



SOUTHERN
AFRICA
TRUST

The Proposed SADC Mechanism for Engagement with Non- State Actors in Line with Treaty Provisions

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Acronyms

APSA	African Peace and Security Architecture
ASCCI	Association of SADC Chambers of Commerce and Industry
AU	African Union
CEWS	Continental Early Warning System
CSO	Civil Society Organization
DOPD	Directorate of the Organ on Politics, Defence and Security Cooperation
EAC	East African Community
EALA	East African Legislative Assembly
EACSOF	East African Civil Society Organisations' Forum
ECF	Electoral Commissions Forum
EOM	Election Observer Mission
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Commission of West African States
ECOSOC	Economic Social and Cultural Council
ECOSOCC	Economic Social and Cultural Council of the AU
EESC	European Economic and Social Committee
EU	European Union
FCES	Economic and Social Consultative Forum
FOCCISA	Fellowship of Christian Councils in Southern Africa
I4P	Infrastructures for peace
ICP	International Cooperating Partners
JOMIC	Joint Monitoring and Implementation Committee
LTO	Long term observation
MERCOSUR	Mercado Commun del Sur /Common Market of the South
MRG	Mediation Reference Group
NGO	Non-Governmental Organisation
NSA	Non-State Actors
OPDSC	Organ on Politics Defence and Security Cooperation
PoE	Panel of Elders
PSC	Peace and Security Council
RECs	Regional Economic Communities
REWC	Regional Early Warning Centre
RPO	Regional Poverty Observatory
RPTC	Regional Peacekeeping Training Centre
RISDP	Regional Indicative Strategic Development Plan
SACBTA	Southern Africa Cross Border Traders Association
SADC	Southern Africa Development Community
SADC-CNGO	Southern Africa Development Community – Council of NGOs
SADC-LA	SADC Lawyers' Association
SAMA	Southern Africa Miners Association
SAPSN	Southern African People's Solidarity Network
SATUCC	Southern African Trade Union Coordination Council
SAYM	Southern African Youth Movement
SEAC	SADC Electoral Advisory Council
SEOM	SADC Election Observer Mission
SIPO	Strategic Indicative Plan for the Organ
SNC	SADC National Committees
STO	Short Term Observation
STR	Simplified Trade Regime
UN	United Nations
UN-NGLS	UN NGO Liaison Service
WACSOF	West African Civil Society Forum



Executive Summary

The origins of the need and mandate to develop a Non-State Actor (NSA) engagement mechanism by the Southern African Development Community (SADC) are in recognition that NSAs are an important stakeholder in the implementation of the SADC Agenda. This recognition is enshrined in Article 5 (2b), 16A and Articles 23 of the SADC Treaty. The same recognition is evident in the architecture of the Regional Indicative Strategic Development Plan, especially the revised version (2015 – 2020). Some SADC Protocols and Summit Communiqués also emphasise the need for a more profound and effective engagement mechanism. Key protocols which provide for engagement with non-state actors include the Protocol on Trade in the SADC Region (1996), SADC Protocol on Mining (1997) and SADC Employment and Labour Protocol (2014). Furthermore, SADC Council Decisions from the August 2004 Grand Baie Council Meeting in Mauritius, the September 2009 Kinshasa meeting in the DRC and the August 2011 Council Meeting in Luanda, Angola underscore the need for more formalized and institutionalized engagement between SADC and Non-State Actors.

In the areas of peace and security, the history of SADC cooperation with non-state actors has taken many forms, from ad hoc arrangements to loosely defined collaborations. Over the years, non-state actors in their various forms have helped SADC implement programmes aimed at promoting regional integration and cooperation including in areas of democracy, governance and conflict resolution. At the same time, the changing of SADC over time is a reflection of the changing regional political and security context. However, as it currently stands, SADC does not have an explicit consolidated policy framework for engaging NSAs in its peace and security affairs. Rather, it has various policy documents that emphasise the need for their involvement, and these include the Protocol on Politics Defence and Security Co-operation (OPDSC Protocol). The Revised Regional Indicative Strategic Development Plan (RISDP) 2015-2020 adds that to date, SADC has continued to consolidate democratic values and institutions towards peace and security in the region. The Revised RISDP lists these to include intra-state conflict, the consolidation of democracy and good governance and challenges to do with migration, including refugees, illegal migrants and internally displaced persons. Nevertheless, these often lack explicit guidance on the approach to be followed in involving non-state actors to add value to the process of SADC regional economic and political integration.

In order to operationalize the above Treaty provisions and various decisions by Summit, Council and the Ministerial Committee of the Organ, the SADC Secretariat requested the Southern Africa Trust (the Trust) to conduct studies to inform the process. The main objective of the studies was to assess SADC's engagement with Non-State Actors in the areas of regional economic and political integration, and to propose options for more effective mechanisms that would "make SADC a more effective and efficient vehicle for Community Building" (SADC 2001). The Trust conducted the studies and a three pronged strategy was followed comprising of;

- Desktop research which collated and consolidated lessons from other regional and multilateral institutions,
- Field interviews with 25 regional apex organisations, international cooperating partners (donors) and SADC Secretariat staff; and
- Consultations for feedback within the Southern Africa Trust, consultation workshops with Regional NSA bodies held in November 2014, August 2015 and November 2015 and consultations with the SADC Secretariat Management Team and Taskforce in May 2015, June 2015, July 2015, November 2015 and April 2016

In essence, the studies found that although the participation of NSAs in regional economic and political integration has increased, several gaps exist in the current forms of engagement with NSAs by SADC in regional processes. These gaps include the fact that SADC has no structure or overarching mechanism or framework to ensure systemic NSA engagement; the existence of

programmatic challenges at both the national and regional levels that hinder engagement; and the presence of a diverse group of actors that have different levels of understanding of how SADC operates. For instance, both the SADC Treaty and the OPDSC Protocol provide for NSA engagement. The SADC Treaty as amended states that 'SADC must in pursuit of its objectives, seek to involve fully, the people of the region and key stakeholders', and that 'it shall cooperate with and support their initiatives, 'in order to foster closer relations among communities, associations and peoples of the region'. The key stakeholders listed include the private sector, civil society, non-governmental organisations (NGOs), workers and employers' organisations. The amendment to the Treaty adds that non-state actors can provide inputs into SADC policy development and assist in project implementation, monitoring and evaluation, according to their areas of competence. In Article 10 of the Organ Protocol there is provision for 'Cooperation with non-state parties and international organisations'. It states that SADC cooperation with non-state actors on peace and security matters should be consistent with the objectives and provisions of both the SADC Treaty and the OPDSC Protocol; not impede a state party from fulfilling its obligations under the Protocol; and be sanctioned by the SADC Summit.

The existence of gaps is further compounded by the fact that NSAs do not necessarily have a common agenda. In short, SADC has not formally operationalized and fully implemented the relevant Treaty provisions. The engagement that seems to be in existence is a problematic one-one that seeks only to interface with SADC Secretariat. While this is important, it misses the point that engagement in regional processes as provided for by the Treaty encompasses more than the Secretariat but the broader SADC Community structures and regional integration agenda. In this context, recommendations made take into account this recognition.

It is recommended here that regional integration should be taken to the people of the region through

- developing an appropriate mechanism for stakeholder engagement in SADC
- identifying the focal point for NSA engagement in the current structures of the Secretariat
- developing policy recommendations for a Non-State Actors engagement mechanism for SADC. Specifically, the proposed mechanism has tentatively been called the Non-State Actors Forum (NSF).

The proposed NSF is modelled on the provisions in Article 23 of the SADC Treaty which stipulates the specific categories of NSAs and would be supported by a new NSA Liaison Office to be created within SADC Secretariat. It is recommended that SADC through Article 9 and 36, create this mechanism as one of its structures. A roadmap for the formal review, validation and approval of the SADC mechanism for engagement with NSAs is also laid out in this report.

Structure of Report

This report has six chapters. Chapter one provides the background and context of engagement between NSAs and SADC and introduces the rationale and framework for the study. Chapter two highlights existing gaps in engagement between NSAs and SADC, identifies and proposes recommendations for strengthening and enhancing engagement between NSAs and SADC and sets out principles and modalities for engagement. Chapter three provides a comparative analysis of engagement between NSAs and a number of regional and international bodies to identify good practices that could be adopted to influence a new formalized framework of engagement between NSAs and SADC. Chapter four analyses the status of NSA engagement in SADC processes at national and regional level, including the existing structures and mechanisms for engagement. Chapter five discusses and proposes the establishment of a formal mechanism for engagement with NSAs. It also proposes a mechanism for monitoring and evaluation of engagement between NSAs and SADC. Chapter six contains the conclusion and recommendations for operationalizing the framework for engagement and creating formal mechanisms for engagement.

1. Background

The SADC Treaty, the RISDP, SIPO and other key SADC instruments such as Protocols and Declarations recognise Non-State Actors (NSAs) as important partners in the implementation of the SADC Regional integration agenda and the need to formalize the interaction between SADC structures and NSAs. For purposes of this paper, an NSA is regarded within the framework of Articles 16A and 23 of the SADC Treaty and defined as an entity that is not part of any state or public institution. NSAs include not-for profit, non-governmental institutions, covering a wide range of formal and informal organizations from development NGOs and think tanks to trade unions, foundations, faith-based organizations, disabled persons organizations, community-based organizations, media (independent and non-profit), and business associations.

To ensure that regional objectives would be achieved, Article 5 (2) (b) of the SADC Treaty holds that SADC shall encourage the people of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the region and to participate fully in the implementation of the programmes and projects of SADC. Article 23 of the Treaty also provides that SADC shall seek to fully involve the people of the Region and non-governmental organisations in the processes of regional integration. Further, SADC commits to cooperate with and support initiatives of the peoples of the region and non-governmental organisations in order to foster closer relations among the communities, associations and peoples of the region. On the other hand the RISDP proposes a working relationship with NSAs and an annual consultation conference between SADC Secretariat and NSAs.

This was further recognised and noted by the SADC Council of Ministers at its Ordinary meeting of September 2009 in Kinshasa, DRC. The Council concluded that while the SADC Treaty, the RISDP and SIPO recognise non-state actors as important partners in the implementation of the SADC agenda, no formal link exists between SADC Structures and non-state actors. Furthermore, Council in August 2011 in Luanda, Angola:

- Reaffirmed its decision that key stakeholders should participate in the SADC integration agenda through the SADC National Committees;
- Approved that cooperation and consultations at regional level with key stakeholders be strengthened through the implementation of existing and new agreements;
- Mandated the Secretariat to update the list of regional key stakeholders and present to Council for noting at its next meeting in February 2012.

The Council of Ministers also noted that the SADC Treaty recognises key stakeholders as important partners in the implementation of the SADC Programme of Action and that;

- 'The RISDP and SIPO, which were developed in consultation with the 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.'

During the same meeting in 2011, SADC Council approved the establishment of a SADC Youth Forum to discuss key issues of youth development and facilitate the development of common positions on continental and international matters consistent with the arrangements of the African Union. The following year in its August 2012 meeting in Maputo, SADC Council urged Member States to ensure involvement of all key stakeholders in the process of the development of the SADC long-term Vision 2050.

SADC continues to undertake institutional reforms to enhance its effectiveness, efficiency and relevance. Since its inception SADC has undergone profound restructuring. The most significant, arguably being the process initiated at the Extraordinary Summit in Windhoek in 2001, where Heads

of States approved a report on the Restructuring of SADC Institutions. One of the key objectives of the report was to examine modalities for improving SADC's ability to promote regional cooperation and integration, and the appropriate institutional framework that would "make SADC a more effective and efficient vehicle for Community Building" (SADC 2001). In addition, SADC Heads of States and Government signed a Declaration on Poverty and Sustainable Development in April 2008, in Mauritius, which provided for the establishment of the Regional Poverty Observatory, an innovative and broad-based stakeholder platform that institutionalizes participation of non-state actors in policy dialogue and monitoring of poverty eradication strategies in the region.

These institutional reforms reflect a political commitment to take a more hands on approach to regional development challenges and ensure better integration in global economic processes, as well as address the real needs of people using a comprehensive approach. The objectives and programmes of SADC are therefore driven by the need to eradicate poverty through various policy measures. Accordingly, in order to achieve legitimate representation of the people of the region, the SADC Secretariat operates on behalf of the regional body's Member States. It is upon this understanding that the role of the SADC Secretariat in regional integration, development and poverty reduction strategies, peace and security within the region is defined.

In addition, some SADC protocols provide for engagement or participation of NSAs in regional integration processes. For instance, the Protocol on Politics, Defence and Security Cooperation (OPDSC Protocol) outlines the possibility of NSA engagement with non-state parties and international organisations. This is complemented by the provisions of the SADC Indicative Plan for the Organ where under 'Partnerships', the document encourages cooperation with non-state parties and international Organisations and, 'where possible, cooperation agreements between State Parties and Non-State Parties on such matters as provided for in the Protocol on Politics, Defence and Security Cooperation'. Furthermore, SIPO is structured into five sectors in alignment with how the Organ Directorate is structured, and these are:

- **The Political Sector:** it covers democracy, elections, rule of law, human rights promotion, mediation, conflict prevention, management and resolution;
- **The Defence Sector:** focuses mostly on military matters and regional security cooperation;
- **The State Security Sector:** involves measures for cooperation in matters related to early warning and state capacities to manage internal threats;
- **The Public Security Sector:** aims to protect civil society – including in emergency management, justice, immigration and organised crime; and
- **The Police Sector:** focuses on law enforcement and transnational crime.

In addition, the revision of SIPO was undertaken with input from research institutions and Civil Society Organisations in the region. Like its predecessor, SIPO II mentions the emergence and growth of civil society organisations in the region and encourages their contribution to its implementation. Examples of such provisions include those under the Political Sector, namely:

Objective 1 that states that SADC should aim "to protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra state and inter-state conflict and aggression'. The strategies for implementation refer to the contribution of civil society to conflict prevention, management and resolution. The expected outcome is to enhance the participation of civil society in conflict prevention and management.

