

THE LEGAL ENVIRONMENT OF SADC-CIVIL SOCIETY INTERACTION IN PURSUANCE OF HUMAN SECURITY

Badala Tachilisa Balule

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I INTRODUCTION

This paper examines the legal environment that defines the interaction between the Southern African Development Community (SADC) and civil society in the pursuance of human security at the regional level. The paper is premised on the argument that collaboration between SADC and civil society is a keystone to the promotion of human security in the region. It has been argued that, in the African continent, civil society play an important and growing role as an 'information channel, a fount of legitimacy and a catalyst for accountability and transparency'.¹ Furthermore, that 'while States are the primary actors in the international system, civil society has become an important secondary actor - influencing the agenda of the primary actors'.² In Southern Africa, civil society has particularly been in the forefront in exposing human rights violations, monitoring State based violence and promoting peace and accountable and transparent governance.³

This paper thus critically looks at the legal environment that defines the interaction between SADC and civil society with a view to determining the extent to which the legal environment is conducive to enabling civil society to influence SADC's human security agenda. It also analyzes the strengths and weaknesses of the legal provisions that regulate SADC's interaction with civil society. The paper further examines key challenges that impact on the functioning of civil society in the region and concludes by offering some policy recommendations regarding enhancing legal provisions that facilitate the role of civil society in the promotion of human security.

Before examining the above issues, the paper briefly discusses the concept of human security generally, and SADC's approach to the concept. While there is consensus among all proponents of human security that the individual rather than the State should be the referent object of security, the definitional scope of the concept remains contentious. There are two competing visions of human security; the broad and focused visions.⁴ The broad vision of human security is linked to the definition of the concept by the United Nations Development Programme (UNDP) and United Nations' Commission on Human Security (CHS). The latter defines the concept in the following terms:

"Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread)

¹ See J. Ciilliers, *Human Security in Africa: A Conceptual Framework* (African Human Security Initiative, 2004) p. 44. <www.africanreview.org>.

² *Ibid.*

³ V. Taylor, 'Civil Society and the Southern African Development Community' (An International Council on Social Welfare Briefing Paper, August 2003) p. 12. <www.icsw.org>.

⁴ See K. Krause, 'Is Human Security "More than Just a Good Idea"? in *Brief 30, Promoting Security: But How and For Whom?*, Contributions to Bonn International Center For Conversion's Ten-year Anniversary Conference, October 2004, p. 44.

threats and situations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.”⁵

The UNDP defined human security as encompassing the following elements: economic security; food security; health security; environmental security; personal security; community security and political security.⁶

The broad vision of human security, as can be seen from the above two definitions, entails both the freedom from want and freedom from fear. Human security is about freedom from want because it is about ensuring basic human needs in economic, health, food, social and environmental terms. It is also about the freedom from fear because it is concerned with removing the use, and threat of, force and violence from people’s everyday lives.⁷

The narrow or focused vision of human security is associated with the Human Rights Network (HRN).⁸ The Network defines human security as ‘freedom from pervasive threats to people’s rights, their safety or even their lives’.⁹ The narrow concept of human security focuses primarily on violent conflict and humanitarian issues.

The narrow concept of human security has been supported by a number of academic commentators.¹⁰ They criticise the broad concept of human security on methodological and pragmatic grounds. Krause criticises the broad vision of human security on the grounds that it is nothing more than a shopping list of a wide range of issues that have no necessary link. He argues that the danger with this approach is that it loses all utility to policymakers since it does not allow them to see what is distinctive about the idea of security and how it is intricately tied up with conflict and existential threats, and the use of violence. Furthermore, he argues that keeping the concept of human security focused on freedom from fear, will enable the concept to be linked to a powerful and coherent practical and intellectual agenda, which is the question of controlling the

⁵ See Commission on Human Security, *Human Security Now* (New York, 2003), p. 4. <http://www.humansecurity-chs.org/finalreport/index.html/>.

⁶ United Nations Development Programme, *Human Development Report 1994*, p. 24 -25. <http://hdr.undp.org/reports/global/1994/en>.

⁷ K. Krause, ‘Is Human Security “More than Just a Good Idea”? in *Brief 30, Promoting Security: But How and For Whom?*, *op. cit.* p. 44.

