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SADC Institutional Capacity to Deliver on its Mandate

Paper prepared for the SADC Strategic Ministerial Retreat - "The SADC We Want",
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Executive summary

The Southern African Development Community (SADC) overarching objective is to foster peace, sustainable development, freedom and social justice, and the eradication of poverty for the people of Southern Africa, by creating the enabling environment for deep regional integration and cooperation. The vision is clear and ambitions are high. Yet, progress is slow. It is with the aim of addressing this issue that the Council decided to hold a Strategic Ministerial Retreat on 12-14 March 2017, to review the state of affairs of SADC and identify remedies to speed up progress towards 'The SADC We Want'.

A number of institutional challenges have often been identified for SADC, including issues such as the lack of supranational SADC institutions, the vulnerability of institutions to power games, the influence of external partners, the lack of funding, the lack of non-state actor involvement, the lack of Parliamentary scrutiny, the vagueness of mandate and procedures, the inflexible decision-making procedure by consensus, and the incoherence of overlapping regional initiatives.

While these provide some possible pointers for institutional reforms, it is important to keep in mind **some guiding principles and observations about institutional arrangements**.

Discussions around institutional settings, and more generally about regional integration processes, tend to be quite prescriptive, with many preconceived ideas about what regional integration should or should not be, and what institutions are desirable or not. In reality, there is no 'one-size-fits-all', best practice model of institutional configuration for regional integration, or one predetermined trajectory that needs to be followed.

Analysing the dynamics of integration in Africa, Vanheukelom et al. (2016) identify several key findings of particular pertinence for institutional reforms. They note that while regional organisations adopt institutional *forms* to foster regional integration, these institutions often do not serve their stated *functions*. **Focusing on institutional functions rather than forms should thus be at the heart of any institutional reform process.**

They have also warned about the tendency for actors to pretend that major reforms are being undertaken where there is a strong degree of dependency on external funders. In such circumstances, member states are incentivised to signal their support for regional policies, programmes and institutions even when implementation is not a domestic priority, as illustrated by numerous examples in different RECs. In this context, the position of larger member states and coalitions of member states tend to play a major role in shaping (i.e. driving or hindering) regional outcomes. Coalitions of stakeholders, civil society actors or businesses, can also become important factors influencing regional dynamics. The tendency in many RECs, as in SADC, to focus mainly on state actors with little active involvement of non-state actors may also explain some of the problems in pursuing effective regional integration.

Besides, integration dynamics are very sector or thematic specific, and can be perceived very differently in each country. Given the broad scope of sectors and integration issues on the SADC agenda, some will have more traction than others, depending on the sector characteristics and specific institutional and interest dynamics within each country around each issue.

Finally, the availability and allocation of resources to pursue the broad regional agenda also dictates the dynamics and speed of progress of the different thematic areas. In this respect, the role of donors in terms of the quantity and quality of support they provide to regional organisations such as SADC presents opportunities but also profound challenges depending on whether donors support *home grown* institutional reforms or drive the process.

What does it mean for the SADC institutional reform?

First, institutions should not be designed or reformed in a vacuum. This means that institutional adjustments are not a technical, or merely capacity issue, but first and foremost a political process, which requires **political leadership,** meaning take political responsibility for making choices and prioritising in the face of resources scarcity.

Second, institutional arrangements and processes should not be considered in an ideal form, but should respond to realities, at the regional and national levels. This means that **SADC institutions should respond to the interests and incentives of the SADC Member States**. They should also accommodate financial constraints. Besides, overdependence on external support raise the risk of donors *driving* rather than *supporting* reforms, reducing the ownership and ultimately the commitment of regional leaders to their own institutions.

Third, **institutional arrangements should foster a greater connection with key domestic stakeholders in the SADC Member States**, building on their incentives and interests, so as to harness their potential to drive, support or accompany integration processes. This means adapting institutional arrangements to include (and structure) private sector and civil society voices, at all stages of the regional policy cycle, i.e. in agenda setting, decision-making, implementation and monitoring & evaluation processes.