Objective 2, notes that it seeks to "promote political co-operation among Member States and the evolution of common political values and institutions. It recommends that the Organ promote public debates and awareness activities throughout SADC on its achievements, and that it should: Identify and utilise regional centres of excellence for the exchange and sharing of political and diplomatic experiences;

- Organise roundtable discussions to deliberate on the involvement of civil society in the Organ's activities;

- Identify research and academic institutions to undertake studies on foreign policy; and
- Organise consultative workshops on the SIPO and the RISDP.

Objective 3, calls for the 'enhanced participation of civil society', to 'prevent, contain and resolve inter and intra state conflict by peaceful means. It recommends that the Organ organise civilian-military seminars and workshops as part of efforts to promote civilian-military relations.

The process of coming up with the Revised SADC Principles and Guidelines Governing Democratic Elections included consultations with Member States, the SADC Parliamentary Forum (SADC PF), the Electoral Commission Forum (ECF), SADC CNGO, civil society organisations, trade unions and think tanks. The Revised Principles and Guidelines make clear provisions for NSA involvement in SADC election observation and related processes. For instance, section 8.2 of the Principles and Guidelines expands the composition of the SADC Election Observer Missions (SEOM) to non-state actors, an innovation that did not exist under the initial 2004 Principles and Guidelines. Section 8.2.1 reads that SEOMs shall generally comprise electoral experts, representatives of EMBs, national governments and legislatures, civil society and eminent personalities from Member States, based on the principles of balanced national representation and gender equality. Individuals selected to serve as SEOM observers must have been duly trained and certified by SADC and orientated to the SADC Principles and Guidelines Governing Democratic Elections. The SADC Secretariat is to keep a Central Elections roster of electoral experts from civil society for this purpose.

The selection criteria is Annexed in the 2015 Principles and Guidelines. The Election roster shall include, among others, government representatives, members of parliament, members of national civil society organisations representing domestic electoral observation groups, experts from national Electoral Management Bodies (EMBs), legal experts and academics from relevant social science and other relevant disciplines. Clearly, the revised guidelines have an important change in the methodology of election observation, which creates space for NSAs to be involved in post-election observation.

Other regional protocols, for instance, Protocol on Mining and Protocol on Trade, both provide for involvement of the private sector and other stakeholders. The Protocol on Trade in the SADC Community directs the Sector Coordinating Unit to 'work closely with the private sector'. In Article 6 of the SADC Protocol on Mining, Member States undertake to develop a mechanism that will enable the private sector to develop a mechanism that will enable the private sector's continued participation in the sector. Further Article 12 states that;

- 'In accordance with Article 23 of the Treaty, the Mining Coordinating Unit shall cooperate with other organisations, provided that their objectives and activities are not at variance with the objectives of this Protocol. The Mining Coordinating Unit shall establish working relationships with such organisations and entities, and make such arrangements as may be necessary to ensure effective co-operation.'

The SADC Employment and Labour Protocol also provides for a strong legal basis for involvement of non-state actors in regional integration processes. Under Article 23 of the Protocol, Member States are obliged to ensure that 'effective inter-ministerial and stakeholder coordination and participation as well as inclusive, participatory and institutionalised social dialogue structures are promoted.'

There are other instruments that also highlight the need for engagement between SADC and NSAs. The SADC Windhoek Declaration, Article 9 also commits SADC states to "exercise leadership in developing, implementing and monitoring the regional development agenda through broad consultative processes (including the participation of civil society and the private sector). The Windhoek Declaration review called for increasing participation of civil society at the level of thematic groups, broader participation of CSOs in Windhoek Declaration Dialogue and inclusion of

CSOs in the monitoring of the Windhoek Declaration. The review further suggests the development of a regional cooperation forum that includes civil society representatives, SADC Member States, and International Cooperating Partners (ICP) to identify opportunities for cooperation.

The Guidelines Governing Relations between SADC and Organisations Executing SADC Programmes and Projects are also relevant for potential NSA partnerships in peace and security. They deal with cooperation between SADC and organisations implementing SADC projects in terms of the principle of subsidiarity. The Guidelines make a distinction between 'SADC agencies' and subsidiary bodies. Subsidiarity organisations are independent from SADC and as independent entities, are not accorded the designation of SADC Institutions. Such designation is restricted to those outlined in Article (9)(1) of the SADC Treaty, as well as those created by the Summit as provided for in Article 9 (2) read with Articles 10 (b) and 11 (f). The SADC Secretariat maintains an annual roster of subsidiarity organisations whose selection criteria is based on:

- The legal status of the organisation in the Member State in which it will be based;
- The objectives, principles and mission of the organisation, which have to be consistent with SADC objectives and its Common Agenda;
- The governing structure of the organisation, and that it should be multi-national in character;
- Sources of funding of the organisation and its financial sustainability. Subsidiary organisations mobilise their own resources and SADC does not bear responsibility for their liabilities; and
- The suitability of the organisations' work programme to SADC projects.

Once vetted, the relationship between SADC and the Subsidiarity organisation is formalised through a Memorandum of Understanding (MOUs). The SADC Executive Secretary is responsible for orienting subsidiary organisations to SADC work and assisting them to perform their duties. The COM authorizes the types of meetings a subsidiary organisation can attend and participate in, following a recommendation from the ICM. The same process follows in terms of accessing SADC information. This is facilitated by the Executive Secretary. Subsidiarity organisations are also encouraged to work and interact closely with SNCs. Their representatives can hold regular consultations with the SADC Secretariat to review performance of programmes and projects executed. According to these guidelines, the process has to follow the principle of subsidiarity.

SADC has a crosscutting monitoring and evaluation (M&E) policy encapsulated in a policy framework called 'the SADC Policy for Strategy Development, Planning, Monitoring and Evaluation' (referred as the SADC policy for strategy development). One of its objectives is 'to enhance learning, ownership, commitment and accountability for results for all SADC stakeholders'. The framework provides guidelines for monitoring and evaluating the RISDP and SIPO. The Secretariat coordinates all M&E as per article 14 of the SADC Treaty that describes its functions. The Secretariat is expected to 'commission external evaluation of programmes on a regular basis, and to make the best use of regional expertise both technical and evaluative.

As the name suggests, the M&E approach follows a four tier integrated process which links strategy development to planning, monitoring and evaluation. The aim is to work through iterative learning cycles whereby SADC can: interpret the opportunities and threats presented by changing circumstances in order to set priorities (strategy development); determine the best way of achieving realistic targets within a specific timeframe given its available resources (planning); establish the necessary control mechanisms to provide evidence based feedback on implementation to advance the organisation's objectives (monitoring); and conduct investigations on whether the activities effectively contribute to the over-arching goals and to identify key success factors (evaluation) in order to inform the eventual adjustment to priorities (strategy review).

The SADC Policy for Strategy Development, Planning, Monitoring and Evaluation sets the basis for the subsequent development of appropriate tools, including guidelines and systems that will define

the processes through which strategy development, planning, monitoring and evaluation will be conducted. The policy states that its work ought to be underpinned by policy and procedural provisions incorporated in three of SADC's legal frameworks: the SADC Treaty; the RISDP and the SIPO; and the Financial Regulations and Procedures.

The policy makes provision for the evaluation of regional economic and political integration priorities contained in the RISDP and SIPO. It states that Secretariat should prepare a draft Medium Term Strategy (MTS) that has to be approved by the SADC Council of Ministers, which provides a clear view of the possible achievements within a time perspective of five years on the basis of available evidence, plausible assumptions and assessment of risk factors. The necessary lessons will be drawn from past interventions through monitoring and evaluation reports and incorporated into the planning. The framework considers the inclusion of 'stakeholders' in M&E, although the types are not specified. Another reference to stakeholders in the document is made in Section 5.0 under 'Stakeholder Mobilization'. It reads that 'as a minimum, the guidelines shall address stakeholder participation modalities.' The Secretariat is 'to prepare a strategy development and review guidelines for use by all relevant stakeholders at different levels.' While the policy is not explicit about the involvement of NSAs in M&E, potential to do so could be under SNCs. The guidelines encourage SNCs to coordinate M&E and engage national stakeholders, in particular the private sector, with the view of getting their full involvement and participation in M&E processes and the development of new policies.

It is on these foundations that this report analyzes SADC's current mechanisms for engaging NSAs at the local, national and regional levels. Using models on engagement of NSAs from other regional and international institutions, the study proposes an NSA engagement mechanism framework with a structure for broader, effective, and more consistent engagement with NSAs in the region. The main objective for such a framework and mechanism would be to address gaps in sectoral representation and engagement with SADC, imbalances in geographical and linguistic representation and engagement, improving coordination and coherence of NSA engagement with SADC and institutionalizing NSAs' formal policy input into SADC structures and regional integration agenda. The proposed mechanism will also help to fully operationalize existing Treaty provisions and link spaces created by regional NSA bodies. This would significantly strengthen SADC's capacity to build consistent and effective cooperative modalities for working with NSAs, promoting SADC's interactions with NSAs in a manner that enhances SADC's strategies and contributes to their effective implementation. Essentially the mechanism closes the gap in Treaty provisions, as well as provide for a systematic coordination of non-state actors contribution to regional integration but more importantly helps SADC to be embedded in the people of the region who actually constitute the community.

1.1 Methodology

The findings and proposals presented here are based on an analysis of secondary data and interviews with respondents that include NSAs from civil society, donors and officials from the SADC Secretariat. Field interviews were conducted in Gaborone, Botswana, Johannesburg and Pretoria in South Africa and Harare and Bulawayo in Zimbabwe. Other interviews were also conducted telephonically with interviewees based in Swaziland and Zambia. Researchers also conducted extensive desk top reviews and analyses of other regional and international instruments and mechanisms of engagement with NSAs. Lessons from other regional and international mechanisms provided a useful basis for comparison with SADC processes taking into account SADC's specific historical context. Internal consultative and feedback sessions were also held to discuss the draft proposal in Midrand, South Africa with the Trust and inputs from the meetings were incorporated into the draft final text. A two-day consultative workshop to review the draft report was held in Johannesburg, South Africa on the 20th and 21st of November 2014 with 20 representatives from a cross section of regional civil society organisations as well. Annex 2 is a list of the participants that included regional civil society apex bodies such as SADC Council of NGOs (SADC-CNGO), Southern

Africa Trade Union Coordinating Council (SATUCC), Federation of Christian Councils of Southern Africa (FOCISSA), the Southern African Confederation of Agricultural Unions (SACAU), Southern Africa ex-Miners Association (SAMA), Southern Africa Cross-Border Traders Association (SACBTA) amongst others. A revised version of the report was presented before the 11th Annual Southern Africa Civil Society Forum in August 2015 in Botswana and a consultative conference of members of the SADC Council of NGOs in November 2015. The draft report was also presented to SADC Secretariat management in May and November 2015 and feedback from the meetings was integrated into the report and its annexes. The SADC Secretariat taskforce which was set up after the May 2015 meeting reviewed the revised proposals for the mechanism of engagement in June, July and November 2015 and made inputs which are now integrated in the current draft of the study report. Further consultations and presentations were also held with representatives of the Private Sector, two Member States, SADC National Contact Points and National Planning Committees in 2016.

Furthermore, the Southern Africa Trust engaged a consultant to do a study and stakeholder mapping in the areas of peace and security and a report on Strengthening the Peace and Security Aspects of the Draft SADC institutional Mechanism for Engagement with Non-State Actors was produced in December 2017. The report is presented as Annex 3.

1.2 Proposed Framework for SADC Engagement with Non State Actors

There are a number of modalities of engagement for ensuring effective participation of NSAs with a body such as SADC. These can be at institutional level such as accreditation and operational / cooperation guidelines. The table below illustrates the effective modalities and principles for NSA engagement and the mechanisms for such engagement that SADC should consider creating a new framework for engagement with NSAs. In light of the existing mechanisms for engagement it is of utmost importance that the SADC Secretariat and Member States review the consultation and dialogue processes currently in place, with the aim of developing an overarching SADC-NSA engagement framework to either replace or significantly enhance some of the various formal and informal ad hoc processes that already exist. Ideally, such an engagement framework should be broader in its aims and objectives. Such a framework should include a SADC policy on NSAs that sets out how the SADC will work with NSAs to define regional priorities, develop solutions and jointly assess, monitor and evaluate the results and outcomes of regional decisions, initiatives and priorities. Current ad hoc forms of engagement such as consultations should be integrated in the new mechanism.

Prospects for greater regional consultations and engagement between NSAs and SADC and its Secretariat need to be put in context in light of the real challenges that exist in ensuring sustained engagement of NSAs within regional processes. Consultations must be based on clear principles that enhance participation in decision-making, but also maintain the independence of organisations in relation to SADC states and the Secretariat. These include regular communication, information-sharing and assessment of activities. The increased degree of engagement by SADC with NSAs necessitates a strengthening and building of the capacity of the Secretariat to manage its relations with NSAs. One way of doing this would be a dedicated office to liaise specifically with NSAs.

1.3 Developing a SADC Policy on Engaging NSA's

SADC's engagement with NSAs is referred to in Article 23 of the SADC Treaty as well as the Revised RISDP 2015-2020, SIPO II, and various frameworks. However, in order to provide to give legal standing to its engagement with NSAs, SADC should establish a formalized process that creates a legal framework for engagement between the SADC and NSAs. It is important for SADC to map out the organs that may be consulted and engaged with by NSAs and define the processes involved in such consultation or engagement. Such a policy would define the rules of engagement and

provide for an agreed set of principles for SADC-NSA engagement, particularly in policymaking processes. It would also allow for an accreditation process for NSAs that governs their access to SADC processes such as summits and other policy meetings. The policy must also provide for a code of conduct and principles.

While Memorandums of Understanding (MOUs) have been a useful mechanism for engagement, they have, however, excluded other NSAs and limited the possibilities for engagement between SADC and NSAs. The increasing number of NSAs seeking to sign MOUs with SADC Secretariat points to the clear need for SADC to establish clear guidelines for its engagement with NSAs. It also points to the existing gap in engaging the Secretariat outside MOUs. But the problem it shows is that the Secretariat has been cast as the only place to interface with SADC and its processes. Yet SADC is a collective of Member States and various regional programmes and processes. The Secretariat is only a coordinating body of the Community. It cannot, therefore, be the only place for engagement; rather, it can certainly help with coordination. It is for this reason that it is recommended creation of a NSA Forum as a structure of SADC, coordinated by a Liaison Office, to be situated at the SADC Secretariat. The NSA Forum need not be situated at the Secretariat, just like other institutions or structures of SADC are not situated at the Secretariat.

