secretariat oversees preparation through its directorates of the detailed updates and implementation matrix of the RIDSP. Further to that, it makes recommendations to the COM on the selection of implementing partners for some projects and supervises them.

The Secretariat has a key role of organising SADC meetings, including the crucial role of setting the agenda and records of meetings of various bodies including the ICM and the COM. It is responsible for preparation of administrative regulations, as well as standing orders and management rules for the approval by the COM. This is over and above its responsibilities of implementation of decisions of the Summit, the Organ, the COM and the ICM, and their troikas.

The SADC Secretariat is structured as follows:

Executive Secretary

The Secretariat is headed by an Executive Secretary assisted by two deputies, who are appointed at the Summit by recommendation of the COM. Some of the key responsibilities of the Executive Secretary include consulting governments and other relevant institutions of member states, and coordinating SADC activities. He/she is also supposed to liaise closely with other SADC institutions, and guide, support and monitor their performance and adherence to SADC's polices and plans. The Executive Secretary is tasked with all public and media relations, public affairs, protocol and special events management for the SADC Secretariat, and is the custodian of communications, branding and promotional strategies within SADC.

The Executive Secretary also directly manages:

- Directorate: Organ on Politics, Defence and Security Cooperation – an instrument for ensuring the political and socio-economic security and safety of the southern African region.
- Gender Unit – tasked with mainstreaming gender perspectives and concerns in all SADC policies, plans and programmes.
- Internal Audit Unit – an internal, independent and objective oversight unit tasked with evaluating and improving the effectiveness of SADC's risk management, control, and governance processes.
- Macro-economic Convergence Surveillance Unit – coordinates macro-economic surveillance processes and providing policy guidance to member states.
- Public Relations Unit – maintains lines of communication, mutual understanding, acceptance and cooperation between SADC and its internal and external stakeholders.

Deputy Executive Secretary: Finance and Administration

The Deputy Executive Secretary: Finance and Administration is responsible for administrative elements of the SADC Secretariat. He/she is responsible for two directorates and two units:

- Directorate: Budget and Finance – provides financial administration and risk management services to the operations of the SADC Secretariat.
- Directorate: Human Resources and Administration – supports the operations of the SADC Secretariat through the management of human resources, procurement of goods and services, and management of physical assets.
- Conference Services Unit – provides support to SADC policy meetings and any other meetings in terms of documentation, translation, interpretation services, conference facilities and scheduling.
- Procurement Unit – responsible for all aspects of procurement within the SADC Secretariat, through the administration of tender opportunities and ensuring adherence to the SADC procurement policy.
- Legal Unit – guides SADC in the application and interpretation of SADC legal regimes including the SADC Treaty, SADC protocols and legal instruments, and the application and interpretation of international law.
- Information and Communication Technologies Unit – guides the adoption of ICT within SADC and supports the implementation of the technological aspects of the RISDP.

Deputy Executive Secretary: Regional Integration

The Deputy Executive Secretary: Regional Integration is responsible for five directorates:

- Directorate: Trade, Industry, Finance and Investment – facilitates and coordinates the gradual reduction of trade restrictions and improved relations in the areas of trade and finance by establishing a free-trade area and a single customs and monetary union for the region.
- Directorate: Infrastructure and Services – improves the quality of infrastructure in the region, through infrastructure rehabilitation and modernisation, improving access to basic infrastructure, and increasing trade and maximising regional competitiveness;
- Directorate: Food, Agriculture and Natural Resources – ensures food availability, access, safety and nutritional value; disaster preparedness for food security; equitable and sustainable use of the environment and natural resources, and strengthening institutional framework and capacity building.
- Directorate: Social and Human Develop and Special Programmes – supports the development of SADC's human capital to its fullest potential as an essential step towards tackling the socio-economic challenges facing the region.
- Directorate: Policy, Planning and Resource Mobilisation – coordinates all the planning, policy development, and monitoring and evaluation functions of the SADC Secretariat including the Corporate Business Plan and the RISDP.

6.2.9 The SADC National Committees

SADC established the SADC National Committees (SNCs) in terms of the Amended Treaty of 2001 as organs to facilitate the interface between the SADC Secretary and stakeholders at the member state level. The SNCs were established to provide inputs at national level in the formulation of regional policies and strategies, as well as to coordinate and oversee the implementation of programmes at the national level. The SNCs are also responsible for the initiation of SADC projects and issue papers as part of the preparation of the regional strategies.

The SADC Treaty stipulates that each member state must create an SNC of key stakeholders including the government, the private sectors, civil society, NGOs, and workers' and employers' organisations. The composition is supposed to reflect key areas of integration and coordination, corresponding to clusters of sectors reflected by the four Secretariat directorates.

The national steering committees are supposed to have a chairperson of the SNC and the chairperson of the subcommittees. The SNC should have subcommittees and technical committees which must operate at ministerial and official level and, in the execution of their duties, they should involve stakeholders. Each member state should create a secretariat to facilitate smooth operations of its SNC and must fund this secretariat. Each SNC national secretariat is supposed to submit reports of its activities and operations to the SADC Secretariat.

6.3 The legislative framework for participative decision-making

SADC has a legislative framework to facilitate participative decision-making. This section sets out the legal provisions from the SADC Treaty on how inclusive decision-making could be enhanced.

In its founding documents, SADC makes a firm commitment to enable citizens to participate in decision-making. This is well-detailed in Article 23(1) of the founding treaty, which boldly claims:

> *In pursuance to the objectives of this Treaty, SADC shall seek to involve fully the peoples of the region and non-governmental organisations in regional integration.*

The SADC Treaty Amendment of 2001, Article 1(5.2)(*b*), also stipulates that the organisation will:

Encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the region and to participate fully in the implementation of the programmes and projects of the SADC.

This commitment is further developed in Article 23(2) with another bold declaration that:

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 co-operation in order to foster closer relations among the communities, associations and peoples of the region.

Further to this, the founding statutes of SADC make clear provisions in the framework for engagement by citizens to improve engagement with the institution. This is defined in Article 24(2) which proclaims that:

Conferences and other meetings may be held between the 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 objectives, identify and agree on future plans of cooperation.

The approach of engaging in meetings and conferences is aimed at ensuring, among other things, what is set out in Article 5(a) of the founding treaty, which speaks of the organisation's desire to harmonise political and socio-economic policies and plans. The aims of the meetings are to encourage a culture of debate and deliberation among the citizens, so that whatever policy decision that emerges reflects the collective, rather than individual, view. This dovetails with the ideals of deliberative democracy.

The founding documents see this approach as capable of achieving what is set out in Article 5(b) which is to:

Encourage the peoples 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 objectives of the SADC.

In order to fully operationalise the objectives set out by SADC, Article 6(a) of the founding statutes declares a commitment by member states, indicating that:

Member states undertake to adopt adequate measures to promote the achievement of the objectives of the SADC and shall refrain from taking any measure likely to

jeopardise the sustenance of its principles, the achievement of its objectives and implementation of the provisions of this Treaty.

Some of these objectives, as already outlined, include involving the citizens of SADC in the decision-making and developmental processes to ensure the accelerated implementation of developmental programmes. This approach, aimed at promoting accountability, is one key feature of deliberative democracy. This is a way of promoting inclusive decision-making within the interstate organisation. To operationalise the statutory and legal requirements for citizens' participation in its decision-making structures, SADC has gone a long way to put in place institutions within the organisation meant to facilitate such participation.

The SNCs are one such organ, having been established to provide inputs at the national level in the formulation of regional policies and strategies, as well as to coordinate and oversee the implementation of programmes at the national level. Further to that, they are responsible for the initiation of SADC projects and they issue papers as an input into the preparation of the regional strategies.

6.3.1 Operationalisation of the SNCs

As already stated, SADC established the SNCs in terms of the Amended Treaty of 2001 as organs to facilitate the interface between the SADC Secretariat and stakeholders at the member state level.

The record of the COM meeting held in Blantyre, Malawi, on 9–11 August 2001 reflected a desire by SADC to establish SNCs. The minutes read that, as a follow-up to the Summit decision on the establishment of SNCs, draft guidelines had been developed – and were approved – to facilitate the adoption of common minimum standards for the structure and operations of SNCs. The Council also noted that the main purpose of the SNCs would be to ensure broad and effective participation of key stakeholders in SADC policy-making initiatives.

The record of the minutes of the meeting of the SADC Summit of Heads of State and Government held on the 15 February 2002 in Zanzibar, United Republic of Tanzania note that at its meeting held in Blantyre, Malawi in August 2001, it approved the guidelines on the establishment of the SNCs. The Council also noted that member states had been requested to establish their committees in line with the approved guidelines. A report was presented indicating that, at that time, Malawi and the Seychelles had reported that they had established SNCs, while Botswana, Namibia, Lesotho, South Africa and Tanzania had started the process of establishing theirs.

The record of that meeting indicates that the Council also noted that the establishment of SNCs was to be undertaken in two phases: starting with the appointment of the committee and followed by the actual launching of the SNCs, as would be appropriate in each member state. The Secretariat was assessing the status of the establishment of the SNCs with a view to compiling a report to assist in sharing information and experiences on the establishment of the committees.

There were also presentations to the effect that the Secretariat had approached its ICPs to assist in the strengthening of capacities of SNCs once their needs had been identified. In this regard, the Friedrich-Ebert-Stiftung had offered to assist all member states and the Secretariat. In the same meeting and with a view to improving communication lines, the Council noted that the Secretariat had sent reminders to member states to provide the requested information, including a timetable and programmes for the establishment of the SNCs. The Council urged the remaining member states to establish their SNCs by the end of March 2002 and to submit the composition of their SNCs to the Secretariat and required information regarding their needs.

The record of the COM meeting of 23–24 August 2004 in Dar es Salaam, Tanzania, indicates that a progress report on the SNCs was presented, with the Council recalling that, at its meeting in March 2003, it had urged member states to present quarterly reports on the establishment and operations of the SNCs, including any challenges. In that meeting, the Council noted that the Secretariat was to elaborate on the guidelines for the establishment and operationalisation of the SNCs and present a report in August 2003.

In the same meeting, the Council approved amendments to the SNCs' functions and the functions of the subcommittees. These amendments related to a new role of coordination and overseeing the implementation of regional policies, strategies, programmes and projects at the national level. It also related to the coordination and provision of inputs at the national level for the development and review of the RISDP, to monitoring implementation at the national level through subcommittees and to the coordination of the dissemination of SADC information at the national level.

6.3.1.1 Functions of subcommittees

The functions of the subcommittees related to promoting and broadening stakeholder participation in the core areas of integration and the facilitation of information exchange between the SNCs and the subcommittees, as well as providing inputs to the SNCs on regional programmes, projects and policies. The subcommittees were also assigned the roles of proposing inputs to the SNCs towards the formulation of the national positions on issues to

be discussed at the regional level and of assisting the SNCs to prepare for SADC events and meetings at the national level, as well as of identifying, monitoring and evaluating regional programmes and projects at the national level. They were further mandated to mobilise resources for the implementation of programmes and projects within the subcommittee.

The Council further approved the following recommendations from the workshop on the role of the SNCs in facilitating the implementation of the RISDP: the convening of workshops, seminars and meetings on the RISDP to ensure that members of the SNCs are familiar with the RISDP and its key processes; the convening of national stakeholders for the sensitisation and information dissemination to secure ownership and support of the RISDP; as well as the development of national strategic and implementation plans aligned with the RISDP to facilitate the achievement of the SADC agenda.

Over and above that, it was agreed that funds should be allocated in member states' national budgets for the operations of the SNCs and the commemoration of SADC Day. The Secretariat would also mobilise resources from the ICPs to support the SNCs and allocate funds by member states from the national budgets to support the SNCs operating costs.

Council approved recommendations from the workshop on creating awareness among stakeholders on the role of the SNCs and that member states, with the support of the SNC Secretariat, should organise sensitisation campaigns to disseminate information about SADC at the national level. It was also agreed that member states should provide SNCs with adequate ICT facilities to enable the flow of information at all levels and that member states should provide funds for publicising SADC, including the production of promotional and educational material on SADC and its distribution at the national level. The member states were urged to involve national media institutions, including the SADC National Media Awards Coordinators, in disseminating SADC information and in the coverage of SADC events and programmes at the national level.

The Council noted that the Secretariat was to develop a project proposal before October 2003 for the presentation to ICPs to source funds to strengthen the SNCs through the provision of technical and financial assistance, as part of an annual region conference to share experiences and best practices for SNCs in the first three of its formative years.

At its meeting in Arusha, Tanzania, on 13–14 March 2004, the record of the minutes indicates that the COM considered and approved guidelines and procedures for the operationalisation of the expanding linkages and networks by increasing stakeholder participation in its decision-making processes. According to the record of the minutes, the Council considered and approved the following guidelines and procedures.

6.3.1.2 Guidelines

The record of the COM held in Tanzania on 13-14 March 2004 indicate that the SADC COM, working on the recommendation of the Integrated Committee of Ministers, was to approve each request from an organisation intending to execute SADC programmes and projects under the Principle of Subsidiarity, considering the following factors:

i) legal status of the subsidiarity organisation in the member state in which it will be based

ii) objectives, principles and mission of the subsidiarity organisation

iii) the principles and programmes of these subsidiarity organisations shall be consistent with the objectives and Common Agenda of SADC

iv) governing structure of the subsidiarity organisation is expected to be of a multinational character in accordance with SADC multilateral status

v) the legal status of the governing or management body (such as the board of trustees or board of management)

vi) defined areas of activity for each subsidiarity organisation in the SADC Common Agenda

vii) competencies of the managers of the subsidiarity organisation relative to the defined area of activity

viii) sources of funds of the subsidiarity organisation

ix) financial sustainability of the subsidiarity organisation

x) programme of work of the subsidiarity organisation.

There was an agreement that bodies created by the COM would use the SADC logo together with their own logos and would be designated as SADC agencies. SADC and the subsidiarity organisation would formalise their partnership and cooperation through accreditation in the form of a MOU. The SADC Executive Secretary was mandated, where appropriate, to issue letters of introduction to subsidiarity organisations as a way of assisting them in performing their work.

The COM, following a recommendation of the ICM, was tasked to determine which SADC meetings subsidiarity organisations might be invited to attend and the conditions for their participation in such meetings. The Executive Secretary, through the ICM, was tasked with making recommendations to the Council regarding the categories of SADC information to

which subsidiarity organisations might have access. There was also an agreement that the subsidiarity organisations would be encouraged to work and interact closely with the SNCs.

The representatives of the governing bodies or management bodies of subsidiarity organisations were directed to hold regular consultations with the SADC Secretariat to review the performance of programmes and projects executed under the principle of subsidiarity, the results of which were to be reported to the ICM and to Council, accordingly. The SADC Secretariat was urged to maintain an annual roster of subsidiarity organisations; yet, at the same time, the subsidiarity organisations were to be independent entities from SADC with the following conditions:

i) Subsidiarity organisations shall not be accorded the designation of SADC institutions. Such designation is restricted to those institutions outlined in Article 9(1) of the SADC Treaty**,** as well as those institutions to be created by the Summit as provided for in Article 9(2) as read with Articles 10(b) and 1 (f) of the SADC Treaty.

ii) Other subsidiarity organisations shall not use the SADC brand name or SADC logo in any of their activities.

iii) Subsidiarity organisations shall mobilise their own resources, including those devoted to the execution of SADC programmes and projects.

iv) Subsidiarity organisations shall benefit from participation at SADC meetings by invitations to be approved by the ICM.

v) SADC shall not bear responsibility for liabilities of subsidiarity organisations;

vi) Subsidiarity organisations shall be registered in the member state in which they wish to operate. In this regard, the legal status of subsidiarity organisations shall, depending on the application or operations of each subsidiarity organisation, be determined by each host state in accordance with its laws.

vii) The diplomatic status of each subsidiarity organisation shall be determined by each host state in accordance with its laws.

viii) The SADC Protocol on Privileges and Immunities shall not apply to the subsidiarity organisations as these do not fall in the category of sadc institutions in terms of the SADC Treaty.

ix) Subsidiarity organisations shall submit annual reports to the Integrated Committee of Ministers as a way of making them accountable to SADC.

The process of putting in place the modalities of establishment of the cooperation was put in place and the following procedures were agreed:

i) That the Executive Secretary shall post the approved guidelines on the SADC website to be readily available to all stakeholders.

ii) That any organisation interested in executing SADC programmes and projects under the principle of subsidiarity shall make a formal application to the Executive Secretary.

iii) That the Executive Secretary shall assess the application based on the approved guidelines and submit recommendations to the COM through the Integrated Committee of Ministers.

iv) That once the application is approved, the Executive Secretary shall inform the organisation concerned, negotiate and conclude a MOU.

These guidelines made room for the establishment of partnerships with new organisations for expansion of the participation of citizens in the decision-making processes of SADC. The guidelines also made room for a partnership with, among other organisations, the SADC-CNGO, which will be discussed later in this chapter.

6.3.2 The SADC Parliamentary Forum

While the SADC PF is not necessarily a SADC institution, there have been moves to transform it into a formal parliament of the region. It also plays a very important advisory role to the SADC. For now, it remains an important regional inter-parliamentary body composed of members of parliament from the national parliaments of SADC member states, representing over 3 500 parliamentarians in the SADC region. Established by the SADC Summit, on 8 September 1997, the Forum consists of presiding officers and a maximum of five representatives elected by the national parliament of each member state.

The aim of the Forum is to provide a platform to support and improve regional integration through parliamentary involvement, and to promote best practices in the role of parliaments in regional integration and cooperation. The SADC PD does not have a reporting relationship to Summit and other SADC institutions, but works together with them on matters of common interest. Given that there are proposals that the SADC PF be expanded into an elected body, it could be a useful organ for enhancing citizens' participation in decision-making. However, as it stands now, it is only an advisory body and will not be a subject of deeper discussion in this research. More detailed research into how the conversion of the SADC PF to a fully-fledged parliament could enhance the participation of citizens in governance could form a basis for another interesting study in future.

6.4 SADC decision-making processes in relation to the participation of CSOs

This section focuses on the application of the tenets of deliberative decision-making and describes the processes in SADC that relate to civil-society participation. It focuses on the SNCs as the official institutions designed to enhance this participation. It analyses their state of functionality and their meaning to the decision-making processes of SADC as an organisation. It integrates findings from the records of the minutes of the meetings of the COM, the SADC Summits, SADC communiqués and those from primary sources.

6.4.1 The state of functionality of SNCs

SADC presents the SNCs as the institution for the promotion of interface between citizens and the organisation. The state of functionality thus becomes crucial in answering the critical question about why civil society and stakeholders find it difficult to participate in SADC decision-making processes, despite statutory provisions in the SADC Treaty. The state of functionality of the SNCs is crucial in adequately answering this question as they are the official structures for the enhancement of participative decision-making.

The questions put to the respondents were structured to find out whether there were any SNCs at the country level and, particularly, to elicit information about the way they were constructed and the nature of the relationship between SADC as an institution and these committees. The responses presented first reflect data from the document analysis and rely significantly on the record of the minutes of the COM. The minutes give the official SADC position regarding the organisation's understanding of the state of development of these committees, as well as their state of functionality within the member states under study.

The record of the COM meeting of 23–24 August 2004, in Dar es Salaam, Tanzania, notes that the Secretariat wrote to all member states in April 2003 to request progress reports on the operations of the SNCs. Progress reports were received from Angola, Botswana, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania and Zimbabwe. The Council further took note of the fact that the Secretariat convened a workshop on 29–30 July 2003 to enable member states to share experiences regarding the structure and operations of its SNCs, and to identify best practices for SNCs for them to be effective vehicles for regional integration at the national level. The workshop was attended by all member states except the DRC and the Seychelles.

The Council further noted that the workshop for member states presented updates on the operations of the SNCs. Attendants identified that some of their key challenges included a lack of qualified and experienced staff; a lack of financial and material resources including computers, internet facilities, printers, photocopiers and fax machines, and inadequate office

space. They also indicated the absence of a standard plan or strategy for the dissemination or propagation of SADC's activities and programmes at the national level, and that there were delays in receiving documents translated into Portuguese from the SADC Secretariat, making it difficult to meet deadlines. Other challenges included the lack of dedicated SNC staff, inadequate commitment from the members of the subcommittees, and the unclear role of the SNC with regards to the guidance and coordination of committees, which effectively compounded the lack of clarity on budgetary provision for the implementation of projects and programmes within the context of the RIDSP.

It was also indicated that there was a need for stakeholders to internalise and fully understand the role and function of the SNCs. Other problems brought to the fore related to the weak coordination and information flow between the Secretariat and the SNCs, and at the member state level, as well as high staff mobility and turnover, which affected the institutional memory and continuity.