Therefore, **identifying institutional reforms requires addressing** issues of **sovereignty and power relations, focusing on key priorities and building on national interests** to stimulate regional coalitions. In terms of institutional setting, this would require for instance to strengthen the coordinating and facilitating role of the SADC Secretariat, to dedicate greater efforts to strengthen the SADC National Committees, and to structure and support non-state actors' coalitions (business and civil society) at national and regional levels. In this optic, the role of the SADC Parliamentary Forum could also be enhanced. Given the traditionally strong role given to national ownership in the SADC construction, SADC leaders might rightly be more inclined to strengthen the SADC capacity to pursue effective intergovernmentalism, while aspiring in the longer term to more powerful regional institutions. In practice, institutional reforms can take an hybrid form, combining some features of each of the options.

1. Introduction

The Southern African Development Community (SADC) overarching objective is to foster peace, sustainable development, freedom and social justice, and the eradication of poverty for the people of Southern Africa, by creating the enabling environment for deep regional integration and cooperation. The vision is clear and ambitions are high.

Yet, progress is slow: "almost 36 years after its formation, there are questions about whether SADC is meeting its objectives".[2] In this light, the SADC Council of Ministers in March 2016 "noted the need to examine the current state of affairs in SADC, the pace and level of the integration agenda, the constraints and challenges it is faced with and the steps that need to be taken to fast-track the integration agenda in the region."

It is with the aim of addressing this issue that the Council decided the hold a Strategic Ministerial Retreat on 12-14 March 2017, to review the state of affairs of SADC and identify remedies to speed up progress towards 'The SADC We Want'.

One of the dimensions of this review relates to the institutional structure and organisational setting of SADC, with a view to identifying whether SADC has the institutional capacity to deliver on its mandate and ambitions. The purpose of this paper is to shed light on this issue.

The question of capacity is however a very narrow issue when considering institutional settings. While capacity to deliver is important, it is far from sufficient. The legitimacy of the institutions, the functions they carry out, their internal dynamics, the complementarity and synergy between them, at regional and national levels, and with external actors, as well as their inclusiveness and representatively are all important factors to consider. Besides, the question of capacity cannot be dissociated from financial perspectives and impact. Increasing institutional capacity has a cost, which should be considered relative to the expected benefits, and requires some political backing or drive. This in turn relates to the level of ambitions and priorities identified in an environment where resources are scarce and where the abilities to raise human and financial resources depend on the political buy-in from multiple stakeholders.

Since other studies will cover the issues of the SADC vision and progress, and the question of sustainable financing for regional integration, this paper will focus on institutional considerations only.

In a recent AU high-level report reviewing the need for institutional reforms, some of the key findings included:

- The chronic failure to see through decisions has resulted in a crisis of implementation

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[2] SADC Secretariat (2016).

- A perception of limited relevance to citizens
- A fragmented organisation with a multitude of focus areas
- Overdependence on partner funding
- Underperformance of some organs and institutions due to unclear mandates or chronic underfunding
- Limited managerial capacity
- Lack of accountability for performance, at all levels
- Inefficient working methods

The authors of the report noted that:

> "Honesty requires us to acknowledge that the root problem is not primarily technical, but rather the result of a deeper deficiency.
> It is not for lack of ideas, visions, priorities, resources, or capabilities that […] has failed to keep pace with changing times. Nor can outsiders be blamed for the internal divisions that needlessly slow us down at times.
> […] By consistently failing to follow up on the implementation of the decisions we have made, the signal has been sent that they don't matter.
> As a result, we have a dysfunctional organisation in which member states see limited value, global partners find little credibility, and our citizens have no trust."

Although very insightful, this report is not about SADC, but about the African Union (AU) need for institutional reform, as adopted at the AU Heads of State Summit in January 2017 (Kagame, 2017). The question for SADC is whether some of the assessments and recommendations made by the high-level group led by Rwanda's President H.E. Paul Kagame for the AU are also relevant for SADC.