1.4 Strengthening Existing Mechanisms of Engagement

Strengthening existing mechanisms of engagement would be an important element of the new framework in dealing with issues of SADC regional economic and political integration, through both regional-continental and regional-national nexus. For instance, SADC is part of the African Union and through this arrangement, there are so many economic and political programmes which the region is implementing. SADC is supposed to ensure domestication of AU Agenda 2063 and implementation of the AU Flagships Projects. SADC is part of the AU Peace and Security Architecture (APSA), a continental framework for conflict prevention, conflict management and peace building. It entails the African Union (AU) at the helm, Regional Economic Communities (RECs) and what is referred to a Regional Mechanism (RMs). The key components of the APSA include the AU's Peace and Security Council (PSC), the Continental Early Warning System (CEWS), the African Standby Force (ASF), the Panel of the Wise and the Peace Fund.

At its heart, APSA is intended to give the AU the necessary instruments to fulfil tasks set out in its Constitutive Act and the Protocol establishing the Peace and Security Council (PSC). The Protocol embraces an expanded and comprehensive agenda for peace and security that includes conflict prevention, early warning and conflict management. It also focuses on peace making and peace building, encourages the promotion of democratic practices and incorporates humanitarian action and disaster management. SADC's institutional makeup feeds into the APSA. It has similar instruments aimed at preventive diplomacy, early warning, peacebuilding, democracy promotion and humanitarian intervention. These are discussed below in the context of provisions for non-state actors to access and engage them.

At the regional level, there are so many initiatives through which the NSA can add value. For instance, the arrangements under the SADC Labour and Employment Sector; the SADC Mining Sector; the SADC Industrialisation Strategy; the SADC Trade Sector; and the Food and Agriculture Sector are some of the notable ones where NSAs have been involved through sectoral arrangements. In the area of peace and security, the NSAs have not been actively involved in early warning systems, especially in more technical fields like natural disasters forecasting and humanitarian response. However, the extension of the same to security issues and conflict prevention has not been proactive because of the traditional recognition of the responsibility of states to protect people from the impact of violence and conflict. Nevertheless, the Continental Early Warning System which is based on principles of collaboration, to extend to the collection of information from all open sources, including the utilisation of networks from non-state actors, can be adopted in SADC, modelled on the AU Commission leadership in the operationalization of the

CEWS which is linked to RECs. experts, academics and civil society organisations that are involved in its work to varying degrees, assisting with the provision of timely information among other responsibilities. SIPO II also provides for the establishment of early warning units within each Member State as part of the implementing objectives under the state security sector.

The current functions of the REWC are:

- To implement an early warning mechanism that promotes peace, security and stability in the region;
- To articulate a holistic approach in anticipating potential conflicts in the region;
- To support regional mechanisms for conflict prevention;
- To strengthen existing national mechanisms to feed into SADC mechanism;
- To establish a data base system for early warning in the SADC;
- To compile strategic assessment and analyses of data collected at regional level;
- To conduct research on conflict issues;
- To share information among Member States on major issues that threaten the SADC security and stability; and
- To arrange technical review meetings among relevant institutions to review methodologies and operational issues with the view to making the REWC more effective.

NSA participation in the REWS is indicated under Strategy 2 of SIPO II's State Security Sector, relating to 'strengthening the functioning of the Regional Early Warning Centre'. In it, SADC commits to: develop a strategy for co-operation to facilitate the participation of other directorates in the SADC Secretariat, civil society, think tanks and other groups in its early warning system. Progress on implementing this is unclear. As it stands, the REWS has no formal working relations with NSAs in the region. Similarly, while SIPO outlines the imperative to encourage the contribution of civil society to conflict prevention, management and resolution, the modalities for involving NSAs in SADC mediation are less clear. Indeed, the MSU engages NSAs from time to time, but it is mostly ad hoc.

At the national level, the existence and strengthening of SADC National Contact Points (SCNPs), SADC National Committees (SNCs) and SADC National Focal Points (SNFPs) is an important step in ensuring greater NSA engagement at national level. It is important to strengthen national level engagement for a number of reasons:

To promote public consensus and local NSA ownership for reforms and for SADC poverty reduction and development strategies by creating knowledge-sharing networks, building common ground for understanding, encouraging government-NSA cooperation, and sometimes even diffusing tensions;

Giving voice to the concerns of primary and secondary stakeholders, particularly poor and marginalized populations, and helping ensure that their views are factored into policy decisions. Both revised RISDP 2015-2020 and SIPO II also provide for the establishment of national levels structures to ensure implementation of SADC programme. Such structures include also national early warning units within each Member State as part of the implementing objectives under the state security sector.

Through the SADC Standby Force Civilian Component, the SADC Secretariat has conducted various workshops and events to raise awareness among Member States and non-state actors on its activities. The aim is to fully involve civilians in the activities of the SSF and to operationalise and strengthen it. Similarly, the SADC Peace Infrastructures provide ways for SADC Member States to conduct national conversations on establishing systematic 'infrastructures for peace and development'. SADC governments, thus, are encouraged to facilitate the development of national legal frameworks for their establishment and to help operationalise new ones. The SADC Secretariat

is to facilitate and support these efforts in due course.

The SADC Member States are also expected to explore avenues to integrate indigenous and traditional methods of healing, reconciliation and alternative dispute resolution into local and national efforts. In this regard, NSAs are expected to implement 'The 2013 Maseru Declaration on a Framework for Peaceful Development in Southern Africa'.

The main challenge has been how to operationalize and make the national committees, focal points and national levels structures more functional and effective, but also to make their existence more widely known by ordinary citizens and local NSA organizations. Partnerships and collaboration with NSAs need to be more effective at the regional level but need to be well rooted at the local and national level. However, in the area of peace and security, there generally are two types of interface between SADC and NSAs; the first type is formalised engagement through MOUs and the second is more transient and ad hoc often involving once off events, meetings and consultations. Thus, the SADC engagement with non-state actors has mostly followed the principle of complementarity as opposed to subsidiarity in the strict sense. The former considers an organisation's expertise and proximity to issues and processes, geographic coverage and their comparative advantage.

While Member States are responsible for making national committees and other national level structures work, the Secretariat can do more to encourage Member States into making the committees fully functional and effective. For instance, the creation of SADC's mediation structure has provided SADC with an improved institutional framework for its mediation processes. However, it is yet to provide clarity on NSA participation in SADC mediation activities, beyond the three seats allocated to NSAs in the MRG. At the same time, SADC has very clear provisions for NSA engagement in election observation as described in the 2015 Revised Election Guidelines. This includes participation in SEOMs, previously made up of state officials. In the new framework, there is provision that non-state actors including experts, academics, and representatives from civil society organisations be invited by SADC to its EOMs. SEAC is to establish a comprehensive database of experts trained in election observation in as part of expanded SEOMs that are open to non-state actors.

Those Member States that do not have national committees or effective national levels structures should be encouraged to institute them as a matter of urgency and in compliance with Treaty provisions. The SADC can help set the standards for setting up functional SNCs or national levels structures, by incorporating guidelines, work procedures, and criteria for NSA participation in broader issues of regional economic and political integration, including peace and security matters. At the same time, existing national committees or national level structures should be better resourced and less bureaucratic in nature, allowing for greater accessibility and engagement by local NSAs. The responsibility ultimately lies with individual Member States and their citizens. Funding should come from the Member States in order to ensure that both ownership and sustainability of the processes take place. Funding by donors should be complementary.

The SADC Parliamentary Forum is an avenue for creating a more active role for NSAs in the regional integration process while the national parliaments can play a catalytic role to ensure an effective role for the NSAs at the national level. Thus, autonomous structures such as the SADC Parliamentary Forum could provide spaces to generate a regional dialogue on various issues of relevance to the region and could provide the bridge between national development strategies and regional integration. Other spaces created by civil society such as the Regional Civil Society Forum convened by the SADC Regional CSO Apex Alliance and the SADC Peoples' Summit should be developed into stronger platforms for engagement with NSAs. Such forums can also be strengthened by greater synergy with each other and being orientated towards consistent national level programming and action.

The quality of the input from the CSO forums also needs strengthening. The timing of the Civil Society Forum has often been referred to as problematic as it runs parallel to the Heads of State summit. In 2014 the SADC-CNGO addressed this through holding the 10th Civil Society Forum two weeks ahead of the official SADC Summit. Consultations for discussions at the Summit should take place at national level, ideally through the national committees or focal points and then taken on for further discussion at the Civil Society Forum before being submitted to the Head of States Summit.

However, it is recognized that the current created spaces are not comprehensive and representative enough for all concerned. This is why the mechanism proposed is inclusive of everyone working on regional issues.

1.5 Enhancing Civil Society Capacity

An important aspect to developing a strategic agenda for NSAs engagement is that of providing the conditions for effective participation at national and regional levels. Improving the effectiveness of NSAs contributions at the policy level requires strengthening their capacity to effectively participate in forums and meetings of SADC. Mounting regional advocacy requires a variety of capacities from NSAs. Articulating a peoples' agenda as part of the broader SADC agenda demands full knowledge of SADC policies and their impacts on the lives of peoples and communities in the SADC. It demands being able to articulate policy gaps and proposed alternatives, through education and outreach. In order to ground regional agendas at the national levels, SADC needs to ensure that discourses and agendas for policies such as regional integration are understood and owned by the community, local, and national level organizations.

The proposed mechanism would work together with apex bodies to develop training initiatives for capacity building. If such training were conducted as part of periodic civil society meetings, the cost implications would be minimal. SADC should ensure that a capacity or development fund is established to implement a regional agenda and to strengthen the capacity of NSAs at regional and national level to participate in SADC processes. In addition, NSAs themselves should take the necessary steps to aid the process by ensuring that they are accountable, democratic and transparent.

1.6 Formal Institutional Engagement

SADC – NSAs policy dialogue at the Secretariat level has expanded in recent years: for example, a growing number of NSAs through the SADC-CNGO and SAPSN attend SADC's annual summits, and the number of policy dialogue forums involving NSAs has increased. In addition, SADC sectors regularly engage with NSAs on various issues and policy discussions that are often viewed as being constructive by both NSAs and SADC. Examples include recent regional stakeholder consultation forums on women and gender, youth empowerment and food and nutrition security which were successful in bringing together SADC Secretariat, Member State representatives, Civil Society, Business and media. In the case of the food and nutrition security, a diverse group of non-state actors including small scale farmers, youth, women and nutritionists, managed to make direct inputs into the development of the regional food and nutrition security strategy (2015-2025) which was endorsed by SADC Heads of State in August 2014.

A more systematic and proactive engagement needs to be pursued by the Secretariat, to ensure that inclusion and consideration of NSAs in the design of activities is a standard requirement. There is a need for clarity on how NSAs engage with SADC at the policy level or at the level of policy implementation. Thus programme/ policy planning procedures should include consideration of how NSAs will participate in the various stages of the policy formulation and implementation process. There is a need for more detailed guidance on how to engage NSAs in policy design, implementation, and monitoring. In the proposed mechanism, this will be covered by the policy and the subsequent code of conduct, plans and procedures.² Addressing Gaps in Current forms

of Engagement

The range of instruments and declarations highlighted in the previous chapter attests to SADC's efforts to promote participation and forge closer ties with NSAs. However, although the participation of NSA's in policy and strategy development has increased, this remains largely ad hoc and lacking an overarching mechanism to bring stronger cohesion and coordination in citizens' participation in regional integration processes. There are gaps that are discussed below.

2. Gaps in the Current Form of Engagement

SADC has made a significant progress in engaging with NSAs in the implementation of the SADC Common Agenda as aspired under Article 23 of the SADC Treaty, the Revised RISDP 2015-2020 and the Strategic Plan for Organ (SIPO) II, as well as many frameworks and documents. However, a number of gaps that include the following:

The engagement with NSAs is ad hoc with no systemic mechanism. This creates many challenges at both regional programmatic and national levels when it comes to meaningful engagement with NSAs. There is a clear lack of formalized mechanisms that provide for non-state actor engagement with the SADC structures and processes, with the exception of labour. There are no rules of procedure for NSA participation, and few regular open, public hearings and consultations that enable NSAs to provide formal inputs and submissions to SADC.

In the area of peace and security, SADC also recognises that the origins of today's insecurities are diverse, relating to social, economic, environmental, health and other factors. These insecurities increasingly transcend state borders and have regional consequences. The shift in Southern Africa's security situation from a decade ago is such that it no longer has to conceive of threats between Member States. Instead, it can assess and address threats and challenges collectively with other Member States. The threats are also no longer primarily of a military nature. They encompass political, social and economic issues, which are global, regional and national. These directly impact the well-being of the region's citizens. The need to address governance challenges is also highlighted by SADC. For instance, the Revised RISDP emphasizes good political, economic and corporate governance as prerequisites for sustainable socio-economic development. National economic and security threats within Southern Africa are thus directly linked to internal governance and developmental issues. They reflect a need to deepen democratization, including citizen participation in the affairs of SADC governments, and in conflict contexts - implementing effective and sustainable peacebuilding measures. SADC, therefore, in tandem with international and continental perspectives, has demonstrated some shift in addressing insecurity at least, normatively. There is a move to give primacy to human beings and their complex social and economic interactions in its approach. This has elements of the Human Security framework popularised by the United Nations (UN) in the 1990s and adopted by African organisations as a more holistic way to addressing insecurity. In many ways, the RISDP and SIPO are reflective of the approach. Both documents additionally recommend the inclusion of civil society in the implementation of their programmes.

NSAs in the region do not have a common approach to working with SADC. The Secretariat faces challenges of dealing with a diverse group of actors not all of whom are versed in the workings of SADC or have the expertise to meaningfully engage and provide input into SADC processes. The landscape is even more complicated when one factors in the NSAs working on broad issues of peace, security and governance, especially human rights, rule of law, elections, mediation, conflict prevention, conflict management, conflict resolution, early warning, managing internal threats, peace building as well as emergency management, migration and organised crime.