The record of the COM meeting of 23–24 August 2004 in Dar es Salaam also indicates that the Council approved recommendations from the workshop for the establishment of a technical team or desk at the SADC Secretariat, within the context of an ongoing evaluation exercise, to support the SNCs and to ensure the prompt translation of documents into Portuguese (the Secretariat was to address this issue within the context of the ongoing Job Evaluation Exercise).The Council also called for provision of adequate resources to the SNCs' Secretariat to effectively serve their SNCs, as well as capacity building, especially in the areas of economic integration, project management, IT, policy analysis and negotiation skills, in order for them to effectively service the SNCs.

There was a call for the development of an implementation plan regarding the RIDSP and the role of the SNCs in it, as well as effective information- and experience-sharing through an annual forum for the SNCs at the regional level. Over and above this, there was a recommendation for annual visits by members of the Secretariat to the member states' SNCs with the aim of improving operations of the SNCs.

At same meeting of the COM on 23–24 August 2004 in Dar es Salaam, the Council recalled that, at its meeting in Luanda, Angola in October 2002, it urged member states to expedite action on the establishment of the SNCs and to submit the required information on the composition of the SNCs, and operational needs and activities of these committees to the Secretariat. The Council approved the provision of support to the National Secretariat, including the provision of office equipment, ICT infrastructure and the training of staff. The Council further approved the convening of a regional workshop to enable member states to

share experiences on the structure and operations of their SNCs, and directed the Secretariat to make the necessary arrangements.

The Council once again urged the member states to urgently establish the Secretariats for the SNCs, which would service these committees and provide a vital link with the SADC Secretariat and other key stakeholders. The Council was also given a report indicating that the Secretariat wrote to all member states on 2 December 2002, requesting progress reports on the operations of the SNCs since the last COM meeting. At that time, responses had been received from eight member states, namely: Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zimbabwe.

In Angola, the SNC was launched on 8 January 2003 by Prime Minister Fernando da Piedade Dias do Santos. During the launching ceremony, Mrs Beatriz de Orais was sworn in as Head of the Secretariat of the SNC of Angola.

The SNC of Botswana met twice since its launch in September 2002: in October 2002 to prepare for the SADC Council of Ministers Summit and in November 2002 for a briefing on the outcome of the SADC meeting which included the Summit, the Council, Consultative Conference, the SADC-EU Joint Ministerial Conference, legal experts and Addis Ababa ambassadors meeting on the amendments to the AU Constitutive Act. Four technical committees had been established. The Development Section of the Ministry of Finance and Development Planning provided secretariat services for the Botswana SNC.

In Malawi, the activities of the SNC have slowed down due to budgetary constraints. The technical committees of the SNC have been established, along with four directorates and the additional cluster for politics, defence and security. The regional integration division of the Ministry of Foreign Affairs and International Cooperation serves as the secretariat for the SNC. In Mozambique, the process of establishing a SNC was said to be awaiting Cabinet approval. In the meantime, the committee is operating informally with the structure of the four directorates and has been involved in the preparations for SADC meetings. The Committee also provides a monthly journal.

The SNC in Namibia was said to be operational, but its efficiency is hampered by the absence of a secretariat and inadequate financial resources. Namibia appealed to the Secretariat to mobilise resources to support the activities of the SNCs.

The SNC in South Africa operates as an interdepartmental committee comprising two permanent representatives from all national line-function departments who meet every third Thursday of the month. Indications were that the committee was in the process of establishing the technical committees according to the directorates, with an additional committee for the

Organ on Defence, Politics and Security. The technical committees include provincial departments, the private sector and NGOs in their respective areas of responsibility. The Secretariat of the SNC in South Africa is operational and is within the Chief Directorate: Africa Multilateral in the Department of Foreign Affairs.

In Tanzania, the SNC has held several meetings including on preparations for the SADC June 2002 council meeting in Gaborone. The SNC held three meetings that year on the outcome of the SADC Summit to prepare for the March 2003 COM meeting. The country is in the process of setting up a SNC Secretariat to be the SADC National Contact Point.

The SNC in Zimbabwe has been meeting regularly to prepare for the Summit and Council meetings and to prepare inputs for the RISDP. The Department of Regional Cooperation in the Ministry of Foreign Affairs acts as the Secretariat.

Table 1: The establishment of the SNCs

	Member state	**Date of establishment**	**Current status**
1	Angola	SNC established on 8 May 2002	SNC launched on 8 January, 2008
2	Botswana	SNC established in 1999 and launched on 14 September 2002	Update provided
3	DRC	No information received	No update
4	Malawi	SNC established and launched in September 2002	Update provided
5	Mauritius	SNC established and launched in August 2002	No update
6	Mozambique	SNC establishment at advanced stages	Update provided
7	Namibia	SNC established on 4 March 2002	Update provided
8	Seychelles	Committee dealing with SADC sffairs in place since February 2000	No update
9	South Africa	SNC established and operational	Update provided
10	Swaziland	Establishment of SNC at an advanced stage	No update
11	Tanzania	SNC established in April 2002 and launched in August 2002	Update provided
12	Zambia	SNC established and launched on 28 March 2002	No update

	Member state	Date of establishment	Current status
13	Zimbabwe	SNC established	Update provided
14	Lesotho	SNC established	No update

Source: Record of minutes of the COM *held on 23–24 August 2004 in Dar es Salaam, Tanzania*

The Council was also briefed that the Secretariat was preparing a project proposal and submitting it to cooperating partners to support the SNCs in terms of office equipment, ICT, infrastructure and staff training. Another project proposal had been prepared for a regional workshop to enable member states to share experiences on the structure and operations of the SNCs, and had been submitted to the ICPs for funding requests. If the funding was secured, the workshop was to be held in June 2003 in Gaborone, Botswana. There are no details of the success of the said meeting.

The minutes of the SADC COM meeting held on 14–15 August 2007, in Lusaka, Zambia, show the *Report of the 2007 SADC National Committees' (SNCs) Regional Meeting (SADC/CM/2/2007/3.5)* was considered. The Council noted that, at its meeting of August 2003, it directed the Secretariat to hold annual meetings of the SNCs to exchange experiences on best practices and improve their operations. The Council further noted that the 2007 SNCs regional meeting, held from 10–11 May 2007, in Zanzibar, Tanzania, had focused on the implementation of the RISDP, including the development of a Monitoring and Evaluation System, information- and experience-sharing on best practices as an attempt to consolidate the SNCs in the member states, and the Institutional Capacity Assessment Study for SNCs. It also noted the substantial progress in the establishment of the SNCs. although they were at different stages of establishment and operationalisation.

The Council further noted that, despite the progress made, the majority of SNCs suffered from severe capacity constraints with regards to financial and human resources, which hampered the effective implementation of RISDP/SIPO at the national level. The 2007 SNCs meeting made recommendations which included, among others, the need to build capacity and share best practices on incorporating RISDP plans and programmes into national development plans. The Council concluded by urging member states to build the capacity of the SNCs.

In 2011, a decade after the first proposals for the establishment of the SNCs, a review of the state of progress indicated in the record of the COM meeting held in Luanda, Angola, on 11–16 August 2011 shows that the involvement of key stakeholders in SADC business was discussed. In this discussion, the Council took note of the factual reality that the SADC Treaty recognises key stakeholders as important partners in the implementation of the SADC

Programme of Action. Article 23 of the SADC Treaty provides the foundation for the participation of key stakeholders and defines them as the private sector, civil society, NGOs, and workers and employers' organisations. The Council also took note of the fact that the RISDP and SIPO, which were developed in consultation with key stakeholders, reiterate their importance in the implementation of the SADC Programme of Action. Furthermore, all SADC protocols, declarations and communiqués outlining SADC policies and commitments emphasise the importance of working together with civil society and the private sector.

The Council was briefed that, in line with the guidelines on subsidiarity that were adopted in the SADC COM held on 15 February 2002 in Zanzibar, Tanzania, the Secretariat had formalised its relationship with key stakeholders by signing MOUs with the SADC-CNGO, the Association of SADC Chambers of Commerce and Industry (ASCCI) and the Southern Africa Trade Union Coordination Council (SATUCC). MOUs provide a legal framework for cooperation and collaboration between SADC and key stakeholders in working towards the common goals of sustainable development, economic growth and poverty reduction.

There were indications that most member states maintain strong relationships with key stakeholders who are resident in their jurisdictions, through which the latter participate in the national processes of economic and social development. Over and above this, the meeting was briefed on the extensive collaboration between SADC and key stakeholders which facilitated their participation in most SADC activities including contributing to policy-making and technical meetings, consultative conferences, the International Conference on Poverty and Development, negotiations on the SADC Free Trade Area, the launch of the Free Trade Area (August 2008), and the development and adoption of the SADC Protocol on Gender and Development.

The Council made decisions reaffirming that key stakeholders should participate in the SADC integration agenda through the SNCs. It also approved that cooperation and consultations the at the regional level be strengthened through the implementation of existing and new agreements. It further mandated the Secretariat to update the list of regional key stakeholders and present it to the Council at its February 2012 meeting.

The research findings from the records of the COM are complemented by primary data sourced from research interviews. Research findings from the qualitative research interviews indicated that most of the SADC member states had fragile or totally dysfunctional SNCs.

The respondents from Tanzania indicated that, as far as they knew, there was no SNC in their country. They indicated that if it existed, it did so in secrecy and was not accessible to all stakeholders. As such, it could not be said to be representative of the key civil-society

groupings, as they would have at least known of its existence even if they had not participated in its processes. One of the respondents professed surprise on the existence of such a structure in the SADC statutes. This was also the case with the respondents from Swaziland, who indicated that there was no SNC and that this inhibited the ability of civil society to participate in decision-making and contribute to the national policy debates.

Zambia was similar, with the respondents indicating that their SNC was unknown, because it was totally dysfunctional and totally absent. They all converged at the conclusion that effectively they did not have a SNC. The respondents from South Africa indicated that they knew of the existence of the SNC, but they were all in consensus that it was totally inept and dysfunctional. In fact, one of the respondents summed it up by saying that the South African SNC only existed in name, but was not effective at all as there was no link between it and civil society, which is antithetical to its existence.

Respondents from Botswana intimated that while the SNC existed in their country, it was far from meeting the standards outlined in the SADC statutes. They indicated that it had been hijacked by the government and housed under the Ministry of Labour and Home Affairs, and the government determined who attended meetings. In the event of a failure to make a breakthrough in discussion through consensus, the government had the veto power which made it superior in the process. The government, according to the respondents, has the sole prerogative of selecting which organisations and individuals participate in these processes and, as such, it has created a forum for partisan and non-objective approaches to dealing with national issues.

The respondents indicated that despite being part of some vibrant civil-society organisations, they had no privilege of invitation to or participation in the SNCs processes. They thus called for the establishment of an all-encompassing and independent committee which takes on board all stakeholders, as defined in the statutes. This, however, has contributed to the paralysis of the SNC. The respondents proposed that Botswana should have a SNC which is functional and independent from government interference. There were indications that there was no participation and the respondent had never heard anything or contributed anything to the SNC. The SNC is funded from the national budget, but the respondent indicated that, when it comes to meetings and activities, he did not know if they ever met because the SNC was not functional at all.

The respondents from Lesotho indicated that there was indeed a SNC, but that it was very ineffective as it was unknown to many stakeholders and hardly met, and therefore had no influence at all on the policy-making processes of the country. In Zimbabwe, respondents indicated that there used to be a SNC, but over the years there had been an irretrievable

breakdown in the relationship between the government and civil society, and as such the two never met under the banner of the SNC. They cited preparations for the 2014 SADC Summit of Heads of State and Government in that country, which were totally outside the paradigms of nationals, who were excluded from these consultations.

By contrast, the respondents from Mozambique indicated the existence of vibrant SNC meetings, as set out in the guidelines adopted by the COM meeting.

The respondents from Mauritius, the Seychelles and Malawi spoke of the existence of SNCs, but stated that they were “paper tigers” which were not accessible and did not contribute at all to inclusive decision-making. If anything, the respondents described them as extensions of the government system of patronage.

In summary, all the respondents who spoke of the existence of non-functional national committees indicated that they did not have the required technical committee, effectively meaning that they were not meeting the requirements of the SNCs as defined in SADC’s statutes. Only Mozambique had a national committee with fully operational technical committees covering all the four sectorial clusters, namely: infrastructure, food and services, agriculture and natural resources, trade industry finance, and social and human development. To the credit of Mozambique, the SNC was said to have a fully-fledged Secretariat which was the focal point for coordination between the government and stakeholders.

6.4.1.1 Meetings of the SNCs

The questions asked of respondents sought to assess the extent to which SNCs met and whether they fulfilled the prescribed four meetings per year. This is an important requirement under the deliberative democracy framework, in that it allows for the continuous exchange of views and ideas between the elected official and the citizens.

On this requirement, the respondents who indicated that their countries had existing, but non-functional committees, including South Africa, Botswana, Mauritius, Zimbabwe, Zambia and the Seychelles, said they did not meet regularly and that was one of the reasons why the SNCs were weak and could not be relied on as fora for inclusive decision-making. They blamed the government for monopolising the process and using it for its own ends, which they described as a desire to exclude other stakeholders from participating in SADC’s decision-making processes.

Only Mozambique seemed well-organised with the SNC meeting the prescribed four times per year and even allowing for specialised meetings of different sectoral technical committees outside the meeting of the main committee.

6.4.1.2 The existence of functional secretariats

Secretariats are the engine room for the coordination of activities and interface between citizens and their elected representatives. The state of their strength is thus crucial in driving the process of inclusive decision-making. The questions asked of respondents aimed to find whether the SNC secretariat exists in member states, the extent of the coordination of their activities and their links with the SADC Secretariat. The key weakness identified in Swaziland, Malawi, South Africa, Botswana, Mauritius, Zimbabwe, Zambia and the Seychelles was the absence of a functional SNC secretariat. In these countries, the committee and its coordination role appeared to be a preserve of the government, which seemed to make selective piecemeal progress in coordination.

The requirement in the statutes that provides for SNCs to have secretariats was based on a well-founded and acceptable role that coordination could be done well if it existed. But in most SADC countries, as indicated, no such a structure existed, thus making the coordination role very difficult. The absence of well-functioning secretariats militates against the principle of the smooth flow of information. Only Mozambique had a well-coordinated secretariat which was good conduit for information flow between the Secretariat and stakeholders.

Respondents from all the countries, including Mozambique, cited a lack of financial resources as the reason for not having vibrant secretariats. Those from Swaziland, Malawi, South Africa, Botswana, Mauritius, Zimbabwe, Zambia and the Seychelles cited government monopolisation of the space provided for SNCs as one of the reasons for their failures to function properly. The respondents indicated that while SADC in its meeting indicated that the Friedrich-Ebert-Stiftung foundation had committed to fund the establishment of secretariats, there seemed to be little movement in that direction.

The lack of funding for the establishment of secretariats was thus seen as one of the key factors affecting coordination, and the capacity and ability to make meaningful impact in contributions to collective decision-making in their respective member states. Some of the respondents indicated that if the SNCs did not become more vibrant, they were in danger of being overshadowed by a new high-priority initiative that promotes SADC participatory policy solutions at the national level. There were indications that the Regional Poverty Observatory (RPO) of SADC might usurp some of the functions of the SNCs.

6.4.2 SADC-CNGO and enhancement of civil-society participation in SADC

There were questions to make a determination of how the SADC-CNGO as the umbrella body of civil-society organisations has enhanced the participation of its members in decision-making in the regional bloc. One of the aims of the SADC-CNGO is to enhance the participation of

civil-society organisations in the policy-making processes of SADC. This aim dovetails well with the deliberative democracy theory, assuming that the greater participation of citizens in decision-making is vital in promoting accountability, which in turn could accelerate development. Mafunisa (2004) argues that, in making decisions and implementing them, public institutions should take into account the attitudes and activities of the institutions that constitute civil society. This view builds on assertions by Hyden (1999), who contends that legitimate democratic public participation is vital because authoritative decisions imposed by governments demand justification from those burdened by authority and this justification must appeal to evidence and arguments acceptable to reasonable citizens.

In an attempt to find out the extent of civil-society participation in SADC's decision-making processes, the research was guided by the arguments of Habermas (1987:364) that citizen participation in policy-making organs buffers the public from state domination and provides what he calls "effective restraining barriers to protect civil society from state domination". The record of the minutes of the meeting of the SADC COM, held on 16 August 2011 in Luanda, Angola, indicated that the Council adopted guidelines for the establishment of a framework for involvement of key stakeholders in decision-making.

In that meeting, the Council acknowledged that the SADC Treaty recognises key stakeholders as important partners in the implementation of SADC programmes. Article 23 of the Treaty establishes the foundations for the said participation. The Council was briefed and adopted the formalisation of relations with some of these key stakeholders, among them the SADC-CNGO. Cooperation was a way of enhancing the participation of other stakeholders in SADC's decision-making processes as a measure of accelerating economic growth, sustainable development and poverty reduction. One of the key questions to the respondents was how the SADC-CNGO was constructed and how it facilitated the participation of civil society in decision-making.

One of the key respondents to this question – Boichoko A. Dithlake (the Executive Director of SADC-CNGO) – indicated that the SADC-CNGO is a membership-based organisation constituted by umbrella bodies representing all organisations at the national level including social movements and other related organisations. Over and above NGO membership, the CNGO upholds a thematic alliance with other bodies such as SATUCC and the Fellowship of Christian Councils in Southern Africa (FOCCISA). The respondent indicated that the SAD-CCNGO has a MOU signed in 2003 which is currently under review. According to the respondent, an instruction came from the COM to review the MOU within 12 months, considering the formation of a partnership with the SADC-CNGO towards the establishment of an economic and social council modelled on the UN's ECOSOCC.

The respondents from Mauritius described the formation of SADC-CNGO in 2003 as a long-awaited and inevitable development following conversion of SADCC to SADC – an indication of the changing times at the turn of the millennium. Given the rise in issues of democracy, good governance, anti-corruption and the fight for human rights, civil society became a formidable force to reckon with that could no longer be ignored. The change, which characterised the politics of the day, gave impetus to the organisation of civil-society activism at the regional level. Therefore, the formation of the CNGO resulted from the common need to hold governments accountable for their actions to citizens who constitute the electorate.

Other respondents from Malawi, Swaziland, Zimbabwe, South Africa, Namibia and Lesotho also indicated knowledge of the SADC-CNGO as a regional organisation of civil-society organisations grouped to promote participation of SADC civil society in SADC's decision-making processes. However, Botswana's respondent surprisingly, despite the SADC Secretariat being in that country, expressing limited knowledge of the organisation and its operations.

The respondents from the government of Zambia indicated that there was a committee of ambassadors and high commissioners accredited to Botswana, but it remained unknown. They indicated that it was formed some time in 2005 by a resolution of the COM, but it remained inactive. Oosthuizen (2006:226) also indicates that:

> *It comprises High Commissioners of SADC members accredited to or responsible for Botswana and permanent secretary in Botswana Ministry of Foreign Affairs and International Cooperation. It does not seem to be a subsidiary body of any of the principal institutions. Its proposed functions include (a) advising the COM through the SCO on issues related to implantation of SADC programmes and activities including the RISDP and SIPO, (b) facilitating consultations between SADC member states and Secretariat, (c) helping prepare COM and ICM meetings and (d) following up the implementation of COM decisions, It is meant to meet every two months.*

The respondents from the SADC Secretariat indicated that if this organ were fully functional, it could be one important avenue for civil-society engagement in SADC. The respondents spoke of the establishment of the SADC-CNGO protocol tracker, aimed at keeping track of and monitoring the signing, ratification and implementation of each of the protocols developed by SADC with a view to holding individual member states and SADC as an accountable collective body. The protocol tracker is not only a monitoring and social accountability project, but also an advocacy initiative in support of citizens' participation in regional integration.

6.4.3 SADC-CNGO and the enhancement of CSO participation at the national level

The SADC-CNGO aims to promote the participation of civil society in decision-making processes. This is consistent with Habermas's (1987) assertion that facilitating citizen participation in policy-making organs buffers the public from state domination. He provides what he calls effective restraining barriers to protect civil society from state domination. One of the key issues put to respondents was the links, synergies and mechanisms for collaboration between the SADC-CNGO and civil society at the country level. This was meant to determine the structures, activities and processes that allow for the enhanced participation of stakeholders in decision-making processes. Respondents indicated that the SADC-CNGO has increasingly become an authoritative and reliable link between civil society at the country level and the SADC Secretariat because of its structured relationship with SADC which was enhanced by the signing of the MOU in 2003, which has also seen it receive observer status in some of the meetings of SADC such as the ICM meetings.

The respondents from Mozambique indicated that they viewed the SADC-CNGO as having been able to bring civil-society organisations to congregate and work together in bringing the voice of the grassroots to policy-makers. In their view, there is a mutual dependency relationship; for instance, during the *SADC We Want* campaigns, the SADC-CNGO and civil society work hand in hand in drafting declarations which are then forwarded to the SADC regional body for consideration.