⁸ The HSN is group of countries from all regions of the world that, at the level of Foreign Ministers, maintain dialogue on questions pertaining to human security. The Network consists of the following countries: Austria; Canada; Chile; Costa Rica; Greece; Ireland; Jordan; Mali; the Netherlands; Norway; Switzerland; Slovenia; Thailand and South Africa as an observer.

⁹ See <http://www.humansecuritynetwork.org/>.

¹⁰ See K. Krause, ‘Is Human Security “More than Just a Good Idea”? in *Brief 30, Promoting Security: But How and For Whom?*, *op. cit.* p. 44 and A. Mack, ‘The Concept of Human Security’ in *Brief 30, Promoting Security: But How and For Whom?*, Contributions to Bonn International Center For Conversion’s Ten-year Anniversary Conference, October 2004, p. 47.

institutions of organised violence and evacuating force from political, economic and social life in the quest to establish legitimate and representative political institutions.¹¹

The concept of human security is not clearly articulated in the SADC instruments. The SADC Treaty and the Protocol on Politics, Defence and Security Cooperation and the its implementing plan, the Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO), the later two being the main instruments addressing SADC's peace and security agenda, do not expressly make reference to the concept. SADC however implicitly embraces the concept of human security because, from a reading of its objectives as spelt out in Article 5 of its founding Treaty, it seeks, among other things, to address the following, which are components of human security:

- to consolidate peace, defend and maintain democracy, peace, security and stability;
- promote and maximise productive employment and utilisation of resources of the Region;
- achieve sustainable utilisation of natural resources and effective protection of the environment; and
- combat HIV/AIDS or other deadly and communicable diseases.

The Protocol on Politics, Defence and Security Cooperation, together with the SIPO, also acknowledge that security threats may emerge from non-military sources and that there is an interface between development, security and governance.¹²

SADC has been criticised for adopting a State-centred approach to politics, defence and security. Critics point out that while SADC acknowledges that threats to peace and security may arise from non-military sources, the Protocol and the SIPO only acknowledge the relevance of such non-military threats when they have the potential to trigger violent conflict and threaten the security of the State.¹³ Although not well articulated in its instruments, there is no doubt that human security forms part of SADC's greater integration agenda. The region's civil societies in their role as secondary actors in influencing the agenda of States have the potential to influence the institution to adopt a more comprehensive human security agenda. The next part of this paper explores what institutionalised forms of interaction exist between SADC and civil society that can be utilised by the latter to influence SADC's human security agenda.

¹¹ K. Krause, 'Is Human Security "More than Just a Good Idea"?' in *Brief 30, Promoting Security: But How and For Whom?*, *op. cit.* p. 44.

¹² See G. van Schalkwyk, 'Friend or Foe: Civil Society Organisations and Peace and Security in SADC' in A. Hammerstadat (ed) *People, States and Regions: Building a Collaborative Regime in Southern Africa* (SAIIA, 2005) p.122.

¹³ *Ibid* p. 123. See also, V. Taylor, 'Civil Society and the Southern African Development Community' *op. cit.* p. 13.

II INTERACTION BETWEEN SADC AND CIVIL SOCIETY

SADC recognises the critical role of civil society and other stakeholders in the pursuance of its objectives. The need to involve and forge partnerships with these other players is addressed in the organisation's founding Treaty. In the Preamble to the Treaty, there is an acknowledgment that in the pursuance of the principles of the Treaty, there is need to involve the people of the region in the process of development and integration. There are a number of connecting points for civil society to engage with SADC both at intergovernmental and national levels. At the intergovernmental level, there is the framework envisaged under Article 23 of the SADC Treaty and an agreement concluded between the institution and the Southern African Development Community – Council of Non-governmental Organisations (SADC-CNGO). The Treaty also makes provision for the establishment of National Committees in Member States to facilitate civil society engagement with SADC at the national level.

i. Article 23 of SADC Founding Treaty

Article 23 of the SADC Treaty embodies a more explicit commitment by the organisation to involve civil society in its agenda. It provides:

1. *In pursuance of the objectives of this Treaty, SADC shall seek to involve fully, the people of the Region and key stakeholders in the process of regional integration.*
2. *SADC shall co-operate with, and support the initiatives of the peoples of the Region and key stakeholders, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among communities, associations and people of the Region.*
3. *For the purposes of this article, key stakeholders include:*
 - a. *private sector;*
 - b. *civil society;*
 - c. *non-governmental organisations; and*
 - d. *workers and employers organisations.*