Existing NSA formations and engagement platforms are not representative of every sector,

geography or thematic coverage among others. Many ordinary citizens and NSA groups make significant contributions to regional integration but this largely goes unnoticed by the formal bureaucracy. It is, therefore, important that SADC recognizes and transforms the 'grey economies', informal trade practices and other citizen-led initiatives that contribute to the SADC regional economic and political integration agenda.

Many NSAs also lack the resources to effectively participate in and contribute to the regional integration agenda and to engage with the SADC Secretariat, national and regional mechanisms contact points.

There is no dedicated focal point within SADC Secretariat to coordinate NSA engagement, either on regional economic cooperation or regional political cooperation, including serving as an avenue for communication, consultation, and feedback on peace and security engagements and partnerships.

2.1 Guiding Principles

The proposed Mechanism clearly indicates SADC's desire to have a meaningful engagement with Non-State Actors with a view to "taking SADC to the peoples of the region". The Mechanism proposes a two-pronged approach: promoting a two-way communication as well as expanding the range of NSAs that SADC works with in order to enhance community outreach. The following principles guide the proposed SADC Institutional Mechanism for Engagement with Non State Actors:

2.2 Accessibility and Inclusivity

Beyond the institutional relationships that come with the regional integration strategy, the people to people links that develop across national borders reinforce the momentum for regional cooperation and integration. But, while there have been increasing links between regional civil society formations and a growing awareness by NSAs of the need to build regional solidarity to address common concerns, these links are not significant. While a number of organizations such as the Southern African Trade Union Coordinating Council (SATUCC) and SADC Council of NGOs might know how to get involved in SADC processes in the region, information and knowledge of regional integration processes is not as easily accessible, in particular to less resourced organisations. This highlights the fact that some organisations face their own internal challenges as well in terms of their structures and policies.

Civil society organizations continue to advocate for the creation of more spaces for direct engagement with SADC. They have also advocated for the development of an appropriate mechanism in which NSAs and SADC Member States can discuss and collaborate on the implementation and monitoring of various regional plans such as the RISDP. Regional civil society calls for greater engagement with SADC have been consistent and can be traced from various official communiqués dating back from 2005 to 2014. Such advocacy initiatives have been carried out at regional level through the civil society forums held parallel to formal SADC summits, in consultative meetings with SADC Secretariat and in national policy dialogues.

At national level, as highlighted earlier, there has been a notable lack of access to SNCs and focal points by NSAs. At regional level, important mechanisms such as the SADC Parliamentary Forum remain unknown to many NSAs. The Forum does not have a reporting relationship to Summit and other SADC Institutions, but instead works together with them on matters of common interest.

2.3 Effective Participation in Formal Processes of SADC

Despite some improvement, direct engagement between NSAs and SADC remains mainly informal and ad hoc. While SADC has very clear provisions for NSA engagement in election observation as

described in the 2015 Revised Election Guidelines, and there is provision that non-state actors including experts, academics, and representatives from civil society organisations be invited by SADC to its EOMs, SEAC is yet to establish a comprehensive database of experts trained in election observation in as part of expanded SEOMs that are open to non-state actors. At the same time, although the creation of SADC's mediation structure has provided SADC with an improved institutional framework for its mediation processes, it is yet to provide clarity on NSA participation in SADC mediation activities, beyond the three seats allocated to NSAs in the Mediation Reference Group.

The consultative role of the SADC-CNGO remains a narrow platform for wider engagement by NSAs. While SADC-CNGO and others who have signed MoUs with SADC Secretariat are allowed to be present at certain levels of SADC proceedings and can at times contribute their views, their decisions do not necessarily have to be taken into account. As highlighted earlier, such an engagement is by no means formalized and is at the discretion of the Secretariat and Member States. In other words, SADC's decision-making structure and its legal and policy framework provide both opportunities and constraints for NSA engagement in areas of politics and security. Its decision-making structure is centralised at its annual Summit Meetings of Heads of State to which the Council of Ministers is accountable to oversee the functioning of SADC. The Standing Committee of Officials serves as the technical advisory committee and clearing house for the Council of Ministers. Thus, direct access to and engagement with the SADC Summit, the COM, the ISPDC, the ISDSC, and the SADC by NSAs is strictly regulated. This is in contrast to what takes place in other regional institutions and inter- governmental organizations where real consultation takes place, and includes instruments such as observer status. There are exceptions of course. For example, the study found that in certain departments such as Employment and Labour, decisions cannot be made at Secretariat level without NSAs approval. However, this is not institutionalized.

2.4 Accountability and Transparency

An analysis of the lack of institutionalized mechanisms shows that NSAs who remain out of the decision-making process of SADC find it difficult to influence the decision-makers. This means that many NSAs, in particular those working at the grass roots level have difficulties in putting decisions into practice or to have them enforced. With regard to the consultation mechanisms, accountability is measured by SADC's acceptance of the participation of other actors, specifically how and to what extent they receive and incorporate the opinions of and information from NSAs in their decision-making processes. With the exception of mechanisms such as the RPO there are few consultative spaces where NSAs can have regular input. The concern by NSAs interviewed for this study was that there seems to be little willingness to take on board the views of NSAs, in particular civil society. In addition, it raised that when decisions are made there is little information available to NSAs as to how the decisions are made and whether NSA input is taken into account. This was also pointed out by ICP representatives interviewed for this study who also expressed their concern at the lack of transparency in SADC decision making processes, especially at ministerial and heads of state level, and poor civil society representation at crucial meetings.

Transparency is also lacking when it comes to the ability of NSAs to access documents which have to be understandable and usable for citizens and to the spread of policies organized (or not) by processes such as regional integration, for example. The SADC Secretariat website is one avenue for accessing information but will benefit from continued improvements to ensure wider access to regional policy developments and decisions for all citizens and NSAs. Information should be available at national level and currently NSAs do not always have that access. NSAs need to access documents to enable them to participate fully in the decision making process and to exchange views but this has often taken place in an ad hoc manner.

2.5 Subsidiarity

The application of the principle of subsidiarity is of importance in defining the interaction between organisations that work at the national and regional level respectively. Guidelines governing relations between SADC and the organisations executing SADC Projects and Programmes under the Principle of Subsidiarity are provided for by the August 2004 SADC Council Decision in its meeting held in Grand Baie, Mauritius. Applying this principle would support the establishment of an effective engagement mechanism by ensuring that issues, actions and initiatives taken to address them are clearly defined as being either national or regional, and subsequently dealt with through the appropriate institutions and stakeholders at those respective levels. Applying this principle will also ensure that the overlapping of scope and actions is eliminated. SADC already applies this principle in its operations, and this can be extended to the development of the proposed engagement mechanism.

2.6 Representativeness

To be more effective, SADC's engagement with NSAs needs to be more inclusive, involving existing as well as emerging and marginalized NSAs in the region. The use of the principle of representativeness is critical in ensuring the legitimacy of the processes that will take place. In addition, wide coverage of actors from diverse sectors will also ensure that SADC leverages on the wealth of information, experiences and skills of its citizens. The presence of legitimate organisations interacting with mutual respect and recognition is another essential component necessary for the development and establishment of the engagement mechanism.

2.7 Working with Umbrella and Apex bodies

The engagement with NSA's both at national level and regional levels will be with umbrella and Apex bodies representing the diverse NSA organizations.

2.8 Coherence with Continental and Institutional Mandates

The proposed mechanism is characterised by regular and structured consultations, accessible and up-to-date information, streamlined coordination and collaboration anchored in SNCs and National Contact Points, publicized communication mechanisms, formal and officially recognized mandates, a code of conduct and formal Accreditation system for NSAs.

3. Review of NSA Engagement in Other Regional Institutions and Multilateral Bodies

The emphasis on Non State Actor consultation and participation within intergovernmental organizations is rooted in the recognition that states on their own cannot carry out important developmental responsibilities without the full participation of civil society and other private actors. Such participation of NSAs is now seen as crucial in strengthening governments' social and economic development agendas.

In light of the existing gaps in engagement, and in order to better frame a mechanism for engagement between NSAs and SADC, there is a need to conduct a comparative analysis of mechanisms for NSA engagement within other regional institutions and multilateral bodies. This section looks at NSA engagement at the African Union (AU), the Common Market for Eastern and Southern Africa (COMESA), the Economic Commission of West African States (ECOWAS), the East Africa Community (EAC), the United Nations (UN), the European Union (EU), the Common Market of the South (MERCOSUR), and the Association of Southeast Asian Nations (ASEAN). The study examines how these institutions have defined and institutionalized engagement

mechanisms within their legal, policy and programme instruments. It also presents the strengths and weaknesses of each of the mechanisms in place.

3.1 The African Union

The Economic, Social and Cultural Council (ECOSOCC) as provided for by the Constitutive Act of the African Union (AU) is an advisory organ composed of different social and professional groups of the Member States of the Union. Established under the provisions of Articles 5 and 22 of the African Union's Constitutive Act, ECOSOCC is the vehicle for building a strong partnership between governments and all segments of African civil society. The Statute of ECOSOCC, adopted by the Heads of State and Government at the Third Ordinary Session of the Assembly in July 2004 defines it as an advisory organ of the African Union composed of different social and professional groups of the Member States of the African Union [Assembly/AU/Dec.42 (III)]. The 150-member General Assembly was launched in 2008 and includes African social groups, professional groups, non-governmental organizations and cultural organizations. These CSOs include but are not limited to the following:

- Social groups such as those representing women, children, the youth, the elderly and people with disability and special needs;
- Professional groups such as associations of artists, engineers, health practitioners, social workers, media, teachers, sport associations, legal professionals, social scientists, academia, business organizations, national chambers of commerce, workers, employers, industry and agriculture as well as other private sector interest groups;
- Non-governmental organizations (NGOs), community-based organizations (CBOs) and voluntary organizations;
- Cultural organizations and
- Social and professional groups in the African Diaspora in accordance with the definition approved by the Executive Council.

Other than being members of ECOSOCC, non-state actors may also apply for observer status with the AU Commission. Those with observer status may submit documentation and speak at the Commission's sessions. As full delegates to the Summits, NSA representatives can attend meetings, including closed sessions, and are in a position to brief civil society organizations on key issues tabled. The Assembly of the Heads of State and Government determines ECOSOCC's functions, powers, composition and organization.

The Citizens and Diaspora Organization Directorate of the African Union Commission (CIDO) is charged with the responsibility for mainstreaming the participation of non-state actors in civil society affairs of the Union but has been criticised by NSAs as one of the weaknesses of ECOSOCC in forming a critical link between civil society and the AU.

The Coalition of Civil Society for the African Union meets two months before the AU Summit and prepares its recommendations that are sent to the AU by way of a Communiqué. After the Summit, decisions pronounced are audited by civil society within the respective states.

3.2 Common Market for Eastern and Southern Africa (COMESA)

The COMESA structure offers multiple sites for civil society inclusion and participation. One such avenue for engagement is through the COMESA Business Council, a Business Member Organization and recognized private sector institution of the Common Market of Eastern and Southern Africa (COMESA). The Business Council was established in 2005; with the objective of providing a platform for three core services namely- business support services and linkages, policy advocacy and membership development; with an objective of addressing the pertinent constraints to business and competitiveness in the region, influencing the policy formulation agenda on behalf of the private sector and increasing private sector participation in the regional integration agenda.

The establishment of COMESA Business Council (CBC) is mandated by the Treaty of the Common Market for Eastern and Southern Africa (COMESA), Article 18-Chapter 23 and 24, as a consultative committee for the business community at the policy organs level. The Council's Objectives are focused on private sector development, through apex and sectoral business associations' facilitation of private sector participation in regional trade related policy dialogue.

CBC is constitutionally managed by a Board of Directors from 9 of the national apex business associations from the COMESA Member States. Its membership is multi-sectoral based, with a focus on national private sector apex bodies (Chambers of Commerce), regional and national sectoral Associations and companies that have a regional presence.

The COMESA Programme on Peace and Security has also developed a set of rules and procedures for accrediting Civil Society Organizations (CSOs) and Private Sector Organizations (PSOs) to its Programme, which were drafted by representatives of all stakeholders including national governments. This is to enable CSO and PSO that are accredited to the Programme to actually have opportunity to dialogue with governments and to play a role within the COMESA.

In drafting rules for their engagement, COMESA was informed by the fact that coordination and collaboration of the different stakeholders is extremely important and also the need for regular dialogue among the stakeholders themselves. This also serves to discourage the different stakeholders from working as discrete groups with different and often times incoherent programs.

The COMESA Business Council

COMESA Business Council is the policy organ of COMESA representing the private sector in all levels of decision making at regional level



CBC is authorised by the COMESA Treaty to provide link and facilitate dialogue



Advocacy position with private sector stakeholders

Represents private sector on policy and trade negotiations for regional integration

Presenting position as intergovernmental committee meetings

The work of CBC
 Providing other platforms to interface leaders of industry with policy makers in the region

3.3 Economic Community for West African States (ECOWAS)

Civil society organizations from West Africa have been working with ECOWAS in implementing various instruments including the protocol relating to the Mechanism for Conflict prevention, Management, Resolution, Peacekeeping and Security and other issues for many years. The revised 1993 ECOWAS Treaty called on the regional community to co-operate with regional CSO's and encourage the broad participation of citizens in the integration process. Article 81 (1) of the Treaty provides that;

'The Community, with a view to mobilizing the human and material resources for the economic integration of the region, shall co-operate with regional non- governmental organisations and voluntary development organisations in order to encourage the involvement of the peoples of the region in the process of economic integration and mobilize their technical, material and financial support.'

Specifically, Article 81 (2) provides for the establishment of a mechanism for consultation between the Community and regional non-governmental organisations.

