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Civil society participation in the Southern African development community (SADC) policy formulation and implementation process

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Declaration

I declare that this thesis is my own unaided work. It is being submitted for the Degree of Doctor of Philosophy to the University of Witwatersrand, Johannesburg. It has not been submitted before any degree or examination to any University

Date and Signature.....

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 the SADC claim to provide for stakeholder participation in its policy making processes. This is stated in Article 23 of the SADC Founding Treaty which speaks of a desire by the institution to open up democratic space and allow for inclusivity in decision-making. Furthermore; there are practical and operational provisions for the participation of the citizens through SADC national committees (SNCs) and an agreement with the SADC Council of Non-governmental organisations (NGOs).

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, 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' namely senior officials from the SADC secretariat; senior government officials whose duties required interaction with civil SADC institutions and senior officials from the SADC Council of Non-Governmental Organisations provided the primary data.

Secondary research data was sourced from documents that 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, CSOs and SADC press releases.

The key finding is that while in its founding documents SADC provides for participation of stakeholders in the policy making processes it was a different story in actual practise. The research revealed that the statutes of the SADC which speak of a need for promotion of participation of stakeholders in policy making processes were largely ignored as there is monopolisation of power by the institution of Heads of States and governments. The primary institution for participation of stakeholders in policy making was identified as the SADC National Committees but these were found to be non operational in most of the countries where the research was

conducted. The reason for inactive SADC Committees was identified as lack of a structured framework by the SADC to operationalise what is provided for in its statutes. The research found out that if SADC is to achieve its goal of enhancing stakeholder participation in its policy making processes it needs revive and strengthen SADC national committees in each Member State.

The research concludes that for the SADC to ensure effective stakeholder participation in its decision-making processes, the first point of call, and important organ to focus on, is the rehabilitation, strengthening and resourcing of the SADC National Committees. The research further made conclusions 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 makes propositions for application of deliberative democracy as a way of enhancing stakeholder participation in the decision-making processes of the institution.

Dedication

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

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List of acronyms

AMI	Mozambique Association for Support to Older People
APRM	African Peer Review Mechanism
ASADEC	Action for Community Development
AU	African Union
CSO	Civil Society Organisation
COM	Council of Ministers
DQI	Discourse Quality Index
DRC	Democratic Republic of Congo
ECOSOCC	Economic Social and Cultural Council
GONGOs	Government Organised Non-Governmental Organisations
ICM	Integrated Committee of Ministers
ICP	International Cooperating Partners
MDC	Movement for Democratic Change
NEPAD	New Partnership for Africa's Development
NEPRU	Namibian Economic Policy Research Unit
PAP	Pan African Parliament
RECs	Regional Economic Communities
RISDP	Regional Indicative Strategic Development Plan
RPO	Regional Poverty Observatory
SADCC	Southern African Development Coordination Conference
SADC	Southern African Development Community
SADC CNGO	SADC Council of Non-Governmental Organisations
SIPO	Strategic Indicative Plan of Action
SNC	SADC National Committees
TFTA	Tripartite Free Trade Agreement
WTO	World Trade Organisation
ZANU (PF)	Zimbabwe African National Union (Patriotic Front)

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Chapter 1: Introduction

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

There has been substantial progress 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 poltical 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 the African countries should accept is that they 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, the enhancement of participation of stakeholders in decision making processes of the RECs becomes of importance in ensuring collective decision making that have potential of promoting continental development. Moyo (2007:7) argues that:

[1]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),Southern Africa Development Community (SADC)

> 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 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 the Southern African Development Community (SADC) and seeks to establish the nature of decision making processes in the organisation, in particular what institutional and legislative mechanisms are in place for civil society participation and how theyimpact on the policy making - processes.The research basis, its foundations on the declarations of Article 23 of the SADC treaty which speaks of the organisation's desire to promote civil society participation in decision making.

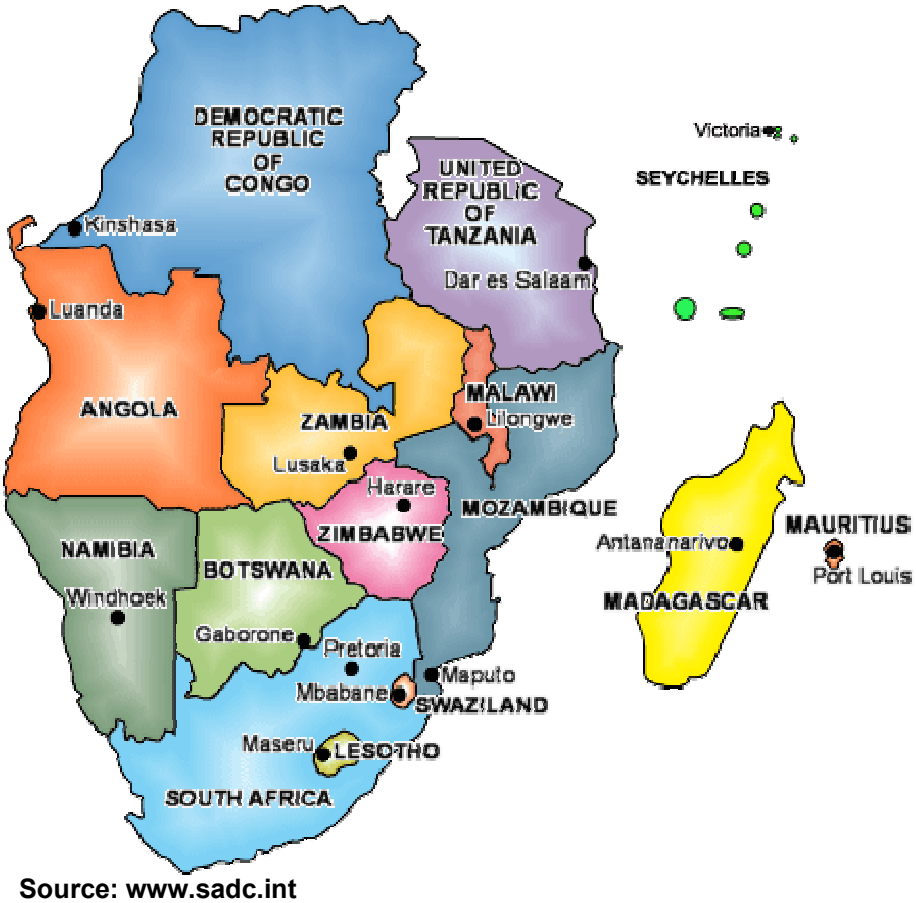
The SADC evolved from the *Frontline States,* whose objective was the political liberation of Southern Africa. SADC was preceded by the Southern African Development Coordination Conference (SADCC) which was formed in Lusaka, Zambia in April 1980 with the adoption of the Lusaka Declaration.The formation of SADCC was the culmination of a long process of consultations by leaders of Zambia, Tanzania and Botswana working together as the Frontline States. Following consultations that were held between the 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 August 17, 1992, at a Summit held in Windhoek, Namibia, the Heads of State and Government signed the SADC Treaty and Declaration that effectively transformed the SADCC into the Southern African Development Community (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 USD ($) 480 billion.

The SADC Treaty of 1992 defines its vision as that of a common future within a regional community that will ensure economic well-being, improvement of the 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 the SADC mission as that of promoting sustainable and equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation 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: www.sadc.int

1.1 Background

According to its founding treaty of 1992, the SADC is aninternational organisation under international law, with international rights and obligations separate from those of 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 staff. Staff are urged to maintain its international character and advised against acting on any instructions from individual member states.

It defines its operational and decision making structures as the Summit of Head of States 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 people in their countries. This structure is based on the

assumption 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 the SADC, given that it is in its infancy, but there are operational deficiencies that have led to a 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 makingwithin the 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 limitation of representative democracy has led to the creation of avenues for stakeholder participation in the decision making processes of the 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.

According to the SADC Treaty Amendment of (2001), Section (1) and (5.2), subsection (b) stipulates that the 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”. The SADC established SADC National Committees (SNCs) in terms of the Amended Treaty of 2001 as organs to facilitate the interface between the SADC secretariat and stakeholders at 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 with the SADC Secretariat and works as a quasi-formal link between the SADC Secretariat and civil society. It consists of national associations of CSOs in each of the 15 SADC member states. It has observer status in the key organ of the Integrated Committee of Ministers. However, despite 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 question arising out of the issues raised by Nzewi and Zwake (2009) is 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 them to enable civil society to effectively participate in the policy making processes of the SADC?.The 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 in its own right, 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 the SADC's aims and objectives as well as promotion of the participation of NGOs, business and intellectual communities in the SADCs 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 operation policy documents of the SADC are the Regional Indicative Strategic Development Plan (RISDP) as well as theStrategic Indicative Plan for the Organ (SIPO).They constitute the pillars and framework for SADC regional integration and also - provide SADC 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 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 African Union's New Partnership for Africa's Development (NEPAD) is embraced as a credible and relevant continental framework, and the RISDP as the SADCs regional expression 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 that the SADCs quest for poverty eradication and deeper integration levels will not be realised in the absence of good governance.

The Organ on Politics, Defence and Security Cooperation, 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 the SADC 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 2 in an effort to ensure efficiency in the delivery of its goals.

1.2 Foundations of stakeholder participation in SADC

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

The SADC recognises the enormity of its task and acknowledges that it can best achieve its vision and mission if it works in collaboration with various stakeholders. To that end, it has made attempts to provide for stakeholder participation in its decision making initiatives. These have been done to complement the formal organs

and are aimed at promoting inclusive decision making. The call for the establishment of complementary structures has seen the creation of the SADC CNGOs to promote 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 some of the founding statutes of the SADC Treaty which speaks of a need for provision of spaces for the participation of civil society in decision making processes of the organisation.

According to Ditlhake (2012), the relationship between the Secretariat and the SADC-CNGOs was cemented through a Memorandum of Understanding which gives the latter, observer status in the Integrated Committee of Ministers and also allows it to attend SADC senior officials meetings. The SADC Treaty Amendment Article (1) (5.2) subsection (b) which 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.

While the statutes establish the principle of participation in policy implementation, it does not define the processes for inclusive decision making. The primary policy decision making fora of the 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 Ministers of Foreign Affairs and trade delegates constitute the Council. In the broadest of senses - the SADC member states are parliamentary democracies; their delegates are assumed to represent national priorities in policy discussions. Further to that, it created the SADC National Committees to incorporate non-state organisations and civil society in SADC policy formulation processes and forged closer ties with the SADC-CNGO as an important structure in promoting civil society participation in the policy decision making processes.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 civil society's participation.

The SADC National Committees (SNCs) were formally established by the amended SADC Treaty of 1992 which states that each member state must create a SNC consisting of key stakeholders including the government, the private sectors, civil society, non-governmental organisations, 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 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 socity participation in the policy making processes of the SADC.The meeting noted that, the operationalisation of the SNCs would ensure that member states effectively participate in the SADC affairs, so as to derive maximum benefits from the process of regional integration. It was seen as 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 seems to be problems in the operationalisation of the SNCs, a situation that has affected the effective participation of other stakeholders in the SADC policy initiatives.

While there are provisions for creation of spaces for stakeholder participation in the 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 inZambia, indicates that the Council of Ministers considered the Report of the 2007 SADC National Committees' (SNCs) 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 from 10 to 11 May 2007 in Zanzibar, United Republic of Tanzania, which focussed its deliberations on progress on the implementation of the Regional Indicative Strategic Development Plan (RISDP), including the development of a monitoring and evaluation system,

information and experience sharing on best practices as an attempt to achieve consolidation of 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, the majority of SNCs suffered from severe capacity constraints with regards to financial and human resources which hampered effective implementation of the RISDP/SIPO at national level.

The 2007 SNCs meeting made recommendations that include, among others, the need for capacity building and sharing best practices on incorporating the RISDP plans and programs into national development plans. Further to that, they noted that the sluggish pace in the establishment of the NSCs was a result of severe capacity constraints and thus urged member states to build capacity 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 establishment functional organs to facilitate the participation of civil society and other stakeholders in the policy making processes of the SADC, there has been little progress made and the failure to establish functional SNCs is a case in point. For instance, despite the 2003 decision by the COM that the SADC Secretariat holds annual meetings 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 widen decision making may be linked to the some assertions that that because policy-making is about power, it creates problems of contestation of what amounts of decision making space should be given out and at what time should they be given out. While the SADC statutes speak of provision of spaces for participation in its policy-making and governance processes, there seems to be 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 the 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 peocesses 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 exploring public participation as a functional requirement for SNCs, found that while there have been efforts to set up SNCs, there has been minimal success recorded in establishing functional entities.

What this means is that when they are taken, national discussions and decisions on SADC 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 SNCs are still largely government-centric and inept, which brings into question the degree of policy influence that is actually afforded to civil society. This research has clearly shown that much attention needs to be paid to SADC national implementation instruments such as SNCs.

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 an 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 non-governmental organisations operating in all the 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 Memorandum of

Understanding with the SADC Secretariat for the purpose of 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 country level through the SADC national committees. The SADC national committees are a formal organ of the SADC and have been assembled to provide inputs at national level in the formulation of regional policies and strategies, as well as coordinate and oversee the implementation of programmes at national level. The committees are also responsible for the initiation of SADC projects and issuing papers as an input into the preparation of the regional strategies.

According to a European Union delegation report to Botswana in (2008), the status and operations of the SADC national committees 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 co-ordinators of the national committees are country ministerial officers with other functional responsibilities. They are not functionally dedicated only to the co-ordination 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 Co-ordination). They generally lack capacity, and their roles at country level do not seem to be clearly articulated.

The structural deficiencies of the SNCs inevitably have paralysed the ability of the apex CSOs at country level to input agreed positions to the regional organisation.ThIs raises questions of how then the SADC-CNGOs can claim to be

reliable representatives of the interests of the citizens at country level. This is made worse by the fact the SNCs are not properly functional, yet the SADC-CNGOs get country reports from the apex organisation as if all is well.

These national representations cannot be said to fully reflective of the true composition of the country CSOs as they leave out other key stakeholders at national level. Invariably, this also has weakened the position of the SADC-CNGOs 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 the 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 some 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 tenants 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 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 the tendency by those who have it is to keep it heavily protected usuing 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 a number of avenues to enable the participation of the citizenry in the policy-making processes with the understanding that such an involvement will promote accountability. Mafumanisa (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 build 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 be in control of 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 Slaot (2002) who argues that the participation of multiple actors and institutions to debate, define and achieve policy goals in complex political arenas such that 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 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 programs.

The capacity of political systems to provide governance to a society is, therefore, much affected by the structure of the institutions and the manner in which these institutions interact with each other. But most importantly, inclusive decision making is a vital pillar of democratic governance, as the opening up of spaces for participation of various players is important in providing room for different views and ideas to compete and ultimately shape policies in a manner that is satisfactory to diversity. This is expanded 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 are able to use and sustain the governance rules 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 the 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 applicable 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 as 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. Participation of civil society in interstate organisations is increasingly becoming importantas 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 a number of institutions, key among them the SNCs committees 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 the interstate organisations 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 closer. It has become increasingly more necessary to make a determination of what forms of 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 the interstate organisations.

This section explains the importance of 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 providing a remedy to the much-lamented democratic deficit. They both argue that it may either enhance the democratic

accountability of intergovernmental organisations and regimes, or the epistemic quality of rules and decisions made within them. Steffek and Ferretti (2009) also see this leading to enhanced transparency and hence improving 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 claw 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 thel 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.

There has been drastic development since the 1990s that have seen the democratic legitimacy of traditional forms of international governance being questioned. According to Zum (2004), executive multilateralism, i.e co-operation among diplomats and government-appointed experts, is identified with lack of inclusiveness, participation and public accountability.

One of the possible remedies suggested in the debate about the democratic deficit of inter-national governance is an enhanced participation of civil society in international governmental organisations. While there has been a shift in rehetoric from traditional notions of representative democracy towards a decentralized and participatory forms of governance that rely mainly on the extensive participation of organized 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 provision of spaces for civil society participation.

SADC, being an interstate organisation, seeks to be accountable to its citizens in order 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 the citizens' voice in the decision making processes of the region. This is linked to the Africa Agenda 2063, a celebration of 100 years of formation of the OAU. The Africa Agenda 2063 speaks of a need for Africa to do things very differently and allow for increased stakeholder participation in its developmental initiatives.

This will enable it achieve the African Union'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 Zuma (2014), the whole purpose of the programme is to encourage discussion among all stakeholders. The continent should effectively learn 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, among others.

This then calls for civil society actors to develop strategies to engage governments, 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 participation of stakeholders in this interstate organisation. Thus, alternative forms of democracy have to be explored.

1.2.2 Institutional framework for African CSOs participation in policy-making

The growth in the discourse for participation of stakeholders in the policy-making of interstate organs is not limited to SADC, but is also in other organisations like the African Union. This is important for this 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 that context, this section will discuss the decision making structures and what attempts have been made to promote inclusive decision making at that level.

It should be noted that the structure on how civil society should participate in the regional bloc policy-making processes is almost similar to its mother body, the African Union. 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 partcipaive decision making in the African Union Constitutive Act (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, 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".

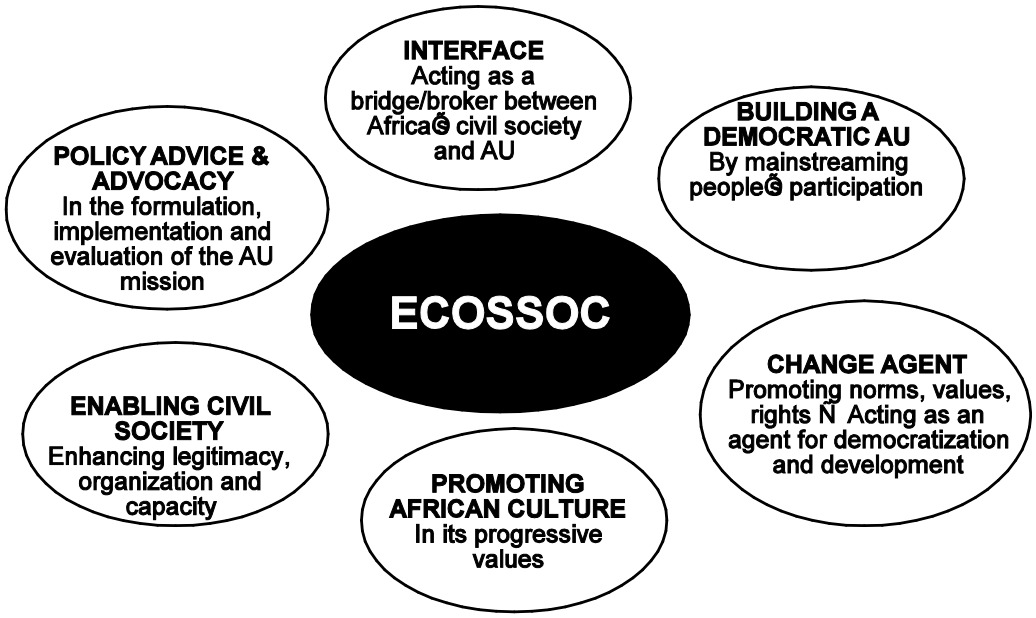
Further to that, in its Strategic Plan document (2004-2007), citizens of Africa are a Priority Programme 2, it advances objectives aimed at ensuring that the talent, resources and dynamism of the African people and the Diaspora are fully utilised in the implementation of the programmes of the AU and 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 enhanced participation of various stakeholders in the activities of the AU. It has also led to 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 voice 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 financial support and observer status. It 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.

The objectives of the African Union, like SADC, indicate that interstate organisations can achieve more for its people if they enhance participation of its citizens in decision making processes. This argument is further developed by Mbogori (2006), 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 a human face.This might show a greater desire to serve the needs of citizens of both the region as well as the continent as a whole. In reality, more can be achieved if there are alternative forms of democratic engagement that emphasises reciprocity, equality, accountability and publicises the deliberations.

Figure 2: Key Roles of the ECOSSOC



Adapted from AU Commission- 2006

Mbogori's (2006) argument is premised on the understanding that entrenchment of participation of the citizens in the African policy agenda leads to the ultimate goal of enabling them to secure ownership of public institutions in a manner that ensures accountability.It strengthens the case for participation of citizens in policy processes to achieve what Mbogori (2006) describes as the need to perceive Africans as part of a larger continental infrastructure which we 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 have to engage in initiatives that promote the poor, marginalised and unorganised to have access and participate in policy decisions. But for this to be achieved there is need for construction of strong African governance institutions. In their absence, it will be difficult to achieve participative governance.

According to Landsberg and Mckay (2005), the weak institutions of governance are some of the major causes of 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 continental level, regional economic blocs and national governments. Yet such participation can be a buffer against inter-state 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.There are observations 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 and ensuring social development, stopping wars and conflicts through the promotion of peace-building initiatives, while at the same time promoting a free and fair trade regime. This also calls for 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 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 the SADC policy-formulation in order 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. As long as 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.

A number of models and principles for engagement are proposed for civil society actors 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 exceptional 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 the SADC institutions may be of assistance in accelerating growth and development. Yet, in order to achieve the

above, there should be emphasis on the need for a high degree of honesty, integrity and accountability by both the government players and civil society movements. One way of doing this is creating a framework that assists both the government and civil society actors to promote co-operation based on achieving developmental goals. Most importantly, the successful transformation of Africa hinges on the genuine commitment 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 linkages between 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 take into account 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. The 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 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 and that parliament is the body that mirrors the will of the entire citizenry and therefore, it is the sum total of embodiment the 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 pace init also makes provisions for engagement of stakeholders through the SADC National Committees and the SADC-NGOs. However, despite the provision of these spaces for inclusive decision making, there seems to be limited evidence of effectiveness of civil society and stakeholder participation in the policy-formulation processes of the SADC.

This is despite the fact that the principle of inclusion is important as it ensures that policies 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 still remains a glaring gap on 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 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 inclusion.

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

This could build on Mbogori's (2004) 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 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, in order 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 and Fink (2007:215) who argue that;

> 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' on political decision-makers by generating communicative power and thus forces them to take up themes and issues that are discussed in society. Kohler and Fink (2007) conclude that in order 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 infrastructure can be provided by civil society.

Habermas (1984) conceptualises the public sphere as a communication structure rooted in the life world through the associational network of civil society. Simply put the weaknesses that emerge from a call for those in leadership to be accountable to their subjects through greater and more defined participation of citizens in governance.

While allowing for some space for participation beyond mere voting, representative democracy has some limitations relating to its selective nature of who 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 The purpose

This research seeks to find means and ways in which the SADC decision making processes can be inclusive by allowing for 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 makingin the SADC 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 regional development. Over and above, it seeks to promote standards for participation of civil society in 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?

The secondary and related questions*:*

I. Does the inter-state nature of SADC institutions limit 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 the SADC decision making processes?

1.6 Limitations

The key limitations are related to the organisational issues of CSOs, particularly in their information management systems. Most of these organisations have poor information management systems which may make it difficult to access some vital information about their operations.

This can be made even worse by the high staff turnover, usually caused by poor remuneration. The staff turnover maybe problematic in that some of the new staff may not be familiar with the activities of the previous staff because there is usually no proper handover-takeover. There are also limitations emerging from state-civil society relations in some of the countries. These poor relations are likely to create difficulties in access to information. There could also be limitations arising from language barriers. For instance, SADC countries have different official language 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 section 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 section is that while the construction of SADC as an interstate organisation means that engagement on policy issues should be on a government to government basisthat does not mean that there should be no other spaces for direct participation of other stakeholders.

The writer and other critics further argue that SADC itself has made this realisation and, in its founding statutes, has made provisions for such participation through making commitment in its legal documents, and also provision of space through the SNCs and signing of a memorandum of understanding with the SADC CNGO. In that

regard, the writer argued 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 to fully represent the citizens is not enough. 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 like deliberative democracy to see if they can lead to enhanced participation of citizens in the SADC policy formulation processes. The section also provides for the purpose of the study which is to make a determination of how citizens' participation can enhance democratic governance through democratic decision making.