This was also the view of the respondents from Zambia, who stated that working together under the umbrella of SADC-CNGO had been vital in delivering the voice of grassroots civil-society organisations to policy-makers. They also stated that they saw a mutually dependable relationship between SADC-CNGO and civil society, for instance in the *SADC We Want* campaigns. This view was also shared by other respondents from Botswana who, like their Mozambican and Zambian counterparts, indicated that the SADC-CNGO and civil society work hand-in-hand in drafting the declarations, which are then forwarded to the SADC regional body for consideration of how SADC could be transformed into more people-friendly institution.

The respondents from Malawi, Namibia, Lesotho, Zimbabwe and the Seychelles demonstrated a thorough knowledge of the SADC-CNGO which they defined as a reliable conduit of views between civil society at the country level and the regional body, based on the MOU that was signed with SADC. They noted that there was considerable technical support given to the national associations by the SADC-CNGO. They referred to the capacity and technical skills development programmes that had been conducted by the SADC-CNGO for the national umbrella associations of Zimbabwe and Malawi, the National Association of Non-Governmental Organisations (NANGO) and the Council for Non-Governmental Organisations in Malawi (CONGOMA) respectively. Respondents further indicated that the SADC-CNGO

has facilitated engagement and discussions by the region's civil-society organisations on key issues of how to improve the RISDP.

Respondents lauded the SADC CNGO for being meticulous on information dissemination by continuously giving updates to the various members of the state of the region political, economic and social issues. Respondents indicated that they made some inputs on the SADC CNGO policy issue papers like the *SADC We Want* documents.

6.4.4 SADC-CNGO facilitation of government–CSO interaction at the country level

Ongoing interaction between elected representatives and citizens is important in promoting political accountability. Schedler (1999) argues that, under the deliberative democracy framework, political accountability is defined as the obligation of both political and public officials in governments to be held accountable for their actions to citizens.

Bratton and Logan (2006) view political accountability as serving the dual purpose of ensuring that representatives do not abuse power and enabling governments to function effectively and efficiently. They also refer to processes and mechanisms that are in place to ensure that those in decision-making positions adhere to the principles of democracy and good governance, with answerability and enforceability being identified as the two fundamental constituents of political accountability.

Respondents from Mozambique revealed that the SADC-CNGO facilitates the interaction of civil society through the meetings they conduct and the implementation of awareness campaigns. These awareness campaigns help to reduce the knowledge gap within groups. To facilitate the functioning of the SNCs, the SADC-CNGO is included on the board and it participates in gatherings of the SNC's General Assembly. They contribute to and are involved in the strategic planning processes. However, respondents from Zambia and Malawi converged on the point that SADC-CNGO cannot do much because its focal point in SADC is the Secretariat, which works for heads of state, not citizens. They went on to say that there was little initiative by the Secretariat to include citizens in decision-making. This was also the view of respondents from Lesotho, who indicated that this was not the responsibility of SADC-CNGO but that of the SNC.

Respondents from Botswana were of the view that there had been facilitation of good relations with one of them saying:

> *They have a good relationship with civil society, but with the Secretariat they have to fight for recognition. Of course, they are at times involved in different initiatives and decision-making procedures, but they constantly have to remind the Secretariat of their*

existence. They are consulted in decision-making, but he said that of course during consultation they contribute, but BOCONGO [Botswana Council of Non-Governmental Organisations] needs to be involved in the real negotiations. They need to be recognised they need to add everything; they are not satisfied with mere consultations. They want to negotiate, to add something tangible.

This respondent advocated that there needs to be a paradigm shift regarding relations: "It's high time the civil society is taken seriously."

The respondents from South Africa indicated that SADC-CNGO had facilitated a meeting in 2013 between the civil-society umbrella body and the government to plan on pushing for the proper formulation of national committees. There has also been training for both civil society and the government on how these national committees should be constituted and should function. Consultations were also been held on how to best go about forming the national committees without soliciting resistance, and a strategic plan for the next five years was agreed upon. These respondents, however, highlighted a new and seemingly inclusive process called the Regional Poverty Observatory (RPO). They indicated that this was promising to be a more organised institution to promote ministerial and civil-society interaction at the country level. They indicated that, as things stand and if it lives up to its commitments, the RPO would be the answer to the poor coordination between stakeholders and civil society in SADC's decision-making processes.

6.4.5 Decision-making processes of SADC-CNGO

The section of the research sought to examine how the SADC-CNGO as an institution has handled decision-making and how that could be used as best practice for SADC. The respondents from the SADC-CNGO Secretariat could outline many position papers that they had developed and indicated that it was difficult to measure the extent to which they had been taken into consideration by SADC. (There is a dedicated section in this thesis on "How are your views considered by SADC?" which deals with these issues.) Respondents from the SADC-CNGO Secretariat revealed that accountability is ensured through the Council's General Assembly which convenes every two years and through the Executive Committee that meets three times a year to account for the progress made or lack thereof. The Directors Forum, which meets annually, tables reports to give feedback to their membership at the national level and to review strategies in preparation to formulate new ones. This was corroborated by respondents from Mozambique, Namibia, Zimbabwe, the Seychelles, Zambia, Malawi, Botswana, Mozambique, Swaziland and Mauritius, who confirmed that the SADC-CNGO civil-society forum is indeed an annual meeting which is held consistently.

Respondents indicated that, in the annual general meetings of the SADC-CNGO, there is robust and no-holds-barred debate on both administrative and programmatic issues, with decisions made mostly through consensus. However, there have been instances where issues have been deferred to a vote, but even when that has happened, compromises were found to avoid a winner-take-all mentality. Respondents indicated that this had built confidence in the organisation as most of its membership views it as promoting inclusive participation in its decision-making processes.

Some respondents felt that civil society should strengthen its utilisation of the Southern Africa Civil Society Forum, which is held alongside the Summit to capture civil-society perspectives on issues of concern. Furthermore, there could be utilisation of clusters and sectors that mirror the directorates of SADC. The civil-society organisations in each of the clusters are facilitated to conduct common analysis of issues, develop common positions and ultimately engage with SADC and its structures. The basic idea of using the cluster approach is to ensure that any civil-society organisation in the region can feed its views on thematic areas of interest into the SADC processes.

6.4.6 SADC-CNGO participation in SADC decision-making processes

Questions were then put to measure the extent of participation of the SADC-CNGO in SADC's decision-making processes in line with the deliberative democracy tenet of promotion of accountability. Gutmann and Thompson (1996) argue that elected officials should provide reasoned explanations for their decisions that could reasonably be accepted by free and equal citizens with fundamentally competing perspectives. This is more evident in deliberative democracy theory, which emphasises the accountability of public officials by subjecting policy and governance decisions to public participation. This is also the view of Elster (1998), who argues that deliberative democracy focuses on the obligations of public officials to engage in reasoned deliberation on which courses of action would promote the public good.

Richardson (2002) advances the same argument with the view that elected officials must engage in decision-making processes that consider all the relevant interests and perspectives. This is similar to the argument of Staszewski (2009), who is of the view that decisions adopted pursuant to these criteria are democratically legitimate, because each interest and perspective is treated with equal respect and arbitrary decision-making is prohibited. Deliberative democracy provides for greater legitimacy based on theories that seek to eliminate arbitrary governmental action and to reach the best decision on merit, after considering all the information made available and fundamental differences of opinion. The research, thus, used the deliberative democracy framework to assess the decision-making processes and the state of inclusiveness in SADC.

Respondents emphasised the role played by the SADC-CNGO in the instrumentalising the Regional Poverty Observatories, with 70% of their review undertaken by CSOs and adopted by SADC member states. SIPO II was also developed with some involvement of SADC-CNGO and was officially adopted in 2002 by the then-SADC Chairperson, Tanzanian President Jakaya Kikwete in 2002.

Respondents highlighted that the CNGO had been working with the SADC Secretariat to review the RISDP and, to that end, a task team had been assembled to undertake the review. However, respondents stated that although there had been several interventions in the policy-making architecture that involved civil-society participation, this still happened at an informal level. This was corroborated by respondents from Zambia, who argued that the SADC-CNGO had also managed to successfully claim the space on issues discussed on the forum. They indicated that, at times, they could even request to table their issues through the proper channels and they were adopted, for example, the Gender Protocol and RPO.

SADC's membership uses the SADC-CNGO's Poverty Indices Matrix to monitor poverty at the national level. This matrix provides measurable indicators which are comparable and which member states can uniformly use to assess themselves. This helps in the evaluation of the Millennium Development Goals and ensures there is substantive progress.

The SADC-CNGO is usually involved at the initial stages of policy-making during the consultations, or during the monitoring stage – and even during the policy initiation phase. However, this was not the view of the respondents from Malawi and Mauritius, who indicated that that there is no formal participation of the SADC-CNGO in policy-making at the regional level. There is also no consultation of the SADC-CNGO by SADC in policy-making. The only role of the CNGO is in following up on adopted protocols to assess whether there they have been implemented according to set and agreed standards. CNGO assumes a lobbyist role, rather than as an equally important decision-making structure of SADC.

Respondents from Botswana indicated that their submissions were mostly not involved in the formulation and adoption of policy decisions. They made submissions, but sometimes these were ignored. For example, they aired their views on the issue of the dissolution of the SADC Tribunal and were ignored. They also indicated that some of the protocols – such as the Gender Protocol – were not signed by countries like Botswana because of the exclusion of civil society.

Respondents from Namibia were sceptical, arguing that civil-society views were considered, but mainly on "soft issues". These soft issues relate to the service-delivery of water and sanitation, but not to issues of governance. However, they pointed out that there was room for

improvement, saying that participation was not yet at the level that civil society wanted it to be. They cited the example of there being no civil-society participation or consultation when SADC disbanded the SADC Tribunal. However, they conceded that there had been remarkable participation in RISDP. Respondents from the Seychelles professed ignorance on any form of participation on the subject, while Malawi and Swaziland confirmed that that the SADC-CNGO had participated in many policy-making initiatives by the Secretariat especially on the RISDP. CNGO organised meetings for NGOs and collected views which were submitted to the secretariat and were considered.

Respondents, however, reiterated the snubbing of the SADC-CNGO in Malawi during the COM meeting held on 17 August 2013. They also indicated that before every Summit, the SADC-CNGO is given copies of proposed policy to engage with and debate on, and to suggest amendments. SIPO and RISDP are examples where civil society was actively engaged in the policy-making process through consultations and the consideration of civil-society viewpoints. However, the major problem is that the SADC-CNGO has no power over what is included on the agenda; all it tends to do is to give suggestions on issues already tabled by the Secretariat. They indicated that this participation usually takes the form of consultations, and the provision of information and suggestions to the SADC Summit. However, the effectiveness of this participation is limited, because the CNGO has no control over outcomes at the level of the SADC Summit as it has no voting power.

6.4.7 CSO policy contributions to the SADC COM

The interviews identified the Summit of Heads of States and Government and the SADC COM as the key policy-making organs. Of the two, the Council was identified as the more accessible organ, in that it is the forum in which discussions are made and adopted, and it sets the agenda for the Summit of Heads of State and Government. It is the most effective policy-making structure, as it does all the work, cleaning up proposals for formal signing by the heads of states and governments. These questions also sought to identify whether there are any other representations made to another, formal organ of SADC.

There were varying responses. Respondents from Mauritius indicated that, as far as they were concerned, they fed policy proposals to the SADC-CNGO which in turn made policy representations to thematic committees. The respondents notted that a protocol tracker had been introduced on the civil-society blog. This protocol tracker is an instrument which is used for tracking and assessing contributions made by stakeholders and the way they are treated in the ultimate policy-implementation process. They indicated that as a watchdog organisation to keep SADC accountable to its citizens, the SADC-CNGO was doing a good job in ensuring that it worked hand-in-glove with the rest of its membership. Respondents from Botswana

indicated they were aware of the continued interaction and engagement between the SADC-CNGO and SADC, but indicated that they were not sure whether there was any formal communication with the COM.

The way SADC is structured allows for limited participation of the SADC-CNGO and other approved stakeholders through the thematic committees and not directly through the Council. This was also the view of respondents from the Seychelles, who indicated that, to them, the SADC remained a closed club of elites and heads of state, and that the COM was the one that stood as a gatekeeper and screened anyone intending to interact with the club. They argued that, in most instances, the Council actually kept people from any form of direct engagement. Respondents from Malawi and Namibia were of the view that the SADC-CNGO actually did make representations of the resolutions and policy proposals to the COM. They indicated that every year before the Summit of Heads of State and Government – if held – it holds a civil-society forum in the host country. After that, it usually sends delegates to the COM meeting and makes representations of their resolutions to be incorporated into discussions and possibly considered in the decision-making processes. As quoted verbatim from a respondent from Malawi:

> *CNGO makes presentations to the council of ministers. This happens when the Council of Ministers meets before the SADC summit. Resolutions of the CNGO are given to the council of ministers. Some of the issues in these resolutions may end up on the SADC agenda.*

The same respondents spoke glowingly about the construction of the Gender Protocol, to which they were given the platform to make their own contributions. This view was also shared by respondents from Mozambique, who indicated that policy presentations were made and specifically referred to the SADC Gender Protocol where the SADC-CNGO was given the platform to make its own contributions. However, respondents from Lesotho were more sceptical, indicating that SADC had a limited respect for civil-society organisations and their issues are reflected by the failure to honour an invitation to the 2014 SADC Civil Society Forum in Harare by the SADC Executive Secretary.

6.4.8 Compliance with the provisions of Article 23 of the SADC Treaty

In its founding documents, SADC makes a firm commitment to allow citizens to participate in decision-making. This is detailed in Article 23(1) of the founding treaty, which boldly claims that SADC commits itself to involve its citizens in decision-making processes:

> *In pursuance to the objectives of this Treaty, SADC shall seek to involve fully the peoples of the region and nongovernmental organisations in regional integration.*

This is further amplified in the SADC Treaty Amendment of 2001, Article 1(5.2)(*b*), which stipulates that the organisation would:

> *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 the SADC.*

To achieve this objective, the statutes further make a commitment in Article 23(2) with another bold declaration that:

> *SADC shall cooperate with and support the initiatives of the peoples of the region and nongovernmental 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 peoples of the region.*

The basis for the provision of spaces that allow citizen participation, as defined in Article 23 of the SADC Treaty, emanates from a realisation that while government representatives to interstate organisations should be given credit for justifying their policy, they should make civil-society views known publicly. Doing so helps their processes to include a diversity of views. This notion is more pronounced in Staszewski (2012) who argues that decision-making and policy formulation in a democracy is not, and should not try to be, purely majoritarian, even if the idea is to promote policy decisions to reflect the pre-political preferences of the people. Arbitrary and exclusionary reliance on elected officials to control the discretionary policy choices of the administrative agencies could produce a contested outcome.

In contrast, decisions adopted pursuant to deliberation are more likely to be democratically legitimate because each interest and perspective is treated with equal respect and arbitrary decision-making is prohibited. The importance of this approach is that it empowers citizens to resist arbitrary government action on policy-making and governance. In a democracy, arbitrary action by the government is anathema, as it breeds a citizenry that is made up of passive consumers of government policies without participation. Such an approach derogates from the sustainable development of communities.

The provisions of Article 23 of the SADC Treaty are in line with the deliberative democracy theory, which is used as the conceptual framework for this study because of its ability to allow for inclusivity and a respect for a diversity of views in decision-making. O'Doherty and Davidson (2010) argues that deliberative democracy emphasises democracy as government by discussion and, specifically, rational deliberation among citizens about matters of the common good. According to Watts (2009), not only is the role of political reasoning in decision-making a matter of great practical importance and sharp legal disagreements, but this is an

issue which goes to the very heart of what distinguishes the leading contemporary theories of legitimacy in the modern regulatory state.

The research thus sought to determine the extent of conformity and adherence to the provisions of Article 23, as supported by arguments of the deliberative democracy conceptual framework on enhancing the participation of citizens in decision-making. Respondents from South Africa indicated that it was very difficult to conclude that there was adherence to the provisions of Article 23, as there had been massive co-opting of civil-society organisations by SADC governments.

There was a “good NGO-bad NGO” scenario, which made it very hard to recognise which civil-society organisations were actually pushing their own agendas and not the ones they had been told to push by their respective governments. Respondents called this a “state capture of civil society”. They argued that civil society was largely ineffective because it had no capacity to make any meaningful policy contributions; it was also institutionally incapable of doing so as there was no organisational mechanism to make sure that civil society was not ignored by SADC.

Respondents noted that civil society lacked the proper advocacy skills to effectively lobby SADC. Respondents from Tanzania indicated that there was limited consideration of the views of civil society, because whenever a policy reaches the protocol level, it only reflects and protects the interests of the elite, except for maybe the Protocol on Gender. As such, SADC needs to be reformed to live up to its commitment of being people-centred. Respondents advocated for a more structured and formalised participation of civil society by prioritising the free movement of citizens across the region and removing all travel barriers such as visas. The current set-up where some citizens of SADC member states pay for visas was viewed as retrogressive. They cited, among other things, the $100 that Angolans have to pay to get in to Zimbabwe and called for a visa-free regime in SADC.

Respondents also indicated that a regional parliament should be established that would oversee the needs and interests of the people of SADC. They indicated that a structured SADC parliament that has elected representatives from each member state would allow for better representation of its citizens’ voices in the decision-making processes of SADC.

Respondents from the SADC-CNGO Secretariat indicated that SADC was not living up to its commitment of ensuring the participation of stakeholders in decision-making, as outlined in Article 23 of the SADC Treaty. However, they acknowledged that while the SADC has not fully reached a stage where it could be viewed as a best-practice model, it has been evolving and has come of age. They stated that most of the SADC countries were still battling with the

politics of liberation movements that underpinned some governments' views of being in power as an entitlement that allowed them to deny their citizens liberties and the freedom to participate in the processes of decision-making, under the guise of protecting the gains of the liberation struggle.

Respondents, however, indicated that there is forward movement in opening spaces for the increased participation of stakeholders in decision-making processes to allow the institution to be an effective regional organisation. Respondents reiterated the need for the re-envisioning of SADC. They bemoaned the lack of meaningful participation by all stakeholders in SADC's policy processes, adding that the issue of the reopening of the SADC Tribunal should be taken seriously. They also added that SADC should establish a regional parliament to ensure a system of checks and balances, and as an embodiment of the interests of the people. Respondents also reiterated that SADC should prioritise the welfare of its Secretariat and not leave it to the mercy of the donor community. Instead, member states should contribute to SADC's annual budget to ensure its independence and enhance its effectiveness.

Furthermore, respondents buttressed the need for the formalisation of civil-society participation in SADC decision-making and the dedication of the institution to the region's citizens to serve their interests, rather than allowing it to turn into an elite grouping of heads of state. In actual fact, the SADC-CNGO is calling for the democratisation of the regional body. Respondents also emphasised the need for SADC to prioritise the interests of citizens and to effectively address the ills currently plaguing the region such as poverty, corruption and individualism among member states.

Respondents from Mozambique and Zambia claimed that SADC, as the regional body, was not living up to its commitment. They cited a lack of dedicated resources to implement protocols. They claimed that, on most occasions, SADC promoted initiatives that favoured the elite and that at times there was no engagement of civil society. The SADC body lacks enforcement capacity; it is incapacitated and much needs to be done for it to be effective.

The respondents from Zambia indicated that the government had not done much to popularise the value of belonging to SADC as a regional economic bloc. It had failed to explain the benefits of being a member of SADC. They compared it with Africa's founding father, Kwame Nkrumah's (of Ghana), explanation of the OAU (at its formation in 1963); they clearly stated that now Africans are free from colonial rule and this body would be a regional economic bloc that would unite Africans. Although it was clear to everyone what the objective of the body was, now the situation is different and previous levels of unity have largely dissipated.

To improve, respondents indicated that SADC should embark on capacity-building in the civil-society organisations. It has to train these organisations; it has to capacitate them so that they are able to work on their own and so that they might be sustainable. CSOs could be supported by the SADC body financially, so as to reduce “donor syndrome”. They stressed the need for the CSOs to be wholly independent. They indicated that SADC as an organisation should start evaluating the performance of National Steering Committees, as sharing results with member states enhances their productivity and effectiveness.

Respondents argued that, as an organisation, SADC should start mobilising citizens and reviving SNCs at the national level. They also stressed the need for continuous engagement with the relevant government authorities. Respondents from Malawi were of the view that SADC was not living up to its commitment of ensuring CSO participation in decision-making processes and they cited the example of most of their proposals being shot down before the Summit. They also cited the issue of the SADC Tribunal. There was extensive representation by civil society against its dissolution; yet, the authorities went ahead and dissolved it. They indicated that the organisation is not people-centred as the decision-making processes do not have space for consultation between stakeholders. They argued that policy formulation in the SADC is intra-state and not “intra-people”. Civil society is thus not taken seriously. Respondents from Zimbabwe, Lesotho and Namibia also indicated that the SADC policy-making and decision-making processes were exclusive to major stakeholders and the organisation was not living up to its commitments of ensuring participation because there was a top-down approach. This situation gives too much power to elected representatives, at the expense of citizens, and thus becomes exclusive rather than participative.