The West African Civil Society Forum (WACSOF), founded in 2003, is the main mechanism for institutionalized dialogue between CSOs and the ECOWAS secretariat and provides advice and oversight to ECOWAS. It involves CSOs in elaborating, implementing, monitoring and evaluating political, social, security, economic and cultural programmes of ECOWAS. It meets once a year prior to the Heads of State Summit to prepare its inputs for considerations at the Summit. WACSOF has a People's Forum made up of representatives of all member civil society organisations as the top decision-making organ. The forum meets annually prior to meetings of the ECOWAS Authority and Council of Ministers.

ECOWAS Engagement Mechanism with Non State Actors	
Strengths	Weaknesses
Presence of a WACSOF Liaison Office at ECOWAS Secretariat which has also played an important role in enhancing engagement between ECOWAS and West African NSAs.	The numbers of civil society organisations that collaborate with ECOWAS is limited.
Strong ECOWAS engagement with NSAs in implementation and development of protocols, key policies and mechanisms such as the ECOWAS Early Warning System.	Many NSAs remain unaware of the policies and institutions within the ECOWAS Commission
ECOWAS Treaty specifically provides for establishment of a mechanism for consultation with Non State Actors.	Difficult to measure the extent to which recommendations by WACSOF are implemented by ECOWAS Heads of States.

3.4 East African Community (EAC)

The East African Community has acknowledged that earlier attempts at East African Cooperation failed partly due to a lack of participation or lack of knowledge of the integration process and the objectives of the EAC among East Africans. The East African Civil Society Organizations' Forum (EACSOF) was established as a part of the East African Community (EAC)'s plan to provide a forum

for CSO engagement under Article 127(4) of the EAC Treaty. EACSOE was established as an autonomous body seeking to bring together and represent civil society in East Africa, with the primary objective of “building a critical mass of informed, knowledgeable and empowered civil society in the region, in order to foster their confidence and capacity in articulating grassroots interests and priorities to the EAC and its various organs, institutions and agencies.”

Article 5 of the EAC Treaty highlights the importance of the role of the objectives of the community, noting that these should be at the forefront of the development “of policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.” Directly following on from this, Article 7 addresses the operational principles of the community. The article addresses principles related to the practical achievement of the objectives of the community including the following: (a) people-centered and market-driven co-operation; (b) the provision by the Partner States of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure; and (d) the principle of subsidiarity with emphasis on multi-level participation and the involvement of a wide range of stakeholders in the process of integration. Importantly, such clear guidelines for operationalization are absent in the SADC Treaty, and there are important lessons that can be learnt and possibly adopted from this.

In order to better enhance the role of NGOs and civil society, the EAC in 2001 also developed rules of granting observer status to NGOs such as the Lawyers Association of East Africa. Another important avenue for engagement for NSAs is the East Africa Legislative Assembly (EALA) which provides both a forum for debate but also acts as a watch dog. The EALA encourages participation by all stakeholders. For example, individuals or organizations who would like to influence policy direction in the affairs of the EAC can do so through sponsoring of private members bills.

3.5 The United Nations

NSA participation in the decision-making process of the UN is through the Economic and Social

EAC Engagement Mechanism with Non State Actors	
Strengths	Weaknesses
Granting of observer status	Criteria for granting observer status and the rules for participation in the meetings of the EAC are severely limiting
Participation of NSAs in a consultative forum that includes a broader array of stakeholders such as the private sector and different interest and community groups	Despite observer status, engagement of civil society on EAC affairs is at discretion of EAC with civil society episodically invited to consultations, conferences and workshops
Strong engagement and participation in the EALA.	

Council (ECOSOC). Stakeholders' participation in ECOSOC is through “Consultative Status” which has its foundation in Article 71 of Chapter 10 of the United Nations Charter. UN ECOSOC is one of the six principal organs of the United Nations and it is responsible for the coordination of the economic, social and related work of 14 UN specialized agencies, its functional commissions and five regional commissions. It serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to Member States and the United Nations system.

The criteria for NGO accreditation to Consultative Status have been revised several times but the latest resolution grants different rights for participation in ECOSOC and its subsidiary bodies including rights to United Nations passes, to speak at designated meetings, and to have documents translated and circulated as official UN documents.

The United Nations' effort to promote civil society involvement has led to a well-established institutional CSO support mechanism. The UN NGO Liaison Service (UN-NGLS) based in New York and Geneva provides information, advice, expertise and consulting and support service. The NGO section of the Department of Economic and Social Affairs (DESA) acts as the substantive secretariat of the ECOSOC Committee on NGOs as well as a focal point.

UN Engagement Mechanism with Non State Actors	
Strengths	Weaknesses
Well laid out accreditation scheme based on clear policy and guidelines.	Bureaucratic and time consuming procedures for accreditation.
Inclusion of a broad range of NSAs.	Consultative status only works for NSAs that have the resources to travel to the UN in New York and Geneva.
Strong mechanisms for supporting NSA participation provided by the UN NGO Liaison Offices in New York and Geneva as well as the Department of Economic and Social Affairs.	

3.6 The European Union

NSAs participate in the processes of the European Union (EU) through the European Economic and Social Committee (EESC), set up under the Treaty of Rome as advisory consultative body. It is the only consultative body at European Union level that gives the Commission, the Council and the Parliament the points of view of the people "on the ground". The Committee is an independent, non-political organization, and exists to give advice on a wide range of matters related to the EU. It provides the framework for the formal and institutionalized consultation of interest groups and gives practical advice to the EU on a wide range of matters. Its members are appointed by the Council of the European Union and represent three groups: employers, workers and various interest groups. The EESC works in six sections/ committees/clusters, each of which reports on the European Commission proposal referred to it. EESC is the only way for Europe's interest groups to have a formal and institutionalized say on draft EU legislation. It exists to channel the views of these vital interest groups to the larger EU institutions.

The EESC also set up a Liaison Group to interact with European-level civil society organisations and networks. The Liaison Group ensures that the EESC has a coordinated approach towards the networks, as well as monitors joint initiatives. In order to strengthen their voice within the EU, NGOs have also grouped themselves in an informal network known as the EU Civil Society Contact Group (CSCG). It brings together 8 large rights and value based NGO sectors - culture, environment, education, development, human rights, public health, social and women.

EU Engagement Mechanism with Non State Actors	
Strengths	Weaknesses
Mandatory consultation with NSAs in specific cases provided for under the Single European Act (17.2.86) and the Maastricht Treaty (7.2.92) extended the range of issues which must be referred to the Committee, in particular where new policies are being considered (regional and environment policy).	NSAs not always able to have input into setting of EU agenda.
NSA engagement reaches the European Council at top level of the EU's decision making structure. The equivalent in SADC is the Heads of State and Governments Summit.	
Inclusion of a broad range of NSAs & well established and strong mechanisms for NSA engagement and participation. Information is easily accessible and a diversity of positions may be voiced.	

3.7 Mercado Commun del Sur/ Common Market of the South (MERCOSUR)

NSA engagement with MERCOSUR, a sub-regional bloc of South American countries, is set up by Article 14 of the Treaty of Asuncion, and Art. 1 of Ouro Preto Protocol. Engagement with NSAs is through The Economic and Social Consultative Forum (FCES), an exclusive institutional space for the participation of the “economic and social sectors”. NSAs also have the possibility of participating in the preparatory meetings of the work sub-groups (SGTs) and their respective committees, as well as in specialised meetings and Ad-Hoc Groups. The FCES is organised into national sections which have organisational autonomy. FCES may define which economic and social sectors make up the sections. The requirements are that organisations are local and the most representative, and there is an equal number of appointed representatives of the workers' organisations and business people.

MERCOSUR Engagement Mechanism with Non State Actors	
Strengths	Weaknesses
Formalised processes for engagement such as the FCES	NSA complaints of a lack of accountability
Institutionalised space for engagement.	Lack of consultation in some cases

3.8 The Association of South East Asian Nations (ASEAN)

The Association of Southeast Asian Nations, or ASEAN, was established on 8 August 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration) by Indonesia, Malaysia, Philippines, Singapore and Thailand. To date ASEAN has 10 Member States. The importance of ASEAN engagement with civil society and other NSAs is highlighted by article 1.13 of the ASEAN Charter of 2007 which emphasizes the concept of a “people-oriented ASEAN.” Until recently ASEAN

had not had a formalized process for NSA engagement. Individual governments within the ASEAN have taken it upon themselves to host civil society conferences when hosting ASEAN summits but this has been at the discretion of the host governments. In November 2012, ASEAN moved to adopt guidelines for accreditation of civil society organisations with formal mandate to engage in ASEAN regional policy making processes. In October 2014, 52 civil society organisations were accredited by ASEAN. A Working Group for an ASEAN Human Rights Mechanism was also established after successful engagement between governments and NSAs. The Working Group is composed of representatives of government institutions, parliamentary human rights committees, the academia, and NGOs. Its primary goal, to establish an intergovernmental human rights commission for ASEAN, was achieved in 2009 with the launch of the ASEAN Intergovernmental Commission on Human Rights (AICHR).

ASEAN Engagement Mechanism with Non State Actors	
Strengths	Weaknesses
Successful engagement and consultation between the ASEAN and NSAs led to the development of a regional human rights mechanism.	Consultations with NSAs are usually at the discretion of Member States
Recent plans and documents such as the ASEAN Vision 2020, the ASEAN Charter and the Blueprints for the development of an ASEAN Community indicate a resolve by the ASEAN to strengthen engagement with NSAs.	
Succeeded in converting ad hoc engagement into formal engagement by creating guidelines.	

3.9 Regional and International Mechanisms for NSA Engagement Lessons

The institutions presented above provide lessons that can be used to inform options for engagement by NSAs in regional and international processes. These mechanisms have their own challenges but they do also provide good practices for engagement and participation of NSAs. They include the granting of observer status, granting of consultative status through an Economic and Social Council or other related structure, or the establishment of NGO liaison offices or focal points. The main lesson is that where a constitutive act or treaty provides for the establishment of a mechanism of engagement with non-state actors there are clear and strong foundations for advancing the involvement of citizens in regional integration processes.

The UN and the EU arguably provide the most productive principles for effective engagement of NSAs through formal mechanisms and the provision of institutional space for NSA consultation. For example, the UN provides a good model for granting of consultative status to NSAs. Such status allows NSAs to participate in the deliberations of the UN as active participants and not just as observers. The granting of observer status as highlighted by the EAC and other bodies is also a useful way of ensuring greater NSA participation although this has its own challenges, namely the sometimes restrictive rules and procedures for obtaining observer status.

Depth of Engagement	Lessons from other Regional Bodies									
	AU	COMESA	ECOWAS	EAC	MERCOSU R	ASEAN	UN	EU	SADC	COMMON WEALTH
Informal Platforms	●	●	●	●	●	●	●	●	●	●
Formal Platforms	●	●	●	●	●		●	●	●	
Regional Instrument	●	●	●	●	●		●	●	●	
Approved Policy							●	●	●	
Institutionalised Mechanism	●	●	●	●			●	●	●	

The involvement of NSAs in key policy developments as highlighted by ECOWAS also provides a good example of how SADC can involve and seek the input of NSAs in creating or developing new policies or mechanisms. The AU's ECOSOC and CIDO mechanisms as well as MERCOSUR's FCES also highlight how NSAs can actively engage with regional or international bodies through formalized mechanisms of engagement. The more robust and experienced dialogue framework that exists in the EU provides the most comprehensive modalities for engagement of NSAs. The EESC's formal and institutionalized consultation with the EU and the provision of practical advice to the EU illustrates how NSAs can engage in effective and meaningful dialogue with regional bodies. On the other hand ASEAN highlights how despite a lack of formal processes greater consultation and planning between NSAs and regional or international bodies can lead to the development of key policies or mechanisms.

Overall these examples highlight the challenges that arise from developing certain formal mechanisms for engagement such as accreditation processes. The complicated and bureaucratic nature of many accreditation procedures often defeats the purpose of ensuring greater participation of NSAs. It is thus important to ensure that the granting of observer or consultative status does not take away from broader dialogue between regional and multilateral bodies and a diverse range of NSAs.

4. Current Mechanisms of Engagement between SADC and Non-State Actors

SADC Member States and the Secretariat have made significant strides when it comes to engaging NSAs over the years. In general, SADC has progressive policy frameworks for the inclusion of non-state actors in its economic and political agenda, including peace and security programmes and activities. For instance, the review of the Revised RISDP 2015-2020, the formulation of the Industrialisation Strategy and Roadmap, as well as the SADC regional Agricultural Policy were done with involvement of NSAs. The SADC Treaty, the Organ on Politics, Defence and Security Cooperation, the Protocol and all versions of SIPO, indicate that NSAs have a wide scope in participating in SADC's peace and security affairs. Their role is indicated in conflict prevention, early warning, mediation, democracy building and electoral processes. Supplementary policies also encourage their participation in operational activities including M&E.

Currently, the principal modalities of engagement with civil society and other actors are at the level of governance and policy formulation, and at the level of programme operations. These forms of engagement have taken place at national and regional levels.

At the level of governance and institutional policy formulation, engagement between the SADC

Secretariat and a significant section of civil society in the region is set out in the Memorandum of Understanding (MOU) signed with the SADC Council of NGOs (SADC-CNGO) in December 2003 and in Article 5 (2) (b) and Article 23 of the SADC Treaty. The MOU provides a legal framework for cooperation and collaboration between the SADC Secretariat and SADC –CNGO, an umbrella body of civil society organizations within the region. With regards to the private sector, the SADC Secretariat has also established MOUs with a number of regional business organisations, including the Association of SADC Chambers of Commerce and Industry (ASCCI), and the Southern African Confederation of Agricultural Unions. A Southern Africa Business Forum co-convened by the NEPAD Business Foundation is also being developed and has been engaging with SADC Secretariat and Member States. In addition, SADC also holds Regional Policy Dialogues designed to address specific policy issues. Civil society participation at these dialogues is at the discretion of the Secretariat.

Engagement at sectoral and programme level between the SADC Secretariat, SADC Member States and NSAs has taken a number of forms, including consultations, dialogues, capacity building, and informal networking and information sharing. Enhanced policy dialogue and consultation with NSAs on specific issues, takes place through thematic/cluster based engagement with the various units or directorates of SADC Secretariat. The Secretariat facilitates civil society participation in Task Force/Expert/Ministerial Committees and other technical meetings of SADC. However, the process has not been coordinated and often the dialogues and consultations take place in an ad hoc manner at the discretion of the various directorates and units of the SADC Secretariat.