1.8 Road-map to the whole 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 decision making processes of interstate organs. The introductory chapter also looked at the institutional and organisational framework for civil society participation in SADC decision making processes. After interrogating these issues, the chapter outlined the key issues of the problem statement, the purpose statement, the primary research questions and secondary research questions, and concludes with a focus on what constitutes limitations for the research.

Chapter two of the thesis focuses on literature review. The review of the literature begins with general issues to do with the importance of participation of citizens in governance. It progresses to focus on democratic decision making in established interstate organisations like the European Union 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 is a further development of the literature review but narrowed to focus on 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, i.e. deliberative democracy. It moves on to interrogate 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 decision making processes of interstate organisations. The chapter concludes with an outline of how majoritarianism is dealt with in the event 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 best. The chapter progresses to focus on tenets of qualitative research as well as how a case study approach is applicable to the research. It then outlines the research instruments construction and application, focussing on the interview guide. The chapter then speaks to data collection techniques mainly anchored on the interviewing techniques, 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 focuses on presentation of 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 promotion of 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 policy-making processes. Under this thematic framework, some of the key issues of focus include the organisational construction of the SADC CNGO 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 national level, together with its decision making processes and procedures. Additionally, it also looks at the extent of SADC

CNGO's role in facilitation of government civil society interaction and relations at country level.

Thematic framework three examines the actual 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 how much these views are considered 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 focuses on previous research undertaken on stakeholder participation in SADC decision making processes. It particularly focuses on research findings of the Namibian Economic Policy Research Unit, the Meta Com Research Centre for Policy Studies in South Africa as well as the SADC Secretariat Capacity Development Framework of March 2008.

Chapter seven focuses on data analysis and conclusions. The conclusions are organised to focus on 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 the minority views are treated as well as the use of communication as a tool for enhancing inclusive decision making. The thesis then provides a detailed list of references.

Chapter eight ties up and smoothens the conclusions. It also provides annexes that include the 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 for 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 literature on Africa in general, and SADC in particular. Its roots are in the works of Edigheji (2004) and Mhoneand Edigheji (2003) who advance arguments that governance in the SADC region is characterised by exclusionary democracy wherein the ruling elite dominate the political space to the exclusion of other key actors like civil society. These are also the views of the likes of Matlosa (2008), Mozaffar (2002) and Landsberg and Mackay (2004), who share the idea that greater legitimacy in the governance of public institutions can be achieved by the opening up of spaces for participation of different stakeholders.

The deliberative democracy framework, proposed as the conceptual framework for analysis of the SADC decision making process, is not new as it has been applied in established interstate organs like the European Union. There is a vast literature on this issue with Chalmers (2003), 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 European Union is measured.It provides a framework of institutional and social conditions that both facilitate free discussion among equals by providing favourable conditions for expression and association.

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

For instance, Everson (1998) and Shaw (2000) criticise it 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 sensitivity of different types of discourse or the articulation of different types of identity.

Literature on civil society and democratic governance in Africa looks at how democratisation in governance implies opening up 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 Materson, 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 the individual 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 (1996), Staszwski (2012) and Hirst (1988). The common denominator of 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 as it gives too much power to the ruling party in policy-making. 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 Talimon (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 greater legitimacy than those that merely reflect political preferences.

The counter argument to this view is that deliberative democracy fails on procedure because ofthe inability to reach consensus on procedural rules that are acceptable to partiesinvolved in the delibetration (Olson, 2011; Hildreth, 2012 and Young, 2000). On participatory democracy, the literature focuses on Hidreth (2012), Pateman (1970), Bayley and Smith (2007). 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 a mistaken and 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 Staszweski (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 decision making for effective decision making.

Having made clear presentation of the theories of representative democracy and application in decision making, participative democracy and application to decision making, Stack (2009) and Staszweski (2012) go on to emphasise why the deliberative democracy theory is the most suitable for enhancing participative decision making in SADC.

2.2 Democracy and governance in the SADC

Matlosa (2008) 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 bring on board the stakeholders into the decision making processes.

This, unfortunately, 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 the SADC statutes. This is the 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 Stephen (1996) proposed 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, effective and efficient state bureaucracy as well as an institutionalised economic society. These dovetail with the notions of deliberative democracy which emphasise active collaboration between those in government and the governed in the 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 the majority of 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, 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 manner in which the political ruling elite have been able to stamp its unfettered hegemony over democracy acts.

In an attempt to develop a credible framework for development of the region, Matlosa (2008) argues that SADC has crafted what can be viewed as a credible planning mechanism in the name of the SADC Indicative Strategic Plan for the Organ (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. He argues that SIPO defines 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.

To that end, it makes proposals for SADC principles for free and fair elections. He argues further that within the framework of SIPO strategies, SADC has identified terms of building democratic institutions and promoting human rights. Some of the strategies include the promotion of the principles of democracy and good governance, establishment of common electoral standards in the region, including a code of electoral conduct, as well as the encouragement of political parties to accept the outcome of elections held in accordance with both the African Union and SADC Electoral Standards. It also calls for the establishment of a SADC Electoral Commission with well-defined roles and functions as well as strengthening member states judicial systems.

Over and above that, it 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.

They undoubtedly contribute but are not the only ingredient. 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.

While regular free and fair elections are seen as an enhancement of popular participation in the governance process for the citizens and the legitimate formation of a parliament that is truly representative of the key political stakeholders in a given country. Despite the regular elections, Matlosa (2008:426) 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 make meaningful participation and contribution in the SADC 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 entrenchment of the ruling elite at the exclusion of other players, especially the non-state actors. But 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 European Union

This section focuses on the European Union (EU) as an established interstate organisation. What emerges in the 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 a context like that, majoritarianism just does not always count. It is an area where there is need for promotion of consensus in decision making and identifies deliberative democracy as capable of promoting that consensus.Given that this research is on deliberation and citizens in policy-making processes in the interstate organs, it is important to make anengagement on 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 experience of institutions that walked the same journey and have documented successes and failures.

Their negative and positive experiences can be useful in the construction of a more solid deliberative democracy engagement framework as they will assist in showing

how certain things are done. While it is well accepted that there is a sea of difference in 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 universality of citizens' participation makes the literature from the EU and any other regional bloc be applicable to SADC.

According to Chalmers (2003:127)

> 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 practise 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 enhancing inclusive decision making. Chalmers (2003) proposes that a deliberative approach for EU governance should involve a process of justification in which the three practical tasks of the European Union – 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, in particular, how the existing systems can be changed for the better. It also speaks on the requirement of validity, i.e. how the transformation process should be done within the confines of the values that we know in order for the deliberation process to be viewed as a collective process. Over and above that, is emphasizes 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 way of ensuring that the deliberative process makes solid provisions for self-sustenance and self-governance.

The glimpse into the EU operations is not meant to turn this study into a comparative analysis of SADC and the EU.It is just meant to expand the argument on 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. Forinstance, in the past, the EU has promoted institutional processes that can enable the active participation of their 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 the generally agreed 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 Union. In order to be progressive in its approach, the Union had to set up a constitutional framework to guide the deliberation process.This was operationalised through setting up what it called tasks of the Union which gives a framework on 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 problem that cannot be effectively resolved by Member States acting unilaterally.

He further argues that in all 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 CSOactors 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 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 re-design the entire institutional architecture of the Union. For friendly critics of the EU, a model of deliberative democracy, with its focus on procedures and 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 meet the deliberative democracy model but, unfortunately, the engagement is more with elite and professional organisations, thus rendering the process less effective to 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 is Bexell*et al.* (2010) and Omelicheva (2009) who argue that the participation by civil society actors in international governance has often been promoted as a potential cure for both these ills, but still linked to the paradigm of deliberative democracy On the one hand, CSOsare supposed to bring citizens'

points of view into transnational deliberations among experts and government representatives.

In addition, it is expected that openingup deliberations to civil society actors will 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 in 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 folly and also 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 name, do not have any societal basis; they are expert organisations, run by experts and mainly targeting experts in their advocacy. They are *de facto* thinktanks, not membership organisations. Quite often, the influence of intergovernmental organisations are also felt here. IOs, and particularly the EU, are aggregating transnational civil society into platforms, alliances and caucuses, making outreach easier. This has led to Mahoney and Beckstrand (2011) concluding 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 Commission), document not only that the sheer amount of money is significant enough to alter 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 organizations 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 makes reconsideration of existing communities and collective practices in light of alternative interests and values. In the context of the regional bodies, Benhabib (1998:67) arguesthat deliberative democracy requires

> a framework of institutional and social conditions that both facilities 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) in which he views deliberative democracy as a process requiring justification, whereby the individual argues his/her interests in terms of values and manner that might not be accepted but would count as a good reason for 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 “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 participants involved. Also of great importance is what Stokes (1998) calls the need to ensure that decisions in deliberationsbe taken on the basis of argument which is commonly agreed as the best.

Elster (1985) speaks on the need to understand that there should be exercise of bounded rationality 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 need to promote that all decisions made are done 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 (2003:131) argues that deliberative rationality first acts to explain what stands for. It serves as a principle of justification for the European community 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. In order for this kind of deliberation to be more meaningful and valuable, there is 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 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 (2003) who views the process of practical argumentation as being at the heart of the 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 as- "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 provides not only elements of 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, the EU policy studies have been highly influential in the 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 Economic and Social Committee. 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 Shaw (2000) who states that there has been limited regard to sensitivity of different types of discourse or the articulation of different types of identity.

The EU has evolved to provide spaces enhancement of transparency in its deliberative processes. According to regulation 1049/2001/EC, the Commission makes available a public register not only for the documents drawn by them, but also the documents received by them. As a result, the parties that make their submission to the Commission are able to see other submissions and make comments on them.

The Commission paper broadens its consultation *modus operandi* by setting minimum standards for consultation. These standards require that there should be provision of all necessary information in any consultative process and that all respondents 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, i.e. 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, there should be acknowledgement of receipt of contributions and 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, involved in its implementation or bodies whose stated objectives give them a “direct interest” in the policy.

According to Chalmers (2003:157), 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.

On this one, his 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 will be a grave mistake to make an assumption that those who donot vote are universally and continually disinterested. It could be possible that they might indeed have political interests but could be seeing little benefits from taking direct participation in the processes. This is an important issue because attempts should be made to probe all the interested parties as Chalmers (2003) puts it, that notwithstanding this, greater deliberation in the European Union 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 intensive. 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 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 (2003) 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 have sufficient protection of their citizens against majoritarian bias and excessive intrusion.

2.4 Civil society and democratic governance in Africa

According to Mbaya (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. He sees success of the new African states as resting on restructuring of its political relations with civil society in order to restore creative potential of society. Among some of the useful ingredients for achievement of this, is 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 various strata involved. Mbaya (1995:78) argues that for Africa to achieve sustainable economic growth, it must embrace 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 looked at from mainly minimalist and liberal perspectives. He views the minimalist approaches to democracy as those which locate it to values and principles of political contestation as well as on 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 it as procedural or electoral democracy. At a second level, Matlosa 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 he sees it as going 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 conceive of the system in its socio economic characteristics and the concomitant social configuration of power.

While many African countries have achieved and embraced multi-party democracy, the extent to which they allow for active participation of the 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 deeprooted 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 interest of all. It brings about a new synthesis of the fundamental objectives of political, economic, environment 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 processes 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 means. Mutasa (2008) is of the view that growth of the state in Africa without a vibrant civil society is inimical to democracy and thwarts the possibility of responsible and accountable system of governance.

The importance of participation of citizens in decision making processes is not only limited 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. Mbaya (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 the social process of society, including the political and economic realms. It shows people participate either directly or indirectly to influence decisions that affect their life chances. The African Charter in 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 provisions of spaces for citizens' participation by important regional, continental and international agencies.

Materson, 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 the policy-making processes with the understanding that such an involvement will promote accountability that, in turn, will accelerate development.According to Afeikhena (2010:13):

> Governance has emerged as the key issue in development discourse and practise 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, Afeikhena (2010) further argues that while the term "governance" remains subject to debate as a multi-faceted and multi-dimensional concept, there is little challenge on what good governance is. In that regard, Afeikhena (2010) argues that good governance covers sustainable development, human security, political stability, high economic performance, and sustainable development as well as accelerated sub-regional and continental economic integration.

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

The recognition of the importance for participation is what led the then Organisation of African Unity (OAU), in their 1990 Arusha Conference, to adopt the African Charter on 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 fordemocracy in Africa". This Charter sets 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 with democracy, accountability, economic justice and development for transformation being entrenched.

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 Anyang Nyang'o (2002) who states that the Charter explicitly makes the imperative necessity of establishing a monitoring mechanism for civil society to institutionalise relations with the governmentin every country. This has the effect of assisting African systems with the restructuring of the relations between the State and society through the strengthening of 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, Matterson (2010) speaks of the complications of the engagement between the State and civil society because he sees the latter as more complicated than meets the eye. For example, he argues that in both the developed and under developed 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 a bit nebulous.

He 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 up, there is evidence that CSOs in African states have undergone a rapid and profound transition in their interaction and engagement with key policy-making actors such as government and other state institutions on policy-making and governance issues. This is more profoundly articulated in the ways the CSOs have moved to expand their engagement with interstate organisations like the African Union, the Pan African Parliament (PAP) and the African Peer Review Mechanism (APRM).

Regrettably, even with all the 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 (2002:2) 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 left the civil society movement with little recourse besides direct confrontation with state and in a number of instances, through violent protests which, unfortunately, met with state crackdown using the state apparatus to silence dissent.

This is more pronounced in some SADC states which have intensified attempts to dismantle and silence the voice of civil society and deliberately excluded them from any form of participation in the governance and policy-making processes. Tesome (2005:82) buttresses the view of exclusion of civil society in policy-making, arguing that

> In early years of independence, 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 gave literature that constitutes the building blocks for the theoretical and conceptual framework for thisresearch, It took a deep analysis ofexisting African literature on the state of civil society in Africa in particular and why it is important. It also narrowed its focus tothe Southern African region to ensure that it also brings tolight 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 on the key concepts that constitute the theoretical foundations of the research and how they meant to enhance 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. The theoretical framework is anchored on decision making theories. It presents key decision making theories and interrogates how each hypothesis functions in promotion of inclusive decision making in interstate organisations. It evolves through interrogation of three theories of democratic decision making and how they promote participative decision making.

The three are participatory democracy theory, deliberative democracy theory and representative democracy theory. Actually, representative, participatory and deliberative democracy relates to participation in decision making. However they vary in the extent to how far they allow for inclusive stakeholder participation.

This chapter invariably gives an in-depth analysis of the application of each of the three in the decision making processes of the SADC region and what that means for stakeholder participation. The theories help explain the democratic situation in SADC.The current policy making processes in SADC are based on representative democracy.The process operates on the basis of giving substantial policy making making power to elected representatives from member states.

Participatory democracy theory indicates how even in a representative democracy setup there could be some participation albeit in limited amounts. Deliberative democracy indicates how there could be improved democratic governance and infusion of democratic decision making mechanisms in the SADC region through provision of more space for active and meaningful participation of citizens in policy making.

3.2 Representative democracy

Proponents of representative democracy like 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 specific decision

(or their politically accountable representatives) should have the opportunity to vote and the side with the most commanding vote wins.

The 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 interest and as such whatever policy decision is taken reflects that diversity.

Heterogeneity could be even a bigger problem in the SADC because of its institutional construction as an interstate organ with bureaucratic decision making structures.A Fuentes-Rohwer (1996) 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 Staszweski (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 power and authority of government as derived from the mandate acquired from voters in an election. It is a very important tool of deriving a mandate because in voting particular 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 very powerful tool of legitimating actions of the 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 at 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 various governments to entrench their authority through denying others space for divergent views and in a way escaping from the - legitimacy of public accountability. Such a 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 thesis advocates a departure from an overreliance in representative democracy as the most suitable way of promoting public accountability by a government. It is a legitimate enquiry which acknowledges the positive aspects explained above about representative democracy, but 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.

While one of the founding fathers of American democracy, Abraham Lincoln (1789), saw representative democracy as 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, because, as classical elite theory will argue, there is always a group of people at the top of the social stratum and thus in charge. Hirst (1988) argues that in a representative democracy setup, 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 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 the judiciary is active in order for it to interpret laws. Simply put, the assumption is that the sovereign will of the people is held in trust by the Legislature and that it is faithfully and sincerely executed through the government and that in so doing, there would be no willful violations of basic liberties and infringement 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 as a whole and

that there would be protection and no violation of the rights which each citizen possesses as an individual. 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 citizens best interests because, they constitute parliament and thus would not make decisions whichwould harm themselves. The essence of making the executive answerable to Parliament is to ensure delegated authority is not abused and that it is exercised by the people through "their body", the 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 in reality it is Parliament that makes the laws and the government that makes policy, and not the people. Again in reality while representing the people, Parliament would not necessarily be the people. The assumption that citizens choose public officials on the basis of understanding is highly contested.In the process of voting it is difficult to really tell if voters are influenced by policy choices.In many instances they might be driven by the charisma of the candidates and - not pay attention to any specific policy promises or parties. Voters choose and identify with parties and party leaders and are usually ill informed on policy proposals. Simply put, in many instances voters don't understand where the representative democracy game would take them. As important as the election might be, successful candidates and therefore representatives of the people might not always be taken as representing the true will of the people.

The thinking that in a representative democracy setup there is impartiality and that policies developed can not infringe on the will of the people is debatable. While it is a generally acceptable assumption that what Parliament does is 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 and public pressure may actually help to make the process of policy formulation and execution more consistent and effective.

There is no dispute that in a representative democracy setup there are some levels of engagement between citizens and their elected official, but the ultimate power on decision making rests with elected government officials.

However, ina representative democracy setup political elites in control of the coercive instruments of State power have the ultimate say on what policy decisions could be put in play this is the case because, as nationally elected leaders it is assumed that the president and other government officials reflect the preferences of the majority electorate and are therefore politically accountable to the whole national constituency. However, in actual practise this is not the case because, representative democracy in most occasions seems to ignore the views of the minorities.

As a result of and because of its exclusive approaches, the representative democracy 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 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 Staszweski (2012) argues that representative democracy is a poor means to the wrong end from the standpoint of democracy. He states that even if there was a desire to have policy decisions reflect the pre-political preferences of people, relying on elected officials to control 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 their political model suggests that interstate agencies should be able to justify their policy decisions with a wide range or 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 certainly not the best form of democracy. Some of the criticism against representative democracy theory relates to its being merely a procedural theory with Gutmann and Thompson (2006) arguing that as a purely procedural theory, representative democracy places no substantive limits on permissible contents of the majority decisions and that there are no obligations to consider the interest or perspectives on 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 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 the 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 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 (2007) who argues that social choice theory has demonstrated in some circumstances that

majority rule may not resolve the choice among three or more mutually exclusive alternatives that are voted on.

Accordingly, the final outcome of a 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. In order to illustrate how majority rule is not always right Staszweski (2012:63) uses the illustration below:

> Imagine a situation where there is a group of five strangers riding a cabin of a passenger train. Three of the passengers smoke cigarettes and the question arise whether they should be allowed to engage in their habit while the other passengers are in the car. Under a system in which the majority rules, there is a good chance that the smoking will be allowed because the smokers outnumber the non-smokers three to two. This may or may not be a defensible solution, but imagine further that one of the two non-smokers has severe asthma, and that being exposed to second hand smoke in such close quarters will likely cause him to become seriously ill and perhaps even die. Imagine further that the second non-smoker noticed on an earlier trip to the restroom that there is a designated smoking cabin just a few cabins from where theirs is located. In a purely majoritarian system, where voting is conducted without deliberation and where citizens are expected to express their pre-political preferences, the majority may still vote to allow smoking in the cabin. I will contend, however that this decision would be procedurally and substantially illegitimate. If however, the parties engaged in reasoned deliberation on which course of action would promote the public good they would almost certainly adopt a different and better alternative which might even be memorised by a voter at the end of the discussion. Unlike the previous choice the decision would be fairly described as a collective one, and it would be procedurally and substantially valid. The later choice would therefore be more democratic even though it is not what a majority of the participants initially may have wanted.

Macedo (2010;16) further argues that “we should stop talking about majoritarism 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 further argues that representative democracy traits become a tyranny of the majority. Staszweski (2012) weighs in arguing that contrary to conventional wisdom, elected representatives are not politically accountable to voters for their specific policy decisions.

Knowledge of government decisions, establishment of preferences about their desirability as well as ability to identify who was responsible for particular policy

choices and be able to vote on the basis of that information at the next general election, should be possessed by an informed electorate. Yet in actual practise 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 purpose. As such, even in a deliberative democracy there could be voting.Staszweski (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 rights, in particular civil and political rights. According to Hidreth (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. According to Pateman (1970) the following identify the three key elements of participatory democracy. At the first level is a call and desire to see maximum participation of all citizens in self-governance across all sectors of society but including family, workplace, social life and government, being key among the sectors. At the second level is a claim that participatory approaches and the experience therefrom assists 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 the assumption that through

the expansion of democratic participation and the subsequent transformation of individuals, the participatory theorists advance the idea that this 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 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 Bayley and Smith (2007:197):

> 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 which is vital in the education of participants on 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 both in 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 process 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 Hampton (1987) who were always sympathetic to the

cause of participatory democracy have since accepted that its influence has subsided and they now speak of it in 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 and bad blood between participatory democracy theorists and deliberative democracy theorists, the latter view the former as having glaring shortcomings and therefore not very useful and relevant to the advancement of the cause of modern day democracy.

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 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 presents the following three reasons for his argument that the concept of participatory democracy is based on a mistaken and false notion that citizens always have the time, intelligence, resources, interest and desire to participate in public affairs.

Hildreth (2012) expresses the view that while community, participation and citizenship are all related, but fails to provide the umbilical link of the three. In that vein he views participatory democracy as failing to account for the complexity, size and scale of modern society, in particular the diversity of interests and views and how the accommodation of each differs all the time. Thus Dryzek (1992; 109) speaks of the need of acknowledging social complexity within various deliberative approaches calling for identification and expansion of multiple forums for deliberation instead of the participatory theorists' call for the total transformation of society. Instead 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 the actual decision making. Ryfe (2003) thus views deliberative democracy as the simplest way of opening the policy-making process to greater citizens' input. Further to this Ryfe (2003) argues that while deliberative democracy is difficult and fragile, it is not impossible to achieve.

It could be because deliberative democracy emphasises reaching consensus as important to the deliberation process. The ultimate 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 by 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 like Dryzek, Gutmann and Thompson and Young, among others, have challenged the deliberation type one and come up with deliberation type two 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 later emphasis is on democratic transformation of individuals and their institutions, the former emphasis is on the interaction of citizens with their institutions in a manner and way that stresses democratic justification and reason. Hidreth (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 with the involvement of more stakeholders and also allowing for making of decisions that are legitimate and accepted by all. Further to that, it allows for the development of decisions that are authentic and identify with 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 formation of a conscious active citizenry as an essential ingredient in the consolidation of the 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. Vitae (2006) argues that it creates new spheres of discussion and political deliberation that eliminates or at least reduces serious problems of legitimacy raised by representative institutions such as the distance between representatives and represented like the lack of transparency and publicity of accountability at 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.

Vita (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 Vitae (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 the deliberation process takes into cognisance and tries to provide answers to some of the questions asked by authors like Reykowski (2006):

- Whether ordinary people are 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 on what sometimes could be seen as questionable assumptions that the ability for a meaningful participation in deliberation is a common characteristic of citizens' advanced democracies. There is also a need to insulate deliberative democracy from the manipulative power of powerful government and business operatives. According to Stout (2010) there is a need to work against situations in which multinational companies utilise participatory practises 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 cooperations 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 early works of French philosopher Jean Jacques Rousseau who in his *Discourse of Inequality* in 1754, argued that the State should be directed by the general will towards the common good. He argues 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 argues was the need to safeguard popular sovereignty by not transferring it to representatives who would develop oligarchic special interests that do not promote development of the masses.

Talimon (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. Talimon (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 popular majority vote does not count as democratic until certain egalitarian prerequisites are satisfied runs from great philosophers like Rousseau, Aristotle, the Jacobins and Dewey

through to contemporary theorists such as Amy Gutmann, Dennis Thompson, Jürgen Habermas, John Dryzek and Iris Young.