One of the merits of the Kagame report is to go beyond the organisational capacity of the AU, and to point to the political dimension of institutional shortcomings: "Reform does not start with the Commission. It starts and ends with the leaders".

This paper does not claim that SADC and the AU are facing identical challenges, and it will not aim to replicate the Kagame report in the SADC context. However, this paper will nonetheless attempt to shed light on some of the opportunities and challenges faced by SADC at the institutional level, and draw parallel with the experience of other regional blocs, in Africa or with the European Union, when relevant. Section 2 briefly discusses the institutional setting in SADC, while Section 3 outlines some key guiding principles and possible options on the way forward to adapt SADC institutional mechanisms to "The SADC We Want".

2. SADC institutional setting

The 1992 SADC Treaty establishes the legal principles and key institutional framework that bind the SADC member states. Contrary to the former Southern African Development Co-ordination Conference (SADCC), based on a simple Memorandum of Understanding

between countries, SADC rests on legal obligations and commitments by its member states.

The SADC institutional setting comprises a number of formal bodies (see Annex for a comprehensive overview). These include: [3]

- Summit of Heads of State or Government
- Summit Troika of the Organ
- SADC Tribunal (suspended)
- SADC Council of Ministers
- Ministerial Task Force on Regional Economic Integration
- Sectoral & Cluster Ministerial Committees
- Standing Committee of Senior Officials
- SADC Secretariat
- The SADC Tribunal
- SADC National Committees

The ultimate decision-making body of SADC is **the Summit of Heads of State and Government**. In practice, it does not only provide key political directions for SADC, but it also takes most of the decisions and provides oversights to the overall functioning of SADC.

The Council of Ministers is responsible for guidance and implementation at the political level, including by approving policies and programmes, and ensuring strategic coherence, whereas the Secretariat is responsible for preparing input to advise the Council and for ensuring implementation at the operational level (through monitoring and facilitating). The Standing Committee of Senior Officials supports and advises the Council.

One of the challenges of the SADC institutional process is the number of decisions and, thus, issues that have to be dealt with at the Heads of State level. This is a problem common to many regional economic communities (RECs) in Africa, where "despite complex decision-making organisational forms in most RECs, decisions are driven primarily by Summits of Heads of State" (Vanheukelom et al. 2016).

The Troika principle of SADC (composed of the current, outgoing and incoming chair), which applies to the Summit, but also the Organ[4] and the Council, as well as the Ministerial and Senior Officials Committees, aims at facilitating the decision process, ensuring continuity and facilitating implementation of decisions. This is a useful principle, which is also advocated in the Kagame Report for the African Union (Kagame, 2017). The European Union has also a similar principle, more commonly referred to as the trio, which comprises the outgoing, current and incoming countries holding the presidency of the Council of the EU. In practice, however, the effectiveness of the troika depends on the countries concerned, their ability to identify common ambitions and coordinate, their capacity to reach out and generate synergy with other countries, and the quality of their interaction with other institutional bodies.

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[3] http://www.sadc.int/about-sadc/sadc-institutions/

[4] In SADC, the Troika and chairperson of the Summit must be different from the one of the Organ.

In principle, **the Standing Committee of Senior Officials** plays an important role in preparing decisions and following implementation. But unlike the Committee of Permanent Representatives of the Governments of the Member States to the European Union (Coreper)[5], which can act as a filter body and approve decisions or refer them up to the Council in case of disagreement, the SADC Standing Committee of Senior Officials, as in other RECs, has no such power. So all decisions are referred to the political bodies of SADC.

The SADC Secretariat plays a key role in facilitating and supporting the SADC agenda and its institutions, from the strategic planning and management of the programme of SADC to the implementation of the decisions of the Summit and Council, as well as numerous managerial tasks, including the organisation and management of SADC meetings, the financial and general administration of SADC, the representation and promotion of SADC, and the harmonisation of policies and strategies of SADC Member States.[6] The need to strengthen SADC institutional capacity is often centred on the perceived weakness of the SADC Secretariat to fulfil its mandate. This has led to several restructuring and capacity building efforts, often with the support of donors.