With regards to partnerships, selected directorates and units such as the Employment and Labour department within the Social and Human Development and Special Programmes Directorate, consult regularly with NSAs and seek input on various joint initiatives of relevance to the department. For example, the Employment and Labour department is in a tripartite partnership with the private sector and the trade unions as represented by the Southern Africa Trade Union Coordination Council (SATUCC). This is a fully functional formal structure and it is notable that NSA engagement takes place here. The HIV/AIDs and Orphans, Vulnerable Children and Youth departments also formally engage with NSAs working in the related sector and hold regular scheduled meetings with NSAs. Since 2014 efforts towards establishment of a SADC mechanism for engagement with youth have been revived and proposals were presented before Ministers responsible for youth affairs in 2015. The SADC Declaration on Youth Development and Empowerment was approved by Ministers in October 2014 in Victoria Falls, Zimbabwe and by SADC Heads of States and Government in August 2015. A number of directorates, with support from various committees, have also established consultative mechanisms with the private sector on various topics, including infrastructure development, food security, customs and mining.

The SADC-CNGO has also been engaged in joint project initiatives and policy dialogue mechanisms with the SADC Secretariat. One such initiative is the Regional Poverty Observatory in which civil society has been accorded 5 seats with equal voting rights to Member States. NSAs also participate at varying levels in regional workshops organized by the SADC Secretariat and its partners. Those that have signed MOUs are allowed to observe the opening and closing ceremonies of the annual SADC Heads of State summits and to engage Member States on the side-lines of the summit meetings. In summation, engagement between SADC Member States and NSAs has mainly been at programmatic level at the Secretariat and not at ministerial or Heads of State level. Below are detailed examples:

4.1 SADC Regional Poverty Observatory

In April 2008, Heads of States and Government approved the establishment of the SADC Regional Poverty Observatory (RPO) as a platform for engagement between all stakeholders working in poverty eradication at the regional and national levels to evaluate and monitor the implementation of the Regional Poverty Reduction Framework. The institutional and funding architecture of the RPO was then approved by the SADC Council of Ministers in August 2010. It has a twenty-five-member

Steering Committee which includes representatives from SADC Member States (15), the private sector and civil society organizations (5), independent experts, as well as International Cooperating Partners (2). The Steering Committee is scheduled to meet once or twice a year while the Stakeholders Forum is scheduled to meet every two years. The Stakeholders Forum has yet to be launched as the Observatory is still being fully operationalized. At national levels, some countries have already established multi-stakeholder national poverty observatories which bring together government, civil society and business representatives on a platform for evaluating effectiveness of poverty eradication policies and strategies.

The active participation of civil society organizations on the RPO Steering Committee and in the implementation of regional anti-poverty programmes, as well as in peace and security matters, provides an effective avenue for NSA engagement in the formulation of policies on reducing poverty, good governance, elections monitoring and conflict prevention, resolution, management and peace building.

4.2 SADC Engagement with Labour

SADC's engagement with organised labour is mainly through the apex labour movement body, the Southern Africa Trade Union Coordination Council—a regional umbrella body that brings together and coordinates national unions of federations in SADC. SATUCC has been participating in a tripartite structure involving SADC Secretariat and private sector to discuss labour related issues. Formal engagement on labour takes place at the Ministerial level and social-partners level, and the decisions made feed into the Heads of State Summit.

4.3 SADC Engagement with the Private Sector

Currently SADC does not have a specific policy instrument to support development of public-private sector partnerships but has signed a Memorandum of Understanding with the Association of Chambers of Commerce and Industry (ASCCI). ASCCI is a regional private sector apex organization that brings together 18 National Chambers of Commerce and Industry as well as Confederations of Industries from all the SADC Member States. It was established in 1992 as an independent, non-profit organisation established in response to the growing need for effective participation for organised business in the Southern African Development Community (SADC) region. ASCCI is one of the non-state actor groups that has a seat on the SADC Regional Poverty Observatory's Steering Committee.

In spite of the significant potential that exists SADC and the private sector in the region have not optimised possible benefits from their engagement and partnerships. Engagement is largely episodic. Whilst individual businesses and national business associations may be known, there is very little knowledge or information shared on the work of regional associations. Since the early 2000s there have been efforts to establish a Business Council for Southern Africa (BCSA) as a broad, inclusive and coherent platform for facilitating private sector engagement with SADC. These efforts were revived in 2015 through a new initiative known as the Southern Africa Business Forum. The Southern Africa Business Forum (SABF) was established after the First Annual Conference which took place on the margins of the SADC Heads of State Summit in August 2015. The SABF emerged out of the Savuti Declaration intended for the consideration of the SADC leaders at the Summit. The SABF coordination resides at the NEPAD Business Foundation (NBF), supported by GIZ-SADC, the European Union and the Southern Africa Trust. NBF facilitates and coordinates the input from the private sector into regional trade and industrial policy formulation to support buy-in from key stakeholders and the design of policies that can have a real impact on regional economic integration in SADC.

After subsequent stakeholder discussions in a second SABF conference in April 2016, six Working Groups have been kicked off to address key challenges which private sector firms experience when

doing business in the SADC region. The Working Groups are addressing issues such as “industrialisation and regional value chains”, “non-tariff barriers”, “services” “energy” “water”, “railways” and have already started to interlink with each other, e.g. with regard to economic corridors. SABF will have its next event embedded in the envisaged “SADC Industrialisation Week” in the end of August 2016, in the margins of the next SADC Summit.

4.4 SADC Parliamentary Forum

The SADC Parliamentary Forum is an independent institution of SADC, established in 1997, as another regional instrument for policy dialogue in accordance with Article 9 (2) of the SADC Treaty. The Plenary Assembly of the Parliamentary Forum is the highest policy making and deliberative organ where all the 15 national parliaments of SADC are represented. It meets twice a year to make policy decisions and recommendations through the Council of Ministers to the SADC Summit of Heads of State and Government on various issues affecting the SADC region.

The constitutional objectives of the Forum highlight capacity building for effective implementation of SADC policies, programmes and activities. Other objectives include the facilitation and promotion of a socio-political environment for a sustainable regional body. Their focus is on the need to promote democracy, peace, stability, security, governance, regional solidarity, human rights (including gender equity), and parliamentary cooperation.

The Parliamentary Forum is effectively a space for civil society and other NSAs but such engagement has not been consistent and few citizens in southern Africa are aware of the parliamentary forum's work and how it operates. The SADC PF has also been constrained by the non-approval of its request to become a fully-fledged regional parliament with oversight and monitoring powers of implementation of regional protocols. Its potential to function as a channel for people's voices in the regional integration agenda will be strengthened by a formal mandate. In 2015 the organization received key support from Namibia and South Africa which will provide some hope that the SADC Heads of State might in the future reverse their decision and approve the status that the SADC PF has been seeking in the last several years.

The SADC Electoral Advisory Council (SEAC)

SEAC has played a critical role in the development of the 2015-revised SADC Election Guidelines, where it engaged a broad array of non-state actors including NGOs, faith based institutions and academia for policy input. As part of strengthening the effectiveness of election observation, SEAC is to establish a comprehensive database of experts trained in election observation in SADC as part of expanded SEOMs that are open to non-state actors. There are plans for launching specialised training in Long Term Observation in conformity with the revised Election guidelines. Moreover, SEAC has its own partnerships. These include one with the ECF-SADC of which it has an MOU. The agreement is to provide electoral assistance to countries needing legal and constitutional reforms and offer capacity support to their EMBs and electoral processes. The second is a working relationship with the SADC PF to promote democratic elections. SEAC plans to establish strategic relationships with academic and research institutions too to strengthen the technical and analytical aspects of its work.

The Civilian Component of the SADC Standby Force

In 2007, the SADC Heads of States and Government signed an MOU that established the SADC Standby Force (SSF). It provides for a standby force consisting of military, police and civilian components. The MOU defines the civilian component as "all civilian personnel including the Special Representative of the Mandating Authority and a range of substantive civilian experts in a mission area. The civilian component of the SSF was developed to manage the political, social, cultural and economic aspects of peace processes. Since then, the SADC Secretariat has conducted various workshops and events to raise awareness among Member States and non-state actors on its activities. The aim is to fully involve civilians in the activities of the SSF and to operationalise and strengthen it. To facilitate this, each SADC member state is to: appoint a National Focal Point officer responsible for SSF civilian component affairs; identify potential experts to be included in the SSF civilian component roster; and implement the Draft SADC Standby Force Civilian Roistering Manual.

The SADC Peace Infrastructure

In 2013, SADC in partnership with the AU and the United Nations Development Programme (UNDP) organised a meeting with regional civil society organisations to discuss the concept of peace infrastructures and how they could be leveraged for peacebuilding and conflict prevention in the region. The meeting convened representatives of national peace institutions, civil society organisations, representatives of SADC, the AUC, UNDP, research institutions and the media. It resulted in a joint Declaration between SADC, AU and the UNDP captioned 'the 2013 Maseru Declaration on a Framework for Peaceful Development in Southern Africa'. The Declaration encourages SADC member states to conduct national conversations on establishing systematic 'infrastructures for peace and development'. SADC governments are encouraged to facilitate the development of national legal frameworks for their establishment and to help operationalise new ones. The SADC Secretariat is to facilitate and support these efforts in due course.

The Declaration further recommends that: member states integrate indigenous and traditional methods of healing, reconciliation and alternative dispute resolution into local and national efforts; and that they help non state actors implement the Maseru Declaration. The SADC led infrastructures for peace initiative is similar to the UNDP's infrastructures for peace (I4P) project. It utilises local capacity to strengthen national capacities in peacebuilding. Within the UNDP framework, peace infrastructures can be: initiated by governments, given a clear mandate and steered to provide support to existing institutions and mechanisms that may be weak or dysfunctional in a peacebuilding process. Their structure could mirror those created in South Africa during the transition to democracy from 1991. The structure was made up of a national peace committee, a national peace secretariat, regional peace committees, local peace committees and peace monitors.

SADC's implementation of the Maseru Declaration is reportedly underway. Plus, some countries already have them in place in one form or the other. These include those supported by a regional NGO hub called the Action Support Centre (ASC). It has a number of peace structures functioning at community levels in South Africa, Zimbabwe and Swaziland.

4.5 SADC National Committees

SADC National Committees (SNCs) were established through the institutional reform process endorsed by the 2001 Extra-ordinary Windhoek Summit. Their mandate is to provide input at the national level in the formation of regional policies and strategies, as well as to coordinate and oversee the implementation of programmes at national level. The committees are also responsible for the initiation of SADC projects and issue papers as an input in the preparation of regional strategies. They comprise of key stakeholders from government, the private sector and civil society

in each Member State. The SNCs can establish technical sub-committees to deal with sectoral and specialised issues. Article 16 of the SADC Treaty provides for inclusion of civil society organisations and NGOs to serve on these technical sub-committees and provide input into programme and policy issues.

The responsibilities of the SNCs are to:

- Provide input at the national level in the formulation of SADC policies, strategies and programmes of action;
- Coordinate and oversee the implementation of SADC programmes of action at the national level;
- Initiate projects and issue papers as an input to the preparation of the RISDP in accordance with the priority areas set out in the SADC Common Agenda; and
- Create a national steering committee, subcommittees and technical committees.

The functions of SNCs are outlined in the 2004 Guidelines issued by the SADC Secretariat. They are to:

- Facilitate information flows and communication between member states and the SADC Secretariat;
- Promote and broaden stakeholder participation in SADC affairs in member states; and
- Serve as a forum for consultations amongst key stakeholders in member states on SADC matters.

However, the extent to which NSAs have been able to utilize this space and engage in meaningful policy and programme collaboration on issues of policies and strategic priorities remains marginal. NSA representatives interviewed for this study pointed out that regional organizations have a better knowledge of the existence of SNCs compared to local NSAs. There was a need to explicitly recognise the diversity of NSAs in light of the challenges this could cause in uniting them under a common agenda. In addition, the issue of representativeness of the NSAs is very important and has often been a subject raised by government officials. At the same time, the SNCs are not sufficiently functional in most SADC countries.

In addition, the SNCs depend on foreign affairs ministries in most countries to address SADC policies and NSAs have not always been able to access them. The challenges are, firstly, that there are no formal process of engaging NSAs with SADC national committees; and secondly, that foreign affairs ministries have little or no experience and/or tradition of engaging in social dialogue. At the same time such engagement requires both technical capacity as well as resources that NSAs do not always have. In particular, although the SNCs are supposed to be funded by their respective Member States, many have failed to allocate the necessary resources for this, leading to the lack of operationalisation of the SNCs. It was noted that the visibility and accessibility of SNCs needs to be improved and in particular, media and technology-based presence of these committees should be enhanced to be more accessible to technology-savvy groups like the youth.

NSAs can also engage with SADC through their national contact or focal points. The National Contact Points' responsibility also includes regular consultation with and briefings of relevant government institutions and media on matters relating to SADC. But, not all national ministries acting as focal points are active or fully functional and quite often many are not able to prioritise the need to ensure the involvement of civil society in regional programme processes.

Engagement Platforms Created by Non-State Actors

4.6 SADC Regional Civil Society Forum

The SADC Council of Non-Governmental Organisations (SADC-CNGO) is one of the key apex bodies, formally recognized by SADC through which civil society can interact with SADC. SADC-

CNGO was formed in 1998 to facilitate meaningful engagement of the people of the region with the SADC Secretariat at regional level, and with the Member States at national level through national NGO umbrella bodies. It has had a Memorandum of Understanding with SADC for more than 10 years as the first instrument of recognition. SADC-CNGO operates as an autonomous structure and has consultative status with SADC. The SADC-CNGO participates at the SADC summit through its presence at the opening and closing ceremonies of the Summit and on the side-lines. It also plays a key role in coordinating and ensuring civil society participation in other SADC consultative and stakeholder meetings. The organisation also circulates information on developments within SADC to civil society in the region. SADC-CNGO sits at some open spaces for engagement with the Secretariat and sometimes receives formal invites to certain meetings and consultations. There is also a lot of ad hoc engagement such as joint regional election observation missions.