Participation of citizens in policy making processes using the deliberative democracy framework has become an important tool in public discourse and settling of issues in the public policy arena. Deliberative democracy is viewed as a very useful tool in reaching decisions that gain the respect and acceptability by parties involved in the discourse. The recognition of deliberative democracy as a tool for reaching at constructive decisions has made it gain credibility and acceptance in many communities.

Vitale (2006) contends that deliberative democracy has assumed a central role in debates regarding important democratic practises 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 further acknowledgement of their important role in political deliberation and policy making. In answering the questions on 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 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 should occur in a broad public discussion in which all participants could 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 and will formation institutionalised within a constitutional framework.

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

The deliberative theory of democracy as presented by Habermas and applicable to the debate on participation of civil society in the SADC 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 the same arguing that students of deliberative democracy should not worry about sincerity or truthfulness, but rather on actual arguments and motives behind these arguments. To him, 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 by focussing 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 seen as universally inclusive tenets of democracy.

What is important about deliberative democracy is what Miller (1992) says is valuable because the process of discussion tends to produce sets of acceptable policy preferences.

Deliberative democracy places emphasis on citizens and their institutions to interact with each other in decision making. The deliberative ideal of democracy starts from the premise that political preferences will conflict and the purpose of democratic institutions should be to resolve the difference. 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 participation of civil society in SADC policy initiatives as it seeks to first answer the question of how SADC civil society could improve interface with the regional institution and also 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 deliberative democracy the pattern of opinion, the extent to which opinions on the issue correlate or fail to correlate with opinions on 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 it is clear that the original choice was multi-dimensional. His view builds on one by Dummet (1984) who earlier had argued that the important issue is about whether to please 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 revelation of 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 way 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.

He 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 procedural or constitutional democracy.

From a deliberative perspective a citizen offers reasons to support adoption of some law or policy acceptable to others who in turn, are motivated to find reasons for their preferred policies acceptable by others and they call this the theory of reciprocity.This argument is buttressed by Worley (2006:462) 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 places emphasis on 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 in order to justify laws and institutions to which citizens are subjected. In summary, decisions made through deliberative democracy are likely to bring changes that are more legitimate, fairer and more stable. This is what Falk (1988) argues is providing models, inspiration and guidance in essential work of world order redesign.

Ozanne and Saatciouglu (2009) speak of how the use of deliberative democracy as an effective way of improving decision makinghas changed form over the years.For instance as already explained before, beginning with Aristotle and continuing with John Stuart Mill, the forms of deliberative democracy models being advocated for were elitist.It was only a privileged group of educated citizens who were allowed to participate. Later scholars like John Dewey (1927) revolutionised the concept and came up with proposals that cautioned against dangers of selective deliberation and advocated that citizens' involvement be fostered. Dewy (1927) argues that the best social policy occurs when experts and citizens engage in the 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 could rise to the occasion there are social structural changes to improve methods of public discussion and also if there was public education in skills of democracy. The same view is shared by Sniderman (et al 1991 in Turner) who argues that there is evidence education increases the sophistication of political reasoning. This led to Turner (1996:201) making a conclusion 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 (1994:496) 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 there is a need to ensure that there are active teams that work on problem identification of issues in a progressive manner. Lewis (1994) thus 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 used 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 (1994): That, among other things, there should be identification of critical issues and problems that affect the community and an in depth research and study and deliberation of such issues, in a manner that provides identification of 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 just play complementary roles. Citizens' leagues do not replace existing governance structures, but instead provide an arena for citizens to address their concerns in 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 common quest.

This approach is of great assistance 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 actually works in practise 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 into consideration the importance of the political community is the requirement of a political decision that is couched in terms of public reason. It is what Chalmers (2003:187) 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 requirements of accountability and authorisation which speak to the idea that representation suggests finality that any self-governing political process must have mechanisms of authorisation and accountability. In that regard there is need for creation of governance models that allow for vesting of final authority in all processes in the political community which have the greatest collective ownership.This enables accountability, which Chalmers (2000) argues could only be achieved if there is judicial control of terms of the discourse, in particular that subjects of decision making should be able to challenge any decision

which does not allow perpetuation of interests that do not allow justifiable reasonable participation.

Vitale (2006:746) thus develops a further argument 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 inthe political process". The contemporary normative approaches to deliberation by Habermas that are already explained in the opening parts of Chapter Three are based on 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 could 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 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 more or less autonomous public spheres as well as through procedures of democratic opinion and will formation institutionalised within a constitutional framework.

Expanding on the Habermasian theories, Geenens (2007;19) speaks of different approaches to deliberative democracy models with Habermas not just offering 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 i.e. principles and ideas that citizens themselves consider the normative underpinnings of democratic practise. He further argues that the deliberative account of democracy is fundamentally incomplete mainly because of its failure to articulate clearly how to deal with dissent.

Its 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, reduction of democracy to strictlyan epistemic ideal at the expense of other equally important aspects of democratic legitimacy could easily lead to technocratic consequences. The above 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 only be compared to a construction site where many architects are simultaneously at work.

However, Chalmers (2003) firmly stands on 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 as highly strategic form of communication with Chalmers (2003) describing it as an autonomous forms that exercises systematic and reflective control over its environment. He thus views deliberative processes as invariably expressing a series of strategic issues which include evaluation regarding 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 be curtailing free speech, is actually enhancing constitutional parameters for 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 (2003) 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 institutional settings in which deliberation takes place and the types most suited to realisation of particular goals, and which types of knowledge are valuable to the attainment of specific goals. Chalmers (2000) further emphasises the importance of linking democratic processes to political institutions and how they relate with civic activism. Clarendon (1997:143) speaks of the importance of 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, according to Pettit (1997), is only achievable if there is emphasis on institution building as being 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 following 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 as suggested by

Brumfitt and Hall (1993) that through participation in political processes individuals move from being private citizens to self-oriented beings that are publicily minded moving 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 also assist to buttress the importance of participation of civil society in interstate organisation.Cosmopolitan democracy is a theory applies the application of 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 whose aim 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) suggested 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 noted the premises of democracy which include the following; democracy is an unfinished journey, an endless journey, every country has its own democracy based on its history and that it should be initiated internally within a state to work. 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) suggested three schools of thought that explain the possibility of cosmopolitan democracy which include 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 interest 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 non-enforceable 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 exit of Britain from the European Union as their own interests were now

threatened. Inclusiveness has been an issue at the top of the agenda at the United Nations as smaller powers have lately been arguing that the institution is not democratic in structure as only five big powers are the permanent members with the veto power yet the Institution has grown since 1945 in terms of membership. Thus this thwarts citizen participation as their Heads of State and Government are powerless in these institutions whom they would have voted for through representative democracy. However some scholars have criticised this view saying that it overlooks the need of states for mutual cooperation. Chingono and Nakana (2008) argue that countries have to belong to a regional group in order to increase their clout and ensure security. They go further to say that 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 inter-dependence and development.

Communitarians argue that democracy would be easily applicable to relatively homogenous communities.The concept of cosmopolitan democracy may also assist 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 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 consideration should also be given to how different individuals are affected by a given decision. It is also important to understand that along with its internal dimension, a state is also characterised by being a member of the international community.

As such, decision making processes, in particular citizens participation become of serious importance, given the realisation that processes within inter governmental organisations are often characterised by absenteeism of civil society thereby reducing the democratic representivity of these fora,diminishing their contribution and impact to that of a 'toy telephone', and limiting their role to that of a purely

decorative function. Archibugi (2004) further argues that with the exception of the EU there is substantial evidence suggesting that lack of active regional parliaments have hindered participation of citizens in interstate organisations. This could be the situation with the case of the SADC which still has no regional parliament.

Most importantly, the closest it has is the SADC Parliamentary Forum which is just an advisory forum and not a legislative parliament. The importance of regional institutions is that issues that slip through at the state level can be dealt with at 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 keeping peaceful relations with 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 tenants of deliberative democracy as they all relate to enhanced participation of citizens in decision making.

3.6 Conclusion

Chapter Three, has outlined three decision making theories and models that inform the current setup of the SADC region and how there could be improvements by using a new approach. The current approach as characterised by participatory democracy and representative democracy is viewed as limitative of stakeholder participation in decision making processes of interstate organisations like the SADC. In that regard and desirous to strengthen and enhance participation of stakeholders in decision making processes of the SADC, this thesis is a proposal to test the deliberative democracy framework.

Chapter 4: The 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.These 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 the SADC. It also focuses on the obligation of public officials in inter state organisations to engage in reasoned deliberation on which courses of action would promote 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 process that considers all relevant interests and perspectives at the same time conforming to specific relevant arguments.

While government representatives to interstate organisations should be given credit for justifying their policy decisions with political reasons given their power 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 Staszewsk (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 a particular 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 preferences of elected officials who are politically accountable to voters, the agency 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.

Problems with representative democracy theory are that it is based on winner-grab-all concept. It does not help the SADC commitment to inclusive policy-making. Brown (1998) argues that the representative democracy or political control model is based upon the majoritarian or pluralistic conception of democracy, which reflects a belief in hegemony of popular control of governmental decisions. Gutmann and Thompson joins the argument describing the representative democracy model as one that exemplifies an aggregative view of democracy whereby the primary role of the government is merely to ascertain and implement 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 be residing only in the elected political elites creates a perception, whether right or wrong that the 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 the 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 (2009), 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 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 of promotion of equality of voices and how to deal with minority views in participation. And this research contends that a deliberative democracy theory

approach provides a more effective means to a more attractive end from the standpoint of democracy.

Deliberative democracy provides for greater legitimacy based on theories that seek to eliminate arbitrary governmental action and reach the best decision on merit in light of available information and fundamental differences of opinion.

In his selection of the deliberative democracy conceptual framework, the researcher is not dismissing the argument that there is engagement in the representative democracy setup.Arguments above 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 the SADC decision making processes and identifies 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 has 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 that 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 diversity of views in decision making.Helen (2012) argues that deliberative democracy places emphasis on democracy as government by discussion and specifically rational deliberation by a process of reason giving citizens chances to speak about matters of the 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 the democratic theory and concrete policy practices.

4.3 The tenets of deliberative policy decision making

The deliberative democracy conceptual framework is based on four tenets of equality, reciprocity, communication and accountability**.** All four are important components capable of enhancing inclusive decision making in the SADC policy making processes. Gutmann and Thompson (2004) argue that deliberative democracy asks citizens and their representatives to give 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, but 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 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 on all citizens but open to challenge in future

The four major tenets of deliberative democracy which also form the cornerstone of the research on the democratisation of the SADC focus on the following:

4.3.1 Communication and Publicity

The reasons given in this deliberation process should be accessible to all citizens addressed. This means deliberation should be in a public place not private homes, and the content and procedural issues should also 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 *et al* (1999) who argue that the horizontal mechanisms of the State arecomplimented by additional mechanisms of vertical accountability, such as publicity in a strong media.

Diamond's 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 enforcing checks and balances against the abuse of power. She expands the argument further by expressing what, she says, requires that they play a “heroic” role, 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 would help 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 communication lines between the stakeholders and their elected representatives has a greater chance of enhancing collective decision making than an approach which is only exclusive to elected representatives. These arguments are advanced by Ogbondah (1994) who is of the view that the ability of open communication lines that allow for investigation and unearthing of embezzlement within the ruling bourgeois class is an important element in stemming down corruption which has been identified as one of the reasons for failure of communication for development programmes in Africa. This led Pratt (1993) to argue that pervasive corruption, mismanagement and spoliation by African leadership is 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 to 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 well-being of the generality 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 African region. This could be done through exposing the corruption, graft, ineptitude, bribery, mismanagement and the outright embezzlement of resources meant for national development by those trusted with conduct of public affairs.

This argument is further developed by Voltmer (2006) who is of the view that a viable democracy requires more than the implementation of key institutions of the government, but rather, 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 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 for playing a key role in promoting accountability and inclusive politics.

Regrettably the media and the communication systems of the SADC and its subsidiary organisations continue to be criticised for remaining too close to political power holders to be able to act as effective watch-dogs; political reporting is regarded as too opinionated to provide balanced gate-keeping; while commercial pressures on news coverage often encourage an over-emphasis 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 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, the two-way flow of information is the central conduit connecting citizens and the State. Without transparency about the performance of the government and 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 and elected officials and parties cannot be held to account - Norris and 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.

They argue that a pluralistic communications system functions where the news media are independent from State control, official censorship, and legal restrictions, reflecting diverse perspectives, social sectors, interests, and political persuasions. It should guarantee constitutionally or legally guaranteed civil liberties and political rights exist, especially the fundamental freedom of expression, opinion, information, and assembly, as well as open and transparent governance. Further to that it should enhance rich and robust participation of civil society functioning within multiple organisations and diverse associations 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 watch-dogs, agenda-setters, and gatekeepers. Odugbemi and Norris (2008) argue that as watch-dogs*,* the news media have a responsibility to help guard the public interest, ensuring accountability of powerful decision-makers by highlighting cases of malfeasance, misadministration and corruption, 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.

They 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 to inform the international community about development challenges. Further to that they argue that as ‘gate-keepers’, 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 obligations to help maintain a constitutional democracy in close contact with citizens. The media should use its power and freedom in defence of judicial independence and the Constitution by playing the role of watchdogs, agenda-setters and gatekeepers. The two further argue that this role is vital for the reform agenda for 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 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 mass media provide, the foundation of democratic rule is undermined. Curran (1996) has distinguished 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 in an equitable way conflict and competition between social groups in society. Weaver (1977) distinguishes three components of press freedom: Relative absence of government restraints on the media, the relative absence of nongovernmental restraints, and the existence of conditions to insure the dissemination of diverse ideas and opinions to large audiences and information freedom.

Within the classical liberal perspective, according to Curran (1996) 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 a civic forum, a mobilising agent, and a watchdog. Based on this he 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 are Fog (2004), who argues by supplying the political information that voters base their decisions on. He contends that the media identify problems in society and serve as a medium for deliberation. There are 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 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 is closely linked to the political system and the public sphere; it plays a dual role of representing and forming political opinion. Inevitably, 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, forms a fundamental inter-connective 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 such 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, there are observations that this concept has been manifested in the idea that media plurality, i.e., multiple media outlets, is a primary element of 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 very 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 in order 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 the political process by comparing them to other views and opinions.

The preceding views lead to arguments by Dahl (2005:191) stating 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 (1989:112) 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 the watchdog role in ensuring that the government is held accountable for all its actions. It is argued the government cannot be held accountable if citizens are ill-informed about actions of officials and institutions. This role, therefore, requires the media to act as a guardian 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 abuses of those in power. Additionally, the media must ensure that the government and politicians do not abuse the office power granted to them or exceed their mandates.Curran (2000) posits that the watchdog role overrides all the other important functions of the media and, despite various criticisms, the watchdog role is still considered in most of the literature as an important role for media in any democracy.

Contemporary democratic theory appreciates the media's role in ensuring 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 are widely accepted. Coronel (2003) argues that governments cannot be held accountable if citizens are ill informed about 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 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.

He is of the view that a free press, the practice of democracy and political opposition act as an early warning system by bringing out information which could positively contribute to famine prevention. Sen (1994) argues that historically famines have been associated with one party State such as in North Korea in the past few

decades or with military dictatorships such as in Ethiopia, or colonial arrangements such as in pre-independence India and Ireland.

It is present researcher's conclusion – in conjunction with Sanjukta's (2012) argument - that an independent media sector acts as an anchor for many facets of a society and supports its fundamental workings – 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 (citizens) – agent (people) problems through the free flow of information, by improving public policy implementation. In the context of the SADC community and its relations with stakeholders for improved stakeholders' 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 at producing a decision that is binding for some period and as such, participants should take the process serious and not just an academic discussion. The nature of deliberation should be such that it produces results that could influence how the government makes public policy decisions that respond to citizenry needs as well as hopes and aspirations and thus be accountable to them. According to (Stapenhurst and O'Brien - 2005), accountability ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet stated objectives and respond to the needs of communities 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 could 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 the actor being obliged to inform the forum about his conduct. The second one is that there should be an opportunity for the forum to debate with the state about his conduct as well as an opportunity for the actor to explain and justify his conduct in the course of the debate and 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. He stresses a number of defining features; the first 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 and lastly it implies some rights of authority. Karen Sirker (2006) on the other hand, refers accountability to the obligation of power holders to account for or take responsibility for their actions in both conduct and performance. But to Paul (1992), accountability means holding individuals and organisations responsible for performance measured as objectively as possible.

Bovens (2007) expands his views on accountability describing it as a broad concept embracing a myriad of values such as responsibility, equity, efficiency, democracy, integrity, responsiveness and transparency, all of which are considered important values in modern day social 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 particular publics. Government officials and bureaucrats, notes Malena, Forster and Singh (2004), are accountable for their

conduct and performance. This include being held accountable to obey the law and not abuse their powers, and serve 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, responsiveness - that are each ideographs and umbrella concepts themselves. However, this approach, which creates broad assumptions of accountability concepts, creates problems with Boven (2005) arguing that such very broad conceptualisations of the concept 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 not constitutive of accountability, others, such as responsiveness, are more evaluative instead of analytical dimensions.

A more realistic approach is one presented by Stapenhurst and O'Brien (2005) who provides two distinct stages for the concept of accountability - namely answerability and enforcement**.** He argues that answerability to the obligation of the government, its agencies and 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 of these 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-making processes and decision making

4.3.2.1 Types of Accountability

There are various types of accountability ranging from 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 on the other hand, 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 through either 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 - stemming out of 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 in 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 at heart.

Elections are considered 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. Strom (2000) places emphasis on 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 the majority of their authorities to a cabinet of ministers.

Ministers subsequently delegate many of their authorities to civil servants or to various, more or less independent, administrative bodies - Boven (2005). According to Lindberg (2009), - when decision making power is transferred from a principal (e.g. the citizens) to an agent (e.g. government), there must be a mechanism in place for holding the agent to account for 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. This is what Malena, Forster & Singh (2004) point out that as growing body of evidence shows that 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 improve governance, improved public service delivery and enhanced development effectiveness.

Desai (2009), is of the view that social accountability is the responsibility of public officials to justify their conduct and performance to citizens using accountability mechanisms. It is also the responsibility of citizens to extract accountability from public officials. Figure 4, indicates how Boyens (2005), links the concept of accountability to rights and duty bearers.

Figure 3: Accountability, rights and duty



Source: Boyens, Mark (2005)

4.3.2.2 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 and 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 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 a number of key concepts and agendas to social accountability mechanisms arguing 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 *et al,*2004), link social accountability to governance, empowerment and development effectiveness.

Figure 4: Social accountability



Source: Boyens, Mark (2005)

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

In many cases, citizens, communities and CSOs do not merely participate in social accountability activities, but 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 it is not always true that democratisation is equal to accountability, and that accountability is in turn equal to good governance. He cites the case of the situation is sub-Saharan African after decades of the restoration of multi-partysm. Evidence on the ground indicates that widespread abuse of public office by public officials is still largely the norm. Schedler *et al.* (1999), speak 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 such as 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 (2004), Goetz and Gaventa, (2001). It is important therefore to understand that these are important tenets that could enhance the participation of the quality of decision making processes at the SADC level by involvement of different stakeholders.

4.3.3 Equality of voice

The deliberative democracy framework speaks of a need to respect diversity or treat equally all views presented. It envisages that the process should be dynamic and should allow for 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 pre-suppose the decision at hand will in fact, be justified, let alone that the justification today will suffice for 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 same level and 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 at providing appropriate 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 over decisions with which they are expected to comply and made in their name. Most importantly it is framed in a manner that ensures members can legitimately make demands on highest level of systems 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 outcomes of elections and decision making. It should, however, be noted that equality of voice is not the requirement on authoritative systems of collective decision making. Decisions should be 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 concludes that the conception of equal opportunities for all is relevant in the decision making processes because it is not the voice of the majority that is always correct, but the majority could be wrong - that is what is important to rationalise and reach decision on the bases of inclusion and respect of all the views that have been presented.

According to Karpowitz (2009), the struggle to balance voices of lay citizens and voices of experts and elites has always been a feature of deliberative democracy. Deliberation fulfils its special claims to democratic legitimacy when it focuses participants on decision making based on how well they justify their views to one another rather than participants' authority, status, numbers muscle or money. The resultant decisions from a process of deliberation are fair and more legitimate than those arbitrary decisions. These decisions are most likely to be also wiser because they allow a broad range of perspectives and information to be pooled together. In making decisions during the deliberative process on important things is dealing with minority views. 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 everyone got a fair hearing.

Karpowitz(2009:579), argues 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.

According to Michel *et al* (2004), the respect of minority views helps in broadening the range of voices and views in the wider public sphere.

4.3.4 Reciprocity

Reciprocity emphasises that the deliberation should allow for mutually respected decision making. Each part that is engaged in the deliberative process should be guided by the spirit of reciprocity and be ready and willing to engage and share openly its views in a manner and way that allows for 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 taken. Deliberative democracy takes reciprocity more seriously than do any other theories and makes it the core of its democratic principles. Guttmann and Thompson (2004), are of the view that the principle of reciprocity implies the capacity to make critical judgments is a prerequisite for making reciprocal claims and 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.

It is a process of seeking not just any other reason but mutually justifiable reasons and reaching mutually binding decisions on the basis of those reasons. In that 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 for citizens to show respect to one another by recognising their obligations to justify one another in terms that permit reasonable disagreements, laws and polices 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 laws and policies they adopt. The underlying emphasis is a desire to justify policies to people who would be bound by them. In that regard reciprocity sets standards or criteria for assessing decision making on the strength of justification that decision makers should give or should consist of reasons that are accessible, moral, respectful and revisable.

Invariably, reciprocity requires reasons that can be justified to all in parties who are motivated to find fair terms and social cooperation. It further allows for the principle

of accommodation based on mutual respect and thus encouraging cooperation on fair terms. It also requires more than simply agreeing to disagree, but encourages that each side 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 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 in other places have these policies on the lower list of their political preferences.

4.4Application of the deliberative democracy conceptual framework

The present 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 democratisation of the institution. Gutmann and Thompson (1996), sees it as an essential component promotion of collective decision making which produces legitimate and acceptable decisions at the same time encouraging public spirited perspectives on public issues. Further to that, it could enable the SADC to promote mutually respected decision making processes which allow it to correct its mistakes on governance policy-making or any related issues in a manner that improves its democracy credentials and collectively in decision making.

The present research makes an assumption that the application of deliberative democracy under SADC 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 a majority of citizens or the strength of competing interest and pressure.

This means that participants in the policy-making process should engage in a procedure of deliberation and that debate where they exchange information, arguments and ideas about the best course of action under the circumstances should be held seriously. 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 the SADC especially given that some member states there could be having poor relations between citizens and the government.

Gutmann and Thompson (1996), see deliberative democracy as positive in that regards and states that participation is a good phenomenon and thus participants should be open minded and willing to revise their pre-existing views and preferences based on new information and arguments and that 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 should not be persuaded by their naked personal preferences (this is what I want) or by self-interest arguments (this is good for me). At the same time there is an expectation that both public officials and citizens provide reasoned explanations for their positions that could reasonably be accepted by free and equal citizens with fundamentally competing perspectives and to explain how 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 general public and justifications that official offers for decisions should be publicly accessible (information).

Such contentions are viewed as a need for openness and transparency as providing citizens and other public officials with an opportunity to discuss, evaluate and criticise specific decisions.

For instance, Stasweski (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 focussing more on procedural issues while deliberative democracy theories are concerned with both procedural and substantive and thus strengthening validity policy choices.Fearon (2012) sees deliberative democratic theories as having several major advantages over

majoritarian or pluralistic conceptions of democratic governance. He argues that the policy decisions that are adopted pursuant to the requirements of deliberative democratic theory are likely to be better than policy decisions that deviate from (or are considered exempt from) these standards.The way the process is designed is such that it eliminates individualism and places emphasis on the collective. Elster (1998) speaks of the deliberative democracy process as capable of eliminating self-interest and limiting self-interested proposals. At the same time Manin (1987), sees one of the biggest strengths of the deliberative democracy theories as its ability to help participants to ascertain their own preferences on the best course of action under the circumstances.