Respondents indicated that the best way to improve the situation would be to strengthen engagement at the national level, by supporting SNCs to be fully functional and thus influence the policy-making processes at a grassroots level. Respondents also commented that governments should make provisions for support of civil society without necessarily interfering with their programming. A respondent from Namibia showed his thorough understanding of SADC-CNGO and SADC processes because he once worked for the organisation. He had zeal and enthusiasm that SADC would reform and that space for civil society would gradually increase, making way for more inclusive policy formulation environment in SADC. However, he worried that this might take longer than necessary because of resistance from governments.

In his own words, the respondent from Lesotho said that:

> *SADC is far away from reaching a point of inclusiveness in its policy-making processes. As such, the SADC should do a lot of work including the implementation of*

its own policies and decisions. The organisation should desist from employing a weak Secretariat in order to control it and thus maintaining the status of the organisation as a club of the elite.

The respondent from Malawi indicated that the SADC of 1992 was people-centred and citizen participation was its hallmark, unlike the SADC today, which he accused of a liberal approach to conducting business and assuming the character of being a club of states. He highlighted that SADC's main problem is that it is donor-driven and the political will to tackle real issues in the region had disappeared. The respondent suggested a scenario whereby the SADC-CNGO would be stationed permanently in the office of the SADC Secretariat and they would work together, complementing each other, not antagonising each other.

South Africa's respondents were of the view that civil-society voices were very weak, characterised by poor coordination, and lacking in vision, depth, research and courage. Overall, civil society was not perceived to be very effective, as governments are not challenged to be more accountable to SADC citizens. Respondents bemoaned the existing situation where governments just bulldozed their way. This view was stressed by respondents from Mozambique, who indicated that SADC should move away from being an organisation of rhetoric without action, to being an organisation of rhetoric accompanied by practical action the and implementation of agreed-upon positions.

Respondents from Swaziland said that, to a considerable extent, the SADC was working to its own expectations and cited that this could be detected in the protocols, declarations, policies and treaties that SADC formulated and adopted, some of which addressed the interests of the region's populace. However, what remains unpalatable is the lack of domestication and the implementation of these legal statutes by member states. Therefore, the setting up of an institution such as the African Peer Review Commission at SADC level to regularly assess progress would be recommended.

However, even civil society has not been vocal enough in lobbying for the creation and operationalisation of such a mechanism. Respondents indicated that civil society should improve its capacity to tackle issues of regional interest, and should be able to provide solutions to problems, especially for those marginalised in the region. They cited civil-society organisations' "weakness" as being bereft of resources, thereby hampering staff development programmes for the SADC-CNGO human resources. There remains a great need to further train and develop their staff, but financial and material challenges have been a hurdle that needs overcoming. Respondents spoke of the need for civil-society organisations to rework their funding models as problems came from donors whose agendas were not to enhance

positive interaction between governments and citizens, but rather to fuel tension which benefited their own agendas.

Governments should work with CSOs and NGOs, and begin to consider these entities as important stakeholders in the process of developing and improving the livelihoods of the region's citizens. On the other hand, respondents argued that SADC member states should uphold solidarity and promote unity among them. The regional grouping should prioritise the human development and economic empowerment of its citizens.

6.4.9 Direct participation of national CSOs in SADC decision-making

Article 23 of the SADC Treaty speaks of a desire to allow for participation in decision-making by citizens; yet, SADC has constructed an interstate organisation where engagement and decision-making is done through governments. It is important to explore whether there are any avenues for the direct participation of citizens in decision-making processes, as outlined in the founding treaty and as is the basis of the deliberative democracy conceptual framework. The questions thus sought to find out whether there was any direct participation, given the intergovernmental construction of the organisation.

Tanzania's respondents highlighted a lack of meaningful participation by civil society in SADC's policy-making initiatives. Instead, civil society has been limited to advocacy and lobbying on the peripheries, for example, the campaign against the violations of human rights in Zimbabwe during the 2008 era, where TANGO [Technical Assistance to NGOs] called for global solidarity of civil-society organisations to attend to Zimbabwe's socio-economic and political challenges. Respondentsy stated that civil society had remained an unceremonious watchdog of the programmes and policies formulated by SADC without civil society's input.

To this end, interviewees hinted that efforts were underway to create National Poverty Observatories, a state–civil society organ which would be tasked with monitoring the implementation of the RISDP. These observatories are to be domiciled in each member state. They further highlighted that civil society in Tanzania had been working outside government systems purely as a watchdog. However, although discretionary, civil-society groups had on certain occasions been invited onto advisory committees in programme or policy development.

Respondents spoke of resistance to co-option due to fear of being compromised. They were sceptical about government sincerity and indicated their desire to safeguard the important role of civil society by protecting its integrity against any attempts by the government to use it for its own benefit. Respondents from Swaziland, Zimbabwe, Lesotho and the Seychelles indicated that they have minimal participation in policy issues. However, respondents from Zimbabwe indicated that in the resolution of the Zimbabwean political instability from 2009–

2013, there was some space for engagement on how to solve disputes, but that did not translate to policy-related issues.

Respondents from Mozambique stated that they had participated, especially when they were demanding the free movement of people during the formulation of the SADC Protocol on Trade. They even participated in the regional integration demands and during the implementation of the Trade Protocol. Respondents indicated that government officials do participate in various discussions. One respondent from Mozambique went on to say that, in April 2013, the Minister of Trade and Industry officially opened a dialogue on regional cross-border trade in Maputo. This created a platform for informal cross-border traders from SADC countries to engage on critical issues of the Tripartite Free Trade Agreement (TFTA). TFTA is a free-trade agreement which was negotiated between SADC, the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC).

However, these respondents mentioned that even if the organisation has participated in these initiatives, especially the Trade Protocol, there has been limited positive response to their advocacy. They also listed other policy initiatives they participated in, which included the SADC Gender Protocol. They had advocated for the promotion of health of refugees, by demanding the construction of health centres at the border posts of all member states. They further elaborated that the organisation had been advocating for older people's rights to health and for the rights of orphans, the vulnerable and the youth, as well, in most SADC discussions.

HelpAge International had been involved in SADC consultative meetings on providing a minimum package of services for orphans and vulnerable children and youth in 2012. The organisation participated during the development and roll-out of that programme. Civil society and other partners of HelpAge International also participated in this process. The respondent cited a few participants which included the Mozambican Association for the Support of Older People (AMAI), Mozambique Red Cross Society (IFRC) and Action for Community Development (ACODEV). Government officials who represent vulnerable children from social welfare and those engaged in issues of youth education in Mozambique were also involved in these initiatives.

Zambia's respondent indicated that the Zambia Council for Social Development (ZCSD) had the privilege of engaging with the SADC Secretariat as well. He noted that policy formulation processes at the national level are limited and are usually done through the SADC National Committee, although it rarely meets. Although the organisation has participated in policy-making initiatives, he emphasised that civil-society organisations are given limited space when participating and are hardly consulted when it comes to trade issues, for example. When it comes to drafting of protocols, even if they air their views, they are usually not considered.

The protocols are endorsed without their participation and they never see any of their contributions in the final documents.

Zambia's respondent, Matrine Chuku, has a predefined agenda regarding donor and World Trade Organisation (WTO) interests which are adopted by the government. Chuku, who has been part of the gender equality movement for some time, specified that her organisation and other gender movements have been involved in the drafting of the SADC protocols and in gender and development initiative policy issues. During these discussions, the government officials were involved in the partnership and they cooperated in developing policies at the national and regional levels with, for example, the AU. She went on to explain that other organisations were involved, especially those which advocate for women's rights in Africa and those which promote the anti-gender-based violence laws in Zambia. They have been involved in the amendment and constitutional reviews, and the respondent noted that there is equality during these discussions.

The respondents from South Africa indicated that they have participated in SADC processes, including the Congress of South African Trade Unions (COSATU) representative. Although this had been done through an official government position, the respondent pointed out that the Southern Africa Trade Union Coordination Council's (SATUCC) involvement in the Social Charter in South Africa in 1992 was done through active engagement by civil society. The respondent from Namibia indicated that their organisation was new, so they did not have the privilege of direct participation in SADC's policy-making processes. The respondents from Mauritius indicated that their apex organisation, the Mauritius Council of Social Services (MACOSS), has been involved informally in making presentations to some protocols that were being drafted. The respondents from Lesotho indicated that that their organisation has been involved in several SADC policy-making initiatives through being consulted on several SADC draft documents on key protocols such as the SADC Gender Protocol.

The respondents from Botswana indicated that they have been making some representations to SADC, taking advantage of the proximity of the Secretariat, which is in Gaborone. They indicated that one of the organisations, the Botswana Khwedom Council, which deals with the rights of the San people, has started to get an ear on the issues that affect them as SADC seems to be keen to listen to minorities' views. The respondents indicated that the organisation has not been participating in the SADC policy initiatives all along; they started participating in SADC's policy initiatives recently, but they are probing SADC as a body to address their grievances.

Respondents from the SADC Secretariat indicated that in recognition of the importance of quality policy research and analysis in developing SADC's strategies, the Secretariat initiated

the SADC Policy Analysis and Dialogue Programme in 2001 and budgeted for pilot implementation in 2012/2013.The purpose of the initiative is to enhance policy dialogue among all key stakeholders at both the member state and regional levels, and it is designed to feed into the deliberations and discussions of the SADC policy organs and other intergovernmental processes.

The objective of the SADC Think Tank was to provide a platform for dialogue and the exchange of views among stakeholders, particularly to policy-makers and researchers, on the status and processes of regional integration in southern Africa. The conference was organised with the Centro de Estudos Estratégicos e Internacionais (CEEI) and attended by a whole range of key stakeholders, including the Secretariat, business and SADC-CNGO. In that conference, the SADC Deputy Executive Secretary, João Samuel Caholo, stressed the critical need for SADC operational processes to involve all its stakeholders, especially the governments of member states, civil society, the private sector, the media, policy research institutions and the SADC Secretariat.

The Deputy Executive Secretary observed that one of the major threats to the successful implementation of regional integration and the RISDP and SIPO was the inadequate establishment of SNCs and the fact that the key stakeholders appear to be excluded from the decision-making processes of the organisation. This view was reiterated by the Director of SADC Policy, Planning and Resource Mobilisation, Dr Angelo Mondlane.

Other participants in that think tank meeting indicated that the governance structures of the regional organisations were weak, non-participatory and not inclusive. Dr Mondlane indicated the need to critically revisit the state of functionality of the SNCs and why member states were not living up to their commitments to stakeholder involvement in decision-making processes. Member states were cited as dominant figures in the decision-making processes and they do this at the expense of key stakeholders such as national legislatures, civil society and the business community.

6.4.10 Equality of voice and minority views in SADC decision-making

One of the key tenets of deliberative democracy is equality of voice. This refers to the way in which minority views are treated in the decision-making processes. Cohen (1996) argues that, in a democratic society, members are conceived of as free and equal citizens. Equality of voice articulates values that apply to the democratic arrangements for making binding, authoritative and enforceable decisions, and it aims to provide appropriate guidance about the appropriate design of such arrangements. Cohen (1996) further argues that the principle of equality applies to the framework for making authoritative and enforceable collective decisions

and specifies, *inter alia*, the system of rights and opportunities for free and equal members to influence decisions with which they are expected to comply and that are made in their name. Most importantly, it is framed in a manner that ensures that members can legitimately make systems on the highest levels of systems of authoritative collective decision-making.

The research thus fielded questions to determine how minority views are treated in the decision-making processes. The research dealt with minority views in both SADC as an institution and the civil-society organisations themselves. The views of respondents from Tanzania were that there is limited consideration of the minority views in various policy discussions due to what they cited as “limited platforms” for discussions, which includes minority views. They indicated that gender issues had been incorporated in the new constitution, but there seemed to be a limited commitment on the part of the government to protect these rights. They cited a constitutional court challenge that hoped to ensure the equality of men and women in government positions, but which was dismissed as not practical and could only be implemented progressively. Respondents also revealed their views that minority views such as gay and lesbian rights were not only taboo but criminal in Tanzania. They spoke of what they called difficulties in ascertaining the impact of citizen participation in the policy-formulation processes.

The respondents from Swaziland indicated that all views and contributions made were taken on board, since civil-society contributions were done prior to the Summit. However, there cannot be any guarantee that the input materialised will be adopted and implemented. They further revealed that the government does not recognise the views of minority groups, since more often these groups will not be represented and the Swazi system discriminates against gender. Although they are recognised in the constitution, they are not honoured in practice.

The respondents indicated that the situation in Mozambique was different, with respondents indicating that they were all respected and their views treated equally. They said the views of minorities were taken on board and taken as seriously as the views of others. A representative of a gender equality group from that country said that they were treated with equality during discussions. She even went on to say that the organisation had been invited to other SADC policy and programme reviews, where they will be raising awareness or reviewing SADC policies and programmes to see how age is reflected in the policies and programmes, and that all the participants are treated equally.

The respondents from Zambia gave a different picture on the treatment of minority views. They were of the view that not all the stakeholders are treated equally. Some participants are given ample time, while others are not given adequate space for participation. They consider specialist knowledge when they are in discussions, for instance, if it is trade, people with a

good knowledge of trade mobilise organisations to engage with government. They are the ones who are invited and who are given the opportunity to express their views. After a rigorous process of debate, consensus can be reached, but where there are strong differences in opinion a vote may be called for to arrive at a final position.

A representative of the women and gender equality movement in Zambia argued that usually during the discussions they agree with other stakeholders and what they agree becomes a policy position issue. She argued that the views of the minority are supposed to be considered, that is why civil society speaks for them. Moreover, she argued that the discussions represent what has been achieved so far to come up with certain laws. The respondent said their organisation has been effective as the civil-society voice in SADC. They have managed to accelerate various achievements in Zambia through pushing the government to implement different policies as agreed in various protocols. She indicated that this has seen an increase in the influence and numbers of women in leadership positions. The respondent also spoke of the influence of civil society in influencing constitutional reforms on the anti-gender-based violence laws which are being implemented and enforced. These have assisted in the protection of women and girl children from sexual abuse and increased gender awareness.

The respondents from Botswana outlined that, ideally, the outcomes of the discussions should reflect the views of the stakeholders, especially minorities; however, in practice, they reflect the interests of the leaders. The San movement argued that in Botswana they were not treated with equality as the views of the minority are not considered. For instance, ever since the SADC-CNGO started the fora of civil-society organisations in 2002, there has never been any discussions of the issues of minorities and indigenous groups. The organisation has been advocating for the right to their land as they represent the voice of the San people. They are being relocated to areas they do not like, the government is imposing strict legislation on hunting and they are not allowed to use their traditional hunting methods. None of these grievances are being considered, even in the regional body; yet, they are a special-interest group faced with extinction.

The South African respondents were of the view that that there is limited consideration of minority views and as such there is limited fairness. This is because veto power still lies in the hands of government and is used arbitrarily to scuttle any suggestions or motions made by civil society. Respondents also noted that big business still wields significant influence over government. Other respondents noted that NGOs have plenty of space to discuss issues both at the country and regional levels; however, there is no clarity in the transmission of ideas from the NGOs to the regional body.

The respondents from Zambia, Mozambique, Zimbabwe, Lesotho and Namibia agreed with consensus that there is limited consideration of minority views, as decision-making uses majoritarian approaches. They spoke of the decision-making structures as promoting a winner-take-all system and not promoting a compromise approach. However, at the level of the SADC-CNGO there seemed to be general agreement from both the Secretariat and the membership that all views of members are taken on board. They cited as an example that, in the recent past, they have received membership from minority group organisations representing the elderly, children and indigenous people who are recognised under the Council's framework as Associate Members. There were further indications that during the discussions of the SADC-CNGO, either in ordinary executive meetings or in the meetings of annual general meetings, decisions are made through exhaustive discussions until a position of consensus is reached. They indicated that while the constitution provides for voting, when a consensus position fails, there have been very few times when they resorted to that. They further indicated that even when they had to divide the house into a vote, minority views were not totally rejected.

6.4.11 Effects of state–CSO relations in SADC decision-making

Deliberative democracy also emphasises decision-making in which those in government and the governed make decisions after a collective process of discussion. In that regard, it is against the state's domination of citizens in decision-making. It speaks of the need for exhaustive engagement by all concerned parties to a position of consensus. Where consensus is not reached and decisions have to be put to a vote, that vote should be taken after all participants have been made to sufficiently understand all the issues on the table. In this way, deliberative democracy buffers the state's domination of citizens. O'Doherty and Davidson (2010) views the deliberative democracy approach as emphasising democracy as government by discussion, and specifically rational deliberation, which is process of a reason giving citizens information about matters of the common good.

In that regard, this research also sought to determine the state–civil society relations in different member states and how they affect the ability of the CSOs to contribute significantly to the decision-making processes of the SADC. The respondents from Tanzania indicated that state–civil society relations are tense, especially for organisations dealing with issues of good governance and human rights. One of the respondents said that:

> *The government seems to have an entrenched view that those civil-society organisations dealing with these issues were not sincere as they seemed sympathetic to the opposition political movement. In some instances, they were viewed as often regarded as fronting for opposition political parties and agents of Western countries*

seeking to destabilise the country by replacing it with opposition parties that are not rooted to the liberation struggle and thus easy to manipulate for imperialism purposes. This has even escalated to the regional level and the same hostile reception experienced by CSOs at national level is also transferred to SADC level.

The respondents revealed the serious need for multi-stakeholder participation in addressing policy issues at the regional level. They singled out the need to concentrate efforts towards addressing the Protocol on Agricultural Funding, which they believe is at the epicentre of the development of the region, arguing that nations should prioritise the funding of agriculture in their budget policies. Respondents also emphasised the need for civil society to seek alternative methods of engagement with SADC, such as targeting the SADC Secretariat Committees.

However, one of the respondents revealed that in Tanzania state–civil society relations have improved, with more space for civil-society participation in governance being created. He, however, felt more could still be done in increasing the role of civil society in decision- and policy-making platforms. The only problem was that the Tanzanian government does not seem keen to create such platforms; instead, it is through efforts by CSOs that fora are convened, such as roundtables where government officials are invited to address policy-related matters in conjunction with non-state actors. The respondents indicated that there were some instances of cooperation which, they stated, only come about when government needs help from non-governmental organisations, for example, the recent discovery of gas in Tanzania where organisations were approached to carry out research on that discovery.

The respondents from Swaziland spoke of how the democratic space remains closed in that country, which in turn has increased tension between the two entities. Government has continued to take a firm hand against civil-society organisations, because they have been at the forefront of the fight for democratisation in the country so that modern democratic systems can replace Africa's last remaining absolute monarchy. In his own words, a veteran civil society leader, Ndlangamandla, from Swaziland said:

Civil-society organisations in Swaziland continue to take an adversarial approach and are not being complimentary of government efforts, and this has led to soured relations between the two entities, as the government perceives the civil society as proxies of opposition political parties. Relationship between civil society and government will remain unsavoury as long there is a dearth of democratic practices in Swaziland. CSOs will continue to be viewed as enemies of the state and will thus not be granted any role in policy-making. This will lead to the continued lobbying for space at regional level by civil society.

The situation seemed different in Mozambique, as respondents intimated that relations between the state and civil society were good, and there was constant interaction between the two entities through the SNC. They indicated that this interaction created warm relations which have allowed them input into national polic-making processes. They indicated that most organisations, including the Southern Africa Cross Border Traders Association (SACBTA), where one of the respondents came from, were often invited to the national policy development processes. Respondents said despite the usual discord that characterise group dynamics, there was a functional system of interaction at all levels of government.

However, the head of the Southern Africa Cross Border Traders Association (SACBTA) indicated that while it was true that there is good interaction between the government and civil society, there seemed to be a deliberate approach to work with individual civil-society organisations. The respondent stated that the government seemed not to be keen to work with organised civil society organisations and that, in most government initiatives, the apex organisation was excluded with government choosing to work directly with individual civil-society groupings. He indicated that, when it comes to the ministerial and central government level, the apex organisation is excluded from discussions, thus eroding the input of a collective and organised civil-society voice in policy-making processes. The selective approach in working with civil society was described as a source of mistrust, ostensibly premised on the view that the selection process might be abused to lean more towards those viewed as sympathetic to the government – what the respondent described as “GONGOs” (government organised non-governmental organisations).

The Zambian respondents stated that their relationships with government were not good at all, owing to governments’ desire to monopolise power and make unilateral decisions. The situation was said to be critical when it came to human rights issues, while for those dealing with what they termed “soft issues” to do with food aid, there seemed to be substantial accommodation. They spoke of what they termed restrictive laws against human rights organisations that make their operations extremely difficult.

Given the gulf between government and civil society, participation at SADC level is very difficult. Cooperation is minimal on both local and regional issues. The dysfunctionality of the SNCs was cited as one of the main reasons for the gulf between government and civil society. Restrictive legislation and regulations have seen the Zambian NGOs take the government to court, challenging the newly revised NGO Act, which among other things empowers the government to deregister NGOs. In her own words, one of the respondents said that:

> *There is no complementary relationship; partnerships are not really there. This has been due to the mistrust. Right now, in Zambia, the CSOs is in court with the*

government due to the NGO Act which is stiffening their operations. They are now being asked to review their sources of funding and financial resources; yet, they are not in favour of it. The government is saying that those organisations delivering services should register under the Registrar General.