While the SADC-CNGO's MOU with the SADC Secretariat is an important mechanism for NSA – SADC engagement, it lacks decision-making power. In addition, there is no formal mechanism for declarations and outcomes of the civil society forum to be formally discussed in Council of Ministers and Summit Meetings. SADC-CNGO inputs at the SADC Summits are rarely taken up by Member States. At the same time, engagement between SADC-CNGO and the Secretariat is varied, with spaces open in some mainly informal and technical consultation areas and closed off in formal policy processes such as SADC Council and Summit meetings. Despite the large number of civil society organizations represented by SADC-CNGO, it does not cover the full spectrum of civil society organizations in the region.

The formation of the Council created a common platform for civil society organisations to address issues of poverty alleviation, democratisation, good governance, and ending internal political conflicts that have characterised the political landscape of SADC region. SADC-CNGO also signed an alliance pact with the Fellowship of Christian Councils in Southern Africa (FOCISSA), and the Southern African Trade Union Coordination Council (SATUCC), representing NGOs, churches, and trade unions respectively. At a practical level, the SADC-CNGO maps, organises and facilitates the interface between specific sectors and the relevant SADC Directorate. To achieve its objectives, the Council has “encouraged collaboration and partnership with other stakeholders at both national and regional level, promoted and supported people's participation in the development process, and has continually monitored the performance and accountability of SADC Secretariat, and Member States on their national, regional and international commitments related to sustainable development.”

Since 2010, the Alliance Pact has been convening the Southern African Civil Society Forum, which meets parallel to the SADC Summit of Heads of State and Governments. This is an annual event that brings together various civil society organizations in southern Africa to discuss issues pertaining to regional integration and development. The Civil Society Forum is aimed at facilitating policy interaction between civil society and regional leaders. Since the first CSO Forum in 2005, civil society in the SADC region has been consistent and clear in calling for the establishment of a formal mechanism of engagement with Non State Actors as a means to operationalize Article 23 of the SADC Treaty and to ensure broad participation in the regional integration agenda. In an August 2005 Communique submitted to the Heads of States' Summit, the Civil Society Forum noted, ‘that despite commitments made by the SADC to involve civil society in the region in their deliberations and processes, civil society remains excluded in the key SADC processes.’ Over the following nine years the CSO Forum has taken every opportunity to call on Member States to approve the creation of a formal mechanism of engagement that will facilitate accreditation of Non State Actors and pave the way for their acceptance as legitimate participants in the integration agenda of the SADC region. The proposed mechanism here goes beyond accreditation.

4.7 The SADC People's Summit

The SADC People's Summit is a platform for social movements and community groups from the Southern Africa region challenging globalization by promoting pro-people socio-economic policies at national, regional, continental and global levels. It is convened annually by the Southern African People's Solidarity Network (SAPSN). SAPSN works to mobilize regional solidarity, build members' capacities and support people-based regional co-operation, integration and unity in the fight against the debt crisis, global trade injustices and neo-liberal policies in southern Africa. Its membership is drawn from civil society organizations, trade unions, faith based organizations, student bodies and economic justice networks working on capacity building around global trade injustices, poverty, the debt crisis and globalization as well as seeking alternatives to neo-liberalism in Southern Africa. Many of the groups under the SAPSN banner are community organisations which mobilise participation and advocacy on key socio-economic issues that ordinary citizens face on a daily basis.

SAPSN took strides towards strengthening its relationship with SADC Secretariat. This included a meeting with the SADC Executive Secretary, Dr. Stergomena Tax, where the two parties discussed the possibility of signing a Memorandum of Understanding as a basis for a formal relationship. SAPSN convenes the annual SADC Peoples' Summit which is ordinarily held parallel to the official SADC Summit but is pushing for ongoing engagement on regional policy and development issues between summits. In August 2014 an estimated 2,500-strong delegation attended the People's Summit in Bulawayo and drafted a communique which was transmitted to the Heads of States' Summit. In the communique SAPSN expressed appreciation on the improvements in SADC Secretariat's engagement with Non-State Actors.

It is noted that there is scope for the SAPSN to partner with the SADC-CNGO as a means of creating a voice on CSO issues that is consolidated and unified.

4.8 SADC Gender Protocol Alliance

The Southern Africa Gender Protocol Alliance established in 2005 is a network organization that initially campaigned for the adoption of the SADC Protocol on Gender and Development, and now campaigns on its implementation. The alliance consists of national networks of gender NGOs and country theme clusters. The Alliance works closely with the SADC Gender Unit to provide technical assistance to national gender machineries to update national gender policies and develop gender action plans that are aligned to the SADC Gender Protocol. Since 2009, the Alliance has produced an annual SADC Gender Barometer which benchmarks progress by SADC countries' towards achieving each of the 28 targets of the SADC Gender Protocol by 2015.

4.12 The Regional Civil Society Mediation Task Team

The SADC CNGO established a Regional Civil Society Mediation Task team in 2012, as a way to strengthen strategic cooperation with SADC mediation structures and enhance the contribution of civil society in mediation, peace-building and reconciliation processes. The envisaged engagement with SADC mediation structures is yet to be formalised. But in the main, the objective is to complement ongoing SADC mediation. Since establishment, the Task Team has indirectly supported local mediation initiatives in Zimbabwe, Lesotho, Madagascar and the DRC. Its latest initiative is in Mozambique supporting the ongoing peace building dialogues. The task team has a technical and training component.

5. Proposed SADC Mechanism of Engagement with NSA's

In the meantime, while it is important to strengthen the existing mechanisms for engagement, this

study recommends that the participation and engagement of NSAs in the regional integration agenda be formalized through the establishment of an institutionalized mechanism as a way of fully operationalizing article 23 of the Treaty and the subsequent amendment such as those contained in article 5(2b) and 16A. The mechanism will aim to:

- Take SADC to the people.
- Provide for SADC and NSAs to consultatively work towards realizing SADC's priorities and ensuring a people-centred regional integration process.
- Enhance and strengthen partnerships between SADC and NSAs.
- Provide a structured framework for consultation between SADC and NSAs in regional integration processes.
- Provide an enabling environment for NSAs to participate in SADC processes and discussions.
- Enhance coordination and harmonization of positions by NSA in SADC processes.
- Strengthen the capacity of NSAs and other interest groups to more effectively and meaningfully engage in SADC processes.
- Establish clear and effective communication mechanisms between SADC organs and NSAs.

5.1 Definition of the Mechanism

The proposed Non State Actors Engagement Mechanism aims to enable stronger cross constituency coordination and ensure that SADC fully involves the people of the region and key stakeholders in the regional integration process. The mechanism will ensure that the realisation of the SADC Agenda better reflects the interests of the people living in the SADC Region through effective NSAs participation.

5.2 Establishment of an NSA Forum

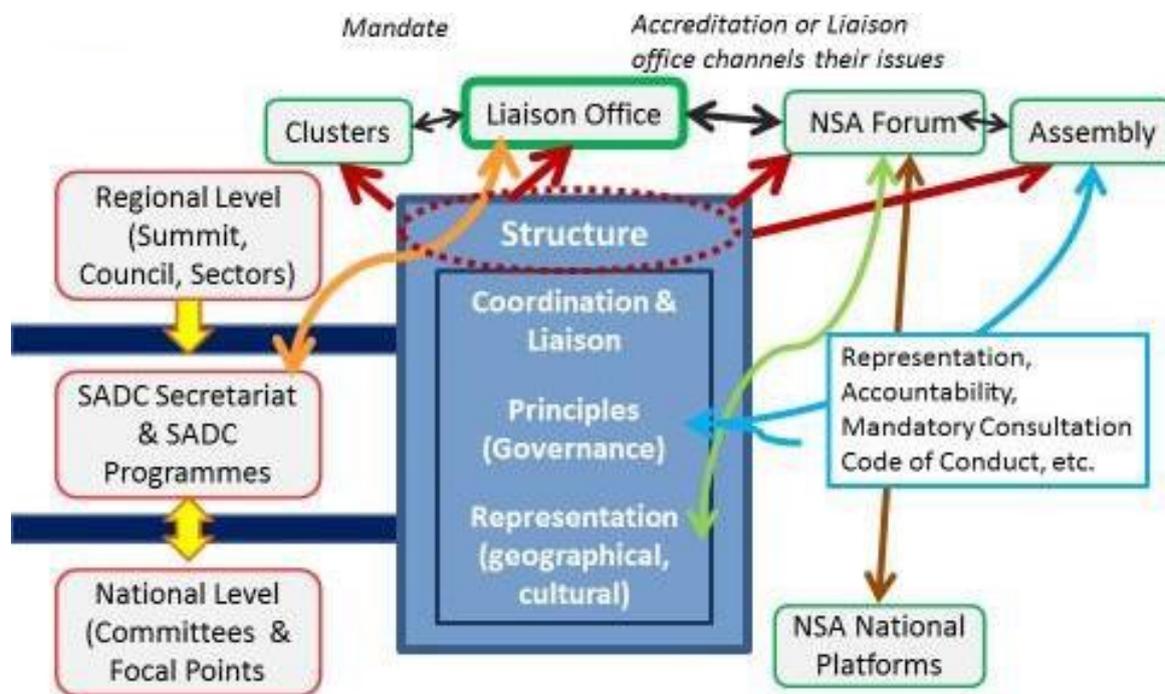
The Mechanism is potentially called the Non State Actors Forum (The Forum) along the lines of the AU ECOSOCC. The Forum will be an important mechanism for input into SADC decision making processes. NSAs that have competence in certain areas in line with SADC's initiatives and policies would contribute substantively to the agenda of SADC through such a Forum. This would enhance relations between SADC and NSAs as they would be working in a complementary manner.

In order to work effectively, the Forum should be divided into thematic clusters, groups or pillars of development within the SADC. Members of the Forum would meet on a regular basis and form a nucleus of civil society partners who as individuals can provide qualitative input to policy and regional strategy formulation. Members of this Forum should be selected on the basis of their experience and expertise in priority or thematic issues within the region, and should, as much as possible, be members of existing NSA networks. These would include members from SADC- CNGO, SATUCC and other apex bodies, as well as individual NSAs with an interest in the thematic or priority areas of work of SADC.

The Forum would be created as on one of the structures or institutions of SADC and as such will make contributions in regional processes and SADC programmes.

The NSA engagement mechanism will have the following features:

5.3 Proposed Structure



5.4 Creation of an NSA Liaison Office

There is a need to establish a dedicated NSA liaison office within the SADC Secretariat in order to create an avenue for consultation management and feedback between NSAs and the Secretariat. The SADC Regional Poverty Observatory, established within the Secretariat, has done commendable work in ensuring dialogue and consultation between SADC and civil society groups working in the area of poverty eradication. However, its work is limited to one area. A SADC NSA liaison office or focal point would provide for the facilitation of broader consultation and dialogue.

The WACSOF liaison office within ECOWAS is a good example of such an office, and so is the UN NGO Liaison Service and CIDO at the AU. An office institutionally located in the SADC Secretariat would ensure that inputs into SADC are coordinated and channelled to make an effective impact. The role of the liaison office would be to provide the various sectors within the Secretariat with clearer guidance on how to structure consultations, technical assistance, monitoring, and knowledge management support. The liaison office would work with the various directorates in undertaking consultations, and promote better quality consultations, by providing guidance on design of the consultation process, targeting key stakeholder groups, training on how to conduct effective consultations, and establishing more systematic, timely and transparent processes for feedback. Such an office would also disseminate documents on SADC policies and processes to NSAs, as well as information on key dialogues, consultations, events and meetings.

The liaison office will work closely with a broad range of NSAs to promote best practices and also to strengthen institutional knowledge management, ensuring that consultation inputs and outcomes are shared with relevant directorates and units within the Secretariat, to inform and improve future consultations.

An NSA liaison office would also provide a link between SADC national committees or focal points and NSAs working at national level, by providing information to NSAs on the work of SADC national committees and on how NSAs can input into SADC processes at national level. The office could also organize, through SADC focal points, consultations with NSAs to discuss national strategies. Key deliverables would include preparing directorate-endorsed consultation guidelines for staff at the Secretariat, and trainings of NSAs on the work of SADC.

This more coordinated and strategic approach can be expected to improve SADC relations with NSAs, while also strengthening the dialogue and cooperation among these constituencies and government officials. The new liaison office should be housed as a separate unit within the Secretariat and work closely with other directorates, units and departments as needed.

5.5 Accreditation for NSA's

It is clear that the granting of observer status represents practical logistical challenges when it comes to effective participation of NSAs in regional processes. Nevertheless, such a process presents important benefits for SADC including streamlining the procedure for engaging with the Secretariat by replacing the current MOU process that SADC has with a number of NSAs. It would also increase the number of NSAs able to engage with SADC. Unlike MOUs, a simple accreditation process or acquisition of observer status of procedures at SADC summits would enable NSAs to have a space at formal processes and a role in decision-making. The criteria for accreditation should be simple in nature and include the type of organization applying for accreditation and where it is registered in the region. Like the UN ECOSOC, criteria for NSA accreditation should grant different rights for participation in SADC, including rights to speak or submit written statements at designated meetings such as the Council of Ministers and summits of Heads of State, and access to official SADC documents.

In a similar way to the access granted to SADC-CNGO at SADC summits and meetings, organizations that are not accredited should be able to apply for consultative status in order to gain access to particular meetings, though their access may be limited to open sessions of certain meetings or heads of states summits. This would provide them with an opportunity to lobby delegates or conduct advocacy on the side-lines of key meetings or summits.

5.6 Monitoring and Evaluation of NSA Engagement

Learning mechanisms are needed to guide future engagement between SADC and NSAs. It is important that SADC establishes indicators for monitoring/evaluating the quality and impact of multi-stakeholder approaches that include NSAs, governments and ICPs. This could include reporting on progress to a proposed advisory committee or the Executive Secretary. A mechanism should also be put in place for ensuring regular feedback from NSAs themselves on their perception of the progress in enhancing SADC-NSA engagement through monitoring and evaluation.