With application of the deliberative democracy model at SADC policy-making process there is a strong possibility of inclusive democratic decision making which could be the basis of accelerated regional development. Staszweski (2012:88), observes:

> 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 could be no single answer. Gutmann and Thompson (1996), quash this accusation arguing that securing this benefit does not require a single correct answer to the controversial policy questions, but it does depend 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 those 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 resolution to specific policy issues.

The research assumes that if the SADC policy formulation processes are based on deliberative democracy they are likely to assist building consensus on particular solutions. Further to that it assumes that even where such consensus is not reached elected officials would most likely have good reasons for choosing their courses of action over available alternatives to make legitimate policy decisions. Manin (1987), stresses this point with an assertion deliberative democracy theories require that a decision making process adequately considers the interests and perspective of minorities, and Cohen(1989), buttressed this arguing that the deliberative democracy process is most likely to bring substantive outcomes that could be the object of a free and reasoned agreement of equals, the resulting policy decisions could be understood as collective choices that are presumably legitimate from the standpoint of minorities. Contributing to the same debate Stasweski (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 monitoring of the policy process 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 enjoy their election into power on the basis of demand of certain policy programmes and their ability to convince the electorate that they have the capacity to deliver. When they fail to deliver, the assumption is that like in a free economy, voters would vote them out in the next elections and choose a new set of leader likely to represent them better by delivering on their policy promises.

Eskridgen (2000) argues 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 specific policy matters. In a representative democracy any attempt to try to enforce the elected officials to implement their promises becomes a daunting task. On the other hand, in the deliberative democracy setup there is room for competing arguments and acceptance of diversity.

Stasweski (2012) speaks of deliberative democracy theories depending 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 potentially seek political and legal reform. He further argues that the deliberative democracy theories allow for openness - a prerequisite for successful policy-making. He indicates that this system could work only if the policy-making process is accessible and transparent, public officials

providing reasoned explanations for their policy decisions and on a consistent basis and the deliberative process meaningfully engaging a large range of viewpoints.

The deliberative democracy process also has mechanisms to self-correct. 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 Stasweski (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 what critics of deliberative theory say; the theory emphasises that voting is essential to theories of democratic governance to mark closure of an episode of reasoned debate and minimise any remaining disagreements after each participant has expressed their views on the merits of the relevant proposals and ultimately resulting in political action with potentially significant consequences.

Thus, it should be more accurately understood as a give and take public argument aimed at making an action guiding decision 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 whose design is to use discussions to arrive at decisions?

4.5 Managing majoritarianism

While deliberative democratic theories do not necessarily believe that majority rule is required by democracy, they do recognise that abiding by results of a majority would be 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 views a majority vote or deference to public opinion as a closure device. Staszweski (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 policy dispute in order to assess the justifiability of both means of reaching a resolution and the resolution itself such that at the end of it all the deliberative democracy theory has no problem with what the majority decides as long as it is after an exhaustive process of deliberation.

Deliberative democracy does embrace results of majoritarianism if they came after exhaustive deliberation that failed to reach consensus and it had to come as a closure mechanism. Stack (2009) argues that deliberative democratic theory maintains that 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 be in violation of any fundamental rights or liberties as determined by 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 must be justified by arguments and evidence presented and supported by a reasoned explanation.

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

The primary benefits of providing more space for deliberation in the SADC is that it will bring increased transparency of the administrative process and the potential to improve the alignment between the organisation, member states and decision

making and public opinion or the philosophy and priorities of the existing political leadership without sacrificing the quality or legitimacy of the 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 just like all theories has its critics. For instance Olson (2011) argues that while one of the most widely advertised advantages of deliberative democracy is its ability to accommodate the diversity of democratic citizens and also that it renegotiates preferences and values through shared modes of political argumentation and can thus span 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 about howthe assessment of citizens' capabilities could be used as a critical leverage against existing democracy, highlighting ways that people and polities fall short when compared with more ideally considered 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 useful in improving existing democracy.

The deliberative democracy theory has also been seen as limited by placing emphasis on the issue of equality, but some critics have identified this as its own weakness because of 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.

The accusations of its inability to take into cognisance the effects of class differences and how they affect the abilities of citizens to engage in deliberative democracy has led to a view that it is perpetuating power difference and inequality rather than thematising them as topics of common concern. Compounded with that is the accusation of failure of deliberative democracy to stipulate principle issues of equality and inclusion that would condemn social differentiation which have given a field day to its critics as it is seen as looking 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 practise. Rather it emphasises politics while leaving normativity up to the people actually involved. He views deliberative democracy as having glaring shortcoming 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 elected representatives that affects the policy-making processes.

The extent to which it promotes equality of voice and inclusion of all people in deliberation without taking into consideration the different social strata they come from and how it affects their ability to engage is seen as another key weakness of deliberative democracy. 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 particular 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),who argues that deliberative democracy fails on three accounts starting with what she calls its exclusive nature that 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 with Young (2000) who see the major problem as being how to deal with procedure.She views the problem as not 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 focussing on the need for the agreement to give policies legitimacy yet they do not theorise these conditions for achieving such legitimacy. Part of the shortcoming has to do with whether institutions themselves just allow for internal transformation and most importantly the deliberative structures. Young (2000) contends policies often fail to make a meaningful justification and fail to account on how to deal with structures of deliberation which are inherent within conditions of deliberation process.

4.7 Conclusion

Chapter Four has looked at foundations of deliberative democracy and citizens' main actors in policy-making processes. It covered the State and civil society in policy-making in Africa. Further to that it 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 in interstate organs like the SADC. This is a huge gap especially on how civil society players could collaborate well with national governments to make meaningful contributions to the policy-making processes of interstate organs like the 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. My conclusion is that there is a gap that should be filled to enhance people-centred policy making within inter state organisations. The institutionalisation of deliberative democracy in solid organisations is important given citizens have to a greater extent lost faith in decisions that are made within the context of institutions that have little room for citizen involvement.

Most importantly this work is projected to add new dimensions of literature on what is evidently growth in citizens' loss of faith in institutions, processes and actors associated with conventional representative democracy. The use of the deliberative democracy approach would provide 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 the studies of deliberative democracy whose focus is on micro-political community level. This inevitably has created a huge literature gap 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 and whether there is a need for existing patterns of the model of democracy.

Fishkin and Dryzek further argue that the trend until recently has been to primarily focus on local and community politics and in the process disregarding development and trends at a national level and beyond. Russel (1992), reinforces this argument

arguing that 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 (i.e. those concerning the nature of a polity’s constitution and the distribution of powers) all the more relevant within 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 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 thus comes in handy at a very opportune time to provide new literature on how deliberative democracy could be used in promotion of relations and common approaches to policy-making at nterstate organs like the SADC.

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

Chapter 5: Methodology

5.1 Introduction

Chapter Five outlines and discusses the methodology that was used in conducting the research on civil society participation in the 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. 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 secretary, senior government officials whose duties required 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, four government officials from the ministries of Foreign Affairs of Zimbabwe, Zambia, South Africa and Malawi and twenty six respondents from different civil society organisations from various countries that are part of SADC. Interviews were conducted from a total of twelve 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 these countries was interviewed. The organisations interviewed represented 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 numbers of respondents were thirty four representing a healthy mix of different stakeholders who were clearly able to give a holistic picture of the study. All these respondents were high quality informants with a wide and deep understanding of the SADC as an interstate organisation, civil society

in the region and the operations of governments in relationship to issues at hand. The choice of conducting research in twelve out of fifteen SADC countries assisted in giving comprehensive picture on the situation at hand as it represented 75% of member States and thus a very good sample. The research took note of the unique language differences of the SADC member states and covered the Francophone, Anglophone and Lusophone countries.

The research sourced data from secondary sources in order to complement the primary research data which was sourced from document analysis. Documents that were analysed included records of minutes of the SADC Summit of Heads of states and governments, minutes of the SADC council of ministers, SADC communiqués, SADC policy documents, civil society policy drafts, SADC protocols, civil society organisations press releases - the 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 - in particular on the activities of civil society - was sourced from the SADC CNGO offices in Botswana as well as their website. Other material, particularly on the activities of civil society at country level, was acquired from offices and interaction with different civil society organisations at country level

The sources of data for the research covered all spaces adequately as required to ensure credibility and validity of the research. Using such a huge pool of stakeholders who play different roles in the whole institutional settings of SADC and civil society together with complementary documents certainly gives credible and comprehensive truth about the whole issue under scrutiny.

5.2 Reasons for the qualitative approach

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

Burns and Grove (2009) argue that qualitative research is a systematic, subjective approach to describe life experiences and give 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. The research sought to undertake an in-depth investigation in the participation of the civil society in the SADC policy formulation. Further to that it sought to unravel the nature of bureaucratic relations between the SADC as an interstate organ and organised civil society in processes of policy formulation and how there could be enhancement of inclusive and participative decision making. The research further sought to make a determination of whether the SADC is true to its commitment in its founding statutes that it is an organisation that would include its citizens in governance.

The research thus makes a determination on whether there are spaces provided by the SADC for civil society players to meaningfully participate in decision making processes. It further attempts to make a determination on whether there is participation of civil society and if the participation is meaningful or just ceremonial. In the end it sought to make a determination on the organisational construction of the SADC in as far as it relates to institutional and statutory provisions for stakeholder participation in decision making processes. It makes an enquiry into the state of functionality of the said institutions and why they are limitative of the participation of stakeholders in decision making processes of the SADC despite a firm commitment by the organisation in Article 23 of its founding treaty-which states that there should be participation of citizens)

It seeks to establish the nature of the relations between the 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 means and ways of how society has increased interaction between inter-state organs and civil society which could assist in inclusive decision making which could promote sustainable development that ensures improvements in the livelihoods of the citizenry.

In order to achieve the above the research made use of inductive reasoning and analysis whose results could be best and easily uncovered through use of qualitative research as compared to quantitative research. The quantitative research

methodology mainly concerns itself with hard core scientific facts while qualitative research gets deeper to have an intimate meaning to 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 deeper understanding of the phenomena. In the context of the study on civil society participation in the SADC policy, this study sought to dig deeper and find out untold issues regarding policy processes of the regional body especially with regards the topical issues of stakeholder participation in the SADC decision making processes.

5.3 Tenets of the qualitative enquiry

According to Fossey, Harvey, McDermott and Davidson (2002) qualitative research has its origins within the diverse disciplines including anthropology, sociology and psychology and in all instances they are concerned with interpretation of subjective meaning, description of social context and 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 dig deep into an issue at hand, Nutall, Shakka, and Beverland (2011) describe it as a deeper, often contextual, emotional understanding of people's motivations and desires and assumes that people do not always act in accordance with 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 the SADC as an institution regarding issues of inclusive decision making. The other key tenet of qualitative research that assisted to inform this study is its ability to dig deeper into an understanding of human relations and how they interact with their institutions - in this case how citizens interact with the SADC as an institution and how the organisation in turn allows for inclusivity in its decision making processes.

In that regards and utilising these key tenets of qualitative research this research uncovered the policy decision making processes of the SADC especially how its construction as an interstate organisation affects its ability to enable sound stakeholder participation in decision making processes. Over and above it utilised the tenets of a qualitative enquiry to test how application of alternative forms of

democracy based on deliberation could improve working relations of the SADC and allow for inclusive policy-making.

The above is consistent with arguments by Horowitz and Child (2012) who state that qualitative methods, carefully and sensitively applied, help understand beliefs and behaviours within a particular community. This argument is enhanced by Yachar, South, Williams, Allen and Wilson (2009) who are of the view that this is an interpretative understanding of the designs of society that provide interpretive and negotiated accounts of society's transformation based on participants' involvement.

This approach helps in the understanding of society from what Bonder (2012) calls, "design lenses" which is important as it assists to interrogate critical variations of how individuals relate to their institutions in society. This is a key focus of this study that sought to unravel the intricacies of the relations of the SADC as a regional body and the civil society, especially how its accountability could be improved through inclusive policy formulation processes.

The choice of qualitative research was informed by a logic that is popularised by Frankel and Devers (2000) who are of the strong view that in most cases inductive and qualitative research often consists of describing 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 that 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, examines social reality processes and cases in the 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 natural setting.

This framework by Neuman (2011) has been important for this study in that it suited the research purposes of finding ways of improving participation of civil society in the decision making processes of the SADC. The framework is important as it assists in determining whether reasons for participation or lack of it 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 in order to have a wider understanding of the social world. Creswell (2009) in earlier works argued that in qualitative research the intent is to explore the complex set of factors surrounding the central phenomenon and present the varied perspectives or meanings that participants hold.

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

It is thus in the interest of the qualitative researcher to have a wider understanding and derive meaning from interpretations of these at a particular time and context and how it influences events in society. This conforms to the framework by Peshkin (1988) who argues that because in many instances qualitative researchers undertake study because of lack of theory, or an existing theory has failed to adequately explain a phenomena, they use inductive reasoning where they gather data and build concepts or theories rather than deductive reasoning where they derive postulates or hypothesis 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 the SADC in so far as they relate to inclusivity and participation of different stakeholders. In that regard and consistent with the said desire, the results of the research are well described in

words, 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.

The above is usually referred to as *thick* description in which quotes and excerpts are necessary tools for use in enhancing the descriptive nature of qualitative research. In that way this qualitative research addresses what Styner, Lambert, Smith and Sledge (2002) call questions concerned with developing and understanding of meaning and experience dimensions of human lives and social words. They further 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, McDermott and Davidson (2002) that participants' perspective be authentically represented in the research process and that interpretation made from information gathered from the different civil society, the government and SADC secretariat respondents passes the test of authenticity.

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

This was achieved through 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 twenty four apex national civil society organisations from twelve selected SADC countries as well as four representatives from selected government officials of members from five member states.

5.4 Case study analysis

This research uses SADC as an institution to interrogate its decision making processes, in particular how it allows for stakeholder participation. The SADC is constructed as an international organisation and decision making is limited to elected representatives of each member State. The assumption is that by virtue of being elected, representatives have an unquestionable mandate to make decisions on behalf of their citizens even without consulting them. However, the same institutions make commitments in its statutes for allowing 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 that regard and in an attempt to understand its decision making processes, the research treats the institution as a case study and uses the deliberative democracy framework as measure of how there could enhance stakeholder participation in the decision making processes of the organisation. The focus is the SADC as an interstate organisation, in particular how it relates SADC CNGO as an apex body of civil society organisation and some selected country umbrella body that feeds into its operations. In that regard the research falls within the confines of a case study.

As a result 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 the SADC and 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 intentions and approaches of this research.

It may, however, be important to start with a historical approach of the case study approaches - in particular how they relate to the qualitative methodology. Qualitative case studies can be traced to sociologist Robert Part at the University of Chicago (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 Cecil (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, she further argues, there is a clinical examination of the interplay of all variables in order to provide a complete understanding of an event in what is usually referred to as a thick description of the entity being evaluated, circumstances of the people and the nature of the community. According to Feagin, Orum and Sjoberg (1991), the case study is the most ideal methodology when a holistic in-depth investigation is needed.

Yin (1993), identified case studies as explanatory, descriptive and Tellis (1997), is of the view that case study research is not sampling research. It is a research that maximises what could be learned in the period of time available.

Case studies are important approaches because of their ability probe deeper and have a thoroughly informed understanding of the case at hand. Case studies are effective informants to the formulation and implementation of public policy.

This case study explains issues explicitly by outlining research practise based on notions of purpose, place, process and product. This approach dovetails with Tellis (1997) ‘s argument that case studies are a multi perspective analysis meaning that the researcher considers not just the voice and perspective of actors, but also the relevant groups of actors and the interaction between them. He argues that they actually give a voice to the voiceless and powerless. This is exactly the interest of this research, to make a determination of how the voice of the SADC citizens through civil society could be further included in the decision making processes in policy formulation.

On the other hand, the research also applies Stake’s (1995) proposals that case study approach should be more intuitive approach, empirically grounded and not based on generalisations.

At the same time the research paid maximum attention to what Yin (1989) 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 relation between the SADC and civil society the case study approach will help contextualise 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 setup in the SADC as it relates with civil society and how it affects its decision making processes. Further to that it comes up with a contextual; description of how the situation could be enhanced through application of deliberative democracy and how this new approach could improve the interstate organisation accountability through improved decision making processes in the SADC.

The research actually dovetails with what Stake (1998) describes as the potential to be a force in public policy settings and to improve a reflection of human experience. The above arguments clearly outline and locate properly the research on the participation of civil society in the SADC policy formulation and as an organisational case study seeking to compile a thick description of how increased participation of the former 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 telephonic interviews using Skype. Semi structured interviews were held with interviewees using an interview guide with guiding questions. The interview schedule was used as a guide anchored on the four key tenets of deliberative democracy, which are equality, reciprocity, accountability and publicity. The interview guides are provided for in this document as annexure one, two, three and four. Other data was collected through document analysis.

The process of development of the interview schedule took some time including quality testing by the academics at the Wits School of Governance, (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 in order to have a feel of its construction and ability to get the required information from

respondents. The process of pilot test is important in that it assists to have a feel of the nature of questions and the way respondents might react to them and thus assist to modify it if need be before the actual field work is conducted. There is substantial literature in that regards with Hunt, Chain and Mehta (2011) arguing that, before beginning the first interviews, the researcher would prepare for the exchange which is conducted by developing an interview guide.

Three organisations in Bulawayo, Zimbabwe, were used to pilot test the interview schedule and this assisted in eliminating and modification of some of the questions so to enable the conducting of smooth field work. For instance the number of questions that were asked were reduced in all categories as it became clear that some of them were repetitive as and that this made the interview process too long, thus affecting the concentration of respondents. There was a realisation that this loss of concentration due to the length of the interview had diminishing returns as it affected the quality of responses. The modification of the research instrument dovetails to arguments by Munhall (2007) who states that evaluating the experience of a practice interview and receiving feedback from the interviewee can promote the quality of 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 country level were aimed at guiding the strength of civil society organisations and how that affected their ability to engage. They were constructed to make a determination of the organisational strength of these organisations in order to find out whether their ability or inability to participate effectively in policy-making processes of the 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 understanding of roles and responsibilities as provided by statues with regards to promotion of participation of different stakeholders. The questions also intended to find out the government framework for engagement with civil society on matters of the regional organisation particularly the facilitation of interaction as provided for by the SADC Treaty. It was also aimed at measuring the state of functionality of the SNCs as the official institutions for engagement between the

government and civil society. It also looked the State civil society relations and how they affected inclusive decision making at the SADC.

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

The questions for the SADC CNGO secretary were designed to find out engagement mechanisms and strategies of the organisation and how it facilitated the participative decision making both at national level and regional level. They were aimed at focussing at issues that are peculiar to civil society organisations in promotion of inclusive decision making at SADC. They also focused on the decision making processes in the organisation and how that affected their ability to engage.

All these respondents were high quality informants with a lot of understanding of the SADC as an interstate organisation, civil society in the region and operations of governments in relationship to the issues at hand. The choice of conducting research in twelve out of fifteen SADC countries assisted in giving comprehensive picture on the situation at hand as it represented 75% of the member states and thus a very good sample. The research also took note of the language differences of the SADC member states and covered the Francophone, Anglophone and the Lusophonecountries and how they affected various member states interaction with SADC.

5.6 Data collection techniques

5.6.1The interviewing process

Primary data was mainly collected using interviews. During the interview process, careful attention was put in place on how the interviews are 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.

For the present study during the interview process this researcher paid special attention to what kind of questions to ask in a different contextual environment. The researcher paid attention to the contextual environment of where the interview was conducted because understanding the context is important for getting the best results because responses of the interviewee can be influenced by the environment. This approach builds on Neuman (2011) who recognises this important tenet of interviewing in his argument that space and context of an interview are very important. For instance, there should be recognition that 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 Bloom and Crabtree (2006) who view in-depth interview as meant to be a personal and intimate encounter in which open and direct verbal questions are used to elicit detailed narratives and stories. It is the skill of the interviewer that could make or break the interview. One other important issue that was given special attention by this researcher was due diligence and care in the interview process, which is very important, as observed by Lisa (2012) who states that 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 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 present researcher kept interviews to reasonable 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 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 clear and not mixed message, creating a need to avoid the use of complicated jargon during interviews. The interviewer should verify the meanings of terms used and not assume participants fully understand 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), would argue, maintaining high quality tape recordings could prevent difficulties later in the research process. Excessive background noise, weak batteries, placement of recorder and other issues are all factors influencing the quality of recorded interviews. Because of the fast advancement in technology, some digital recorders are efficient, but could also be complicated and for that reason the researcher undertook adequate practise on how to use them prior to the research.

In order to avoid power failure the researcher carried backup energy batteries into the field. The researcher also took field notes which were written after every interview so that the interview environment was well recorded for reference during the analysis process. This is consistent with Bernard's argument (2002) 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, McDermott and Davidson (2002) use a similar line of reasoning that field notes describe not only the researchers' experiences and observations, but indicate in addition, his reflection and interpretations.

5.7 Document analysis

The research acquired data from secondary sources in order to complement the primary research data. Secondary data was acquired from document analysis. The documents analysed included record of minutes of the SADC Summit of Heads of states and governments, Minutes of the SADC council of ministers, SADC communiqués, SADC policy documents, civil society policy drafts, the SADC

protocols, the civil society organisations press releases, the SADC press releases, SADC yearly reports and the government yearly reports, among other papers. Most of this data was sourced from the SADC library in Gaborone, Botswana while other documents were from the website of the organisation. Other secondary material, in particular one on the activities of civil society, was acquired from the SADC CNGO offices in Botswana as well as their website. Other material particularly on the activities of civil society at country level was acquired from offices and interaction with different civil society organisations at country level.

Document analysis according to Creswell (2009), consists of public documents such as minutes of meetings, 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 in compiling them. Most importantly as written evidence, it saves a researcher the time and expense of transcribing.

However, in the data analysis process the researcher made close attention to some obstructive issues related to data analysis. These obstructions are what Creswell (2009) outlines as the danger of some people who lack 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 secrets 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 very important for the research. There are additional challenges relating to 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 the policy formulation processes made use of the following documents; records of minutes of heads of states and government, minutes of SADC Council of ministers, SADC communiqués, policy documents, civil society policy position papers, SADC protocols, civil society organisations press releases as well SADC press releases

and yearly reports and the government yearly reports among other resources. Most of these documents were readily available in 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 study of participation of civil society in the 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, McDermott and Davidson (2002), describe as the need to ensure that information gathered needs to be recorded in a manner that enables the researcher to analyse the data 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 the SADC as an interstate organisation and civil society and how they could be improve to ensure participative and inclusive decisions.

The sources for primary data were semi structured interviews conducted using an interview schedule with four categories of respondents. Respondents were some senior management in the SADC secretariat, some members of the senior management in the SADC CNGO, of some selected civil society organisations at country level and some senior government officials from selected member states whose responsibility included dealing with issues of the SADC. Secondary data was acquired through analysis of the record of the meeting 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 guide. In that regard data was organised according to whether it fitted within the category of deliberation accountability, deliberation reciprocity, and deliberation publicity or deliberation equality.

The four tenets are used to analyse the data from all primary sources and 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 the researcher organised data from whole transcripts and then delineated it according to themes guided by tenets of deliberative democracy of accountability, equality, publicity and reciprocity.

Thereafter the researcher made representation on how each of these link up and how they feed to the greater picture of inclusive decision making in the 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 the SADC decision making processes and the assist in bringing indications of 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 sourced from secondary and primary research uses the four tenets of deliberative democracy of reciprocity, equality, publicity and accountability to evaluate the state of inclusiveness of the decision making process in the SADC and the opportunities that exist for enhanced inclusivity in decision making.

The analytical 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.

The first step in the data analysis process was synthesisation of data gathered according to themes against the themes of the conceptual framework which is based on four tenets of deliberative democracy of equality, reciprocity accountability and publicity. This measure up to the analytical approaches by Tesch (1990) who argues that the differing analytical procedures can be grouped into content, discovery and

meaning. Sledge, Smith, Lambert, Stayner and Davidson contend in a similar manner to Tesch (1990) with their argument that meaning focussed approaches emphasise meaning comprehension which entails understanding the subjective meaning which might fit with researcher's conceptions.