The respondents from Botswana presented the relationship between government and civil society as not smooth flowing. Government views civil-society organisations as radical. They are seen as members of the opposition party. The respondents further emphasised that the relationship has rarely been friendly. These relations negatively affect the work of civil society, as they are not allowed to contribute real issues to SADC. They indicated that, in most instances, they hear of adopted policy decisions "through the grapevine". Civil-society organisations have not been taken seriously, and anything they advocate for is viewed as a threat to government. They spoke of a need for an NGO policy in Botswana to facilitate proper engagement between the government and the BOCONGO, to enhance understanding and ensure transparency.

The respondents from South Africa admitted that even though there is some space for engagement, it was not sufficient to allow for any meaningful action to be taken by civil society in influencing policy formulation in SADC. They indicated that, at SADC level, it is virtually non-existent. One of the respondents displayed the clear disconnect that existed, because in his conceptualisation of civil society, he appeared limited to the narrow-minded view of a trade union group lobbying for wage increments, instead of focusing on the larger picture of civil society as a whole within SADC policy formulation and implementation. This showed the vacuum that exists in the civil society movement – that of a fundamental disconnect between trade unionists and other NGOs in terms of vision and policy thrust.

Other respondents from South Africa indicated that, in some cases, NGOs work hand-in-hand with the government. However, these areas were largely divorced from governance issues and mainly focused on research through partnerships with universities and think tank organisations. Dr Hartzenberg argued that the government sees civil society as being too critical, and this creates a very tense and unfriendly working environment for engagement, even though official policy is for engagement. This respondent displayed an in-depth knowledge of the processes that take place both within SADC as an intergovernmental body and the CNGO as a civil-society actor at regional level. She also displayed optimism at the prospects of greater citizen involvement in SADC policy-making through civil-society engagement, claiming that this was her right as espoused in Article 23 of the SADC Treaty. She referred to herself as a SADC citizen all through the interview.

The respondents from Namibia indicated that there was significant acceptance for working together between government and civil society, but the former was sometimes viewed as being a too radical and this has caused some tension, albeit at a minimal level. The fragile SNC in that country limited the space for direct and consistent engagement between the government and civil society. Lesotho's respondents spoke of strained relations between the government and civil society. They argued that government lacks commitment to work together with civil society and accused it of being too political, even when it was not necessary. The respondents also accused the government of misrepresenting facts to SADC on matters that civil society and the government have discussed. They argued that the government has limited respect for the views of civil society and an inability to facilitate a continuous exchange of ideas through the SNC has made the situation even more problematic.

In Zimbabwe, the situation was said to be one of tension and mistrust between the government and civil-society organisations. The suspicions arose from government accusations that the CSO movement was an extension of the opposition political front working in cohort with the Movement for Democratic Change (MDC) to effect what they termed an "illegal regime change agenda". The government of Zimbabwe, under siege from the domestic and international community due to its unpopular and undemocratic policies, turned its fangs on anyone opposed to its views. In some instances, the state accused CSOs of being the recipients of foreign funding that is then channelled to the MDC. Zimbabwean legislation governing the operation of political parties prohibits the foreign funding of political parties.

On the other hand, CSOs view the Zimbabwean government as being undemocratic, and closing all spaces and avenues for citizen participation in policy decisions that affect their lives. They argued that they are all fighting to facilitate the active and meaningful participation of citizens in the way they are governed.

6.4.12 Communication to enhance SADC–CSO participative decision-making

The deliberative democracy tenet of communication emphasises the need for continuous feedback between citizens and elected officials. Norris and Odugbenin (2008) see communication between elected officials and citizens as key to empowering people to make better choices, by providing them with timely and accurate information. For governance, the two-way flow of information is the central conduit connecting citizens and the state. Coronel (2003) argues that governments cannot be held accountable if citizens are ill-informed about the actions of officials and institutions, with the "watchdog press" being the guardian of the public interest, warning citizens against those who are doing them harm. Sen (1994) also outlines the need for "transparency guarantees" such as a free press and the free flow of information. Sen (1994) sees the media as a watchdog not just against corruption but also

against disaster, further arguing that there has never been a famine in a functioning multiparty democracy with regular, credible elections, healthy opposition parties and an unfettered media (Curran, 2002:217).

Contemporary democratic theory appreciates the watchdog role in ensuring that the government is held accountable for all its actions. It is argued that the government cannot be held accountable if citizens are ill-informed about the actions of officials and institutions. This role requires the media to act as a guardian of the public interest, warning citizens against those who are doing them harm. In this regard, the research sought to determine whether there were any formal communication channels that enabled easy interaction between civil society and the government for enhanced participative decision-making.

The respondents from Tanzania outlined that there were no formal and clear lines of communication between the state and civil society. For instance, access to the Ministry of Gender is through informal means. They indicated that the only form of interaction that exists is normally through efforts made by civil society. For instance, the introduction of gender-based budgeting in Tanzania was an effort by civil-society thematic groupings to train government officials on the promotion of women's interests starting with the budget.

Another respondent revealed that they normally engaged government officials, including the President of Tanzania, for instance, during the Church and Religious Leadership Meeting in Mining in 2014.The respondents further indicated that the government of Tanzania is receptive to faith-based organisations and, as such, there is frequently feedback and interactional communication on progress made concerning multi-stakeholder programmes, ensuring that there is accountability. However, respondents bemoaned the absence of media coverage and advertising of the government–civil society engagements, thus stifling efforts for enriching feedback.

The respondents from Swaziland indicated that there were no clear channels, as the government did not communicate anything formally to civil society since engagement between the two is informal. For instance, communication between the respondent's organisation and the relevant government department was a privilege derived from kinsmanship, since the respondent and the minister responsible hail from the same village.

The absence of a functional SADC national committee was cited as one of the major causes of the disconnection between the government and civil society when it comes to information exchange. Respondents from Mozambique indicated that while there was a well-functioning SNC which allowed for effective information flow between the government and civil society,

there was a hitch when it came to communication of information to beneficiaries. Beneficiaries of the programmes had little information on processes and their outcomes.

Respondents spoke of the need to widen information dissemination platforms to reach out to a wider audience and thus widen the sphere of citizen participation in the decision-making processes. The respondents from Zambia said while there was a dysfunctional SNC, there was considerable feedback by the government to stakeholders on the state of affairs in policy-making processes. A respondent from Zambia said:

> *The outcomes were published and they even distributed various pamphlets; some are posted on their websites and advertised, but accessibility of such material is difficult because most of the population of Zambia is illiterate. Even those who are literate [sic] access to various outcomes are still a challenge. That is why in terms of access to services of our organisation is still low because people are still much behind [sic]. They cannot use them.*

The respondents also indicated that even though the information was constantly given out during constitution feedback meetings and was found on websites, the rural population who form the bulk of the Zambian population was excluded.

The respondents from Zimbabwe, Namibia, South Africa, the Seychelles, Malawi and Lesotho were of the common view that little is done by their governments to facilitate continuous information flow between them and civil society. They also indicated that there was no advertisement of the spaces that could enhance the interaction and engagement of the two entities. The absence of interactive and effective communication structures between civil society and the SADC Secretariat, as well as civil society and the government, are very limitative in enhancing increased stakeholder participation in SADC decision- making processes.

6.5 Conclusion

This chapter presented data and responses from various categories of respondents on their views regarding the state of civil-society participation in SADC's policy-making processes. The responses are categorised into three key thematic areas focusing on SADC's organisational structure and decision-making processes. The other thematic focus is on civil-society participation as a function of inclusive decision-making in SADC. The third thematic area focuses on the legal and statutory provisions for participative decision- making and the extent of their functionality. The data presented is from different categories of respondents namely the SADC Secretariat, the senior officials of civil-society organisations at the member state level, the senior officials of the SADC-CNGO and government officials directly linked to the

operations of SADC. The responses, in summary, reflect a state of disarray with regards to the participation of civil society in SADC's decision-making processes.

The SNCs – the key organs constructed to enhance this participation – are totally dysfunctional in all but one SADC member state and, in their absence, there are no other viable avenues for this participation. It also emerges that there are other issues relating to state–civil society relations that are a serious cause for a disconnection in operations between the two institutions, to the detriment of enhanced citizen participation in SADC decision-making.

The chapter also presented material from research conducted into SADC documents relating to the establishment of SNCs and other related organs from stakeholder participation in its decision-making processes. The combination of data from document analysis and field interviews assisted in giving a comprehensive picture on the state of affairs regarding civil-society participation in SADC's policy-making processes.

The next chapter analyses these responses against the key tenets of deliberative democracy, namely: accountability, equality of voice, reciprocity and communication, and how their absence in the current SADC decision-making processes is limitative to stakeholder participation. It will further make conclusions based on analyses as to whether their application could be the prescription for the enhancement of stakeholder participation in the decision-making processes of the regional bloc.

Chapter 7: Data analysis and conclusions

7.1 Introduction

This chapter makes an in-depth analysis of the research findings presented in Chapter Six. The analysis is measured against the conceptual framework of deliberative democracy in enhancing inclusive decision-making in SADC's policy-making processes. The analysis framework tests how the deliberative democracy tenets of accountability, reciprocity, equality and communication are dealt with in SADC's decision-making processes. The analysis seeks to answer three key issues on civil-society participation in decision-making:

I. How ADC and its decision-making institutions currently operate using the tenets of deliberative democracy as an evaluative lens.
II. Identification and discussion of the legislative framework which enables participation and deliberation.
III. Exploration of possibilities for deliberative decision making in relation to civil-society participation.

The analysis seeks to answer the primary research question which is:

Why do civil society and stakeholders find it difficult to participate in SADC decision-making processes despite statutory provisions in the SADC Treaty?

The secondary and related questions are:

a. Does the interstate nature of SADC institutions limit meaningful participation of civil society in policy formulation processes?
b. Do SADC democratic policy formulation processes adequately include civil-society interests in the region and within member states?
c. Why would the deliberative democracy principles of equality, reciprocity, publicity and accountability be useful in enhancing civil society participation in SADC's decision-making processes?

7.2 SADC legislative and institutional provisions for participative decision-making

The research findings reveal that the SADC Secretariat, civil society organisations at the country level, government officials and the SADC-CNGO all acknowledge that the organisation provides for institutional structures for civil-society and stakeholder participation in decision-making processes.

Most respondents were aware that in terms of the SADC Treaty, Article 23 provides for stakeholder participation in decision making processes. The SADC Treaty Amendment Article 1(5.2)(*b*) stipulates that SADC will: "encourage the people of the region and their institutions to take initiatives to develop economic, social and cultural ties across the region and to participate fully in the implementation of the programmes and projects of the SADC".

The SADC Treaty recognises key stakeholders as important partners in the implementation of the SADC Programme of Action. Article 23 of the SADC Treaty lays the foundation for key stakeholder participation and defines them as the private sectors, civil society, NGOs, and workers' and employers' organisations. The organisation further provides for organised structures for the participation of civil society and other stakeholders through the SNCs, which were assembled to provide inputs at the national level in the formulation of regional policies and strategies, as well as to coordinate and oversee the implementation of programmes at the national level.

The committees are responsible for initiating SADC projects and issuing papers that provide input into the preparation of strategies. Committees comprise key stakeholders from the government, private sector and civil society in each member state. A provision for their establishment is reflected in the SADC Treaty. Furthermore, the organisation has made strides in forging partnerships with other key stakeholders such as the SADC-CNGO, a partnership which was sealed through the signing of an appropriate MOU. The minutes of the SADC COM meeting, held on 11–16 August 2011 in Luanda, Angola, indicate that in line with guidelines on subsidiarity that were adopted in the SADC COM held on 15 February 2002 in Zanzibar, Tanzania, the Secretariat has formalised its relationship with key stakeholders by signing MOUs with the SADC-CNGO, the Association of SADC Chambers of Commerce and Industry (ASCCI) and SATUCC.

However, even with the presence of such prescribed structures for the participation of stakeholders in decision-making, the research findings reveal that there is minimal participation of stakeholders in decision-making processes. The research confirmed the existence of some structures, but these do not assist in the participation of civil society in SADC decision-making. Evidence from the research assisted in answering questions on why civil society and stakeholders find it difficult to participate in SADC decision-making processes despite statutory provisions in the SADC Treaty.

It also answered why SADC institutions and engagement mechanisms are limitative of meaningful participation of civil society in policy formulation processes. The increasing power of regional organisations raises fundamental issues of the impact they have on the sovereignty of each country in decision-making processes and how that affects citizen voices in decision-

making. The research therefore sought to identify spaces for direct citizen participation in the decision-making processes of such institutions, given the amount of power and influence they wield in domestic policy-making.

The evidence from the research is that despite the presence of an authoritative legislative framework in the form of Article 23 of the SADC Treaty and institutional provisions on organisational statutes, the reality is that they remain on paper with obvious limitations at the operational stages to allow for enhancement of stakeholder participation in decision-making. The glaring discovery made by the research is that the situation at SADC is not that of an absence of institutions for legislation, but of absence of utilisation of both existing institutions and legislation. The researcher's conclusion is that the reasons for the failure of the provided institutional and legislative framework cannot be blamed on one group, but are traceable to all the key stakeholders involved in SADC's institutional governance. It is the problem of civil society, the government and the SADC Secretariat as well – no single player should be blamed for failure to operationalise such institutions.

The key organ for the participation of stakeholders in the decision-making of SADC is undoubtedly the SNCs; yet, the research reveals that of the 12 SADC countries used in the research, only one – Mozambique – has a functional SNC which, while not meeting all the standards as required by the guidelines, has some life. In all other countries, the committees only exist on paper or are mere extensions of certain government departments.

The SNCs are supposed to be the pulse of the operationalisation of stakeholder interaction and participation in SADC decision-making, yet they are moribund. Using measures of the key tenets of deliberative democracy, the following is observed as one of the reasons for limitations in participation of stakeholders in the SADC decision-making processes.

While in 2003 there seemed to be progress in the establishment of the SNCs in most SADC countries, that enthusiasm seemed to die down and later events reflected digression in the operationalisation of set organs to the extent of reaching dysfunctional levels in some countries. The situation regarding the existence and life of SNCs reflects a serious decline in their influence or construction, yet the SNCs are supposed to be key organs for operationalisation of inclusive decision-making between civil society and SADC institutions.

7.3 CSO participation and promotion of accountability in SADC

Steffek and Ferretti (2009) are of the view that the participation of civil society in international governance might enhance the democratic accountability of international organisations, in the sense that it might help citizens to regain control over international governance and to hold decision-makers publicly to account.

In the SADC context, CSOs act as watchdogs and creators of the public sphere in that they monitor political developments and act as transmitters of highly specialised information, thus creating a link with global citizenry. Steffek and Ferretti (2009) further argue that such functions might provide the global audience with critical counter-expertise to challenge international organisations and governments. Public criticism and contestation of polices thus create public accountability, urging decision-makers to explain their choices. Invariably, such participation of civil society may assist in improving the quality of decisions by introducing views and arguments from that global constituency that otherwise would be neglected.

The deliberative democracy tenet of accountability calls for what Beckmann (2000) points to as the exercise of power, use of resources and implementation of policy, inextricably linking the concept to democratic management and other related concepts such as participation, decentralisation, empowerment and transparency. The key institutional structures in SADC for the participation of civil society are the SNCs which are supposed to enhance the accountability of elected representatives to citizen electors. However, from this research, there seemed to be limited evidence to conclude that there was maximum utilisation of said spaces in a manner that could promote accountability.

While the SADC COM defines how the SNCs in all SADC member states should be constructed, there seemed to be no standard, therefore causing problems of functional measurability. Findings from the records of the SADC COM meeting, held on 9–11 August 2001 in Blantyre, Malawi, reflect a desire by SADC to establish the SNCs. The minutes speak of a Summit decision on the establishment of the SNCs and that draft guidelines had been developed to facilitate the adoption of common minimum standards on the structure and operations of the SNCs. The Council approved these draft guidelines. The Council also noted that the main purpose of the SNCs was to ensure broad and effective participation of key stakeholders in SADC policy-making initiatives.

The guidelines state a SNC should have technical committees with chairpersons in four key named areas: Trade and Industry and Finance and Investment (TIFI); Infrastructure and Services (I&S); Food, Agriculture and Natural Resources (FANR); and Human and Social Development and Special Projects (HSD&SP). However, the research revealed that, save for Mozambique, even specific countries claiming to have national committees did not have such structures in place. The structures were designed to maximise the interaction and coordination in each cluster to guarantee that stakeholders had easier access to decision-making, thus improving accountability. The absence of well-structured standardised and functional SNCs makes it extremely difficult to measure the state of common progress in each country regarding the accountability of the government to its citizens.

The absence of well-structured SNCs defeats the whole purpose of providing a form of engagement between stakeholders and the government on issues to do with regional governance. These findings are consistence with Nzewi and Zakwe's (2009:21) research on national committees. They concluded that "the lack of a standardised structure for SNCs in the country case studies poses problems in terms of monitoring and evaluating their functions and effectiveness".

7.3.1 Frequency of meetings by the SNCs

Regular meetings are a key measure of enhancing accountability under the deliberative democracy model. With regards to SADC, the SADC Treaty of 2001 stipulates that SNCs should meet quarterly. This is a way of ensuring that there would be continuous feedback and the participation of key stakeholders in decision-making processes.

However, there is no provision in respect of the regularity of the meetings of the subcommittees and technical committees. The reality from the countries studied was that there was no sign of SNCs meeting quarterly as defined in the Treaty. Even those committees that claimed to be meeting were unable to provide any proceedings of these meetings. This also applies to the technical committees; their meetings were difficult to trace leading to a conclusion they had not been held at all.

The situation was only different in Mozambique where there was some semblance of regularity in meetings. In Botswana, the situation seemed delicate, in that the government seemed to be the one controlling who and which civil society organisations were involved in the processes; it was the custodian of all proceedings and access to them was not easy at all.

The idea of structured and regular meetings is meant to improve interaction by different stakeholders. Meetings are also aimed at ensuring there is continued accountability of primary policy-makers to secondary policy-makers. The government as the primary policy-maker would be more accountable to its stakeholders, namely civil society, if it had regular meetings with them as defined in the statutes that create those SNCs.

The above assertion further confirms a conclusion from the related research by Nzewi and Zakwe (2009), who indicate that meetings of SNCs were *ad hoc*, irregular and largely issue-driven; they were convened when there was a need. In Mozambique, the respondents stated that the plenary meets once a year and the national committee structure meets once a month. However, the respondents admitted that SNC activities were the determined by availability of donor funds and related issues.

7.3.2 Absence of capacitated Secretariat

One of the key drivers of the functional SNCs was identified as a well-capacitated Secretariat. The research findings indicated that a well-capacitated secretariat ensures that the organisation can continuously coordinate meetings and communicate with stakeholders, thus enhancing accountability and participative decision-making. However, as already noted, most of the countries did not have a Secretariat and, in those that did, it was not properly capacitated.

In most countries, there was evidence that they were just focal points where the SNC was dependent on already existing departmental structures to function within governments. In other words, SNC officials combined their SNC responsibilities with their day-to-day responsibilities in the government. The net effect would be weak coordination and poor mobilisation of programmes, thus undermining the link that is supposed to exist between government and civil society. Inevitably, this reduces government accountability to citizens.

These findings are consistent with similar findings by Nzewi and Zwake (2009:22), who reveal that:

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

The absence of functional secretariats has made it difficult for the SNCs to operate and promote the intended continued interaction between SADC and civil society in a manner that enhances the accountability of the former to its citizenry.

7.3.3 Poor advocacy and engagement strategies

One of the key weaknesses that was identified as hindering the effective positioning of the civil-society voice in the discussion for SADC's policy inclusiveness was the nature and approaches of the engagement by civil-society organisations themselves.

While the SNCs are supposed to embark on constructive engagement with governments, officials interviewed together with the Secretariat of SADC revealed that civil-society organisations in most cases were the reasons behind the dysfunctionality of said committees. Government officials in collaboration with the SADC Secretariat indicated that SNCs were established in Malawi, Botswana, Mauritius, Namibia, South Africa and Tanzania in 2002, while in Zimbabwe and Lesotho they were established in 2003. However, the government

official indicated that in meetings it emerged clearly that civil-society organisations did not have a complementary role, as they began to use committees to discredit their governments.

Officials indicated that while there was appreciation for expanded engagement for inclusive decision-making, it was important for civil-society organisations to understand that governments have a mandate derived from the votes of the majority of their citizens and took a constitutional oath to represent them effectively. Civil society, they noted, was nothing more than part of the citizenry and they represented specific constituencies, which in most instances did not include the whole of the population. In that regard, government officials indicated that it would be a dereliction of duty on their part if they were to defer all decision-making to civil society that did not have the legal mandate of the whole state.