Despite the clear commitment by SADC in the above cited Article to fully involve key stakeholders, which includes civil society, in the pursuance of its objectives, the organisation has hitherto failed to evolve concrete modalities and mechanisms of collaboration with civil society who wish to engage directly in intergovernmental deliberations and through advocacy and mobilization work to influence its outcomes. Intergovernmental organisations generally grant civil society organisations either consultative or advisory status in order to facilitate the latter's participation in the organisation's activities.¹⁴ SADC fails to define exactly what status civil society has in the envisaged partnership in the pursuance of its objectives under Article 23. This lack of clarity in status has impeded the region's civil society to effectively play a part in

¹⁴ For example, both the United Nations and the Council of Europe have granted civil society consultative status while the African Union has given it advisory status.

SADC's agenda at the intergovernmental level. Civil society in the region has raised concerns that it still remains excluded from the SADC structures and processes in spite of the commitments to involve it as articulated in the SADC Treaty and other documents. It has resolved to call upon SADC to institute immediate measures to transform and create concrete interface among all its structures in order to allow effective participation of civil society.¹⁵

There is an urgent need for SADC to develop and put in place structures that will enable civil society to be fully involved in the pursuance of its objectives as set out in Article 23 of the SADC Treaty. There are arguably two alternative ways in which SADC can proceed in order to ensure that the ideals of Article 23 are achieved. The first will be to borrow from the African Union (AU) experience. SADC could establish an organ similar to the AU's Economic, Social and Cultural Council (ECOSOCC). ECOSOCC is established under the Constitutive Act of the AU.¹⁶ The objects of this organ include, among others, to promote the participation of African civil society in the implementation of the policies of the AU. ECOSOCC is a one hundred and fifty member body composed of different African civil society organisations.¹⁷ It is an advisory body to the AU and its mandate in this regard is clearly spelt out in its Statute.¹⁸ ECOSOCC is not an attempt by the AU to organise civil society, rather, it provides a framework in which civil society can organise themselves to work with the institution.

The other way in which SADC can establish concrete mechanisms of cooperation and collaboration with civil society will be by way of adopting a resolution granting consultative status to regional civil society organisations that are representative in the fields of their competence. This is the approach that has been adopted by intergovernmental organisations such as the UN and the Council of Europe.¹⁹ The resolutions adopted by these two bodies lay down the procedure for the granting of consultative status and further stipulate principles governing the nature of the consultative arrangements.

ii. SADC-CNGO

The lack of concrete modalities and mechanisms of collaboration and cooperation between SADC and civil society as envisaged under Article 23 contributed in part to the conclusion of a Memorandum of Agreement (MoA) between the institution and the

¹⁵ Communiqué of the 3rd SADC Civil Society Forum on "Ensuring Effective Civic Participation in Development and Democratic Governance", Cresta Golfview Hotel, Lusaka Zambia, 14th – 16th August 2007.

¹⁶ See Articles 5 (h) and 22.

¹⁷ See Article 4 of the ECOSOCC Statute.

¹⁸ Article 7.

¹⁹ See UN's ECOSOC Resolution 1996/31 on Consultative relationship between the United Nations and non-governmental organizations and the Council of Europe Committee of Ministers Resolution (93) 38 On Relations between the Council of Europe and International Non-governmental Organizations, respectively.

SADC-CNGO.²⁰ The SADC-CNGO is composed of national umbrella non-governmental organisations in the SADC Member States. The organisation's objectives, among others, are to represent the interests of civil society in the institutions of SADC. It adopts a regional approach to development and aims to assist SADC in the implementation of its programmes. The SADC-CNGO is intended to be the formal body through which civil society in the region interacts with SADC at intergovernmental level.

The MoA was concluded in the spirit of Article 23 of the SADC Treaty and seeks to provide a framework for cooperation and collaboration between the two organisations. The agreement seems to give SADC-CNGO consultative status in the SADC structures. In terms of Article 4 (b) of the MoA, both parties to the agreement commit themselves to a consultative process in decision making in their relationship in pursuing the common objectives of the SADC Treaty.