In the analysis of data for this research, the analytical process focused on two levels. The first level was about reviewing, identification of recurrent themes within the data for each as well as common themes of meaning across the data. The second level was about bringing back together into meaningful relation with each other, developing, as it were, a narrative structural synthesis of the core elements of experiences described.

This was aimed at establishing patterns and connections among elements of data. These were then coded, sorted and organised to look for 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 frameworks which are reciprocity, equality, accountability and publicity. This is in line with Lincoln and Cuba's (1985) argument that thematic analysis typically involves a constant comparative method - meaning a progressive process of grouping of text segments to create and then clarify the definition of categories or themes within the themes and data. This allows for what Tesch (1990:27) views 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 where it was gathered. The context related to each country and its peculiar circumstances. This helped attach appropriate background information to the data.

In the whole process of data analysis the researcher paid special attention to the advice of Rice and Ezzy (1999), who argue that whatever the analytical approach that 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.

He further argues that coding which they view as labelling segments is central to effective data retrieval in two ways outlined below. It allows the researcher to clearly locate and bring together similarly labelled data for examination and to 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, developing and understanding of qualitative data.

They argue that it involves the researcher's own thoughts, reflection and intuition. There are, however, some authors, for instance Duggleby (2005:34), who argue that qualitative data analysis occurs concurrently with data collection so that investigators can generate an emerging understating 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 and 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 Danzin (1994) argued, 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 with regard to ethical issues. This research was conducted without exploitation of 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 into the research method a way of acknowledging the contributions that the respondents make. According to Klockars (1977), the measure of any ethical quality of any interview study is whether or not the researcher suffers with the participants.

In this research all measures possible 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. It is in line with this assertion that Scale (1999) argues that the research process took 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 seriously taken into consideration by making sure that, among other things, the interviewee was protected and that there was no exploitation of respondents. This ensured that the outcome of the research would not reflect crooked means and unethical ways of data collection.

To ensure that consent was granted without reservation by respondents, the researcher even went to the extent of requesting respondents to 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 exact names and positions in organisations for their protection.

5.10 Conclusion

Chapter Five outlined the research methodology for this study. It outlined the qualitative research as the preferred method that was used, an interview guide and document analysis. It outlined the interview data collection techniques and how 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 interviewed how they were selected and how they would contribute solid data on how there could be enhanced participative and inclusivity decision making in the policy formulation processes of the SADC. It further outlined the data analysis process and how it was synthesised

to give meaning particularly evaluated against the deliberative democracy tenets of reciprocity, equality, publicity and accountability.

Chapter 6: Presentation of Research Findings

6.1 Introduction

Chapter Six looks at how 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 an interview schedule from four categories of respondents. These respondents included some senior management officials in the SADC secretariat, some members of the senior management in the SADC CNGO, some senior members of the management of selected civil society organisations at country level and some senior government officials from selected member states whose responsibility included dealing with issues to do with the SADC.

Secondary data was sourced through 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. In that regard 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 it organised data from the whole transcripts and then delineated it according to the themes guided by the tenets of deliberative democracy of accountability, equality, publicity and reciprocity.

Thereafter the researcher made representation on how each of these link up and how they feed to the greater picture of inclusive decision making in the SADC using the deliberative democracy conceptual framework as an evaluation tool. The use of the four deliberative democracy tenets explained above assist in evaluating the current configurations of the SADC decision making processes and thus assists in

bringing indications of 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 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 the 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 very important in determination of 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 the SADC is constructed made it structurally closed to civil society and that there were no measures in place to operationalise Article 23. In reality Article 23 remains a political pronouncement, which is not applied through a comprehensive policy framework. At the SADC, the SADC Summit of Heads of State and Government provide 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 as a result of efforts to operationalise the policy implementation. The Council makes recommendations to Summit on major policy issues that may 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 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 the overall control of the organisation. It is the supreme policy making institution of the SADC

According to Oosthuisen (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 its 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 of politics, defence and security. 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 could convene extraordinary meetings should the need arise. According to Ousthuizen (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 to all member states regardless of whether or not they agreed. Decisions are generally made by consensus even though there are some that require a vote. Those requiring a vote include the amendment of the SADC Treaty or dissolution of its institutions: these require three quarters of the Summit's members. A unanimous

decision is required for the admission of a new member state as well as decisions on imposition of sanctions or enforcement of action failing peaceful efforts to resolve conflicts. With regards to decisions on enforcement of action Ousthuizen (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 would have been discussed and agreed at senior official level and the Council of Ministers. In its current form there are no mechanisms through which civil society could 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. They could also lobby high profile persons with access to government officials or engage key institutions which may have influence on Summit agenda such as the United Nations, African Union 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 ministers that are usually responsible for foreign affairs and those relating to economic and financial affairs. The council is responsible to the summit and advises it on policy matters. It is tasked with ensuring that there is efficient functioning of the organisation. It compiles the SADC common agenda and strategic priorities and programmes, including the RISDP. It also decides on new areas of cooperation and recommends to summit approvals of protocols and other treaties. 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 later on policy-related matters. Ousthuizen (2006) indicates that the Council of Ministers develops the SADC Common Agenda and strategic priorities, and approves as well as oversees the implementation of the SADC policies, strategies, and programmes, including the RISDP. It decides upon additional areas of cooperation, recommends to the Summit for approval of protocols (and other treaties), gives preliminary consideration of proposals for amending the SADC Treaty and may approve co-operation agreements between the SADC and other States.

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

The COM has the overall oversight on the functioning of the secretariat as well as recruitment of staff. For instance it is the one that recommends to the Summit for appointment of the Executive Secretary and Deputy. It is also responsible for the appointment of auditors, call for nomination of judges for the Tribunal, recommending judges to Summit and then designating the five of them to be appointed as regular judges. With regards to staffing and general administration issues, Ousthuizen (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 waiver the immunity and privileges of the Executive Secretary and Deputy Secretary and also approves administrative regulations, standing orders, and rules for managing the organisation's affairs.

The COM is empowered to make a determination of which funding other than member states could be harnessed for the organisation. It also makes a determination of the financial year, approves the SADC estimates of revenue and expenditure, and must approve 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 regional development fund. Decision making in the summit is by consensus.

6.2.3 The Troika

The Summit in a meeting held in August 1999 in Maputo, Mozambique, decided to formalise the practice of a *troika* (triumvirate – sum total) system. The Troika consists of the Chair, the incoming Chair and outgoing chair of the 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 Council of Ministers 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 is responsible for decision making, facilitation of implementation of agreements and provision of 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 make co options of members whenever a need arises. The Troika system has made it easy for the institution to execute some tasks and expeditiously implement decisions and thus assisting provision of policy direction for the SADC in between meetings.

6.2.4 Organ on defence politics and security co-operation:

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 Summit, consisting of a Chairperson, incoming Chairperson and outgoing Chairperson, and reports to the SADC Summit Chairperson. The SADC Summit and Organ Troika Summit are mutually exclusive; and the Chairperson of the Organ does not simultaneously hold the Chair of the Summit.

The Organ structure, operations and functions are regulated by the agreements on cooperation. The organ has the following structures; the Chairperson of the Organ, The Troika, Ministerial Committee, Interstate Political and Diplomacy committee, 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 Unit, the SADC Standby Force, SADC Regional Peacekeeping

Training Centre and the Regional Early Warning Unit. Like the Summit Chair, the Organ chair rotates on an annual basis.

6.2.5The integrated committee of ministers

This organ replaced the sectorial committee of ministers and was formally established in 2001, but started to function in 2003. Its main function is to provide policy guidance to the Secretariat as well as overseeing 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 integrated committee level. It also operates at 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 council of ministers are implemented by the Secretariat. According to Ousthuizen (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 organ may make decisions regarding implementation of policies between the council of ministers.

6.2.6 Standing committee of senior officials

This is a technical advisory committee to the Council of Ministers 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 Council. 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 Council of Ministers. In many

cases there are also thematic meetings of senior officials to discuss in detail the specific policies and strategies. 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 council.

6.2.7 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 adherence to and proper interpretation of the treaty and subsidiary instruments, and to adjudicate upon such disputes as may be referred to it.

The summit is also mandated to take appropriate action which could include sanctions when the tribunal reports that member states have acted contrary to the tribunal decisions. However, the tribunal has been in limbo as it was disbanded and is waiting to be reconstituted. This was after several judgment rulings against the Zimbabwean government, the Tribunal was *de facto* suspended at the 2010 SADC Summit. On 17 August 2012 in Maputo, Mozambique, the SADC Summit addressed the issue of the suspended SADC Tribunal. The SADC Summit resolved that a new Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and 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 SADC Secretariat:

The revised SADC Organisational Structure of SADC was approved in 2008. In this structure Directorates and Units of SADC are organised into three major groups, each under the responsibility of a member of the SADC Executive:

The secretariat is headed by an executive secretary assisted by two deputies who should all be nationals of the SADC and appointed at the Summit by recommendation of the Council of Ministers. This is the principal executive institutionof SADC, responsible for strategic planning, co-ordination and management of SADC programmes. It is also responsible for the implementation of decisions of SADC policy and institutions such as the Summit, the Troikas and Council of Ministers. It is headed by an Executive Secretary and has its

headquarters in Gaborone, Botswana. Some of the key responsibilities of the executive secretary include consulting governments and other relevant institutions of member states, and co-ordinating SADC activities with them. He is also supposed to liaise closely with other SADC institutions, and guide, support and monitor their performance and adherence to the SADC polices and plans.

Executive Secretary

Tasked with all public and media relations, public affairs, protocol and special events management for the SADC Secretariat; and custodian of communications, branding and promotional strategies within SADC.

Deputy Executive Secretary Regional Integration

The Deputy Executive Secretary: Regional Integration is responsible for five Directorates that address SADC Regional Integration themes.

Deputy Executive Secretary Finance & Administration

The Deputy Executive Secretary: Finance and Administration is responsible for administrative elements of the SADC Secretariat.

Organisation

The Directorates and Units of SADC are arranged into eight (8) directorates, and eight (8) stand-alone units responsible for cross-cutting issues, established by the Council of Ministers as provided for by Article 15 (4 & 5) of the SADC Treaty. Each Directorate is led by a Director - also part of the SADC Management Team - and supported by Senior Programme Officers. Each Unit is led by a Senior Officer.

Executive Secretary

The Executive Secretary of the SADC Secretariat has overall responsibility for the management of the Secretariat, supported by two deputies. The Executive Secretary also directly manages:

- Directorate: Organ on Politics, Defence and Security Cooperation - together with the head of the Organ Troika is an instrument for ensuring and supporting 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 evaluating and improving the effectiveness of SADC's risk management, control, and governance processes;
- Macro-economic Convergence Surveillance Unit - coordinating macro-economic surveillance processes and providing policy guidance to Member States;
- Public Relations Unit - striving to establish and maintain lines of communication, mutual understanding, acceptance and co-operation between SADC and its internal and external public/stakeholders.

Regional Integration

The Deputy Executive Secretary: Regional Integration is responsible for five Directorates that work in SADC's main Regional Integration themes:

- Directorate: Trade, Industry, Finance and Investment – facilitates and co-ordinates the gradual reduction of trade restrictions and improved relations in the areas of trade and finance by establishing a free trade area and single customs and monetary union for the region;
- Directorate: Infrastructure and Services - improving 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- ensuring 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 – supporting the development of SADC's human capital to its fullest potential as an essential step towards tackling the socioeconomic 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 Corporate Business Plan and the Regional Indicative Strategic Plan.

Finance and Administration

The Deputy Executive Secretary: Finance and Administration is responsible for two Directorates and two units:

- Directorate: Budget and Finance - providing financial administration and risk management services to the operations of the SADC Secretariat.
- Directorate: Human Resources and Administration – providing and supporting the operations of SADC Secretariat through the management of human resources, procurement of goods and services, and management of physical assets.
- Conference Services Unit - providing support to SADC Policy and other meetings in terms of documentation, translation, interpretation services, and conference facilities and scheduling of meetings.
- 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 and all supporting.
- Legal Unit – guiding 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 – guiding the adoption of Information and Communications Technologies within SADC and supporting the implementation of the technological aspects of the Regional Indicative Strategic Development Plan.

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 is in charge of 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 Integrated COM and Committee of Ministers. 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, Council of Ministers and the integrated committee of ministers and their troikas.

6.2.9 The SADC National Committees

SADC established 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 member State level. The SNCs were established to provide inputs at national level in the formulation of regional policies and strategies, as well as coordinate and oversee the implementation of programmes at national level. The Committees are also responsible for the initiation of SADC projects and issue papers as an input into the preparation of the regional strategies. The SNCs comprise key stakeholders from the government, private sector and civil society in each member state and a provision for their establishment is reflected in the SADC Treaty.

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 and must ensure a speedy implementation of programmes that would otherwise wait for a formal meeting of the whole SADC National Committee. 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. Over and above that each member state should create a secretariat to facilitate smooth operations of its SNC and must fund this secretariat. The 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

The SADC has a legislative framework for facilitation of participative decision making. This section has focused on the legal provisions from the SADC treaty on how inclusive decision making could be enhanced.

In its founding documents the SADC makes a firm commitment of allowing 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), Section (1) and (5.2) subsection (b) also stipulates that the organisation will:

> Encourage the people of the Region and their institutions to take initiatives to developeconomic, social and cultural ties across the region and to participate fully in theimplementation 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 that the founding statutes of the SADC move on to make clear provisions of the framework for engagement by citizens in order 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 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 the organisation - SADC - in 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 the involvement of citizens of the SADC in the decision making and developmental processes in order to ensure accelerated implementation of developmental programmes. This approach, aimed at promoting accountability, is one key feature of deliberative democracy. This is seen

as a way of promotion of inclusive decision making within the interstate organisation. In order to operationalise the statutory and legal requirements for citizens' participation in the decision making structures, the SADC has gone a long way to put in place institutions within the organisation to facilitate such participation.

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

6.3.1 Operationalisation of SADC National Committees

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

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

Record of minutes of the meeting of the SADC Heads of State and Government held on the 15 February 2002 in Zanzibar, United Republic of Tanzania the summit noted that at its meeting held in Blantyre, Malawi in August 2001, it approved guidelines on the establishment of SADC National Committees. The Council also took note that Member States have been requested to establish their Committees in line with the approved guidelines. A report was presented indicating that as at that time Malawi and the Seychelles had reported that they had established SNCs while Botswana,

Namibia, Lesotho and South Africa and Tanzania had started the process of establishing theirs.

Records of that meeting indicate that the Council of Ministers also noted that the establishment of SNCs was to be undertaken in two phases, starting with the appointment of the committee followed by the actual launching of the Committees as would be appropriate in each member state and that Secretariat was assessing the status of the establishment of the SNCs with a view of 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 international cooperating partners to assist in the strengthening of capacities of SNCs once their needs had been identified. In this regard the Frederick Ebert Stiftung had offered to assist all member states and the Secretariat. In the same meeting and with a view to improve communication lines, Council had 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. In conclusion the Council had urged the remaining member states to establish their SNCs by the end of March 2002 and to submit the composition their SNCs to the Secretariat and required information with regards the above mentioned needs.

In order to improve communication lines, Council also noted that the secretariat remind member states to provide the requested information including a timetable and programmes for the establishment of the SNCs. In conclusion 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 with regards the above mentioned needs.

The record of the Council of Ministers meeting of 23-24 August 2004 in Dar es Salaam, Tanzania, indicated that a progress report on SADC National Committees was presented with the Council recalling that at its meeting in March 2003, it urged member states to present quarterly reports on the establishment and operations of the SNCs, including the challenges. In that meeting Council had 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 there was an approval by the Council of amendments to the SNCs functions and functions of the Sub-Committees. Amendments to the functions of the SNCs related to a new role of coordination and overseeing the implementation of regional policies, strategies, programmes and projects at national level. It also related to the coordination and the provision of inputs at the national level for the development and review of the RISDP and monitoring implementation at national level through subcommittees and also that of coordination the dissemination of SADC information at national level.

6.3.1.1 Functions of sub committees

The functions of the sub-committees related to promotion - and broadening of stakeholder participation in the core areas of integration and facilitation of information exchange between the SNCs and the subcommittees as well as provision of inputs to the SNCs on regional programmes/projects/policies. They also gave them a role to propose inputs to the SNCs towards the formulation of the national positions on issues to be discussed at regional level and assist the SNCs in the preparation for the SADC events/meetings at national level as well as identification, monitoring and evaluation of regional programmes/projects at national level. They were further mandated to mobilise resources for the implementation of programmes/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 the workshops, seminars and meetings on the RISDP to ensure that members of the SNCs are familiar with the RISDP and its key processes and the convening of National Stakeholders for the sensitisation and information dissemination in order to secure ownership and support of the RISDP as well as the development of national strategic /implementation plans aligned with the RISDP in order to facilitate the achievement of the SADC agenda. Over and above that there was an agreement that there should be provision of funds for the SNCs operations and commemoration of the SADC Day to be allocated in member states' national budgets. The Secretariat would also mobilise resources from the international

Cooperating Partners to support the SNCs and the allocation of funds by Member State from the national budgets to support the SNCs operating costs.

Council approved the following recommendations from the workshop on the awareness creation among the stakeholders on the role of SNCs and that Member states with the support of the SNC Secretariat should organise sensitisation campaigns to disseminate information about SADC at 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 material/educational material on SADC and their distribution at national level. The Member States were also urged to involve national media institutions including the SADC National media Awards Coordinators in disseminating SADC information and in the coverage of SADC events/programmes at national level.

In conclusion the Council also took note that Secretariat was to develop a project proposal before October 2003 for the presentation to International Cooperating partners to source funds for the strengthening of the SNCs through provision of technical assistance, financial assistance as an annual region conference for sharing of experiences and best practises for SNCs in the first three of its formative years.

At its meeting in Arusha, Tanzania, on 13-14 March 2004, the record of minutes indicate that the Council of Ministers 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 minutes the Council considered and approved the following guidelines and procedures.

6.3.1.2 Guidelines

The SADC Council of Ministers, on the recommendation of the Integrated Committee of Ministers shall approve each request from an organisation which will execute SADC programmes and projects under the Principle of Subsidiarity, taking into account 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, this is essentially expected to be of a multi-national character in accordance with SADC multilateral status;

v) The legal status of the governing or management body (e.g. 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; and

x) Programme of Work of the Subsidiarity organisation.

There was an agreement that bodies created by the SADC Council of Ministers would use the SADC logo together with their own Logos and should be designated as SADC Agencies. SADC and the Subsidiarity organisation shall formalise their partnership and cooperation through accreditation in the form of a Memorandum of Understanding. The SADC Executive Secretary was mandated, where appropriate, with issue letters of introduction to Subsidiarity organisations as a way of assisting them in performing their work.

The SADC Council of Ministers**,** following a recommendation of ICM**,** was tasked to make a determination of the SADC meetings to which Subsidiarity organisations might be invited to attend and the conditions of their participation in such meetings; The Executive Secretary through the ICM**,** was tasked to make recommendations to Council, the categories of SADC information which Subsidiarity organisations may have access to. There was also an agreement that the Subsidiarity organisations be encouraged to work and interact closely with SADC National Committees;

Representatives of governing bodies or management bodies of Subsidiarity organisations were directed to hold regular consultations with the SADC Secretariat to review performance of programmes and projects executed under the principle of Subsidiarity, the results of which were to be reported to the Integrated Committee of Ministers 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 made as 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 11 (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 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 on the basis of the approved guidelines and submit recommendations to the Council of Ministers through the Integrated Committee of Ministers.

iv) That if the application is approved, the Executive Secretary shall inform the Organisation concerned, negotiates and concludes a Memorandum of Understanding.

The above guidelines gave room for establishment of partnerships with new organisations for expansion of participation of citizens in the decision making processes of the SADC. The guidelines gave room for a partnership with among other organisations the SADC Council of Non-Governmental organisations. This partnership 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 are 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 SADC Member State national parliaments, representing over 3,500 parliamentarians in the SADC Region. Established by the SADC Summit on September 8, 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 promote best practices in the role of parliaments in regional integration and cooperation. The SADC Parliamentary Forum 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 very useful organ for enhancement of 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 on how the conversion of the SADC PF to a fully fledged parliament could enhance participation of citizens in governance could form a basis for another interesting study in future.

6.4 SADC decision making processes in relation to CSOs participation

This section focuses on the application of the tenets of deliberative decision making and gives a description of the actual processes in the SADC in relation to civil society participation. It focuses on the SADC National Committees as the official institutions designed to enhance this participation. It makes an analysis of their state of functionality and their meaning to the decision making processes of the SADC as an organisation. It integrates findings from the records of minutes of the meetings of the council of ministers, the SADC Heads of States and Government Summits, the SADC Communiqués and those from primary sources.

6.4.1 State of functionality of SADC National Committees

The SADC presents the SADC National Committees as the institution for promotion of interface between citizens and the organisation. The state of functionality thus become crucial in answering the critical question on 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 dealing with 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 SADC national committees at country level and particularly to elicit the way they were constructed and the nature of the relationship between the SADC as an

institution and these committees. The responses presented first reflect data from document analysis and rely significantly on the record of minutes of the SADC Council of Ministers. The minutes give the official SADC position regarding their understanding of the state of development of these committees as well as their state of functionality at the member states under study.

The record of the Council of Ministers meeting of 23-24 August 2004 in Dar es Salaam, Tanzania, noted that the Secretariat wrote to all member States in April 2003 to request for 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. 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 on the structure and operations of its SNCs and to identify best practises for SNCs in order for them to be effective vehicles for regional integration at the national level. The workshop was attended by all Member States except DRC and the Seychelles**.**

The Council further noted that the workshop for Member States presented updates on the operations of the SNCs and identified that some of their key challenges included lack of qualified and experienced staff, financial and material resources including computers, internet facilities, printers, photocopiers, fax machines and inadequate office space. They also indicated their lack of a standard plan or strategy for the dissemination/propagation of the SADC‘s activities and programmes at national level and that there were delays in receiving documents translated into Portuguese from SADC Secretariat making it difficult to meet deadlines**.** Another challenge was lack of dedicated SNC staff and inadequate commitment from members of the sub committees as well as unclear role of the SNC with regards the guide and coordination of committees effectively compounded with lack of clarity on budgetary provision for projects/programmes implementation within the context of RIDSP.

There was also an outline that there was need for stakeholders to internalise and fully understand the role and function of the SNCs. Other problems brought to the fore related to weak coordination and information flow between the Secretariat and

SNCs and at Member State level as well as high staff mobility/turnover which affected institutional memory and continuity.

The record of the COM meeting of 23-24 August 2004 in Dar es Salaam also indicates that Council approved the recommendations from the workshop that there be development of a technical team or desk at the SADC Secretariat within the context of ongoing evaluation exercise to support the SNCs and ensure 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 in the SNCs Secretariat, especially in the area of economic integration, project management, IT, policy analysis and negotiation skills in order for them to effectively service the SNCs. There was also a call for the development of an implementation plan in the RIDSP and the role on the SNCs in it as well as effective information and experience sharing through an annual forum for SNCs at the regional level. Over and above, there was a recommendation for annual visits by members of the Secretariat to the Member State's SNCs with the aim of improving operations of the SNCs.

At same meeting of the Council of Ministers meeting of 23-24 August 2004 in Dar es Salaam, Council recalled that at its meeting in Luanda, Angola, in October 2002, it urged Member states to expedite action on the establishment of SADC NationalCommittees and submit to the secretariat the information required on the composition of the SNCs, operational needs and activities of these committees. Council also approved that the support to be provided to the National Secretariat should include provision of the office equipment, ICT infrastructure and training of staff. Council further approved the convening of the regional workshop to enable Member States to share experiences on the structure and operations of their SNCs and direct the Secretariat to make the necessary arrangements.