These officials noted that while the government might not have come into power with 100% of the votes of all voting citizens, they had the constitutional power and authority to preside over all citizens, including those who did not vote for them. They indicated that SADC countries are representative democracies and civil society needed to respect that. However, it was their view that instead of engaging in progressive policy issues, civil society turned national committees into organisations for personal aggrandisement and grandstanding, ultimately creating reluctance on the part of governments to engage them. It is this researcher's view that this poor engagement approach by civil-society organisations themselves has contributed to governments limiting accountability to citizens.

In most countries where there is tension between civil society and the government, poor engagement approaches by civil society have been used to justify leaving the government in sole control of decision-making processes. This weakens the ability of SADC to fulfil its commitments as outlined in Article 23 of the SADC Treaty which calls for involvement of key stakeholders in decision-making. For civil society to facilitate government accountability to the citizenry in decision-making processes, it would be prudent for them to revise their approaches and be more diplomatic, strategic and results-oriented. This argument draws from Anyang' Nyang'o (2002) who speaks of the imperative necessity of establishing an organisational mechanism for civil society in every country to institutionalise relations with the government. This has the effect of assisting African systems through the restructuring of relations between the state and society, by strengthening the capacity of civil society to impact policy reforms and create accountable systems of governance.

There are, however, complications associated with engagement between the state and society. For instance, Masterson (2010) speaks of complications in the engagement between the state and society because he sees the latter as more complicated than meets the eye. He argues that in both developed and underdeveloped states society, continues to be accepted

as a significant factor in the determination and driving of governance policies, yet the term "civil society" remains nebulous. He further speaks of the gap which remains unexamined, that of the field of relations between society and the state in the context of institutional governance. It is this researcher's conclusion that there is more to be gained by civil society for its constituency if it were diplomatic and strategic in its engagement with the government and vice versa.

The strategy of civil society in being too militant against the government breeds tension and repulsion, and it does not assist in making meaningful contributions to SADC's decision-making processes. Furthermore, this researcher concludes that while the recognition of the involvement of stakeholders in decision-making is important, there should be no illusion that stakeholders can be the primary actors in decision-making. They exist to complement the government and not to replace it.

Stakeholders and civil society are available to complement the government. In this regard, civil society should use different engagement strategies from those of opposition political parties who aim to replace the government. The tragedy that faces most civil society in the SADC region is that while there is congruency on the issues raised by them and opposition parties on where the government is going wrong, their strategies for solving these problems should be different.

Regrettably, evidence from the research seems to indicate that because of the similar nature of the issues raised by the two groups, there has been an alliance in engagement approaches, which unfortunately, in most instances, has created militancy on the part of the government as it views civil society as part of the opposition political movement and not complementing it in solving national problems. There is a need for civil society to tone down and accept that it can only go as far as complementing government efforts and that militancy should be issue-based. Furthermore, it must have limits for them to revise their strategies so that they are not seen to be in the same corner with opposition political movements, as this strains relations and renders advocacy strategies ineffective.

According to Nzewi and Zwake (2009:27):

> *Regional NGOs in SADC proactively work to create the opportunities for interaction with SADC. In SADC, public participation seems to be NGO-driven through activities of the SADC-CNGO rather than being SADC or government-driven. The SADC CNGO, for instance, has been working proactively to establish a structured and systemic mechanism for CSO public participation in SADC. The SADC CNGO sees itself as an independent network of NGOs in SADC working to co-ordinate efforts of NGOs to*

engage with SADC. The SADC CNGO sees its role as challenging civil society to begin talking with SADC and engaging with the SADC secretariat to transform SADC's public participatory framework.

However, conclusions from the research reflect that despite the SADC-CNGO initiative in building a systemised structure of civil-society interaction with regional policy and institutional frameworks, there is evidence indicating that structured CSO interaction at the national level is far from being achieved.

7.3.4 The financing model and its effects on decision-making

Key evidence agreed upon by the SADC Secretariat and civil-society organisations themselves as well as government officials is that the funding model of the SNCs affects their abilities to function properly. The overreliance on donor funds has affected the programming schedule and sometimes even the agenda and direction of discussions. In terms of SNC functionality, the issue of independent financing is important. For SNCs to function well, there should be the financial support to sustain the necessary skills and activities of these institutions. The SADC Treaty has provisions for the funding of the SNCs by member states, but in actual practice that is not happening. The SNCs have continued to rely on donor funds and this affects their operations. Nzwewi and Zwake (2009:24) state similar research findings:

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

Evidence from the research also revealed that although expectations were that governments should fund SNCs, they seemed to feature very low in government-funding priorities. The respondents indicated that national budgets did not make provisions for SNC funding. They revealed that there was little political commitment to fund SNCs, and this sentiment flowed from an overall commitment to the SADC agenda and benefits, which member states believed they would derive from regional integration, transactions and activities.

Given the crippling nature of the existing funding model and desirous of promoting a healthy balance sheet to enhance participative decision-making, it is important for SADC to revise the SNC funding model to ensure that the Secretariat takes over the role of funding. This will allow

for meetings to be held regularly, even in countries where there are tense relations between the government and civil society. In this way, there would be continuous engagement through regular SNC meetings whose agendas and influence would not be determined by any of the interested parties or donors. This could assist in going a long way to ensure that there is greater accountability of governments to citizens in the decision-making processes for the SADC region.

7.4 Dealing with minority views in SADC decision-making

One of the key tenets of deliberative democracy is the equality of voice as a way of promoting inclusive decision-making. The premise of the arguments for equality of voice is that while it is acceptable that the government is elected to represent all citizens, including all those who did not vote for it, it does not follow that they should make decisions without consultations.

A vote for an individual to represent people in the legislature, and therefore in the government, does not always translate into a vote for a policy that the government would implement during its tenure in office. This means that even those who would not have voted for the political party which forms the government need to have a say on any new policy issues. The assumption of representative democracy that identifies decision-making procedures with one for electing political personnel and another for electing policies or laws is far from being true.

It is true that in choosing one, people choose the other; yet, it is the parliament that makes laws and governments that make policies, and not the people. While representing the people, parliament is not "necessarily *the people*". The assumption that citizens choose public officials based on understanding is highly contested. For instance, Hirst (1988) argues that an investigation into political science shows that voters do not pay attention to the specific policy promises of parties. Voters identify with and choose political parties and party leaders, and they are usually ill -informed about policy proposals. In simple terms, in many instances, voters don't understand where the representative democracy game would take them to. So, as important as the election may be, electoral winners and therefore the representatives of the people cannot always be taken as representing the true will of the people.

Arguments that in a representative democracy set-up there is impartiality and that the policies developed cannot infringe on the will of the people are wrong. There is a generally accepted but false assumption that what the parliament does is pass general laws and that the executive is more than an important agency of enforcement of those laws. Yet, as Hirst (1988) puts it, far from being a servitor of the legislature, the government is the initiator of legislation; the legal requirements necessary for policy programmes are brought to the legislature and carried by means of party discipline. What this means is that the government is a party government.

A party government refers to a situation where citizens vote for a political party on the strength of its manifesto and, after it wins, the party turns that manifesto into government policy. In the implementation of government policy, the political party itself will have more say in decision-making than the government. The power to make decisions is vested in the political party and not its functionaries in the government. There is no pure form of representation, just packages of political mechanisms and voting systems. Representative democracy has limited value in enabling some leading decision-making personnel in the state to be changed periodically.

Representative democracy is used as a way of shielding the government from public scrutiny and accountability; yet, making the government accountable to and responsive to public debate and public pressure may help to make the process of policy formulation and execution more consistent and effective. There is no doubt that in a representative democracy there are some levels of engagement between citizens and their elected officials, but the ultimate power for decision-making rests with elected government officials. However, in a representative democracy, the political elites who happen to be in control of the coercive instruments of state power have the ultimate say on what policy decisions can be put in play.

This is the case because, being nationally elected, elected government officials are assumed to reflect the preferences of the majority electorate and, therefore, are politically accountable to the whole national constituency. However, in actual practice this is not the case because representative democracy, on most occasions, seems to ignore the views of minorities. Eskridge, Frickey and Garrett (2001) are of the view that, in some circumstances, majority rule might not resolve the choice among three or more mutually exclusive alternatives that are voted on in pairs. Accordingly, the outcome of a majority vote in policy-making bodies is frequently the result of the way in which the decision-making process is structured, rather than the true policy preferences of a majority vote.

Deliberative democracy is said to improve governance as it allows for decision-making to be reached through substantial discussion and consensus, taking into consideration minority views as well. The winner-take-all approach does not always prove to be democratic, as the majority might not always be right. In fact, majoritarianism in decision-making can be used as a tool for the oppression of minority groups and views. The deliberative democracy principle, which the SADC recognises in Article 23 of the SADC Treaty when it calls for the expanded participation of different stakeholders in decision making, indicates that the process of decision-making in the regional body cannot be relegated to a select few, although they were elected to office.

The idea of the expanded involvement of stakeholders in decision-making is what runs in the grain of the deliberative democracy debates as argued by Gutmann and Thompson (2004:7) who view deliberative democracy as:

> *A form of government in which free and equal citizens and their representatives justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present of all citizens but open to challenge in future.*

However, as the research revealed, there is minimal consideration of minority views in SADC. The respondents from Zimbabwe, Tanzania, Zambia, Botswana, South Africa, Malawi, Mauritius, Swaziland and Botswana indicated that there was militancy against minority voices in decision-making.

The government remains the dominant voice which dictates what happens and what should be done at SADC. This flies in the face of SADC's attempts to strengthen the participation of citizens in decision-making by allowing for interactive engagement between the government and stakeholders. In countries where some semblance of these structures exists, there is little regard of minority views in discussion, thus rendering the processes not very different from those with no structures for interaction.

The basic idea behind meetings of the government and stakeholders is to use deliberation as a tool for reaching decisions. This entails discussion of issues to a point of saturation such that, when decisions are made, they are made by consensus taking into consideration minority views.

7.5 Communication in the enhancement of inclusive decision-making in SADC

Communication and publicity form one of the key tenets of inclusive decision-making in the deliberative democracy approach. The basis of the importance of communication is that where there is continuous feedback on activities and processes, stakeholders are empowered to make informed decisions. This also allows for the exchange of ideas through communication and dealing with barriers that arise when dominant stakeholders are the only ones tasked with making decisions without sharing communication and information with other stakeholders.

In the current SADC set-up, what emerges clearly is that all participants spoke of a dearth in publicity and communication between SADC and stakeholders, and that was also the case between the state and its own stakeholders at the national level. This means that current configurations in SADC, when measured against the yardstick of deliberative democracy, fail the test by a wide margin.

The deliberative democracy approach views communication channels as bridges or transmission belts of ideas between society and elected representatives. Caparini (2010) says that because the mass media is closely linked to the political system and the public sphere, it plays a dual role of representing and forming political opinion. On the one hand, mass media communicates information that individuals use to make informed decisions and political choices. On the other hand, politicians rely on the media to present their positions, take stock of public opinion and interact with the public. According to Gunther and Mughan (2000:2), *"*media, therefore, form a fundamental inter-connective tissue between society and the government, communicating information, intentions, concerns, priorities and reactions to policies".

A more robust communication mechanism that enables a smooth flow of information from stakeholders to the government and vice versa is what is required for SADC systems to work well and to ensure that there is increased stakeholder participation in its decision-making processes.

This is more achievable if the deliberative democracy approach is used in decision-making. since it advocates for greater stakeholder participation in the decision-making processes as well as emphasises the smooth flow of communication as a way of achieving this goal. The current set-up, which is characterised by minimal information flow and communication channels between different categories of stakeholders, is limitative to inclusive decision-making and needs to be improved.

7.6 The extent to which SADC decision-making adheres to reciprocity

The principle guiding deliberative democracy reciprocity is that citizens and their representatives seek to give one another mutually acceptable reasons for the laws and policies they adopt. The underlying emphasis is a desire to justify policies to the people who would be bound by them. In that regard, reciprocity sets standards or criteria for assessing decision-making on the strength of the justification that decision-makers give; they should use reasons that are accessible, morally respectful and revisable. The findings from the research are not consistent with principles of reciprocity.

Gutmann and Thompson (2004:19) are of the view that the principle of reciprocity implies that the capacity to make critical judgments is a prerequisite for making reciprocal claims and that denying citizens space to engage in ideas is not consistent with the principle of reciprocity. Reciprocity recognises that citizens owe one another mutually justifiable reasons for the laws and policies that they would impose on one another. The decision-making process of SADC

is favours the interests and desires of elected officials and leaves minimal room for the participation of civil society.

While elected officials have the relevant mandate to make decisions on behalf of citizens, the principle of reciprocity requires that reasons be justified to all parties who are motivated to find fair terms and social cooperation. It further allows for the principle of accommodation based on mutual respect, thus encouraging cooperation on fair terms. The legal provisions of the SADC Treaty in Article 23 and the subsequent establishment of SNCs speak of a desire to justify decision-making on the basis of the sensible reasoning of affected parties. The situation at SADC in practice defies all the intentions of the SADC Treaty, and the institutional provisions work contrary to – and thus against – reciprocity in decision-making. It also requires more than simply agreeing to disagree; it encourages that each side has a favourable attitude towards the other and interact constructively with the side that it disagrees with. This keeps the possibility of a different, more accommodating solution open in future.

The importance of accommodation in policy-making is that it allows for citizens to promote policies where their principles converge, even if they would have placed these policies on a lower list of political preferences. This could be an important process in accelerating the SADC decision-making process as an interactive and inclusive decision-making process, by helping to find a point of convergence between elected officials and citizens, and thus helping them work together to accelerate development.

7.7 Conclusion

This chapter made an in-depth analysis of the functionality of the SADC institutions. It outlined the operations of these institutions at the member state level and how they promote or limit participative decision-making. It further outlined the views and attitudes of specific individuals and civil-society organisations from the different member states on the state of participative decision-making at SADC. It thus sums up the attitudes and beliefs held by the civil society, SADC Secretariat and government officials about how the organisational construction of SADC limits or prohibits stakeholder participation in decision-making. It therefore lays a solid foundation for the conclusions that are presented in the next chapter.

Chapter 8: Conclusions

8.1 Introduction

The research set out to investigate the institutional and structural set-up of SADC and how it allows for participative decision making. The study was meant to find out how the institutional and legislative frameworks of the organisation complement one other in enhancing the participation of stakeholders in the policy-making processes. SADC in Article 23 of its founding statutes speaks glowingly of allowing for the participation of stakeholders – civil society – in its decision-making structures. This is a way of promoting accountability and people-centred decision-making.

The legislative provisions of Article 23 of the SADC Treaty are seen to be operationalised by further provisions that provide for the construction of SNCs as the fora for enhancing participative decision-making within member states. The rationale for the creation of the SNCs is that they are the inclusive internal structures at the national level where the government, civil society and other related stakeholders meet and discuss the country's approach and policy positions to be transmitted to SADC.

The SNCs seem to be an acknowledgement that, despite respect for the popular mandate of the elected government and its constitutional duty to represent its people as provided for in the laws of each country (including at interstate organisations), it is important to promote accountability by allowing for a forum that enables stakeholder engagement. In that regard, the research framed the questions that follow as the basis of the enquiry.

The primary research question that the research sought to answer was why civil society and stakeholders find it difficult to participate in SADC's decision-making processes, despite statutory provisions in the SADC Treaty. This primary research was complemented by the following related secondary questions.

8.1.1 Do SADC's institutions limit meaningful participation of civil society in policy formulation processes?

This question was specifically rooted in the fact that SADC is an international organisation where engagement on decision-making is on a government-to-government basis. The international nature of the organisation only provides for real decision-making to be made by elected representatives of each member state and that limits the participation of other stakeholders. The question therefore sought to explore how, despite the international nature of SADC, it could open avenues for direct participation in decision-making by its citizens.

Alternatively, it desired to find out how its legislative provisions should be operationalised to enable participative decision-making.

8.1.2 Do SADC's democratic policy formulation processes adequately include civil-society interests in the region and within member states?

This question sought to track the policy decision-making processes of SADC starting from where the policy is initiated and measuring the extent of stakeholder engagement. It later sought to identify how decisions are made in each of the key organs of the institution. The focus was on the extent of adherence to the provisions of Article 23 of the SADC founding treaty which speaks of providing spaces for participative decision-making. The research further sought to enquire how the processes that take place within prescribed organs for participative decision-making, the SNCs, should work. These were the most important organs for stakeholder participation, given that they were created specifically to enhance government and stakeholder engagement on SADC matters at the country level. The research further sought to find out whether other formal decision-making organs of SADC like the COM and the Summit of Heads of State and Government provide for democratic and participative decision-making.

8.1.3 Why are the deliberative democracy principles of equality, reciprocity, publicity and accountability useful in enhancing civil-society participation in SADC decision-making processes?

The question sought to measure the feasibility of enhancing stakeholder participation in the decision-making processes of SADC on the strength of the deliberative democracy conceptual framework and its tenets of accountability, reciprocity, publicity and equality. The question stemmed from theoretical foundations that discuss and discredit representative democracy as less capable in enhancing stakeholder participation. Thus, the question tests the feasibility of enhancing stakeholder participation using the deliberative democracy conceptual framework.

From a theoretical perspective, there is substantial literature that suggests that deliberative democracy has a greater chance of improving stakeholder participation in decision-making than representative democracy. Given the vast supporting literature on how it enhances stakeholder participation in decision-making, the research thus sought to determine the extent to which it could improve stakeholder participation in SADC's decision-making processes.

The rationale for this research was based on the realisation of the expanded importance and influence of interstate organisations in domestic policy; yet, there was limited participation by the citizens of individual countries in the decision-making processes of the institution. There is always an assumption that, as the elected representatives, the government of the day has

absolute power to make decisions on behalf of citizens, even in international fora. While this is not far from the truth, the institutional structure and legislative framework of SADC indicates a desire to allow for the participation of stakeholders in the decision-making processes of the organisation.

8.2 The research in relation to the deliberative democracy conceptual framework

The research was conducted using qualitative research and document analysis. The qualitative aspect of the research was conducted through structured interviews in 12 SADC countries in which different categories of respondents were engaged to find out their views about the nature of participative decision-making in the SADC.

Respondents were drawn from an informative pool that included senior members of civil-society organisations at the country level, senior officials of the SADC-CNGO, senior government officials in selected member states and senior officials of the SADC Secretariat.

Data from the qualitative enquiry was complemented by data from a documentary analysis that drew from SADC policy documents, statues, protocols and COM meetings, as well as the Summit of Heads of State and Government. The data was measured against the tenets of the deliberative democracy conceptual framework: accountability, reciprocity, equality and publicity.

8.2.1 Summary description of findings and results

8.2.1.1 Does the interstate nature of SADC institutions limit the meaningful participation of civil society in policy formulation processes?

The evidence and answers from both the qualitative and secondary research point out that SADC is constructed as an international organisation where decision-making is through government-to-government agreements that limit stakeholder participation. They also indicate that there is limited stakeholder input in the statutory provisions in Article 23 of the founding treaty, which speaks of a desire to enhance participative decision-making, yet is not implemented. It has limited impact as it is not adhered to, to the letter.

The decision-making processes remain anchored on two formal organs which are not inclusive of stakeholders. The decision-making organ remains the COM, which effectively does all the work and then forwards the decisions to the Summit of Heads of State and Government for formal endorsement. The COM is a ring-fenced organ which has limited room for non-government representatives to make any representations. Civil society has attempted to use pre-Summit demonstrations to make presentations to the council, but most representations

have never been taken into serious consideration. This indicates that the provisions relating to the participation of stakeholders seem to be just on paper, with limited links to actual decision-making processes.

8.2.1.2 Do SADC's democratic policy formulation processes adequately include civil-society interests in the region and within member states?

It is my conclusion that despite the firm pronouncements by the SADC in Article 23 of the SADC Treaty, there is little appetite for the implementation of these declarations. It looks like SADC created avenues for the participation of its citizens in decision-making as a way of giving the impression that it is democratic. SADC's decision-making process has not supported its institutions of stakeholder participation, presumably to allow for continued monopolisation of power by the political leadership of the region. While the institution on paper claims to be democratic, the actual decision-making processes seem to support the assertion that it is a club of elites who are out to protect their individual interests rather than those of their citizenry.

Failure at the country level by national governments to provide for sustainable dialogue on SADC matters through the SNCs is living testimony of the lack of seriousness by the organisation to be accountable to its people. This is made worse by the continued suppression of minority voices, which is another living tale of how the institution is focusing more on personal development than citizenry development. The lack of functionality of the existing structures has made it impossible for civil-society organisations to be part of the decision-making processes of the institution. The SNCs, which are supposed to be the forum for state–civil society interaction on policy matters, are dysfunctional in 11 of the 12 SADC countries studied, thus making it impossible for the voice of civil society to be heard in policy-making processes. In countries which seem to have some structures, there is too much government influence and control. While it is true on paper that there are organs that provide for the participation of citizens in the decision-making processes of SADC, these are assumptions rather than functional initiatives.