While on the face of it the MoA appears to put in place concrete mechanisms for collaboration and cooperation between the two organisations at intergovernmental level, its effectiveness has been constrained by Article 3 of same. This Article requires the parties to first determine areas of cooperation before they can engage each other. So far, the parties have not been able to identify these areas, and at the time of writing, the parties were said to be still working out operational agreements that will see the MoA put to full use.²¹

iii. SADC National Committees

SADC recognises that the involvement of Member States and other key stakeholders at the early stages of its programme development and implementation is critical for the achievement of its objectives.²² At its Summit held in Windhoek, Namibia, on 9th March 2001, SADC approved the establishment of National Committees as an integral part of its new structure. This resulted in the subsequent amendment of its founding Treaty, which inserted Article 16A establishing SADC National Committees (SNCs). Each Member State is under an obligation to set up a National Committee composed of 'key stakeholders'. The Article defines key stakeholders to include: government; private sector; civil society; non-governmental organisations; and workers and employers organisations.²³

The main functions of the SNCs are spelt out in the Treaty as follows:

- Provide input at the national level in the formulation of SADC policies, strategies and programmes of action;

²⁰ The agreement was concluded in December 2003.

²¹ Interview with Abie Dithake, Secretary-General, SADC-CNGO (Gaborone, 25th September 2008).

²² See Southern African Development Community Regional Indicative Strategic Development Plan, p. 85.

²³ Article 16A (13).

- Coordinate and oversee, at the national level, implementation of SADC programmes of action; and
- Initiate projects and issue papers as an input to the preparation of the Regional Indicative Strategic Development Plan, in accordance with the priority areas set out in the SADC Common Agenda.

SNCs serve as fora for consultations to provide input at national level for the formulation and monitoring the implementation of regional policies, strategies, programmes and projects. SNCs report to the SADC Secretariat.

If properly constituted, SNCs could ensure broad and inclusive consultation at the national level and therefore have great potential in shaping SADC's human security agenda. It has however been observed that while most SADC Member States have established SNCs, many of them are not yet functional as envisioned in the Treaty.²⁴ Member States have demonstrated different levels of commitment in the establishment of SNC's. Some have established fully functional and effective SNCs while some have so far failed to do so.²⁵ Furthermore, it is argued that the credibility of SNCs is tainted by the fact that its members in some State Members, including those from the non-government sector, are appointed by the government.

III CHALLENGES IMPACTING ON THE FUNCTIONS OF CIVIL SOCIETY

In addition to lack of clear modalities and mechanisms of collaboration between civil society and SADC, civil society in the region also faces varying challenges to their operations. Some of the key challenges facing civil society were highlighted at the Third SADC Civil Society Forum, the most pertinent to this discussion being the absence of a conducive enabling environment for the operation of civil society organisations and inability to access public policies enacted by governments.²⁶

The ability of civil society organisations to play their role depends in part on the legal framework within which they operate and their relationship with the State. A vibrant civil society sector that will be able to effectively play its role in the society requires a healthy and vibrant State committed to the rule of law and basic democratic processes.²⁷ Unfortunately, it appears a number of SADC Member States are not receptive to the idea of collaboration with civil society organisations. Some of these States have even

²⁴ G. van Schalkwyk, 'Friend or Foe: Civil Society Organisations and Peace and Security in SADC', *op. cit.* p. 142.

²⁵ Telephone interview with Ms Tracy Zinanaga, SADC Policy and Strategic Planning Unit (Gaborone, 08th October 2008).

²⁶ See Proceedings Report for the Third SADC Civil Society Forum: Ensuring Effective Civic Participation in Development and Democratic Governance in Southern Africa, p. 25.

²⁷ See 'Towards an Enabling Legal Environment for Civil Society: Statement of the Sixteenth Annual John Hopkins International Fellows in Philanthropy Conference, Nairobi, Kenya' (2005) (8) 1, *The International Journal of Not-for-Profit Law* 1.

gone to the extent of proposing laws aimed at controlling and limiting the space of civil society. However, according to a study conducted on the role of civil society organisations in promoting social justice and development policies in SADC, States treat development oriented civil society organisations differently from human rights and democracy oriented organisations.²⁸ There seems to be hostility towards the latter category of civil society organisations.

There have been attempts by some States in the region to enact laws that would have severely restricted activities of civil society organisations. In 2004, Zimbabwe published an NGO Bill which had clauses that prohibited NGOs engaged in issues of governance from having access to foreign funds and denying registration to foreign NGOs involved in issues of governance. The proposed law drew widespread criticism from rights groups locally and internationally.²⁹ The Bill was passed by the Zimbabwean Parliament but the President refused to sign it into law. In a similar move in Zambia, an NGO Bill was published on 29th June 2007. The objects of the Bill included, among other things, provision for the registration and coordination of NGOs. This Bill was also opposed by civil society organisations in the country who felt that the proposed law was more regulatory than facilitative. The government succumbed to criticisms against the Bill and decided to shelve it. In Namibia, its National Council adopted a motion calling for a law to regulate human rights organisations and certain media institutions. These incidents in the various SADC Member States demonstrate the precarious position that civil society organisations find themselves in.