Council once again urged the Member states to urgently establish Secretariats of the SNCs that would service these committees and provide a vital link with the Secretariat and other key stakeholders. Council was also given a report indicating that the Secretariat wrote to all Member States on 2 December 2002, requesting for progress reports on the operations of the SNCs since the last COM meeting. As 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 the Right Hon Fernando da Piedade Dias do Santos. During the launching ceremony Mrs Beatriz de Orais was sworn in as Head of the Secretariat of the SADC National Committee 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, Council, Consultative Conference, the SADC-EU Ministerial Conference and Legal Experts and Addis Ababa ambassadors meeting on the Amendments to the AU Constitutive Act. Four technical committees have also been established. The Development Section of the Ministry of Finance and Development Planning provide 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 SNCs have been established along four directorates with 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 of SADC meetings. The Committee also provides a monthly journal.

The SNC in Namibia was said to 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 activities of the SNCs.

Indications were that the SNCs in South Africa continued to operate as an inter-departmental committee comprising two permanent representatives from all national line-function departments and meeting 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 a number of 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 of Ministers meeting. The country is in the process of setting up a SNC Secretariat to be located in 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 RISDP. The department of Regional Cooperation in the Ministry of Foreign Affairs acts as the secretariat.

Table 1: Establishment of SNCs

	Member State	Date of Establishment	Current Status
1	Angola	SNC established on 8th May 2002	SNC Launched on January 8, 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 4th March 2002	Update provided
8	Seychelles	Committee dealing with SADC Affairs 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 28th March 2002	No update
13	Zimbabwe	SNC established	Update provided
14	Lesotho	SNC established	No update

Source: Record of minutes of the council of ministers held on 23-24 August 2004 in Dar es Salaam, Tanzania

The Council was also briefed about the secretariat 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 international cooperating partners for funding requests. If the funding was secured, the workshop was to be held in June 2003 in Gaborone, Botswana.There is no details of the success of the said meeting.

The minutes of the SADC Council of Ministers meeting held on the 14th-15th 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.* It 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 to 11 May 2007, in Zanzibar, Tanzania, had focussed 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 achieve consolidation of 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.

It 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 effective implementation of RISDP/SIPO at 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 made conclusions by urging member states to build the capacity of the SNCs.

In 2011, a decade after the first proposals for establishment of the SNCs, a review of the state of progress that is indicated in the record of COM meeting held in Luanda, Angola, on 11-16 August 2011show that there was a discussion on Involvement of key stakeholders in SADC business. In that 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 key stakeholders' participation and defines them as private sector, civil society, Non-Governmental Organisations (NGOs), workers and employers organisations. It also took note of the fact that the RISDP and SIPOwhich were developed in consultation with key stakeholders reiterate their importance in the implementation of the SADC Programme of Action. Furthermore, all SADC Protocols, Declarations, Communiqués outlining SADC policies and commitments emphasise the importance of working together with civil society and the private sector.

The Council was also briefed that in line with the guidelines on subsidiarity that were adopted in the SADC Council of ministers held on 15 February 2002 in Zanzibar, Tanzania the Secretariat had formalized its relationship with key stakeholders by signing Memoranda of Understanding (MoUs) with the SADC Council of NGOs, the Association of SADC Chambers of Commerce and Industry (ASCCI) and the Southern Africa Trade Unions Council (SATUC). MoUs provide a legal framework for cooperation and collaboration between SADC and key stakeholders in working towards common goals of sustainable development, economic growth and poverty reduction.

There were indications that most Member States maintain strong relationships with key stakeholders resident in their jurisdictions through which the latter participatesin national processes of economic and social development. Over and above the meeting was briefed on how there had been 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 Protocol on Gender and Development.

The Council made decisions reaffirming that key stakeholders should participate in the SADC integration agenda through the SADC National Committees. It also approved that cooperation and consultations at regional level with key stakeholders 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 to 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 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 and as such could not be safely said to be representative of the key civil society groupings they would have at least known of its existence even if they had not participated in its processes. One of the respondents actually professed surprise on the existence of such a structure in the SADC statutes.

This was also the case with respondents from Swaziland who indicated that there was no SADC National Committee and that this actually inhibited the ability of civil society to participate in decision making and contributions to the national policy debates. Zambia's was similar with the respondents indicating that their SADCs National committee was unknown because it was totally dysfunctional and totally absent. They all converged at the conclusion that effectively they did not have a SADC National Committee. The respondents from South Africa indicated that they knew of the existence of the SNC, but were all in consensus that it was totally inept and dysfunctional. In fact, one of the respondents summed it up that the South African SNC only existed in name, but was not effective at all as there was no linkage between it and civil society which is antithetical to its existence in the first place.

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 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 creating a forum for partisan and non-objective approaches to dealing with national issues.

Respondents indicated that despite being part of some of the vibrant civil society organisation they had no privilege of invitation or participation in the SNCs processes and 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. Respondents proposed that Botswana should have an 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 when it comes to issues of meetings and activities the respondent indicated that he did not know if they ever met because the SNC was not functional at all.

Respondents from Lesotho indicated that there was indeed a SADC National Committee, but was very ineffective as it was unknown to many stakeholders and hardly met and therefore had no influence at all in the policy-making processes of the country. In Zimbabwe respondents indicated that there used to be a SADC national committee, but over the years there had been an irretrievable breakdown in relationship between the government and civil society and as such the two never met under the banner of the SADC National Committees. They cited preparations which were going on for the 2014 SADC Summit of Head of States and Government summit in that country were totally outside paradigms of nationals who were excluded from consultations on preparatory processes.In contrast Mozambique indicated the existence of a vibrant SNC meeting standard as set out in the guidelines adopted by the SADC Council of ministers meeting.

Respondents from Mauritius, the Seychelles and Malawi spoke of existence of the SNC, but stated that they were paper tigers and were not accessible or contributing at all to inclusive decision making. If anything, the respondents described them as extensions of government system of patronage. In summary all respondents who spoke of existence of non-functional national committees indicated that they did not have the required technical committee effectively meaning that they were not meeting requirements of the SNCs as defined in SADC statutes. Only Mozambique

had a national committee which had fully operational technical committees covering all the four sectorial clusters namely infrastructure, food and services, agriculture and natural resources, trade industry finance, 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 SNC

Questions sought to make a determination of 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 continuous exchange of views and ideas between the elected official and its citizens.

On this requirement, respondents from the countries like South Africa, Botswana, Mauritius, Zimbabwe, Zambia and the Seychelles who indicated that their countries had existing, but non-functional committees said they did not meet regularly and that was one of the reasons why they were very weak and could not be relied on as a forum for inclusive decision making. They blamed the government for monopolising the process and thus using it for its own ends which they described as a desire to exclude participation of other stakeholders in the SADC decision making processes. Mozambique seemed well organised with the SNC meeting being 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 Existence of functional secretariats

Secretariats are the engine room for 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. It was with this background that questions were thrown to make a determination of the existence of the SADC National Committee secretariat in relevant member states and the extent of their coordination of activities and linking them with the SADC Secretariat. What was identified as the key weakness in Swaziland, Malawi South Africa, Botswana, Mauritius, Zimbabwe, Zambia and the Seychelles was identified as the absence of a functional SNC secretariat. In these countries the committee and the coordination role seemed a preserve of the government which seemed to make selective piecemeal approaches in coordination.

The requirement in the statutes that provide for establishment of SNCs to have a secretariat 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 there was no existence of such a structure and thus making the coordination role very difficult.

The absence of well-functioning secretariats militates against the principle of smooth information flow. It was only in Mozambique where was there a well-coordinated secretariat which was good conduit for information flow between the secretariat and stakeholders.

Respondents from all the countries including Mozambique cited 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 failure to function properly. Respondents indicated that while the SADC in its meeting indicated a commitment by Frederick Ebert Stiftung to fund establishment of secretariats there seemed to be slow movement in that direction.

The lack of funding for establishment of secretariats was thus seen as one of key factors affecting coordination and their 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 new high priority initiative that promotes SADC participatory policy solutions at the national level. There seems to be an indication that the Regional Poverty Observatory (RPO) of SADC might usurp some of the functions of 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 enhanced participation of members in decision making of the regional bloc.One of the aims of the organisation is to enhance the participation of civil society organisations in the policy-making processes of the SADC. This aim dovetails well with the deliberative democracy theory assuming that greater participation of citizens in decision making is vital in promoting accountability which in turn could accelerate development. Mafumanisa

(2004) argues that in making decisions and implementing them public institutions should take into account the attitude and activities of institutions constituting 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 the SADC decision making processes and guided by the arguments by Habermas (1987:364) that 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 record of minutes of the meeting of the SADC Council of Ministers held in Luanda, Angola, on the 16th August 2011 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 recognised key stakeholders as important partners in the implementation of SADC programmes. Article 23 of the Treaty establishes the foundations for the said participation. In that regard the Council was briefed and adopted the formalisation of relations with some of these key stakeholders among them the SADC CNGO.

The cooperation was seen as a way of enhancing the participation of other stakeholders in the SADC 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 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 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 the SATUCC and FOCCISA. The respondent indicated that the SADC CNGO has a

MoU signed in 2003 which is currently under review. According to the respondent, this came as an instruction from the Council of Ministers to review the MoU within 12 months in light of the formation of a partnership with the SADC CNGO towards the establishment of an Economic and Social Council modelled on the United Nations' ECOSOCC

Respondents from Mauritius described the SADC CNGO formation in 2003 as long awaited and inevitable development following the reformation from SADCCto 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 characterising politics of the day gave impetus to the organisation of civil society activism at regional level. Therefore, the formation of CNGO resulted from the common need to hold governments accountable for their actions to citizens who constitute the electorate.

Other respondents e.g. from Malawi, Swaziland, Zimbabwe, South Africa, Namibia, 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 the SADC decision making processes. However, Botswana's respondent surprisingly, despite being located in that country - expressed limited knowledge on the organisation and its operations.

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 Council of Ministers, but it remained inactive. Oosthuizen (2006:226) also makes reference to it indicating 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.

Respondents from secretariat indicated that if this organ was fully functional it could be one important avenue for civil society SADC engagement. Respondents spoke of the establishment of the SADC CNGO Protocol tracker aimed at keeping track and monitoring, signing, ratification and implementation of each of the Protocols developed by SADC with a view to hold 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 enhancement of CSOs participation at national level

The SADC CNGO aims to promote participation of civil society in decision making processes. This is consistent with Habermas's (1987) assertion that the facilitation of citizens' participation in the 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 country level. This was meant to make a determination on structures, activities as well as processes that allow for the enhanced participation of stakeholders in the decision making processes. Respondents indicated that the SADC CNGO has increasingly become an authoritative and reliable link between civil society at country level and the SADC Secretariat because of its structured relationship with the 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 the SADC e.g. the integrated ministers meeting.

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 up the voice of the grassroots to policy makers In their view there is actually a mutual dependency relationship for instance during the campaigns of *The SADC We Want*, the SADC CNGO and civil society work hand in hand in drafting declarations which would then be forwarded to the SADC regional body for consideration.

This was also the view of 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 stated that they saw a mutually dependable relationship for instance during the campaigns of *The SADC We Want*, the SADC CNGO and civil society work hand in hand in drafting the declarations which will then be forwarded to the SADC.

This view was also shared by other respondents from Botswana who like their Zambia counterparts indicated that the SADC CNGO and civil society work hand in hand in drafting the declarations which would then be forwarded to the SADC regional body for consideration on how the SADC could be transformed into a much more people friendly institution.

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 country level and the regional body based on the MoU that was signed with the SADC and there was considerable technical support given to the national associations by the SADC CNGO. Reference was made to the capacity and technical skills development programme that had been conducted by the SADC CNGO for the national umbrella associations of Zimbabwe and Malawi, NANGOand CONGOMA which assisted the operations of the two. 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/ CSOs interaction at 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 SADC CNGO facilitates the interaction of civil society through the meetings they conduct and also the implementation of awareness campaigns. These awareness campaigns help to reduce the knowledge gap within groups. In order to facilitate the functioning of the SNCs the SADC CNGO is included in the board they participate in gatherings of the SNCs General Assembly.

They contribute and they 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 indecision making but he said that of course during consultation they contribute but BOCONGO 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.

She advocated that there needed to be a paradigm shift in regard to relations – *"It's high time the civil society is taken seriously.* "

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 function. Consultations have also been held on how to best go about the formation of the national committees without soliciting resistance. A Strategic Plan for the next five years was agreed upon. Respondents from South Africa, 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 in promoting ministerial and civil society interaction at country level. They indicated that as things stand and if it lives up to its commitments the (RPO) was going to be the answer to problems of poor coordination between stakeholders and civil society in the SADC decision making processes.

6.4.5 Decision making procedures and processes of SADC CNGO

The research also sought to make a determination of how the SADC CNGO as an institution handled decision making within their own organisation and how that could be used as best practise for the SADC. The research further sought to make a determination of the policy issue papers that have been developed by the SADC CNGO and its network and how these have been received by the SADC. It also sought to make a determination on the decision making mechanisms of the SADC CNGO.

The respondents from the SADC CNGO secretariat were able to outline a number of position papers that they had developed and indicated that it was difficult to measure the extent of how much they had been taken into consideration by the SADC. There is, however, a dedicated section this thesis on "*how are your views considered by SADC?"* which deals in-depth with these issues. Respondents from the SADC CNGO secretariat revealed that accountability was 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 and check for any progress made or lack thereof. More so, the Directors Forum, which meets annually, tables reports to give feedback to their membership at national level and 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 all confirmed that the SADC CNGO civil society forum was indeed an annual meeting which was held consistently.

Respondents indicated that in the AGMs of the SADC CNGO there was robust and no holds barred debate on both administrative and programming issues with decisions being made mostly through consensus. However, there had been instances where issues have being deferred to a vote and even when that happened there had been no total disregard of minority views as ways were found of striking a compromise to avoid a winner-take-all mentality. Respondents indicated that this had built lots of confidence on the organisation as most of its membership viewed it as promoting inclusive and participation in its decision making processes

There were views that civil society should strengthen utilisastion 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 the 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 is able to 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 decision making processes in line with the deliberative democracy tent of promotion of accountability. Gutman 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 the 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 the deliberative democracy focuses on the obligation of public officials to engage in reasoned deliberation on which courses of action would promote public good.

Richardson (2002) advances the same argument with a view that elected officials must engage in a decision making process that considers all of the relevant interests and perspectives at the same time conforming to the arguments. Staszewski (2009) 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. Deliberative democracy provides for greater legitimacy based on theories that seek to eliminate arbitrary governmental action and reach the best decision on the merits in light of information made available and fundamental differences of opinion. The research thus used the framework defined above to make a determination of the decision making processes and state of inclusiveness in the SADC.

In order to have a greater understating of this subject matter questions were thrown to make a determination of the state of participation of civil society in the policy-making processes and whether their views formed part of the organisation's policy formulation mechanisms. Respondents also emphasised the role played by the CNGO in the instrumentalisation of Regional Poverty Observatories with 70% of their review undertaken by CSOs and adopted by SADC member states. He further revealed that SIPO 2 was developed with some involvement of SADC CNGO and was officially adopted in 2002 bythe then SADC Chairperson, Tanzania President JakayaKikwete in 2002.

Respondents highlighted that CNGO was currently working with the SADC Secretariat to review the Regional Indicative Strategic Development Plan and to that end; a task team has been assembled to undertake the review. Respondents, however, stated that, although there had been several interventions in the policy-making architecture that involves civil society participation, this still happens at informal level. This was corroborated by respondents from Zambia who argued that 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 the issues they had through proper channels and they adopted for example the gender protocol and poverty observatory.

The SADC membership is using the SADC CNGO's Poverty Indices Matrix to monitor poverty at national level. These provide measurable indicators which are comparable and thus ensuring there is substantive progress and member states are able to uniformly asses themselves and this helps in the evaluation of the Millennium Development Goals. The SADC CNGO are involved at either monitoring or initial stages of policy making that is during the consultations and even during the policy

initiation phase. However, this was not the view of the membership with respondents from Malawi and Mauritius indicating that that there is no formal participation of SADC CNGO in policy making at regional level. There is no consultation of the SADC CNGO by SADC in policy making. The only role of the CNGO is following up on adopted protocols to assess whether there is implementation according to set and agreed standards. CNGO assumes a lobbyist role rather than an equally important decision making structure of the SADC.

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

Respondents from Namibia were sceptical arguing that there was some kind of consideration of civil society views, but mainly on soft issues.These soft issues relate to service delivery of water and sanitation but not the issues of governance. They, however, pointed out that there was room for improvement saying that participation was not yet at the level 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.They however conceded that there had been remarkable participation in RISDIP. Respondents from Seychelles professed ignorance on any form of participation on the subject while Malawi and Swaziland confirmed that that SADC CNGO had participated in a lot of policy-making initiatives by the secretariat especially on the RISDP on poverty. 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 council of ministers meeting held on the 17th August2013. They also indicated that before every summit SADC CNGO is given copies of proposed policy to engage and debate in and give suggestions for amendments. SIPO and RISDP are examples where civil society was actively engaged in the policy-making process through consultations and consideration of civil society viewpoints. However, the major problem is that SADC CNGO has no power over what is included on the

agenda, all it tends to do is give suggestions to issues already tabled by the secretariat. They indicated that the participation usually takes the form of consultations and provision of information and suggestions to the SADC summit. However, the effectiveness is of a limited nature because the CNGO has no control over outcomes at SADC summit level as it has no voting power.

6.4.7 CSOs Policy contributions to the SADC Council of Ministers

The question identifies the Summit of Heads of States and Government as well as the SADC council of ministers as key policy-making organ. Of the two it identifies the Council as the more accessible one in that it is the forum in which discussions are made and adopted and that it also sets the agenda for the Summit of heads of states and government. In reality it is the most effective policy-making structure as it does all the work and cleans up proposals for formal signing by the heads of states and governments. It also sought to identify if there were any other representations made to any other formal organ of the SADC.

There were varying responses from member states. 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.They indicated that a protocol tracker was introduced in 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 the SADC CNGO as a watchdog organisation to keep the SADC accountable to its citizens 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 the SADC, but indicated that they were not sure whether there was any formal communication between the SADC Council of ministers.

This is because the way the 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 council of ministers was actually the one that stood as gate keepers and thus screening anyone intending to interact with the club. They

argued that in most instances the Council actually kept people out 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 council of ministers. They indicated that every year before the Summit of Heads of state and governments - if held - they hold a civil society forum in the host country just before the summit. After that they usually send delegates to the meeting of the council of ministers and make representations of their resolutions for incorporation into discussions and possible consideration in the decision making processes. Quoted verbatim 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 in the construction of SADC Gender Protocol CNGO to which they were given the platform to make their own contributions.This view was also shared by respondents from Mozambique who indicated that indeed policy presentations were made and specifically made reference to the SADC Gender Protocol where CNGO was given the platform to make its own contributions. However, respondents from Lesotho were a bit on the sceptical side indicating that the SADC had a limited respect for civil society organisations and their issues as reflected by the failure to honour an invitation to the 2014 SADC Civil society Summit in Harare by the SADC Executive Secretary Stergomena Lawrence Tax.

6.4.8 Compliance with provisions of Article 23 of the SADC Treaty

In its founding documents the 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.It is further underlined in Article 23 (1) which articulates that

> 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), Section (1) and (5.2) subsection (b) also 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.

In order 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 provision of spaces that allow citizens 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 publicly make known civil society views.By so doing it helps their processes to include of a diversity of views. This notion is more pronounced in Staszewsk (2012) who argues 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 this breeds a citizenry that is passive and just consumers of government, polices 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 respect for diversity of views in decision

making. Helen (2012), argues that deliberative democracy places emphasis on 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 reasons in decision making a matter of great practical importance and sharp legal disagreements, but this is a particular 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 make a determination of the extent of conformity and adherence to the provisions of Article 23 as supported by arguments of the deliberative democracy conceptual framework on enhancement of 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.

Thus there was a good NGO-bad NGO scenario, which made it very hard to recognise which civil society organisations were actually pushing their own agenda and not the one they had been told by their respective governments to push. 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 lacked any organisational mechanism to make sure civil society was not ignored by SADC.

They 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 at protocol level it only reflects and protects the interests of the elite, except for maybe the Protocol on Gender. The SADC needs to be reformed and live to its commitment of being people centered. Respondents advocated for a more structured and formalised participation of civil society by ensuring that they prioritise the free movement of citizens across the region and remove all travel barriers such as visas. The current setup where some citizens of SADC member states pay for visas was viewed as retrogressive.They cited amongst other things the $100 that Angolans pay to get in to Zimbabwe and called for a visa free regime in SADC.

They also indicated that a regional parliament should be established that would oversee needs and interests of the people of the 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 the SADC.

Respondents from the SADC CNGO Secretariat indicated that the SADC was not living up to its commitment of ensuring participation of stakeholders in decision making as outlined in Article 23 of the SADC Treaty. They however, acknowledged that while the SADC has not fully reached a stage where it could be viewed as a best practise 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 government's view of being in power as an entitlement that allowed them to deny citizens liberties and 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 space for increased participation of stakeholders in decision making to allow the institution to be an effective regional organisation. Respondents reiterated the need for the re-envisioning of the SADC. They bemoaned the lack of meaningful participation by all stakeholders in the SADC policy processes, adding that the issue of the reopening of the SADC Tribunal should be taken seriously. They also added that the SADC should establish a regional parliament to ensure checks and balances and as an embodiment of the interests of the people. Respondents also reiterated that the 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 the SADC's annual budget in order to ensure its independence and enhance its effectiveness

Further to that they 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 turning it into an elite grouping of Heads of State. In actual fact, CNGO is calling for the democratisation of the regional body.Importance was further placed on the need by the SADC to prioritise the interests of citizens and effectively address the ills currently plaguing the region such as poverty, corruption and individualism, among member states.

Respondents from Mozambique and Zambia claimed that the 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 in most occasions the SADC promoted initiatives that favoured the elite and at times there was no engagement of civil society. The SADC body lacked enforcement capacity. It is incapacitated and a lot 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 the SADC as a regional economic bloc. It had failed to explain the benefits of being a member of the SADC comparing it with the days of how Africa's founding father Kwame Nkrumah (Ghana), explained the Organisation of African Unity (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, which would unite Africans and it was clear to everyone what the objective of the body was, but now the situation was different, previous levels of unity have largely dissipated.

In order to improve, respondents indicated that the 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 so that they might be sustainable, and the CSOs could be supported by the SADC body financially so as to reduce the donor syndrome. They stressed the need for the CSOs to be wholly independent. They indicated that the SADC as an organisation should start evaluating the performance of National Steering Committees, sharing results with member states this enhances the productivity and effectiveness of the member states.

They argued that the SADC as an organisation should start mobilising citizens and reviving SADC National Committees in national countries. They also stressed the need for continuous engagement with relevant government authorities. Respondents from Malawi were of the view that the SADC was not living up to its commitment of ensuring CSOs participation in decision making processes and they cited most of their proposals being shot down before the summit. They cited the issue of the SADC tribunal to which there was extensive representation by civil society against its dissolution yet the authorities went ahead and dissolved it. They indicated that the

process was not people centred as the decision making processes did 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 process and decision making was 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 was to strengthen engagement at national level is by supporting the SNC to be fully functional and thus influence the policy-making processes at grassroots level. Respondents also gave comments to the effect that the government should make provisions for support of civil society without necessarily interfering with their programming. Respondent from Namibia showed thorough understanding of the SADC CNGO and SADC processes because he once worked for the organisation. He also had zeal and enthusiasm that SADC would reform and space for civil society would gradually increase and make way for a more inclusive policy formulation environment in SADC.

He, however, showed some worry 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 it being a club of states. He highlighted that the SADCs main problem was 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 work together complimenting 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, lacking in vision, depth, research and courage. Overall, civil society was not very effective as governments were not challenged to be more accountable to SADC citizens. They bemoaned the existing situation where governments just bulldozed their way.This view was stressed by respondents from Mozambique who indicated that the SADC should move away from being an organisation of rhetoric without action, but that of rhetoric accompanied by practical action and implementation of agreed positions.

Respondents from Swaziland said to a considerable extent the SADC was working to its expectations and cited that this could be detected in the protocols, declarations, policies and treaties that the SADC formulated and adopted, some of which were addressing the interests of the region's populace. However, what remains unpalatable is the lack of domestication and implementation of these legal statutes by member states. Therefore, one would recommend the setting up of an institution such as the African Peer Review Commission at SADC level to regularly assess progress.