There are glaring shortcomings and inadequacies in the SNC structure and functions. A central question needs to be asked: whether there is a future for SNCs in enhancing stakeholder participation in SADC's decision-making processes. What is emerging is that the SNCs may soon be overshadowed by a new high-priority initiative that promotes SADC participatory policy solutions at the national level. Already there seems to be an indication that such a structure – the Regional Poverty Observatory (RPO) – may justifiably assume some of the functions of the SNCs. Although it seems that the SNCs play the primary role of coordinating poverty interventions at the national level, national poverty monitoring structures of the RPO will co-ordinate the work by several ministries and provide information to the

regional poverty observation offices in the SADC Secretariat in the same department where the monitoring office for the SNCs is located.

It is prudent for SADC to create a more structured and friendly framework for stakeholder participation. This means crafting or reviewing operations of the SNCs so that they are standardised and their work is measurable in each member state. It is also important to ensure that there is widening of the resourcing and financing base of the SNCs. The funding could be channelled through the SADC Secretariat and not through the government or directly by donors. Where the government is the key financier, it has problems of the selective choice of participants and creates problems of government dictating when the meetings should be held. Indications are that, in some countries where there is bad blood between the government and civil-society organisations, the government stifles meetings by denying them funding.

8.2.1.3 Why are the deliberative democracy principles of equality, reciprocity, publicity and accountability useful in enhancing civil society?

The deliberative tenets of equality, reciprocity, publicity and accountability are clearly useful tools in enhancing participative decision-making in SADC. This is particularly true because of their known traits that assist in the promotion of interactive engagements between government and the citizens that elect them. The traits embedded in these tenets assist to fill the gaps in why there is limited participative decision-making in SADC.

8.3 Effects of the financing model for CSO participation

The research shows that the financing model which relies on donors has a negative effect on SADC's decision-making processes. This also applies to donors who, if allowed, could influence the agenda using the adage: "He who pays the piper, plays the tune." The Secretariat becomes the most neutral organ to handle issues of resource mobilisation and the distribution of finances to the SNCs to enable them to function with a high level of credibility. This conclusion is in variance with that of Nzewi and Zwake (2009) on the same subject. They argue that there is a need to consider the option of semi-autonomous SNCs. One major issue for debate which has emanated from the research is the question of whether the SNCs could function as institutions within governments. First there is the current challenge of funding and the lack of capacity of governments to effectively run the SNCs, as well as SADC's shortcomings in terms of funding and its capacity to support the SNCs.

8.4 Government and CSO relations

The second challenge lies within the context of the relationship between civil society and the government. The situation of some of the SNCs in national departments, as some respondents

highlighted, brings about a level of distrust in civil society engaging with this structure. Some civil-society groupings hold the view that they would be co-opted by the government and used to rubber-stamp decisions without proper civil-society input. Thus, from both the government and civil society respondents (although for different reasons: for the government, it was more in terms of functionality and reducing bottlenecks; for civil society, the argument was from athe point of view of influence), there was a strong feeling that the SNCs function as semi-autonomous or autonomous arms of SADC at the national level.

The respondents argued that if they were to be semi-autonomous institutions, the SNCs would serve as a coordinating structure with powers to run independently within the overall government system. They saw this as a way of ensuring that the SNCs escape the bottlenecks within the government. From an operational perspective, perhaps, this arrangement may contribute to better functioning of the SNCs. They still argued, though, that funding such an agency would likely be a challenge. However, it might be easier to access funding if the SNCs were semi-autonomous structures. Funding could be secured directly through donor partners and even stakeholder organisations.

The respondents concluded that well-functioning SNCs which are integrated fully into the government could add value, especially in terms of the overall government participatory agenda in the context of policy-making. However, my conclusion, as already indicated, is that the best way forward is to have the SADC Secretariat mobilise and distribute funding to the SNCs. It could also be of great importance to make a deliberate effort to publicise and advertise the operations of SADC with a view to exposing spaces that are available for inclusive decision-making and the enhanced participation of citizenry. This should be the responsibility of member states, the SADC Secretariat and the SADC-CNGO as well as the general citizenry.

It is the responsibility of each of the key stakeholders to work together as a collective to ensure that structures for collective decision-making in SADC, especially the SNCs, are fully operational because they are key avenues for the enhancement of stakeholder participation. These structures, if fully operational, could be an excellent avenue for promoting the accountability of the government to its citizens. It could also enhance the respect for a diversity of views, in the spirit of equality of voice, ensuring that there is adequate communication and publicity of SADC programmes and that processes of decision-making are reciprocal.

8.5 CSO organisational capacity

What I also discovered as a major problem during this research was the organisational capacity of most of the civil-society organisations in the region. This applies to organisations

at both the national and regional levels. The civil-society organisations themselves seem to be poorly capacitated to engage effectively against the strong machinery of the government. Most of the organisations are also poorly resourced and lack effective advocacy strategies, which has made them fail to find meaningful spaces in policy deliberations with the government. Moreover, most of the organisations have a limited understanding of the operations of SADC organs and which ones to engage to be able to effectively influence policies. The key policy-making organs which civil society organisations need to target are the COM and the Secretariat. These organs are critical in setting up the agenda for the Summit and, if properly lobbied, they could ensure that civil-society views find their way onto the agenda for discussion by heads of states and governments.

While civil-society organisations are likely to have lots of problems in directly engaging with the heads of states and governments, they could ensure that their views reach them by lobbying ruling political parties in each member state. These parties could then use their organs to deliberate and inform respective members of the COM to table the issues at the Council and Summit meetings. To be able to achieve this, civil-society organisations need to reorganise their relations with governments and be seen to work on promoting developmental or related issues and not to be extensions of opposition political parties that aim to replace governments. Civil-society organisations thus need to focus on sharpening their advocacy and engagement mechanisms if they are to find space for their constituencies in the decision-making processes of the regional bloc. The continued use of pre-Summit demonstrations as the only tool for achieving results is outdated, and needs to be revised and replaced with less confrontational and more targeted advocacy strategies.

8.6 Elusive democracy in SADC

It is my conclusion that democracy is elusive in SADC. Democracy and especially interstate democracy is an ideal that is hard to achieve for a range of reasons, notably power, capacity and understandings of representivity.

Democracy is an ideal that most societies strive to achieve because of the known and generally acceptable assumptions that it leads to the peaceful cohesion of society and that it is a positive catalyst to development. However, democracy has been an elusive ideal that has been difficult to achieve for many societies, due to many of its facets which are outside the realistic reach of society. It is my view that democracy and especially interstate democracy is an ideal that is hard to achieve for a range of reasons which stem from the complication of power relations, capacity of the civil-society players and the rigidity of the elected governments to allow for participative decision-making. While interstate organisations like SADC are

increasingly becoming important players in influencing domestic policy-making, they continue to exclude many citizens from influencing their operational structures.

Citizens have a say and a voice in determining the composition of their governments at home, but they have limited influence on the construction, composition and operations of SADC. The calls by SADC in its founding statutes for the inclusion of stakeholders and citizens, and the subsequent organisational and legislative provisions, show a desire to democratise SADC as an institution.

8.6.1 Delusions of representivity in SADC

There seems to be embedded thinking in the governments of most southern African countries that their mandate, which is derived from representative democracy, gives them the total power to do and act as they wish. There is of course the exception of Swaziland, which remains an absolute monarch. However, the SADC case shows that the assumption that representative democracy necessarily means participative decision making is simply not correct. Representative democracies seem to have a limited appreciation of the involvement of citizens in decision-making beyond just elections.

There is little appreciation that the democratic participation of citizens in governance transcends the electoral processes. It should encompass their participation in policy- and decision-making, including in important organisations that affect their lives like SADC. In this regard, the democratic ideals have been difficult to achieve and this calls for a revisiting of the representation model of SADC. For instance, while the current set-up of SADC is purely on a government-to-government agreement, it could be reconstituted in the future to include the direct election of representatives to the organisation. The assumption that elected governments should have the absolute power to represent their citizens, even in interstate organisations when they were elected for a domestic mandate, is not in agreement with the emerging democratic trends of inclusive decision-making.

The organisational and institutional reconfigurations of SADC require the entrenchment of the democratic participation of citizens by allowing them to directly choose the leadership of the organisation. This means amending statutes to allow for each country representative to SADC to be elected directly by the citizens and not forwarded by the ruling government at national level, as is the current case.

There could also be a need for the creation of a SADC administration composed of the directly elected representatives from each member state, who would be mandated with major decisions on policy and governance of the region. The powers of such an organ would have to be negotiated so that it does not undermine the sovereignty or usurp the powers of each

member state's government. The rights and responsibilities of the membership should clearly define the separation of powers of the regional government and the national government. The regional government should be empowered beyond any measure of doubt to create functional and legislated structures for citizen participation in decision-making. Structures like the SNCs, which are created for the democratic participation of citizens in the regional body's decision-making affairs, should thus be under the command of the elected regional parliamentary legislation and thus subject to the subsequent jurisdiction and enforcement mechanisms.

The elusive nature of democracy in SADC can be addressed through legislative measures, and not political declarations without enforcement mechanisms. The implementation of democratic ideals sometimes requires the coercive instruments and powers that are derived from legislation and law, which unfortunately SADC is currently not furnished with. Simply put, democracy is expensive to achieve and SADC needs to invest in those measures that will make it work and will allow for the all-inclusive participative decision-making that will assist it to be successful.

8.6.2 SADC's capacity limitations

The emerging truth that seems to have been ignored in the discourse on participative decision-making in SADC is the capacity gap that is inherent in the civil-society organisations. This limited capacity – which includes weak organisational construction, poor institutional construction, poor corporate governance, limited financial resources, unskilled human resources, poor remuneration for staff, high staff turnover poor advocacy strategies and unhealthy relations with governments, among others – has been an albatross around SADC's policy-making neck. There is, thus, a need for a paradigm shift by civil-society organisations, so that they position themselves and work to utilise the spaces provided in the SADC statutes.

The issues of participation in decision-making by civil society should not just be viewed as operational ones aimed at fulfilling statutory requirements. Rather, it should be a way of locating citizens' voice in the discourse of power relations and even the distribution of resources. Civil-society organisations seem to believe that their role is just to get space to participate in decision-making without understanding the political implications behind such an allocation of resources.

The well-known adage that "politics is about who gets what when and how" is important and applicable in the debate and discourse on participative decision-making. In that regard, and if civil society is to maximise the benefits that its members can get from SADC, they have to effectively know that their inclusion in decision-making is about maximising their say in the political decisions of who gets what, when and how. A deliberate strategy is required to

strengthen the organisational capacity of civil-society organisations so that they are able to face colossal institutions like SADC. The annual pre-Summit demonstrations are far from being the most useful strategy in enhancing their participation in decision-making. However, strengthening their capacity to engage and finding new approaches to funding are all essential elements for increasing the role of SADC citizens in the future.

8.6.3 Divisive power relations

The relations of power between the state and civil society are clearly important in the matrix of the enhancement of participative decision-making in interstate organisations. The relations between the two have a vast influence on how to work together in influencing participative decision-making. The research makes the conclusions that point at the importance of the normalisation of the relationship between the two to achieve greater goals.

Meaningful participative decision-making at the SADC level is not possible where there is antagonism between the state and civil society at the country level. The two entities need to find common ground to utilise and operationalise the spaces provided for by SADC in the form of the SNCs.

This can easily be achieved if there is limited antagonism, with the government doing away with the “big brother” mentality and the civil-society organisations sticking to their core business and not being identified as extensions of the commissariat of opposition political parties. It is my conclusion that the strained power relations, far from being of assistance in enhancing participative decision-making, are divisive and do not assist SADC to work as a solid unit.

8.7 Policy and institutional changes for inclusive decision-making in SADC

If we really want to be more participative and inclusive in decision-making at SADC, the research suggests that the following institutional and policy changes might be relevant.

- The creation of a legislative parliament will help to enforce the decisions of SADC. This could mean reworking the SADC PF from being just a forum of parliamentarians from member states to a more organised body elected by the citizens and with defined legislative powers.
- Further to that, there could be need for revisiting the SADC Tribunal with a view of making it a regional court, allowing for proper litigation on cases brought to it by individuals who feel that their rights as SADC citizens and as defined by the body statutes have not been adhered to. This could be a serious deviation from the current set-up where the Tribunal is constituted to deal only with matters brought forward by

governments of member states. This will enable individual SADC citizens to have a say on violations of their rights. It may also be a platform to influence policy using the judiciary.

- To influence robust domestic interaction between the government and stakeholders at the country level, SADC needs to revisit its funding model. One of the best policy interventions that could be necessary would be compulsory contributions by member states for national SADC business. Currently, the SADC member states make statutory annual contributions to the organisation for its operations at the regional level. It could be important to levy an additional amount of money and then remit it to an organised national SNC structure. This could assist in the functioning of the local structures of SADC. This money could be managed and disbursed by the SADC Secretariat to fund approved activities. This approach could assist in ensuring a systematic, regular tracking system for SNCs' activities, as well as the transparency and accountability of public funds.

8.8 Opportunities for inclusive decision-making

8.8.1 Why the deliberative democracy tenets of equality, reciprocity, accountability and equality of voice can enhance participative decision making

These tenets of deliberative democracy are very useful in consolidating the framework for inclusive decision-making that is provided for in the SADC statutes but that is not being implemented, owing to a number of challenges that were unearthed by this research. It is my conclusion that the deliberative democracy tenets stated above have great capacity to improve participative decision-making in the following ways.

The findings show the porous nature of SADC in enhancing participative decision-making and so the key issue becomes: "So, what should be done?" The " so what" questions are best linked to the secondary research question which speaks of why the deliberative democracy tenets of communication, accountability, reciprocity and equality of voice could be of greater importance in enhancing inclusive and participative decision-making in the organisation. They help fill to the gap that the research intended to fill.

The importance of enhancing participative decision-making is in fulfilment of proposals by the deliberative democracy conceptual framework, which places emphasis on interactive engagement by elected officials and citizenry as key in accelerating development in the region. Such key observation is made in the founding treaty in Article 23, which speaks of SADC as committed to the involvement of its citizens in decision-making processes to accelerate the process of regional integration and development. With the realisation that the current set-up

of SADC does not measure up to commitments made by its legislative frameworks, the real question then becomes: “What should be done?”

To answer this question, it must be understood that the key limitation of the organisation is its construction and its processes in terms of decision-making. It is my view that the operation and institutional democracy of the SADC, as an interstate organisation bound by international law that allows country-to-country engagement to be made through elected representatives from each country, could be significantly improved by allowing the additional voices of citizen representatives to be heard on matters relevant to them, over and above the elected representatives.

The deliberative democracy framework speaks to a desire for enhanced participative decision-making. This desire is also expressed in SADC statutes regarding citizens’ participation through the SNCs. The main problem which was unearthed is that the deliberative framework which the SADC statutes aspire to as a decision-making tool in the organisation is seriously suffocated by the actual practice of representative democracy. I have no qualms with representative democracy as way of deriving mandates for decision-making processes, but I am against majoritarianism and the winner-take-all syndrome in decision-making. My conclusions are premised on my own belief that the process of elections and the process of policy-making are different things altogether. The assumption that, by voting for a party or individuals, citizens are making a policy choice is parochial and simplistic. The assumption that all citizens should just bow down and accept decisions made by elected representatives, even if they did not vote for them, limits choices for citizens. If anything, it is the dictatorship of the majority. This is even worse in institutions like SADC where the mandate for representation is derived from an election at home.

In fact, there are dangers of surrendering state sovereignty if only elected representatives are left to make governance decisions on their own. The mandate to make decisions at the interstate level without the active participation of citizens using structures like civil society runs against deliberative democratic principles.

The danger with the arrangement of surrendering all decision-making powers to elected representatives and excluding other stakeholders is that while people could prefer a person or party to represent them at the local or national level, it might not be their desire to have the same person or party representing them at the international level. It is possible, for instance, that a political party or individual that gets the lowest votes at a national election could be the preferred choice to represent citizens at the intergovernmental level. In such cases, the transference of power and authority from a local election into representation at the

intergovernmental level might be undemocratic, as preferences for representation could differ from local elections to national elections and intergovernmental elections.

The problem with SADC is that there is a transferred responsibility based on the national election; yet, if regional representation was also subject to an election, there could be different choices and different representation. Political parties that might get fewer votes in local and national elections might actually be the preferred choice for intergovernmental representation, perhaps because their views do not identify with local or national needs, but would be seen as the best choice by the people for representation at the international level. This strengthens the case for the recognition and transformation of the SADC PF as an elected parliament with legislative powers. Possibly, that is the basis for SADC's realisation that there is a need for extra consultative avenues beyond elected representatives to enhance the voice of other stakeholders in the decision-making processes of the organisation. It would be one way of ensuring that there is accountability of the organisation to citizens by providing avenues for direct interaction and engagement with the institution. The problem with SADC is that institutions which are well-provided for in the statutes and institutional framework of the organisation are not only in a *st*ate of comatose.

The SNCs as the actual engagement institutions of SADC were found to be totally derelict in 11 of the 12 countries that were studied. Evidence from complementary research by Nzewi and Zwake (2009) reflects that, in other countries that were not studied, only one country had an operational SNC. The situation at hand means that the only countries that have functional SNCs are Angola and Mozambique. This researcher concludes that, by providing spaces for the participation of citizens in decision-making through the SNCs, SADC recognises the limitations of representative democracy. SADC would not have put in place extra-legal instruments to allow such participation if representative democracy was capable of catering for all interests.

A conclusion is therefore that, in the framework of the SNCs, SADC seems in search of a democratic model to enhance participative decision-making to promote accountability to citizens and accelerate development. The statutory and institutional provisions for the establishment of the SNCs speak of a preference for the deliberative democracy framework, as they seek to ensure that there is representation and respect of the voice of minorities, a clear framework for communication and decisions that are mutually acceptable to all parties. However, there seem to be operational limitations in that while the framework exists for enhancement of citizen participation, there is little being done in actual practice.

I am of the strong view that using the four tenets of deliberative democracy, namely accountability, reciprocity, communication and equality of voice, SADC could be able to meet

its desired statutory and institutional provisions, and its aspirations of enhancing the participation of its citizens in decision-making, and thus accelerate regional development. The views are based on the following:

- ✓ Accountability

The statutory provisions in Article 23, which speak of a desire by SADC to include citizens in decision-making, are clearly aimed at ensuring the accountability of the organisation to citizens, as political accountability is crucial for development. The results of the findings from the SADC countries that were the subject of this research revealed glaring shortcomings in the organisation in providing for a space for participation through the SNCs and defining the operational framework, yet at the same time leaving them dysfunctional.

The deliberative democracy tenet of accountability seeks to make the accountability of the elected public officials to the citizens such that the decisions made reflect the will of the people. It also provides for the necessary safeguards that provide checks and balance in governance. This can well be achieved if there is a deliberate policy of enhancing structured and regular as well as interactive meetings between the elected representatives and those who elect them. The call by the SADC statutes to have SNCs that meet regularly and that provide a platform for the interaction of the citizens and their governments is a formula for achieving greater accountability. Therefore, the absence of these regular and structured meetings as provided for in the SADC Treaty is one of the key causes for lack of participative decision-making. The drafters and the founding fathers of the SADC had good intentions in allowing for spaces for decision-making in the form of the SNCs; they had realised this could be a way of improving accountability. In the absence of the functionality of these structures, this accountability is compromised.

The absence of regular meetings as provided for in the SADC statutes is self-defeating, as it works against the provisions of the organisation's founding statutes. This also makes it difficult for the organisation to achieve its goals of accelerated regional development, as it fails to operationalise its own provisions which are capable of enhancing its own accountability to citizens and, therefore, achieving the desired accelerated development and achievement of regional integration.

The deliberative democracy tenet of accountability which is expressed in SADC's founding statutes needs to be operationalised by strengthening and activating the functions of the SNCs as a platform for engagement between the organisation and its citizens. This could be done by creating a monitoring mechanism in the SADC Secretariat or creating a portfolio for engagement between civil society and the SADC Secretariat. This would be a way of ensuring

accountability, a key tenet of deliberative democracy, and would ensure the organisation achieves its goals of regional integration.

- ✓ Reciprocity

My conclusion with regards to reciprocity is that in making structural provisions for the SNCs, SADC recognises the importance of making decisions that are mutually acceptable and justifiable to all stakeholders. However, in failing to operationalise the avenues for deliberative engagement, SADC is missing out on the opportunity to fulfil its undertakings as stipulated in Article 23 of the SADC Treaty. It is my view that an inculcation of a culture of regular meetings would allow for the extensive deliberation of issues by different stakeholders and could be a good prescription for accelerated development within the region. This deliberation would ensure that the policies that are implemented have buy-in and are mutually acceptable; citizens and their elected representatives would be more likely to identify with these policies and thus work as a collective to implement them.

The deliberative democracy tenet of reciprocity could inject new life into SADC, as it would be the catalyst for decisions that are mutually acceptable and justifiable to all concerned parties. The current set-up, which is characterised by decision-making that does not necessarily take on board the views of affected people, challenges the mutual justification of these decisions. My conclusion is that reciprocity would assist in moving the wagons of the region's development faster.