Governments have an important responsibility to create legal conditions that will enable civil society organisations to perform their role. In South Africa, it has been observed that human rights and democracy civil society organisations operate in a comparatively free environment, a scenario that is attributed to the fact that some these organisations are established and protected under the law.³⁰ SADC Member States must put in place favourable legal and operating environments that will sustain a vibrant civil society.

There is no single right way to design a legal environment that will promote and sustain a vibrant civil society sector. There are however certain general principles or rules of good practice that can usefully guide the development of civil society laws.³¹

²⁸ K. Muloongo, 'The Role Civil Society Organisations in Promoting Social Justice and Sound Developmental Policies in SADC: A Case Study of Mozambique, South Africa and Zimbabwe (Report prepared for Civicus South Africa, June 2007) p. 16.

²⁹ For example, see Human Rights Watch's reaction to the Bill. <hrw.org/background/office/Zimbabwe/2004/12/4.htm>.

³⁰ *Ibid* p. 19.

³¹ See among others, 'Towards an Enabling Legal Environment for Civil Society: Statement of the Sixteenth Annual John Hopkins International Fellows in Philanthropy Conference, Nairobi, Kenya' *op. cit.*; Council of Europe, Guidelines to Promote the Development and Strengthening of NGOs in Europe; and Council of

Civil society organisations come into being through the initiative of individuals or groups of persons, which is a reflection of the exercise of the internationally recognised right to freedom of association. The right to freedom of association is effectively enjoyed where it goes hand in hand with legislative measures facilitating its exercise and respecting the value of civil society organisations' contribution to society. At the same time, awareness of and respect for civil society's contribution to society develops only where civil society organisations themselves undertake to behave in a responsible, efficient and ethical manner.³² Laws that govern civil society should thus strike a reasonable balance between the privileges these organisations are accorded and the responsibilities they are expected to exercise. There appears to be a consensus that a good civil society law should address issues relating to these organisations' formation and legal status, accountability and advocacy and civic engagement.

a. Formation and Legal Status

Laws that govern civil society organisations should be premised upon recognition that the right to form such organisations is a fundamental human right that belongs to individuals and is not bestowed by government. The law should permit and encourage the existence of civil society organisations and afford them legal existence and protection provided the organisation meets generally applicable standards of legality and responsible behaviour. Some of the specific rules that should be incorporated in the law regarding the formation and legal status of civil society organisations include the following:

- There should be a presumption that individuals, groups and legal persons are entitled to form associations;
- The administrative process for the registration of civil society organisations should be applied with a minimum amount of discretion provided. Registration should be done by independent authorities and any denial of registration or termination of registration should be subject to review by a competent court of law;
- Civil society organisations should have the same rights generally applicable to legal persons and they should be subject to the same civil law and criminal law obligations and sanctions that are generally applicable to legal persons; and
- Foreign civil society organisations should receive the same rights, privileges, and immunities enjoyed by domestic organisations provided that the foreign organisations' activities are consistent with the public order in the host country.

Europe, Fundamental Principles on the Status of Non-Governmental Organisations in Europe and Explanatory Memorandum (Council of Europe, 2003).

³² *Ibid* Article 3.

b. Accountability

For civil society organisations to effectively play their role in the society, they need to have and retain public trust in their activities. This can be achieved through the promotion of dissemination of information about the organisations and their activities. Some of the obligations that can be imposed on civil society in order to promote such organisations' transparency and accountability include:

- That civil organisations should have constitutive documents that set out the objectives, powers and governing structures of the organisation;
- Civil society organisations should provide accurate and honest information about the causes they promote and interests they represent;
- Civil society organisations should disclose all legal, organisational or financial ties with corporations, governments, or other organisations that may materially affect their intentions and activities;
- Such organisations should produce on regular basis public reports on all their activities; and
- Civil society organisations should have their annual accounts audited by independent auditors.