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 and matters of regional interest and be in a position 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 needed overcoming. They also spoke of the need for civil society organisations to rework their funding models as problems came from donors whose agenda was not enhancing positive interaction between governments and citizens, but rather fuelling 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, they 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 National CSOs direct participation in SADC decision making.

Since Article 23 of the SADC Treaty speaks of a desire to allow for participation in decision making by citizens yet the SADC has constructed an inter-State organisation where engagement and decision making is done through governments. It is important to explore whether there were any avenues for the direct participation of citizens in decision making processes as outlined in the Founding Treaty and 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 the SADC policy-making initiatives. Instead, civil society has been limited to advocacy and lobbying on the peripheries e.g. campaign against violation of human rights in Zimbabwe during the 2008 era where TANGO called for global solidarity of civil society organisations to attend to Zimbabwe's socio-economic and political challenges. They 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 implementation of the RISDP. These observatories were 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, though discretionary, civil society groups had on certain occasions been invited onto advisory committees in programme or policy development.

They 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 want to use it for its own benefit. Respondents from Swaziland, Zimbabwe, Lesotho and the Seychelles indicated 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 form of space for engagement on how to solve the 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 Trade protocol. They even participated in the Regional Integration demands and also during the implementation of the Trade protocol. Respondents indicated that government officials do participate in various discussions. He went on to say that in April 2013 the Minister of Trade and Industry in Mozambique 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). This TFTA is a free trade agreement which was negotiated between the Southern Africa Development Community (SADC), the Common Market for Eastern and Southern Africa (COMESA) and the Eastern African Community (EAC).

However, they mentioned that even if the organisation has participated in all of these initiatives especially the trade protocol there has been limitedpositive response to their advocacy.They also listed other policy initiatives they participated in which included the SADC Gender Protocol. They were advocating for promotion of health for refugees, 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 the organisation has been fighting for the rights of orphans, the vulnerable and the youth as well in most SADC discussions. Help Age International has been involved in SADC consultative meetings on meeting 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 Help Age International participated in the above process. The respondent cited a few participants which included the Mozambique Association for support to Older People (AMAI) Red Cross Mozambique, Action for Community Development (ASADEC). Government officials who represent vulnerable children from social welfare and those engaged in issues of youth education in Mozambique were involved in these initiatives.

Zambia's respondent indicated that Zambia Council for Social Development has had the privilege of engaging with the SADC secretariat as well. He noted that policy formulation processes at national level are limited and it is usually done through the SADC National Committee though it rarely meets.Though the organisation has participated in policy making initiatives he emphasised that civil society organisations are given limited space when participating,being hardly consulted when it comes to trade issues for example.When it came to drafting even if they air their views they are not considered in the drafting of protocols. The protocols are endorsed without their participation and theynever saw any of their contributions in the final documents.

Zambia'srespondent Matrine Bbuku, has a predefined agenda regarding donors or WTO's interests which are adopted by the government.Chukuwhon, has been part of the gender equality movement for some time, specified, her organisation's and other gender movements involvement have been in the drafting of the SADC protocols and gender and development initiative policy issues, during these discussions the government officials were involved in the partnership and they also co-operate in developing policies at national and regional level for example the African Union level.

She went on to explain that other organisations were involved especially those which advocate for women's rights in Africa and also those who promote the anti-gender based violence laws in Zambia. They have been involved in the amendments and constitutional reviews and the respondent cited that there is equality during these discussions.

The respondents from South Africa indicated that they have participated in the SADC process with the COSATU representative revealing that his organisation had indeed

participated in SADC policy initiatives. Though this had been done through the official government position the respondent pointed out to SATUCC involvement in the Social Charter in South Africa in 1992 as having been 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 the SADC policy making processes.Those from Mauritius indicated that their apex organisation 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 located in Gaborone. One of the organisations Botswana Khwedom Council dealing with the rights of SAN people indicated that have started to get and ear on the issues that affect them as the SADC seem 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 the SADC policy initiatives recently, but they probing the SADC as a body to address their grievances. All along the organisation has not been involved in any SADC policy making because it is an advocacy group for the indigenous minority these organisations have not been participating in any SADC policy initiatives

Respondents from the SADC secretariat indicated that in recognition of importance of quality policy research and analysis in developing the SADC 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 being to enhance policy dialogue amongst all key stakeholder at both member state and regional levels, designed to feed into the deliberations and discussions at the SADC policy organs and other intergovernmental processes.

The objective of the SADC Think Tank was to provide a platform for dialogue and exchange of views amongst stakeholders particularly to policy makers and researchers on the status and processes of the Southern region integration. The conference was organised with the Centro de Estudos Estrategicose Internacionais (CEEI) and attended by a whole range of key stakeholders Secretariat, Business and SADC CNGO. In that conference the SADC Deputy Executive Secretary, Eng Jao Samuel Caholo, stressed the critical need for SADC operational processes, to involve all its stakeholders especially the member states governments, civil society, private sector, the media, policy research institutions and the SADC Secretariat

The Deputy Executive Secretary observed that one of the major threats to successful implementation of the regional integration and the RISDP and SIPO was the inadequate establishment of SADC National Committees and the fact that the key stakeholders appear to be excluded from the decision making processes of the organisation. This view was also 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 also weak, non-participatory and not inclusive. Dr Mondlane indicated the need to critically revisit the state of functionality of the SADC National Committees and why the member states were not living up to their commitment of 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 business community. Unfortunately, the same governments seem unprepared to fully implement the agreements they commit to on behalf of their citizens.

6.4.9 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 democratic society, members are conceived of as free and equal citizens. It 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. He 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 over decisions with which they are expected to comply and made in their name. Most importantly it is framed in a manner that that ensures that members can legitimately make systems on highest level of systems of authoritative collective decision making.

The research thus fielded questions to make a determination of how minority views are treated in the decision making processes. The research looked at dealing with minority views in both the SADC as an institution and the civil society organisations themselves. The views of respondents from Tanzania were that there was limited consideration of the minority views in various policy discussions due to what they cited as limited platforms for discussions, which included 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, which was put, to ensure that there is equality of men and women in government positions, which was dismissed as not practical but could only be implemented progressively. Respondents also revealed that the issue of minority groups and their views such as gays and lesbian rights were not only taboo but criminal in Tanzania.They spoke of what they called difficulties in ascertaining the impact of citizens' 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 put into implementation. They further revealed that the government does not recognise 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 the 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 the discussions. She even went on

to say that the organisation had been invited to other SADC policy and program reviews, whereby 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 the 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 expresstheir 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, that these 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 the 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 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 also increased gender awareness.

The respondents from Botswana outlined that ideally, the outcomes of the discussions should reflect the views of the stakeholders, especially the minority, however, in real 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 the civil society organisations in 2002, there has never been any discussions of the issues of the 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 and the government is imposing strict legislation on hunting,nor are they 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 was limited consideration of minority views and as such there is limited - fairness.This is because veto power still lay 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 wielded significant influence over government. Other respondents noted that NGOs have plenty of space to discuss issues both at country and at regional level, however there is no clarity in the transmission of ideas from the NGO's to the regional body.

The respondents from Zambia, Mozambique, Zimbabwe, Lesotho and Namibia, agreed a consensus, that there was limited consideration of minority views as decision making was done using 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 a general agreement from both the secretariat and the membership that all views of members are taken on board. They cite an example, that in the recent past they have received membership from minority group organisations representing the elderly, children and the 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 their decisions were made through exhaustive discussions until a position of consensus is reached. They indicated that while their constitution provided for voting in the event that a consensus position fails, there was

very few times where they resorted to that. They further indicated that even when they had to divide the house into a vote minority views wewre not totally rejected.

6.4.10 Effects of State-CSOs relations in SADC decision making.

Deliberative democracy also places emphasis on decision making in which those in government and the governed make decisions after a collective process of discussion. In that regards it is against state 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 differed to a vote that vote should be done after all participants have been made to sufficiently understand all the issues on the table.

This way it buffers state domination of citizens. Helen (2012) views the deliberative democracy approach as placing emphasis on democracy as government by discussion and specifically rational deliberation which is process of reason giving among citizens about matters of the common good.

In that regards this research also sought to make a determination of the state civil society relations in different member states and how they affect the ability of the CSOs to contribute significantly in the decision making processes of the SADC.

The respondents from Tanzania indicated that state civil society relations were tense especially for organisations dealing with issues of good governance and human rights. One of the respondents said that;

> The government seem 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 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 funding of agriculture in their budget policies. On another note, respondents also emphasised the need for civil society to seek alternative methods of engagement with the SADC such as targeting 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 related platforms.The only problem was that the Tanzanian Government did not seem keen to create such platforms; instead it is through efforts by CSOs to convene fora 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 comes when government needs help from non-governmental organisations e.g. 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 this respondent, 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 fairly 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 policy making processes. They indicated that most organisations including 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.

The head of the apex organisation of civil society organisations however indicated that while it was true that there is fairly 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 keen to work with organised civil society organisation and indicated 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 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 of who to work with might be abused to lean more on 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 rightsorganisations 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 SADC National Committees was cited as one of the main reasons that has created a gulf between the government and civil society.Restrictive legislation and regulations have seen the Zambian NGOs take the government to court challenging the new 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 organizations delivering services should register under the registrar general

The respondents from Botswana presented the relationship between government and civil society in Botswana as not smooth flowing. Government views civil society organisations as radical. They are seen as members of the opposition party. They 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 the SADC. They indicated that in most instances they hear of adopted policy decisions 'through the grapevine'. Civil society organisations are not been taken seriously, and anything they advocated 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 BOCONGOs, to enhance understanding between the two to 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 the 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 focussed in 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 the SADC as an intergovernmental body and the CNGO as a civil society actor at regional level. She also displayed high 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 the government and civil society, but the former was sometimes viewed as being a bit too radical and this has caused some tension albeit at a minimal level. The fragile SADC National Committee 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 lacked 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 misrepresentation of facts to the 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 SADC National committee has made the situation even more problematic.

The situation was said to indicate 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 opposition 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 foreign funding of political parties. On the other hand, CSOs view the government as being undemocratic, closing all spaces and avenues for citizen participation in policy decisions that affect their lives. They argued that they are all fighting to facilitate active and meaningful participation of citizens in the way they are governed.

6.4.11 Communication in enhancement of SADC-CSOs participative decision making.

The deliberative democracy tenet of communication emphasises the need for continuous feedback between citizens and elected officials. Norris & Odugbenin (2008), see communication between elected officials and citizens as key to empowering people to make better choices by providing them with more 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 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 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 that regard the research also sought to make a determination of 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 2014.The respondents further indicated that the government of Tanzania was often 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 and 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 the 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 for widening of information dissemination platforms to allow for reaching out to a wide audience and thus widening the sphere of citizen participation 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. Respondent from Zambia was quoted as saying:

> 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 found on websites there was exclusion of the rural population who form the bulk of the Zambian population.

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

Chapter Six presented data and responses from various categories of respondents on their views regarding the state of civil society participation in the SADC policy-making processes. The responses are categorised into three key thematic areas focusing on the SADC organisational structure and decision making processes. The other thematic focus is on civil society participation as a function of inclusive decision making in the 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 member state level, the senior officials of the SADC CNGO and some government officials directly linked to the operations of the SADC. The responses in summary reflect a state of disarray with regards to the participation of civil society in the SADC 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 from 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 the SADC 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 on whether their application could be the prescription for enhancement of stakeholder participation in the decision making processes of the regional bloc.

Chapter 7: Data Analysis and Conclusions

7.1 Introduction

Chapter Seven makes an in-depth analysis of the research finding presented in Chapter Six.The analysis is measured against the conceptual framework of deliberative democracy in enhancing inclusive decision making in the SADC policy-making processes. The analysis framework looks at testing how the deliberative democracy tenets of accountability, reciprocity, equality and communication are dealt with in the SADC decision making processes. The analysis seeks to answer three key issues on civil society participation in decision making:

I. How current SADC and its decision making institutions 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?

Secondary and related questions are:

a. Does the inter-state 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 SADC 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 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**.** SADC Treaty amendment Article (1) and (5.2) subsection (b) stipulates that SADC will, “encourage the people of the region and their institutions to take initiatives to develop economic, social and cultural ties across the region and to participate fully in the implementation of the programmes and projects of 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 private sector, civil society, non-governmental organisations (NGOs), workers and employer organisations. The organisation further provides for organised structures for the participation of civil society and other stakeholders through the SADC National Committeeswere assembled to provide inputs at national level in the formulation of regional policies and strategies, as well as coordinating and overseeing the implementation of programmes at national level.

The committees are responsible for the initiation of SADC projects and issue papers providing input into 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 suchas the SADC CNGO - which partnership was sealed through the signing of an appropriate memorandum of understanding (MoU). The SADC Council of Ministers minutes of a meeting held in Luanda, Angola, on 11to16 August 2011 indicate that in line with guidelines on subsidiarity that were adopted in the SADC Council of Ministers held on 15 February 2002 in Zanzibar, Tanzania, the Secretariat has formalised its relationship with key stakeholders by signing MoU with the SADC

Council of NGOs, the Association of SADC Chambers of Commerce and Industry (ASCCI) and the Southern Africa Trade Unions Council (SATUC).

However, even with the presence of such prescribed structures for participation of stakeholders in decision making, research finding reveal that there is minimal participation of stakeholders in decision making processes. The research confirmed confirmed the existence of some structures butthese were not assisting the participation of civil society in SADC decision making. Evidence from the research assisted in answering questions on why civil society and stakeholders findit difficult to participate in SADC decision making processes despite statutory provisions in the SADC Treaty. It also assisted answer important questions on 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 makingprocesses and how that affects citizen voices in decision making. The research therefore sought to identify space 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.

Evidence from the research is that despite 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 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 absence of institutions for legislation, but of absence of utilisation of both existing institutions and legislations. The present researcher's conclusion is that reasons for failure of utilisation of the provided institutional and legislative framework cannot be blamed on one group, but are traceable to all the key stakeholders involved in the SADC 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 participation of stakeholders in decision making of the SADC is undoubtedly SADC National Committees yet the research reveals that of the twelve SADC countries used in the research only one - Mozambique - has a fairly

functional SNC which, while not meeting all the standards as required by the guidelines, had some bit of life. In all other countries committees only existed on paper, or were mere extensions of certain government departments.

The SADC National Committees are supposed to be the pulse of the operationalisation of stakeholder interaction and participation in the 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 limitationsin 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 an extent of reaching dysfunctionality levels in some countries. The situation regarding the existence and life of SNCs reflects a serious decline in their influence or construction yet 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 participation of civil society in international governance might enhance democratic accountability of international organisations, in the sense that it might help citizens to regain control over international governance and to hold decision makers to publicly account.

In the SADC context, CSOs act as watchdogs and creators of 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 function 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 improve 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 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 the SADC for the participation of the civil society are the SADC National Committees which are supposed to enhance 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 and way that could promote accountability.

While the SADC Council of ministers defines how SADC National committees in all SADC member states should be constructed, there seemed to be no standard, therefore, causing problems of functional measurability. Findings from records of the SADC Council of Ministersmeeting held in Blantyre, Malawi, on 9 to 11 August 2001 reflect a desire by the SADC to establish SADC National Committees. Minutes speak of a Summit decision on the establishment of SADC National Committees and that draft guidelines had been developed to facilitate the adoption of common minimum standards on the structure and operations of SNCs. Council also noted that the main purpose of SNCs was to ensure broad and effective participation of key stakeholders in SADC policy-making initiatives.The Council also approved draft guidelines on the establishment of SADC National Committees.

The guidelines state the SNC should have technical committees with chairperson 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 ensure there would be maximisation of interaction and coordination in each cluster to guarantee stakeholders had easier access to decision making and thus improves 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 accountability of the government to its citizens.

The lack 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. Findings are consistence with the Nzewi and Zakwe (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 the 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 participation of key stakeholders in decision making processes.

However, there is no provision in respect of regularity of the meetings of sub-committees and technical committees. The reality from countries studied was that there was no sign of SADC Committees meeting quarterly as defined in the Treaty. Even those who claimed to be meeting were unable to provide any proceedings of claimed meetings. These also applied to technical committeestheir 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 got involved in the processes and 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 second policy makers. The government is the primary policy maker more accountable to its stakeholders, namely civil society, if it had regular meetings with them as defined in the statutes creating those SNCs.

The above assertionfurther confirms a conclusion from a 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 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 determined by availability of donor funds and connected issues.

7.3.2 Absence of capacitated secretariat

One of the key drivers of the functional SNCs was identified as a well capacitated secretariat. Research findings indicated that a well capacitated secretariat ensures that the organisation is able to continuously coordinate meetings and communicate with stakeholders and thus enhance accountability and participative decision making. However, as already noted, most of the countries did not have any secretariat and those with one did not have it properly capacitated.

In most countries there was evidence that they were really 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 and thus affecting the link that is supposed to exist between the government and civil society. Inevitably, this reduces government accountability to citizens.

These findings are consistent with similar ones by Nzewi and Zakwe (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 SNCs to operate and promote the intended continued interaction between the SADC and civil society in a manner and way that enhances accountability of the former to its citizenry.

7.3.3 Poor advocacy and engagement strategies

One of key weaknesses that were identified as hindering the effective positioning of the civil society voice in the discussion for the SADC 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 the SADC, revealed that civil society organisations in most cases were reasons behind the dysfunctionality of said committees. Government officials in collaboration with the

SADC secretariat indicated SADC National Committees 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 that were held 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 vote 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 bedereliction of duty on their part if they were to defer all decision making to civil society which did not have the legal mandate of the whole State.

They noted that while the government might not have come into power by 100% vote 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 were 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 aggrandizement and grandstanding ultimately creating reluctance on the part of governments to engage them.It is the present researcher's view that this poor engagement approach by civil society organisations themselves has assisted government to limit accountability to citizens.

In most countries where there is tension between civil society and the government, poor engagement approaches by the civil society have been used to leave the government in sole control of decision making processes.Thisweakens the ability of the SADC to fullfill its commitments as outlined in 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 makingprocesses it woud be prudent for them to revise their approaches and be

more diplomatic, strategic and results oriented. This argument draws from one by 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 through the strengthening of 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, Matterson (2010) speaks of complications of 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 under developed states society continues to be accepted as a significant factor in the determination and driving of governance policies yet the term civil society remains a bit 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 the present researcher's conclusion that there is more to be gained by society for its constituency if it were diplomatic and strategic in engagement with the government and vice versa.

Civil society strategy and approach in being too militant against the government breeds tension, repulsion and does not assist in making meaningful contributions in SADC decision making processes civil society. It my further conclusion that while there is importance of recognition of the involvement of stakeholders in decision making there should be no illusion that stakeholders can be the primary actors in decision making. In summary they exist to complement the government and not to replace it.

Stakeholders, in particular civil society, are available to complement the government. In that regardcivil society should know that engagement strategies should be different 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 in issues raised by them and opposition parties on where

the government is going wrong, there should be differences in strategies of solving these problems.

Regrettably evidence from the research seems to indicate that because of the nature of similarity of issues raised by the two groups there has been an alliance on engagement approaches which unfortunately in most instances has created militancy on the part of the government as it views the civil society as part of opposition political movement and not complementing it in solving national problems. There is need for civil society to tone down and accept that it can only go as far as complementing government efforts and militancy should be issue-based. Furthermore it must have limits and there need for them to revise their startegies 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 Zakwe (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 in spite of 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 national level is far from being achieved.

7.3.4 Financing model and its effects on decision making

Key evidence agreed by the SADC secretariat, civil society organisations themselves as well as government officials is that the funding model of the SNCs affects their abilities to function properly. The over reliance 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 has to 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 practise that is not happening. The SNCs have continued to rely on donor funds and this affects their operations. From similar research findings by Nzwewi and Zakwe (2009; 24) state:

> 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 funding model and desirous of promoting a healthy balance sheet to enhance participative decision making.It is important for the SADC to revise the funding model to ensure that the secretariat takes over the role of funding to allow for meetings to be held regularly even in countries where there are tensile relations between the government and civil society. This way there would be continuous engagement through the holding of SNC meetings whose agenda and influence would not be determined by any of the interested parties or donors. This

could assist going a long way to ensure 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 key tenets of deliberative democracy is equality of voice as a way of promoting inclusive decision making. The premise of 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.

The premise of the argument is that a vote for an individual to represent people in the Legislature and therefore in the government, does not always translate to a vote for a particular policy that the government would implement during its tenure in office. This means that even those who would not have voted for that particular political party which formed 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 in reality it is actually the Parliament that makes laws and governments that make policies and not the people.In reality while representing the people,Parliament is not *"necessarily the people".* The assumption that citizens choose public officials on the basis of understanding is highly contested. For instance Hirst (1988) argues that a mass investigation in political science shows that voters do not pay attention to the specific policy promises of parties. Voters pick and identify with 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, important as the election may beelectoral winners and therefore 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 policies developed cannot infringe on the will of the people are wrong. There is a generally acceptable but wrong 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 in reality 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 it 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.Power to make decisions is vested in the political paty 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.

In reality 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 actually help to make the process of policy formulation and execution more consistent and effective.

There is no doubt that in a representative democracy set-up there are some levels of engagement between citizens and their elected officials, but the ultimate power on decision making rests with elected government officials. However, in a representative democracy set-up the political elites who happen to be in control of the coercive instruments of State power have the ultimate say on what policy decisions could be put in play.

This is the case because, being nationally elected, it is assumed that elected government officials reflect the preferences of the majority electorate andtherefore are politically accountable to the whole national constituency. However, in actual practise this is not the case because representative democracy, on most occasions seems to ignore the views of the minorities. Eskridge (2007) is 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 final outcome of a majority voting 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.

This 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 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, regardless of the fact that they were elected into 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 views 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 the 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 the SADC. This flies in the face of the SADC attempts to strengthen the participation of citizens in decision making by allowing for interactive engagement between the government and stakeholders. In countries where there is some semblance of existence of these structures there is little regard of minority views in discussion thus rendering theprocesses not 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 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 the SADC and stakeholders and that was also the case between the State and its own stakeholders at national level. This means that current configurations in the SADC measured against the yardstick of deliberative democracy fail the test by a wide margin.

The deliberative democracy approach views communication channels as a bridge or transmission belt of ideas between society and elected representatives. Caparini (2010) says 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 Mughan and Gunther, (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 ensure there is increased stakeholder participation in decision making processes.

This is more achievable if the deliberative democracy approach is used in decision makingsince it advocates for greater stakeholder participation in the decision making

processes as well as emphasising 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 of SADC decision making adherence 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 people who would be bound by them. In that regard reciprocity sets standards or criteria for assessing decision making on the strength of justification that decision makers should give or that they should use reasons that are accessible, morally respectful and revisable. The findings from the research are not consistent with adherence to principles of reciprocity.

Guttman 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 laws and policies that they would impose on one another. The decision making process of the SADC is tilted towards favouring the interest 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 requiresthat 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 and thus encouraging cooperation on fair terms. The legal provisions of the SADC Treaty in Article 23 and subsequent establishment of SADC National Committees speak of a desire to ensure that decision making gets justification on basis of sensible reasoning of affected parties. The situation at SADC in practice defies all these intentions of the SADC Treaty and the institutional provisions and work contrary to and thus against reciprocity in decision making. It also requires more than simply agreeing to

disagree, but encourages that each side have a favourable attitude towards the other and constructive interaction with the side that it disagrees with. This keeps open the possibility of a different, more accommodating solution 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 be in other places and have placed policies on a lower list of political preferences. This could be an important process in acceleration of the SADC decision making process as interactive and inclusive decision making process could help find a point of convergence between elected officials and citizens and thus help them work together with energy in accelerating development.