This leads me conclude that the sluggish pace of development of the region is indicative of its exclusive nature of decision-making. But, with the deliberative democracy tenet of reciprocity, there are greater chances that decision-making would be made by measurable standards that are acceptable and justifiable to the citizenry in a manner that would make the policy processes people-centred and, therefore, acceptable to all stakeholders.

This means is that SADC, through its Secretariat, has to effectively follow up in each member state to ensure that the SNCs are rejuvenated, that they meet regularly and that their decisions are transmitted to the regional body as agreed. It also has to expedite the process of resource mobilisation, especially within SADC member states, to enable regular discursive engagement at the national level between elected officials and their people, so that the whole process measures up to acceptable standards and norms.

- ✓ Communication

Communication and information-sharing are vital tools for accelerating development. Communication within institutions like SADC has to be carried out effectively within the various

levels of its operations. There should be communication machinery that is well-oiled from the Secretariat so that information is disseminated timeously to all stakeholders. The information mechanism should allow for continuous feedback between the Secretariat and stakeholders.

Communication should also be conducted regularly at the country level between elected representatives and civil society so that they share ideas on policy positions and the operations of SADC. Communication is a tool that is important for human development, but is found lacking in SADC. It is a vital tenet of deliberative democracy and its application in SADC could help to galvanise the views of all stakeholders for accelerated development of the region.

The current set-up, while nominally assuming that the organisation adheres to information and communication dissemination mechanisms, assumes that this could just be done without an operation framework. The deliberative democracy tenet of communication would ensure that this becomes a key and compulsory aspect of the operation of the organisation and, thus, put in place mechanisms for effective communication. Such mechanisms should take into consideration the new and modern communication tools to supplement the traditional word of mouth and meetings.

I conclude if communication is entrenched in SADC as enunciated by the deliberative democracy tenet of communication, SADC would achieve more in terms of ensuring citizen participation in its decision-making processes and, thus, be able to fulfil its own desires as expressed in Article 23 of the SADC Treaty.

- ✓ Equality of voice

Expanding the operations of SADC to include institutions that enable the voice of ordinary citizens in decision-making could assist in encouraging the respectful acceptance of diversity of views of all people from the region. The SNCs could thus operate as institutions for the equalisation of debate and a space in which decisions are made by consensus, such that the input of each member state to SADC fairly represents an acceptable and reasonable consensus by citizens and their elected representatives.

This is an important tenet of deliberative democracy which is recognised by Article 23 of the SADC Treaty which, in my view, aims to bring on board different stakeholders' views in order to buffer state domination of citizens. The importance of the principle of equality of voice is that while respecting elected authorities as the official bodies that ultimately determine the legal positions on policy matters, these positions should emanate from discussion with the citizenry and, in making decisions, these authorities integrate views from the minority.

This is specifically important because electing officials does not translate directly into policy choices. Officials who are elected have authority to make policy decisions, but in electing them one is not making a policy choice. This means that in order to have policies that are acceptable, there is a need to ensure that the elected representatives and other stakeholders converge to make deliberations when it comes to important policy positions. Decision-making cannot be a function of the elected representative only at the exclusion of other views, even if they are from the minority. The SADC set-up, in its current form, has moved to construct structures that aim to facilitate interface between citizens and their elected representatives, but the problem is that they remain in limbo.

SADC needs to empower contact persons to vigorously pursue the SNCs' provisions for meetings that enable elected representatives to make decisions that reflect the collective view of citizens .

8.9 Contributions to the theoretical and empirical knowledge of SADC, civil society and deliberative decision-making

The research helped give some important insights in understanding some of the problems that contribute to the sluggish process in SADC regional integration. The SADC region has been working tirelessly, but slowly, to ensure regional integration that is characterised by improvements in many things: a visa-free region, a common currency, reduced duty, accelerated development and uplifting of standards of living of citizens.

One of the key reasons for a SADC legislative and organisational framework that speaks to enhancing participative decision-making has been to ensure that each of the stakeholders could make their own individual contribution to the regional debate. It is premised on the understanding that a multiplicity of voices and ideas could enhance accelerated development. It is further premised on the assumption that a governance system that is characterised by increased stakeholder participation in decision-making has greater potential of promoting accountability within the regional body. The research findings are very important in as far as they clearly outline that participative governance in the absence of a legislative framework for the enforcement of decisions is not adequate for achieving statutory obligations.

SADC as an institution is institutionally weak, as decision-making systems are separated from its statutory provisions. It also presents a picture of an organisation that suffers from an internal governance crisis, in that it has many organs of decision-making that it provides for in its statutes, but remains unable to utilise them, much to its detriment. It is my conclusion that the organisation is far from meeting the basic tenets of democratic accountability in that it seems to be working within a centralised system of administration. Consequently, this has painted an

unhealthy public picture in some quarters, where the organisation is not seen as people-centred, contrary to what it desires to achieve. Inevitably, such a relationship between the institution and its citizens has eroded the much-needed human capital for harnessing ideas and energies together for accelerated development.

There is an urgent need for organisational transformation of SADC to an actively people-centred institution, not just in legislation or organisational promise, but in actual practice too. This might call for the enactment of more rigorous reforms regarding the enforcement mechanisms for decisions made. The current set-up, where the implementation of decisions is by mere gentleman's agreements without proper legislative mechanisms, is retrogressive for an institution that intends to harness all stakeholder voices in its decision-making structures. The implementation mechanism might call for a rigorous re-examination of the operational framework and legislative functions of the SADC PF with a view of giving it more power for enforcement of decisions.

There is also a dire need for the transformation of civil-society organisations themselves to be well capacitated internally to be able to deal with such a complex institution like SADC. Most of the civil-society organisations lack experience and are too structurally weak to be able to make meaningful impact in dealing with SADC. Further to that, there should be internal assessment aimed at improving the organisational strength of civil-society organisations, as they are currently weak and too poorly organised to provide organisational impetus against SADC. This transformation should come with improved engagement strategies. The structural composition of civil-society organisations needs serious attention as they are weak and poorly organised.

I further conclude that civil-society organisations need to revisit their funding models. While this might be very difficult, it will have long-term positive advantages. As a result, the adage which says, " he who pays the piper, calls the tune" becomes evident, in that some civil-society organisations due to desperation in funding accept any conditions which at times places them in conflict with national interests. It could also be important for civil-society organisations to reinvent their engagement strategies because the militancy approach has not helped the situation in most cases. If anything, it has only contributed to alienation with government and thus created problems with participative decision making. While differences are inevitable, approaches to solving problems between different stakeholders should not be a barrier to meaningful debate. Civil-society organisations need to segment their advocacy issues and see if the ones they choose could have convergence with the government. In most cases, they have blown opportunities for progressive engagement by lumping together issues and thus failing to find a point of convergence when they could have achieved results on some of the

issues if they had separated them. While the SADC itself does get substantial funding from donors, it has a mechanism for annual contributions by members for its administration and some programmes.

The findings give indications of how the deliberative democracy policy-making model could be of great assistance in improving participative decision-making in SADC. This stems from considerable evidence that speaks to an available legislative framework for participation as provided for in Article 23 of the SADC Treaty, as well as the institutional provisions of the SNCs. These indicate a desire for the enhancement of stakeholder participation in the SADC decision-making process beyond just representative democracy. The findings indicate a serious need to develop further knowledge of spaces for deliberative democracy which are reinforced by statutory provisions, yet are not utilised due to problems of cohesion between governments and civil-society players. The problems that SADC faces could be solved much faster if there was collaborative decision-making, and that should stem from the utilisation of opportunities provided for by deliberative democracy. Enhancement of the application of the deliberative democracy principles as a *modus operandi* in tSADC is important in that it could help bridge the chasm that exists between the government and civil-society organisations. The deliberative democracy model would assist in promoting a culture of structures having to meet to enable collaborative decision-making, and thus help harmonise the diverse views that are currently diverging, and therefore are not helpful for the advancement of the region and livelihoods of its people.

8.10 Suggestions for further research

The research exposes the limited functionality of participative decision-making in SADC's decision-making process, despite the strictures of the legislative and institutional provisions. In this regard, it is a serious discovery that hindrances to participative decision-making in SADC are not related to the statutory provisions or organisational construction; rather, they are embedded in the enforcement mechanisms.

Because of this contribution, one area of research that could add value in addition to this one is how SADC could create a legislative parliament so that it enforces the statutory responsibilities of each member state. There are already some moves in that direction through the establishment of the SADC Parliamentary Forum, but in its current form it lacks teeth for enforcement. The forum remains just a platform for discussion as it is not even an organ of SADC. I am of the view that if the SADC PF was elevated from just being a network for discussion to a legislative parliament, it could enhance the implementation of decisions and statutory provisions of SADC. If adopted, the SADC parliament should not be composed of representatives seconded from parliamentarians elected at national level. It should rather be

composed of parliamentarians who are directly elected for that purpose, so that they are empowered to make serious decisions derived from the confidence of direct elections, rather than a delegated status.

Such research could broaden the literature on the enhancement of stakeholders' roles in SADC decision-making processes. Other research could focus on the creation of the SADC regional court of justice to deal with cases that are brought by individuals who feel their rights have been violated – as provided for in the SADC statues – but have failed to get recourse at the national level. Such research could focus on how this kind of court could effect relevant sanctions and measures beyond that which the current SADC Tribunal provides. The SADC Tribunal in its current form only provides for the hearing of cases brought in by member states, which excludes individuals who feel violations of their interest as provided for in SADC statutes. Such research could be useful in elucidating how there could be enhancement of participative decision making within SADC.

8.11 Conclusion

The importance of the proper application of the deliberative democracy conceptual framework in enhancing participative decision-making in SADC cannot be over emphasised. The research revealed a serious need for the organisational reform of SADC to allow for practical engagement between civil-society players and the institution. This could easily be put into practice through the proper application of deliberative democracy and its tenets that allow for accountability, publicity, reciprocity and equality of voice.

Proper application and adherence to these principles of deliberative democracy provide greater chances for the enhancement of participative decision-making, which could help in the acceleration of regional development. This, however, calls for a more rigorous approach in legislative reforms and the organisational reconstruction of SADC to ensure that there are practical enforcement mechanisms for the achievement of the goals set out in Article 23 of the SADC founding treaty. The best and most practical way is to capacitate the SNCs to be effective organs for deliberative decision making.

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Annexure A: Interview schedule for the SADC Council of NGOs

My name is Qhubani Moyo, a PhD Candidate in Public and Development Management at the University of Witwatersrand in South Africa. I am doing research on civil-society participation in the SADC policy formulation processes. I would be most grateful if you would assist me by answering the following questions.

1. How is the SADC Council of NGOs (CNGO) constructed? (indicate membership, legal status)
2. What is the nature of the relationship between the SADC-CGNO and civil society at a national level?
3. What is the nature of relationship between the SADC-CNGO and the SADC Secretariat?
4. Does SADC-CNGO participate in the policy-making processes of the regional body? Indicate the specific policy initiative and the stages in which you have been involved.
5. What form does that participation take and how effective is it?
6. If there are policy debates with the SADC Secretariat or related bodies, is there respect of equality of the SADC-CNGO and the SADC Secretariat?
7. Does the SADC-CNGO make any policy representations to the Council of Ministers or any other formal institution of SADC? (indicate how, which one and what happened to that position)
8. Is the SADC-CNGO well-furnished with information for discussion on any policy initiatives before the deliberations by the formal organs of SADC?
9. How is the SADC-CNGO accountable to its membership in decision-making processes?
10. How consistent is SADC-CNGO in the holding of annual general meetings and how do they come up with decisions in those meetings?
11. What are the other decision-making mechanisms of the SADC-CNGO?
12. How does the SADC-CNGO deal with minority views in its decision-making processes?
13. How does SADC-CNGO facilitate state–civil society interaction at the national level?
14. What is the SADC-CNGO doing to facilitate proper functioning of the SADC national committees?
15. How is the SADC-CNGO funded?
16. How does the funding model affect or influence its programming activities?
17. Is the SADC-CNGO well-resourced, and how does its human resources component affect its ability to effectively participate in the SADC policy formulation process?
18. Are there staff capacity development activities and how effective are they?
19. Would you say SADC is living to its commitment of promotion of citizens in policy making? Explain.
20. How do you think SADC should improve in that regard?

a) Indicate factors to do with the civil society organisations themselves.
b) Indicate factors to do with SADC as an organisation.

21. Do you have anything else to say about the subject at hand?

Thank you very much.

Annexure B: Interview schedule for senior SADC Secretariat

My name is Qhubani Moyo, a PhD candidate in the University of Witwatersrand in South Africa. I am doing research on civil-society participation in the SADC policy formulation processes. I would be most grateful if you would assist me by answering the following questions.

1. What are the decision-making structures of SADC?
2. How inclusive of civil society are these decision-making structures?
3. How are decisions made and how does SADC deal with minority views?
4. Would you say there is equality of voice in the discussion and decision-making processes?
5. Are there any policy decisions that have been settled by voting?
6. Do you get any contributions from any of the SADC national committees (SNCs)?
7. What value and weighting is given to these positions in the final decision-making processes?
8. Do you think the views that are given from the SNCs reflect broader consensus by government and non-state actors at a national level?
9. What communication mechanisms does SADC use, and how wide-reaching and effective are they?
10. What would you state as landmark contributions by civil society in the SADC policy-making processes?
11. Do you see SADC's decision-making processes as promoting accountability of the organisation to the citizens?
12. Do you see SADC as living up to its founding statutes of making a commitment to inclusive and participative decision-making?
13. What initiatives have been undertaken in fulfilment of the civil-society participation and how effective have they been?
14. What do you think should be done to enhance greater participation of civil society in decision-making processes of SADC?
15. State factors that relate to SADC as an organisation.
16. State factors that relate to civil-society organisations themselves.
17. Do you have anything else to say about this issue?

Annexure C: Interview guide for civil-society organisations at country level

My name is Qhubani Moyo, a PhD candidate in Public and Development Management at the University of the Witwatersrand. I am doing research on civil-society participation in the SADC policy formulation processes. I would be most grateful if you would assist me by answering the following questions.

1. Has your organisation participated in any SADC policy-making initiative?
2. Who were the other participants in the policy-making initiative?
3. Was there involvement of any government officials in the facilitation process?
4. Were you and other participants treated with equality in the process of discussions?
5. Were the views of each participant given equal weight without bias of their status and position in society?
6. Was the quality of discussions mature and based on substantial maturity and reasoning?
7. How were the discussions and outcomes communicated, and how accessible and effective were the communications mechanisms?
8. Was there feedback from the stakeholders and how was it handled in the discussion process?
9. Would you describe the discussions on the policy formulation as calling for accountability of the implementers?
10. In what ways would you define the discussion process as adhering to the principle of accountability?
11. How were the conclusions on the policy discussions reached?
12. Was there consensus at the end of the discussion?
13. If not, were the minority views taken on board or only those of the majority won the day?
14. Was there voting at the end of the discussion, and if so, how were the views of those on the minority treated?
15. Would you define the policy output as reflecting the diverse interests of all the stakeholders involved?
16. How would you define its effectiveness as civil society voice in SADC?
17. Are you aware of existence of any SADC structures for discussion of in your country?
18. If yes, what are the structures and how active are they?
19. Is there a SADC national committee in your country?
20. If yes, how is it constituted (who are the people involved)?
    I. How often does it meet?
    II. Does it have a secretariat?
    III. How is it funded?

21. Indicate some SADC-related policy discussions carried by the country committee which you still recall.
22. How many meetings were held to discuss the policy position?
23. Would you define the composition of the participants as representing the majority of the SADC committee members?
24. Would you define the discussions at the SADC national committee as respecting the diversity of views?
25. Would you define the deliberations as treating all the submissions with equality?
26. Is the SADC committee well-advertised in a media accessible to most stakeholders?
27. How are decisions made in the committees?
28. Would you define the ultimate policy position as encompassing the views of all including the minority views?
29. When the country position was finally represented at the SADC Council of Ministers, was it reflecting the outcomes of the conclusions of the SADC country committee?
30. How would you describe relations between the government and civil society in your country, and how do they affect your ability to engage on SADC policy-making processes?

Annexure D: Interview schedule for senior SADC government officials

My name is Qhubani Moyo, a PhD candidate in the University of Witwatersrand in South Africa. I am doing research on civil society participation in the SADC policy formulation processes. I would be most grateful if you would assist me by answering the following questions.

1. What are the decision-making structures of the SADC?
2. How inclusive of civil society are these decision-making structures?
3. How are decisions made and how does your government deal with minority views?
4. Would you say there is equality of voice in the discussion and decision-making processes?
5. Are there any policy decisions that have been settled by voting?
6. Do you have any of the SADC national committees (SNCs)?
7. How often do they meet and how are they constituted?
8. What value and weighting is given to these positions in the final decision-making processes?
9. Do you think the views that are given from the SNCs reflect broader consensus by government and non-state actors at national level?
10. What communication mechanism does the SADC use, and how wide-reaching and effective are they?
11. What would you state as landmark contributions by the civil society in the SADC policy-making processes?
12. Do you see SADC's decision-making processes as promoting accountability of the organisation to the citizens?
13. Do you see SADC as living up to its founding statutes of making a commitment to inclusive and participative decision-making?
14. What initiatives have been undertaken by your government in fulfilment of civil-society participation and how effective have they been?
15. What do you think should be done to enhance greater participation of civil society in the decision-making processes of SADC?
    - State factors that relate to the SADC as an organisation.
    - State factors that relate to your government.
    - State factors that relate to civil-society organisations themselves.

Thank you very much.

Annexure E: List of individuals and organisations interviewed

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
Tanzanian Association of Non-Governmental Organisations	Tanzania	Tepani Ngunga	Executive Director	Harare	25/07/14
Tanzania Gender Networking Organisation	Tanzania	Mary Nsemwa	Programme Manager	Harare	27/07/14
Christian Council of Tanzania	Tanzania	Gloria B. Mafole	Advocacy and Policy Analyst	Harare	30/07/14
(MACOSS)	Mauritius	Chengan Dana	Chairman	Harare	01/08/14
KANGO	Swaziland	Emmanuel Ndlangamandla	Executive Director	Harare	16/08/14
Swazi Cross Border Traders Association	Swaziland	Malter Vilakati	President	Harare	16/08/14
SADC Council of Non-Governmental Organisations	Botswana	Boichoko A. Dithlake	Executive Director	Harare	28/07/14
Lesotho Labour Commission	Lesotho	Mapanyane Phiri	Gender Officer	Harare	24/07/14
Lesotho Council of NGOs	Lesotho	Seabata Motsamei	Executive Director	Harare	29/07/14
SADC CNGO	Seychelles	Steve Lalande	Treasurer	Harare	04/08/14
Council of Non-Governmental Organisations of Malawi	Malawi	Emma Kaliya	Governor	Bulawayo	17/08/14
CNGO	Malawi	Ronald Mtonga		Harare	25/07/14
Trade Law Centre (TRELAC)	South Africa	Dr. Truddi Hartzenberg	Director	Harare	26/07/14
Dutswane	South Africa	Rikky Minyuku	Human Rights and Development officer	Harare	23/07/14

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
WIMSA	Namibia	Moses Ngoma	Project Manager	Harare	23/07/14
NANGO Forum	Namibia	Irvine Lombardt	Programme Officer	Harare	23/07/14
Zambia Civic Education Association	Zambia	Judith Mulenga		Harare	31/07/14
SACBTA – Maputo	Mozambique	Decar Novela	Head of Programs	Harare	31/07/14
HelpAge International	Mozambique	Anonymous	Senior Official	Harare	30/07/14
Zambia Council for Social Development	Zambia	Lewis Mwape	Executive Director	Harare	29/07/14
Women and Law in Southern Africa (Zambia)	Zambia	Matrine Bbuku Chuku	Law Officer	Harare	29/07/14
Botswana Khwedom Council	Botswana	Keikabile Mogodu	Director	Harare	22/07/14
NANGO	Zimbabwe	Cephas Zinumwe	Executive Director	Bulawayo	30/04/14
Crisis Coalition	Zimbabwe	Thabani Nyoni	Spokesman	Bulawayo	20/03/14
COSATU	South Africa	Bongani Masuku		Harare	25/0714
SADC Secretariat	xxx	xxx	xxx	Victoria Falls	19/08/14
SADC Secretariat	xxx	xxx	xxx	Victoria Falls	19/08/14
Government of Zimbabwe	xxx	xxx	Foreign Affairs Ministry	Harare	14 /05/14
Government of Zambia	Zambia	xxx	Ministry of Foreign Affairs	Victoria Falls	20/05/14
Government of Malawi	Malawi	xxx	Ministry of Foreign Affairs	Victoria Falls	21/05/14

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
Government of South Africa	South Africa	xxx	Dept of International Cooperation	Victoria Falls	21/05/14
SADC Secretariat	xxx	xxx	xxx	Victoria Falls	19/08/14