6. Conclusion and Recommendations

SADC has made a concerted effort to expand its engagement in dialogue and in partnership with NSAs and it has recognized that this engagement can improve regional development impact by empowering citizens to participate in development processes. The growing capacity and influence of civil society and the private sector, and the SADC Secretariat's own restructuring initiatives, all warrant having SADC take additional institutional steps to engage NSAs in more consistent, strategic and effective ways. There is also a need for SADC at Secretariat and Member State level to demonstrate greater accountability and transparency for its own actions as a means of creating the necessary environment for more effective engagement.

Ensuring direct participation in the SADC decision-making processes by NSAs not only strengthens the legitimacy of SADC but its ability to further the interests of SADC's citizens. The legitimacy of SADC comes directly from the people of the region and the extent of their participation in SADC's agendas. Diversifying and broadening the level of NSA participation in meetings of the organs of SADC can only aid in the building of citizen participation by ensuring that SADC organs take into account, in decision-making, as many interests as possible.

It also ensures that the institutions of SADC evolve in a manner that reflects the socio-economic and

political interests of citizens in the region. It is hoped that the framework presented in this paper can help the Secretariat to better serve SADC states in their joint efforts with NSAs to end poverty and achieve regional integration and development. In this regard, some of the recommendations include:

- Develop an NSA database and an internal information management tool: This should profile organisations working in area of regional economic integration around the four pillars of priorities, and those working in the area of regional political integration, including peacebuilding, conflict resolution, mediation and related activities in SADC countries.
- Develop a SADC Policy on NSA Engagement and SADC Code of Conduct for NSA Engagement: this will assist in the identification process of legitimate NSAs, to be used in conjunction with a Vetting System for the NSA database. Measures should be put in place to make it as objective and a-political as possible.

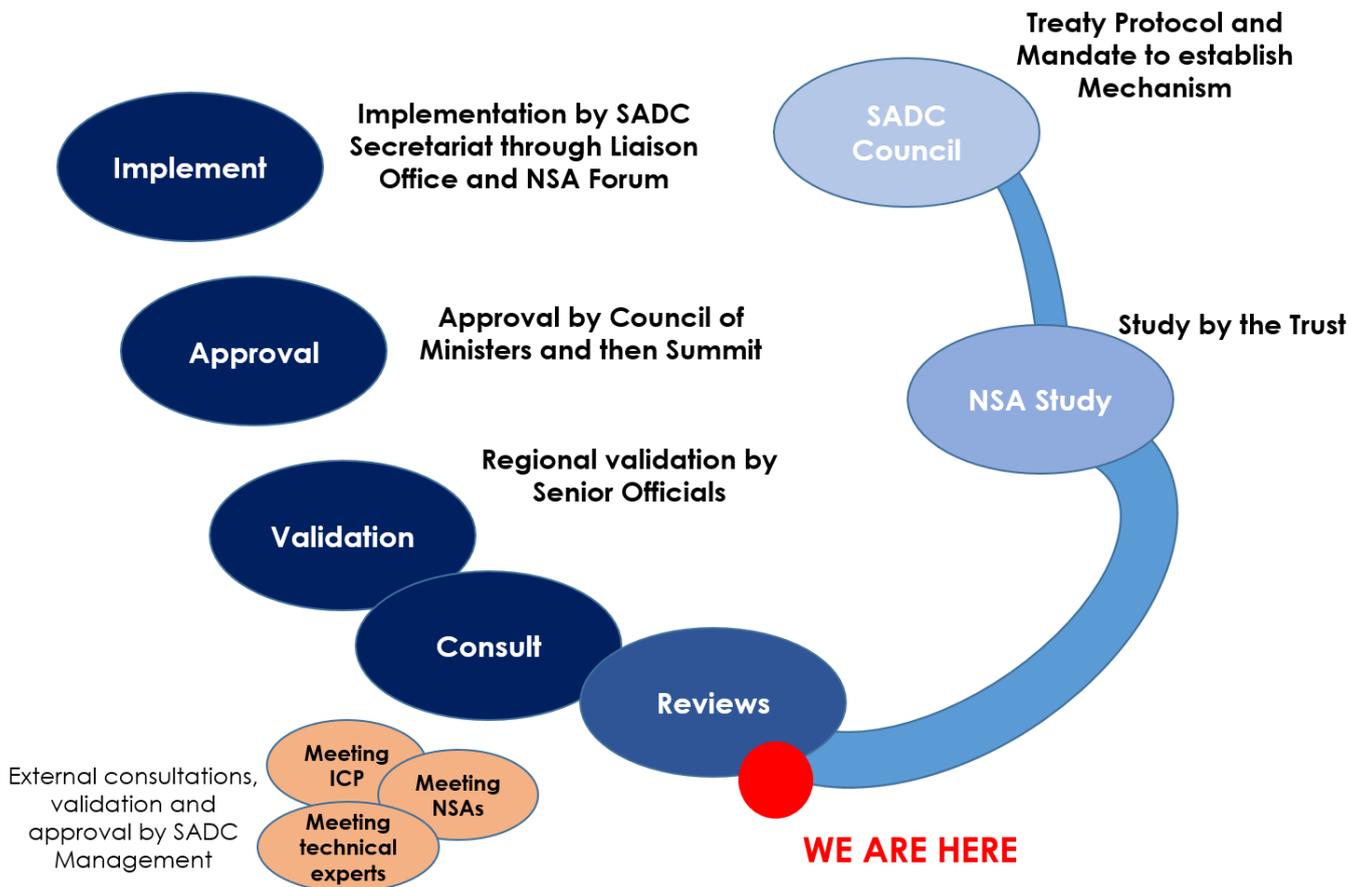
However, the Vetting criteria could include:

- The organisation's legal status: the organisation should be registered in a member state and be in good legal standing.
- Operational capacity: this includes the existence of functioning governance structures, the organisation's track record, core competencies, technical expertise and good financial standing.
- Country presence and regional reach: this measures in country 'on the ground' capacity and the geographic reach of an organisation's work.
- Value addition: the added value of working with potential partners should be clear and so is their transformative potential to SADC processes.
- Catalysing behaviour and policy change: Potential partnerships should be consistent with and enhance SADC's peace and security objectives. Potential partner organisations should therefore outline their approaches and methodologies concerning relevant policy processes and projects under consideration.
- Develop a Framework around SADC Infrastructures for Peace: Building on the 2013 Maseru Declaration (on a Framework for Peaceful Development in Southern Africa), SADC should establish a regional Peace infrastructures program. It should assist individual countries create their own national peace infrastructures and build their capacity required. SADC could be a guarantor to these arrangements providing technical and other support as needed.
- Strengthen SADC mediation processes through NSA partnerships: SADC acknowledges that collaboration with a range of African non-state actors can strengthen its role in conflict prevention and management. Mediation processes ideally involve a monitoring and early warning function and also extend to post conflict periods. As demonstrated by previous missions, NSAs can provide specialised knowledge to mediation processes owing to their proximity to issues on the ground. Therefore, SADC should create opportunities for and advise NSAs on their engagement in peace processes. This should be regularized and formalized. The MSU should additionally be encouraged to help build capacity of relevant NSAs in preventive diplomacy and conflict resolution, through its regional training program. It should continuously update its database of mediation experts.
- Thematic MoUs with NSAs: SADC could develop specific MoUs with NSAs on key thematic areas. These could be guided by sectors outlined in the Revised RISDP and SIPO or specific issues under the sectors. MoUs between SADC and civil society organisations have in the past, provided a good legal and operational.

Apply the Guidelines Governing Relations between SADC and Organisations Executing SADC Projects and Programmes under the Principle of Subsidiarity to long term peace and security activities and projects. However, in implementing the guidelines, SADC should give clarity on its definition of subsidiarity. Subsidiarity presupposes that there would be areas reserved for SADC and those reserved for NSAs. The policy framework should rather give emphasis to the principle of "Complementarity".

7. Roadmap - Operationalizing the Formal Mechanisms for Engagement

The process of formalizing engagement with NSAs is likely to be gradual. It is important for the steps highlighted below to take place in order to ensure approval, broad acceptance and effective operationalization of the mechanism.



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- Economic Community of West African States, <http://www.ecowas.int/>
- European Economic and Social Committee <http://www.eesc.europa.eu/?i=portal.en.the-committee>
- MERCOSUR, <http://www.mercosur.int/>
- Southern Africa Development Community <http://www.sadc.int/>
- SADC Council of Non-Governmental Organizations, <http://www.sadccngo.org/>
- SADC Parliamentary Forum, <http://www.sadcpf.org/>
- United Nations Non-Governmental Liaison Service (NGLS), www.un-ngls.org
- United Nations, www.un.org/issues/civil_society/partnerships.asp
- West African Civil Society Forum, <http://www.wacsof.net/>

10. Annex

List of Interviewees

- Alfred Mzwakhe Sigudhla, Southern Africa Youth Movement
- Angelo Mondlane, Director, SADC Directorate of Policy Planning and Resource Mobilization, SADC Secretariat, Gaborone, Botswana
- Arnold Chitambo, SADC focal point for Labour issues, SADC Secretariat, Gaborone, Botswana
- Augustine Tawanda, Zimbabwe Cross Border Traders Association (founding member of the Southern Africa Cross Border Traders' Association)
- Cephas Zinhumwe, Chief Executive Officer, National Association of NGOs, Zimbabwe
- Deprose Muchena, Deputy Director, Open Society Initiative for Southern Africa
- Edward Manning, Zimbabwe Chamber of the Informal Economy Association (includes street vendors)
- Emilia Siwingwa, Programmes Director, SADC Lawyers Association, Pretoria, South Africa
- Emmanuel Gasu, AIDS and Arts Foundation (Zimbabwe)
- Francis Ngambi, Southern Africa Cross Border Traders Association, Gaborone, Botswana
- Glenn Farred, Poverty & Development Manager, SADC Council of NGOs, Gaborone, Botswana
- Jack Chongola, African Youth Panel & Alliance of Youth Entrepreneurs, Zambia
- Joy Mabenge, Southern Africa People's Solidarity Network/ZIMCODD
- Lucy Makaza, Youth Empowerment and Transformation Trust
- Mabel Mpofo, Senior Policy Advisor, SADC Regional Poverty Observatory, SADC Secretariat, Gaborone, Botswana
- Makanatsa Makonese, Executive Secretary and Chief Executive Officer, SADC Lawyers Association, Pretoria, South Africa
- Manasa Dzirukure, SADC focal point on Youth and OVC, SADC Secretariat, Gaborone, Botswana
- Mary Horvers, Attache, Regional Political Cooperation, European Union, Gaborone, Botswana
- Mr Mabika, HIV/AIDS and Community Activist, Hatcliffe Extension IDP Community, Zimbabwe
- Paliani Chinguwo, Researcher, Southern African Trade Unions Coordination Council, Gaborone, Botswana
- Siphosami Malunga, Director, Open Society Initiative for Southern Africa
- Steve Horn, Regional Environmental Program Manager, United States Agency for International Development (USAID), Gaborone, Botswana
- Thibaud Kurtz, Regional Affairs Officer, United Kingdom Department for International Development (DFID), Gaborone, Botswana
- Thomas Deve (late), Southern Africa Trade, Information and Negotiations Institute (SEATINI)
- Vama Jele, Swaziland Migrant and Miners Association/ Southern Africa Miners' Association (regional association of miners' and ex-miners' associations)

Annex 2: List of Participants-Validation Workshop

NAME	ORGANISATION
1. Mr Boichoko Abie Dithake	Executive Director, SADC Council of NGOs
2. Ms Mabel Mpofo	SADC Regional Poverty Observatory
3. Mr Maxwell Mkumba	SADC Regional Poverty Observatory
4. Mr Austin Muneku	Southern Africa Trade Union Coordinating Council
5. Ms Moreblessings Chidaushe	Norwegian Church Aid
6. Mr Mandla Hadebe	Economic Justice Network of FOCISSA
7. Mr Muzwakhe Sigudhla	Executive Director, Southern Africa Youth Movement
8. Mr Glen Mpani	Programme Manager, Open Society Initiative for Southern Africa
9. Ms Emilia Siwingwa	Programme Manager, SADC Lawyers' Association
10. Mr Vama Jele	Southern Africa Miners' Association
11. Mr Tadeo Taruvinga	Southern Africa Crossborder Traders' Association
12. Ms Jane Ngulube	SACAU Delegate
13. Mr Benito Eliasi	SACAU Capacity Building Advisor
14. Mr Jack Chongola	Alliance of Youth Entrepreneurs
15. Mr Daniel Molokele	International Aids Accountability
16. Mr Daniel Chiwandamira	Facilitator, DPC & Associates
17. Dr Bhekinkosi Moyo	Southern Africa Trust
18. Mr Tumiso Chepape	Southern Africa Trust
19. Mr Marlon Zakeyo	Southern Africa Trust
20. Ms Christabel Phiri	Southern Africa Trust
21. Mr Rantso Mantsi	Southern African Miners Association
22. Ms Tiseke Kasambala	Consultant
23. Mr Joy Mabenge	Crisis for Zimbabwe & SAPSN
24. Mr Mduduzi Khanyile	HURISA
25. Dr Obakeng Khaole	Previous TB advisor - MSH

Annex 3-Institutional Instruments for Engagement with Non State Actors

Regional Body	REC-NSA Engagement Mechanism	Entered into force	Mechanism – Formal/Informal
African Union	Constitutive Act, Art.22 (1)	2001	Formal
ASEAN	No regional instrument		Informal/ created spaces
COMESA	Article 18 of COMESA Treaty	1994	Formal
EAC	Art. 127 (4), 128 and	2000	Formal
ECOWAS	ECOWAS Treaty Art. 81 and 82	1993	Formal
EU	Treaty of Rome	1957	Formal
MERCUSOR	Article 14 of Treaty of Asuncion, Art. 1 of Ouro Preto Protocol	1991	Formal
SADC	Article 23	1992	Informal / created spaces
UN	Art.71 of Chapter 10 of UN Charter	1945	Formal