7.7 Conclusions

This chapter makes an indepth analysis of the functionality of the SADC institutions.It outlines the operations of these institutions at member state level and how they promote or limit parcticipative decision making.It further outlined the views and attitudes of specific individuals and civil society organisations from the different member states on the the state of partcipative decision making at SADC.It thus sums up the attitudes and beliefs held by the civil society, SADC secretariat and government officials on how SADC organisational construction limits or prohibits stakeholders' participation in decision making.It therefore lays a good 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 the SADC and how it allows for participative decision making. The study was meant to find out how institutional and legislative frameworks of the organisation complement each other in enhancing participation of stakeholders in the policy-making processes. The SADC in its Founding Statutes - in particular Article 23 - speaks glowingly of allowing for participation of stakeholders - in particular civil society - in its decision making structures. This is seen as 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 SADC national committees 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 national level where the government, civil society and other related stakeholders meet and discuss the country approach and policy positions for the transmission to the 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 in any way 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 following questions as the basis of the enquiry. The primary research question that the research sought to answer was one which sought to find out why civil society and stakeholders find it difficult to participate in SADC decision making processes despite statutory provisions in the SADC Treaty. This primary research was complemented by other secondary related questions that were used to assist and probe the following key related questions:

8.1.1 Do SADC institutions limit meaningful participation of civil society in policy formulation processes?

This question was specifically rooted in the fact that the 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 the SADC it could open some 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 the SADC starting from where policy is initiated and attempted to measure the extent of stakeholder engagement. It later sought to make identifications of how decisions are made in each of the key organs of the institution. Particular focus was placed on the extent of adherence to provisions of Article 23 of the SADC Founding Treaty which speaks to provision of spaces for participative decision making. It further sought to make enquires on how the processes that take place within prescribed organs for participative decision making in particular the SNCs should work. These were seen as the most important organs for stakeholder participation given that they were created specifically to enhance government and stakeholder engagement on SADC matters at country level. It also further sought to find out if other formal decision making organs of the SADC like the Council of Ministers and the Summit of Heads of States and Governments did 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 in SADC decision making processes?

The question sought to measure the feasibility of enhancing stakeholder participation in decision making of the 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 in decision making of the SADC and thus tests the feasibility of enhancement using the deliberative democracy conceptual framework.

From a theoretical perspective there is substantial literature that suggests that deliberative democracy has greater chances of improving stakeholder participation in decision making than representative democracy. Given the vast supportive literature on how it enhances stakeholder participation in decision making, the research thus sought to make a determination of the extent to which it could improve stakeholder participation in the SADC decision making processes.

The rationale for this research was based on a realisation of the expanded importance and influence of interstate organisations in domestic policy yet there was limited participation by individual country citizens in the decision making processes of the institution. There is always an assumption that by virtue of being elected representatives the government of the day have absolute power to make decisions on behalf of citizens even at international fora. While this is not far from the truth the institutional structure and legislative framework of SADC indicates a desire and craving to allow for the participation of stakeholders in the decision making processes of the organisation.

8.2 How the research was conducted in relationship 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 twelve 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 some senior members of civil society organisations at country level, senior officials of the SADC CNGO, senior government officials in selected member states and some senior officials of the SADC secretariat.

Data from the qualitative enquiry was complemented by other from documentary analysis drawing from SADC Policy documents, Statues, protocols, council of ministers meetings as well as that from the Summit of head of state and governments. The data was measured against the tenets of the deliberative democracy conceptual framework tenets of accountability, reciprocity, equality and publicity.

8.2.1 Summary description of findings and results

8.2.1.1 Does the inter-state nature of SADC institutions limit meaningful participation of civil society in policy formulation processes?

Evidence and answers from both qualitative and secondary research point out that the construction of the SADC as an international organisation where decision making is through government to government agreements limitsstakeholder participation. It also indicates that there is limited stakeholder input in statutory provisions in Article 23 of the Founding Treaty, which speaks of a desire to enhance participative decision making yet in reality remains it remains on paper since it is not implemented. It has limited impact as it is not adhered 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 Council of Ministers which effectively does all the work and then forwards to the Summit of Heads of State and Government for formal endorsement of the decisions taken by council. The Council

of Ministers 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 in most occasions representations have never been taken into serious consideration. Indications are that the provisions relating to participation of stakeholders seem to be just on paper with limited valid effect in 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 its founding documents in particular Article 23 of the SADC Treaty there is little appetite for implementation of these declarations. It looks like the SADC created avenues for participation of its citizens in decision making as a way of giving an impression that it is democratic. The SADC decision making process has not at all supported its institutions of stakeholder participation in order to presumably 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 the elites who are out to protect their individual interests rather than that of their citizenry.

Failure at country level by national governments to provide for sustainable dialogue on SADC matters through SADC national committees is a living testimony of 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 and parcel of decision making processes of the institution. The SADC National Committees, which are supposed to be the forum for state civil society interaction on policy matters, are dysfunctional in eleven of the twelve SADC countries studied thus making it impossible for the civil society voice to be heard in the policy-making processes. In countries which seem to have some structures there is too much government influence and control. In reality, while it is true on paper that indeed there are organs provided for participation of citizens in

decision making processes of the SADC, these are assumptions rather than functional initiatives.

There are glaring shortcomings and inadequacies in the SNC structure and function. A central question needs to be asked, and that is whether there is a future for SNCs in enhancing stakeholder participation in the SADC 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) of SADC - may justifiably assume some of the functions of SNCs. Although it seems that SADC national committees play the primary role of co-ordinating poverty interventions at the national level, national poverty monitoring structures of the RPO will co-ordinate the work by several ministries and provide information to the regional poverty observation offices in the SADC secretariat in the same department where the monitoring office for SNCs is located.

It is prudent for the SADC to create a more structured and friendly framework for stakeholder participation in the SADC. This means crafting or reviewing operations of the SNCs so that they are standardised and their work measurable in each Member State. It is also important to ensure that there is widening of resourcing and financing base of SADC national committees. It could be much better if the funding is 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 selective choice of participants and also creates problems of it 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 the SADC. This is particularly so because of their known traits that assist in promotion of interactive engagement between government and the citizens that elect them. The traits

embedded in these tenets assist fill the gap on why there is limited participative decision making in SADC.

8.3 Effects of financing model for CSOs participation

The research shows that the financing model that relies on donors has a negative effect on SADC decision making processes. This also applies to donors who if allowed could influence the agenda using the old adage *"he who pays the piper, plays the tune"* The secretariat becomes the most neutral organ to handle issues of resource mobilisation and distribution of finances to the SNCs to enable them to function with high level of credibility. This conclusion is in variance with the conclusion made by Nzewi and Zakwe (2009) on the same subject. They argue that there is need for consideration of the option of semi-autonomous SNCs. One major issue for debate which has emanated from the research is the question of whether SNCs could function as institutions within governments. First is the current challenge of funding and lack of capacity of governments to effectively run SNCs, as well as SADC's shortcomings in terms of funding and its capacity to support SNCs.

8.4 Government andCSO relations

The second challenge lies within the context of the relationship between civil society and the government. The situation of some SNCs in national departments, as some of the 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, reducing bottle necks; for civil society the argument was from a point of view of influence) there was a strong feeling that SNCs function as semi-autonomous or autonomous arms of SADC at the national level.

They argued that if they were to be semi-autonomous institutions, SNCs would serve as a co-ordinating structure with powers to run independently within the overall government system. They saw this as a way of ensuring that SNCs escape the bottlenecks within the government. From an operational perspective, perhaps, this arrangement may contribute to better functioning of SNCs. They still argued though, that funding such an agency would likely be a challenge. However, it might be easier

to access funding if SNCs were semi-autonomous structures. Funding could be secured directly through donor partners and even stakeholder organisations.

They concluded that there was still a great deal of value that well-functioning SNCs which are integrated fully into the government could add a lot, especially in terms of 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 mobilising and distributing funding to the SADC National Committees. It could also be of great importance to make a deliberate effort to publicise and advertise operations of the SADC with a view of exposing spaces that are available for inclusive decision making and enhanced participation of citizenry. The above should be the responsibility of member states, the SADC secretariat and the SADC CNGO as well as 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 the SADC especially the SNCs are fully operational because they are key avenues for enhancement of - stakeholder participation. Those structures if fully operational could be an excellent avenue for promotion of accountability of the government to its citizens.It can also enhance respect of a diversity of views in the spirit of equality of voice, ensuring that there is adequate communication and publicity of SADC programmes and ensuring that processes of decision making are reciprocal.

8.5 CSO organisational capacity

What I also discovered as a major problem was the organisational capacity of most of civil society organisations in the region. This applied to both organisations at national and regional level. Civil society organisations themselves seemed to be poorly capacitated to engage effectively against strong machinery of the government. Most of the organisations are also poorly resourced and lack effective advocacy strategies which have made them fail to get meaningful space in policy deliberations with the government. Moreover most of the organisations have limited understanding of 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 Council of Ministers and the Secretariat. These organs are critical in setting up the agenda for the Summit and if properly lobbied

they could ensure that the civil society views find way onto the agenda for discussion by heads of states and governments.

While civil society organisations are likely to have lots of problems in direct engagement with the Heads of States and government, 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 council of ministers 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 be working on promotion of developmental or related issues and not being extensions of opposition political parties that aim to replace governments. Civil society organisations thus need to focus on sharpening advocacy and engagement mechanisms if they are to achieve more in trying to find space for their constituency 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 targeted advocacy strategies.

8.6 Elusive democracy in the SADC.

It is my conclusion that democracy is elusive in the SADC. Democracy and especially interstate democracy is an ideal that is hard to achieve for a range of reasons notably power, capacity, understandings of representativity.

Democracy is an ideal that most societies strive to achieve because of the known and generally acceptable assumptions that it leads to peaceful cohesion of society and that it is a positive catalyst to development. However democracy has being an elusive ideal that has been difficult to achieve for many societies due to many of its facets that are outside the realistic reach of society. It is my viewthat 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 the SADC are increasingly becoming very important players in influencing domestic policy making they have continue to exclude many citizens to influence their operational structures.

Citizens have a say and voice in determining the composition of their governments at home but they have limited influence on the construction, composition and operations of the SADC. The calls by the SADC in its founding statutes for the inclusion of stakeholders and citizens and the subsequent organisational and legislative provisions show a desire to democratise the SADC as an institution. Yet that democratisation remains an elusive pipe dream due to the following.

8.6.1 Delusions of representativity in SADC.

There seems to be an embedded thinking by most Southern African countries' governments that their mandate derived from representative democracy gives them the total power to do and act as they wish.There is of course the exception Swaziland which still remains an absolute monarch. However the SADC case shows how they are delusionary in that the assumption that representative democracy necessarily means participative decision making is simply not correct. They seem to have limited appreciation in involvement of citizens in decision making beyond just elections.

There is little appreciation that 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 the SADC. In that regard and consistent with that, the democratic ideals have been difficult to achieve and this calls for revisiting of the representation model of the SADC. For instance while the current setup of the SADC is purely on a government to government agreement there could be a need to reconstitute the future setup to include direct election of representatives to the organisation. The assumption that elected government should have 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 the SADC require entrenchment of democratic participation of the citizens by allowing them to directly choose the leadership of the organisation. This means amending statutes to allow for each country representative to the SADC to be elected directly 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 the SADC administration composed of the directly elected representatives from each member state and they be mandated with major decisions on policy and governance of the region. The powers of such an organ would have to be negotiated such that it does not undermine the sovereignty or usurp powers of each member states 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 thus be empowered beyond any measure of doubt to create functional and legislated structures for citizens' participation in decision making. Such structures like the SNCs which are created for democratic participation of citizens in the regional body's decision making affairs should thus be under the command of elected regional parliament legislation and thus subject to the subsequent jurisdiction and enforcement mechanisms.

The elusive nature of democracy, in the SADC can be addressedthrough legislative measures and not political declarations without enforcement mechanisms. Implementation of democratic ideals sometimes requires the coercive instruments and powers that are derived from legislation and law which unfortunately the SADC is currently not furnished with. Simply put democracy is expensive to achieve and the SADC needs to invest in those measures that will make it work and allow for the all inclusive participative decision making that will assist it to be successful.

8.6.2 The SADCs capacity limitations

The emerging truth that seems ignored in the whole discourse on participative decision making in the SADC is the capacity gap that is inherent in the civil society organisations. This limited capacity ranging from 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, unhealthy relations with governments, amongst others has been an albatross around the SADCs policy making neck. There is thus a need for a paradigm shift by civil society organisations, so that they position themselves and thus 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 seen as a way of locating the citizens' voice in the discourse of power relations and even 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 the SADC they have to effectively know that their inclusion in decision making is about maximising their say in political decisions of who gets what, when and how. In that regard a deliberate strategy is required for organisation strengthening of the capacity of civil organisations so that they are able to face colossal institutions like the SADC. The annual pre-summit demonstrations which are far from being the most useful strategy in enhancing their participation in decision making. However, strengthening their capacity to engage and new approaches to funding are all essential elements forincreasing 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 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 theconclusions 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 country level. The two entities need to find common ground in order to utilise and operationalise the spaces provided for by the SADC in 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 also 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, they are actually divisive and not assisting the SADC 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.

- Creation of a legislative parliament which will help enforce the decisions of the 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 as defined by the body statutes have not been adhered to. This could be a serious deviation from the current setup where the tribunal is constituted to deal with matters only brought forward by governments of member states. This will enable the individual SADC citizens to have a say on violations of their rights.It may also be a platform used to influence policy using the the judiciary.
- In order to influence robust domestic interaction between the government and stakeholders at country level, the SADC needs to revisit its funding model. One of the best policy interventions that could be necessary would be the compulsory contributions by member states for national SADC business. Currently the SADC member states make statutory annualcontributions to the organisation for its operations at regional level. It could be important to levy an additional amount of money and then remit it to an organised national SNC structure. If this is done it could assist the functioning of the local structures of the SADC. This money could be managed and disbursed by the SADC secretariat to fund approved activities.. This approach can assist in ensuring a systematic regular tracking system for SNCs activities as well as transparency and accountability of public funds.

8.8 Opportunities for inclusive decision making.

8.8.1 Why "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 consolidation of the framework for inclusive decision making that is provided for in the SADC statutes but is not being put into fruition 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.

With the findings that show the porous nurture of SADC in enhancing participative decision making, the key issue become *"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 the gap that the research went out 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 the SADC as committed to involvement of its citizens in decision making processes so as to accelerate the process of regional integration and development. With the realisation that the current set-up of the 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 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 as a decision making tool in the organisation is seriously suffocated by the actual practise of representative democracy. I have no qualms with representative democracy as way of deriving mandates for decision making processes, but 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 all together. The assumption that by voting for a particular party or individuals citizens are making a policy choice is in itself 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 the 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 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 power to elected representatives and excluding other stakeholders is that while people could prefer a particular person or party to represent them at local or national level, it might not be their desire to have the same person or party representing them at international level. It is possible for instance that a political party or individual that gets the lowest votes at national election could be the preferred choice to represent citizens at intergovernmental level. In such cases the transference of power and authority from a local election into representation at intergovernmental level might be undemocratic as preferences for representation could differ from local elections to national election and intergovernmental elections.

The problem with the SADC is that there is a transferred responsibility on the basis of 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 would not be identifying with local or national needs, but would be seen as the best choice by the people for representation at 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 the SADC 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 the 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 SADC National Committees as the actual engagement institutions of the SADC were found to be totally derelict in the eleven of the twelve 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 therefore means countries that have functional SNC are only Angola and Mozambique. The present researcher concludes that by providing spaces for the participation of citizens in decision making through the SNCs, the SADC recognises its limitations of representative democracy. The argument is premised on the strong belief that if the organisation holds that representative democracy is capable of catering for all the interests of citizens, it would not have had to put in place extra-legal instruments to allow such participation. Further argument is that in providing avenues for enhancement of participative decision making the SADC is not just aware of limitations of representative democracy, but is in search of a model of democracy that could enhance the desired participation.

A conclusion is therefore that in the framework of the SNCs the SADC seems desirous of drifting towards deliberative democracy without realisation. It is seems in search of a democratic model that would enhance participative decision making in order to promote accountability to citizens and thus move with them in acceleration of regional development. The statutory and institutional provisions for the establishment of SNCs speak of a desire to lean towards the deliberative democracy framework as they seek to ensure that there is representation and respect of voice of minorities, a clear framework for communication and making of decisions that are mutually acceptable to all parties. However, there seems 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, the SADC could be able to meet its desired statutory and institutional provisions and aspirations of enhancement of 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 speaks of a desire by the SADC to include citizens in decision making are clearly aimed at ensuring accountability of the organisation to citizens as political accountability is crucial for development. The results of findings from the SADC countries that were subject of this research revealed glaring shortcomings in the organisation in providing for the institution to participate as SNCs and define 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 decisions made reflect the will of the people. It also provides for the necessary safeguards that allow for the provision of checks and balance in governance. This can well be achieved if there is 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 SADC national committees that meet regularly and as platform for the interaction of the citizens and their governments is formula of

achieving greater accountability. Therefore the absence of these regular and structured meetings as provided for in the SADC treaty between the governments and civil society is one of the key causes for lack of participative decision making. The drafters and the founding fathers of the SADC had good intentions and were well meaning to allow for the spaces for decision making and organisational structures in form of SNCs. They had realized this could be a way of improving accountability. In the absence of functionality of these structures the accountability is compromised. Therefore the call for the utilsation of the deliberative democracy tenet of accountability is useful for the SADC enhancement of participative decision making.

An absence of regular meetings as provided for in the SADC statutes is self-defeating, in that it works against the very provisions of the organisations founding statutes. This makes it difficult for the organisation to achieve its goals of accelerated regional development, as it fails to operationalise its own provisions which are well thought out and capable of enhancing its own accountability to citizens and therefore achieving the desired accelerated development and achievement of regional integration.

The deliberative democracy tenets of accountability which are well expressed in the SADC founding statutes need to be operationalised by strengthening and activating functions of the SNCs - a platform for engagement by the organisation and its citizens. This needs to be done by creating a monitoring mechanism in the SADC secretariat or creating a portfolio for engagement between the civil society and the SADC secretariat. This would be a way of ensuring accountability; a key tenet of deliberative democracy and this would also ensure the organisation moves fast to achieve its goals of regional integration.

- ✓ **Reciprocity**

My conclusions on this one is that in making structural provisions of the SNCs the organisation 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,the 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 the culture of regular meetings would allow for the extensive deliberation of issues by different stakeholders, this could be a good prescription for accelerated development within the region. The deliberation would enable that policies that have buy-in and are mutually acceptable are implemented. As such citizens and their elected representatives would identify with them and thus work as a collective in the implementation processes.

In my conclusion, this would be of great assistance in moving the wagons of development of the region faster. The deliberative democracy tenet of reciprocity is thus important in the injection of new life into the 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 creates challenges of mutual justification of these decisions.

This may be one of the reasons which make me conclude that the sluggish pace of development of the region is indicative of its exclusive nature of decision making. But with deliberative democracy tenet of reciprocity there are greater chances that decision making would be made by measurable standards acceptable and justifiable to the citizenry in a manner and way that would make the policy processes people centred and therefore well acceptable by stakeholders.

What this means is that the SADC through its secretariat, has to effectively follow up in each member state to ensure that the SNCs are rejuvenated and 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 the regular holding of discursive engagement at national level between elected officials and their peoples 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 done effectively within various levels of its operations. There should be communication machinery which 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.

There should be communication that is also conducted regularly at country level between elected representatives and civil society so that they share ideas on policy positions and operations of the SADC. This communication is a tool that is important for human development, but is found lacking in the SADC. It is a tenet of deliberative democracy that is vital and its application in the SADC set-up could help in galvanising views of all stakeholders for accelerated development of the region.

The current set-up, while nominally assuming that the organisation would adhere 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 that with entrenchment of communication in the SADC as enunciated by the deliberative democracy tenet of communication the SADC would tend to achieve more in terms of ensuring citizen participation in its decision making processes and thus be able to fulfil its desires as expressed in Article 23 of the SADC Treaty.

- ✓ **Equality of voice**

In expanding the operation of the SADC to include institutions of enabling the voice of the ordinary citizens in decision making, there could have been a realisation of ensuring that there was respectful acceptance of diversity of views of the people from the region.

The SNCs thus operate as the institutions for equalisation of debate and a space in which decisions are made by consensus such that the input of the Member State to the 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 researcher's view aims at bringing 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 body that ultimately makes the legal position on policy matters, they should carry on board the view that emanates from discussion with the citizenry and in making the decisions affect deliberation they need to integrate or take on board views from the minority.

This is specifically important because in electing officials, this does not translate to policy choices. Officials that 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 well acceptable there could be a need to ensure that the elected representative 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 from also makes a realisation of this and has moved to construct all structures that are aimed at facilitating interface between citizens and their elected representatives, but the problem is that they remain in limbo.

The SADC needs to empower contact persons to vigorously pursue the SNCs provisions of meetings that make decisions that reflect the collective view of citizens and their elected representative.

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 a 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.

The 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 the SADC to an actively people centred institution not just in legislation or organisational promise, but in actual practice too. This might call for enactment of more rigorous reforms regarding the enforcement mechanisms for the 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 the SADC. Most of the civil society organisations lack experience and are too structurally weak to be able to make meaningful impact in dealing with the 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 the 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 admistration 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 the 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 SADC National Committees. These indicate a desire for enhancement of stakeholder participation in the SADC decision makingprocess 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 the 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 the SADC 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 thus are not helpful for the advancement of the region and livelihoods of its people.

8.10 Suggestions for further research

The research exposesthe limited functionality of participative decision making in the SADC decision making process despite the strictures of the legislative and institutional provisions. In that regard it is a serious discovery that hindrances to participative decision making in the SADC are not related to the statutory provisions or organisational construction, rather they are embedded in the enforcement mechanisms.

As a consequence of this contribution one area of research that could add value in addition to this one is how the 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 the 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 the 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 that are directly elected for that purpose so that they are empowered to make serious decisions derived from the confidence of direct elections than a delegated status. Such research could broaden the literature on the enhancement of the stakeholders role 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 national level. Such research could focus on how this kind of court could affect 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 in essence works to the exclusion of 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 makingwithin the SADC.

8.11 Conclusion

The importance of the proper application of the deliberative democracy conceptual framework in enhancing participative decision making in the SADC cannot be over emphasised. The research revealed a serious need for the organisational reform of the 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 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 organisational reconstruction of the 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 capacitating the SADC National Committees to be effective organs for deliberative decision making.

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Treaty establishing the Southern African Development Community, signed in Windhoek Namibia on 17 August 1992

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 constructed.(indicate membership, legal status)
2. What in nature of relationship between the SADC CGNO and civil society at 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 in what stages 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 bodiesis 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 the 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 the 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 decision 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 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 its human resources component affects 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 the SADC is living to its commitment of promotion of citizens in policy making-explain?
20. How do you think the SADC should improve in that regard?
    a) Indicate factors to do with the civil society organisations themselves?
    b) Indicate factors to do with the 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 the SADC?
2 How inclusive of civil society are these decisions making structures?
3 How are decisions made and how does the 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?
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 national level?
9 What communication mechanism does the SADC use and how wide reaching and effective are they?
10 What would you state as landmark contributions by the civil society in the SADC policy making processes?
11 Do you see the SADC decision making processes as promoting accountability of the organisation to the citizens?
12 Do you see the 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 the SADC?
    a) State factors that relate to the SADC as an organisation.
    b) State factors that relate to civil society organisations themselves
15 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 the discussions and outcomes were communicated and how accessible and effective were the communications mechanisms?
8. Was there feedback from the stakeholders and how was ithandled 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 then 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 the 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. Are the SADC committee well advertised in a media accessible to a majority of 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 county 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 decisions 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?
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 the SADC decision making processes as promoting accountability of the organisation to the citizens?
13. Do you see the 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 the 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 decision making processes of the 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

Table 2: List of individuals and Organisations interviewed

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
Tanzanian Association of Non-Governmental Orgs	Tanzania	TepaniNgunga	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	Lesotho	Seabata Motsamei	Executive Director	Harare	29/07/14

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
NGOs					
SADC CNGO	Seychelles	SteveLalande	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
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
Help Age international	Mozambique.	Anonymous	Senior official	Harare	30/07/14
Zambia Council for	Zambia	Lewis Mwape	Executive director	Harare	29/07/14

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
Social Development.					
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	CephasZinumwe	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
Government of	South	Xxx	Dept of	Victoria	21/05/14

Name of organisation	Country	Respondent	Position	Place of interview	Date of interview
South Africa	Africa		International Cooperation	Falls	
SADC Secretariat	xxx	Xxx	xxx	Victoria Falls	19/08/14