c. Advocacy and Civic Engagement

Civil society organisations also serve as mechanisms for advocacy and civic engagement as they are often key participants in framing and debating issues of public policy. They should therefore be guaranteed the right to freedom of expression so that they can engage freely on issues of public debate even where the position they adopt is not in accord with stated government policy. The involvement of civil society organisations in advocacy and civic engagement raises sensitive political issues that may result in an adversarial relationship between the State and these organisations. Usually when there is such an adversarial relationship between the State and civil society, it impacts negatively on the ability of the two to collaborate on issues that affect the public. It is therefore important that civil society law should address the relations between the government and civil society organisations. Some of the issues that may be addressed in the law include:

- Establishment of mechanisms for dialogue and consultation in a spirit of openness;
- That government should at all times respect the independence of civil society organisations;
- Setting up ways of public support to civil society in the pursuit of their objectives; and

- That any public support by government to civil society should be governed by clear and objective criteria and should not be used as tool to co-opt civil to government priorities.

It is important for SADC to encourage its Member States to put in place legal environments that are friendly to the operations of civil society organisations. This can be done by way of adopting a Protocol setting out minimum principles that should underpin laws that regulate the activities of civil society organisations. The SADC-CNGO has come up with a draft of Principles for the Legal and Operating Environment for NGOs. The Principles draw from international standards and jurisprudence as evidenced in principles adopted by other intergovernmental organisations such as the Council of Europe. The SADC-CNGO intends to recommend to SADC Member States to incorporate these principles in the legal framework regulating NGOs. SADC should consider adopting the principles drafted by the SADC-CNGO as a springboard towards improving and harmonising laws that govern the activities of civil society in its Member States.

Lack of access to public policies enacted by SADC Members States has also been identified as another key challenge impacting on the functioning of civil society in the region. Freedom of information as a fundamental human right began to take shape in the international environment as early as the first session of the UN General Assembly. Resolution 59(1) of 14 December 1946 asserted its importance in terms that: 'Freedom of information is a fundamental right and is the touchstone of all the freedoms which the United Nations is consecrated'.³³ The right has been informed by liberal theory. At the forefront of the liberal justification, is the democratic rationale that freedom of information will enable the public to find out what its government has done, and to participate in what it proposes to do.³⁴ If civil society organisations are to effectively play a meaningful role, especially in lobbying and advocacy, they should have reasonable access to government information and decision-making processes. Most SADC Member States have in place restrictive laws and policies that unduly hinder individuals from accessing official information. So far, only South Africa has enacted an effective access to information law.

SADC should encourage its Member States to adopt laws that allow individuals, including civil society organisations, reasonable access to official information. In addition, SADC as an institution should also ensure that civil society organisations have reasonable access to information held by the institution and access to its decision-making processes.

IV CONCLUSION

³³ For an account of the development of the right, see C.G. Weeramantry, 'Access to Information: A New Human Right. The Right to Know' (1995) 4 *Asian Yearbook of International Law* 99

³⁴ P. Bayne, 'Freedom of Information and Political Free Speech' in T. Campbell & W. Sadurski (eds.) *Freedom of Communication* (Dartmouth, 1994) p. 199.

This paper has examined the legal environment that defines the interaction between SADC and civil society in the pursuance of the former's objectives. Although there is a clear commitment in the SADC founding Treaty to include key stakeholders in the process of regional integration, the institution is yet to put in place clear and concrete mechanisms to enable civil society organisations to engage with it at the regional level. The Treaty fails to spell out how SADC shall interact with civil society at the intergovernmental level. The omission is anomalous given that the Treaty adequately addresses the institution's interaction with civil society at the national level. The Treaty makes provision for the establishment of SNCs in Member States to facilitate cooperation and collaboration between SADC and civil society in Member States. SADC should consider amending its Treaty in order to clearly define how it shall interact with civil society at the intergovernmental level.

Civil society organisations in the SADC region further face challenges regarding their operating environments. Most Member States either have in place laws and policies that limit the space of civil society or their governments are simply hostile towards civil society, especially those dealing with governance and human rights issues. It is time that governments in SADC Member States take seriously their responsibility to create legal conditions that will enable civil society organisations to operate freely. This can be done through the adoption of laws friendly to the operation of a free, independent and responsible civil society sector. Furthermore, governments in individual SADC Member States must improve upon their attitudes towards civil society organisations. They should be more tolerant and start cooperating and collaborating with civil society in their endeavour to improve the quality of life of citizens.

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