While this issue is recurrent in all other RECs, it has been a particular focus of attention in SADC. The financial dependence of SADC on international partners, which cover over half of its budget[7], and apparent unwillingness of SADC Member States to finance and increase their financial contributions for the strengthening of their regional executive institution are undoubtedly part of the problem. Again, citing the words of the Kagame report (2017) on the AU: "This level of dependence on external partner funds raises a fundamental question: How can member states own the African Union if they do not set its agenda", and one could add, if they do not give themselves the means to implement their agreed agenda? But financial means and technical capacity are not the only factors. Rather than seeking to address the Secretariat's limits through an administrative and managerial angle, more fundamental questions should be raised, with deeper political implications, such as: which powers should the Secretariat have? - how big should it be? - should its mandate and role be streamlined and focused, or further enhanced? - for which overall objectives and ambitions of SADC and its member states?

A key dimension of any regional integration ambition is the connection between the regional and national institutions and stakeholders. While attention is generally directed at regional institutions, and the representation and participation of member states to these regional bodies, greater consideration should be paid to national settings and the regional-national institutional nexus (Dalleau, 2012).

In this respect, **SADC National Committees (SNCs)** have the potential to play a major role.

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[5] Coreper is the main preparatory body the Council of Ministers of the EU. It is composed of the 'permanent representatives' from each member state, who, in effect, are their country's ambassadors to the EU. See http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/coreper-i/

[6] http://www.sadc.int/sadc-secretariat/vision-mandate/

[7] For 2015/16, international partners covered USD 42,6 million of the USD 80.8 million SADC budget, and for 2014/15, USD 48 million for a total budget of USD 81 million (Bartsch, 2015).

They are set up in each SADC Member State to provide inputs at national level for the formulation of regional policies and strategies, as well as coordinate and oversee the implementation of SADC programmes at national level. To be effective, they should be connected to national planning commissions and their respective national development plans, to integrate the regional dimension in national strategies, and feed the regional strategy to ensure the regional agenda reflects national priorities. This seems, however, to be seldom the case in practice.

Another merit of the SNCs is that they are expected to reach out to a broader range of national stakeholders, comprising key stakeholders from government, the private sector and civil society in each Member State. However, the weakness of many SNCs, which arguably are not given sufficient priority by some member states, means that their potential remains largely untapped, and national-regional coordination often ineffective (Zondi, 2009).

Building on national ownership of the SADC agenda has been at the root of the creation of SADC, with its predecessor, the Southern African Development Coordination Conference (SADCC), as well as the initial decentralised organisational set up of SADC (see Box 1). While this decentralised SADC was arguably lacking proper coherence and coordination, it built on strong national ownership to push some of the regional agenda.

Box 1: Learning from the past: creating national ownership

Today, SADC has a centralised setup, with a key role provided for the SADC Secretariat. However, this was not always the case. SADC's predecessor, the Southern African Development Coordination Conference, had decentralised organisational and institutional arrangements. In SADCC, each member state took the responsibility of coordinating one sector. For example, Angola was responsible for the Energy sector, while Tanzania was responsible for SADCC's industrialisation programmes (Richard Weisfelder, 1982, in: Matlosa & Lotshwa, 2006). The responsibility for coordinating the implementation of agreed policies and programmes rested with a so-called Sector Coordinating Unit of the member state with the sectoral responsibility (Vanheukelom & Bertelsmann-Scott, 2016: 5).

Table 1. Summary of sectoral responsibilities among SADCC Member States

Angola	Energy
Botswana	Arid lands cultivation; foot-and-mouth disease control; headquarters of Secretariat
Lesotho	Land utilisation and soil conservation (with Zimbabwe)
Malawi	Fisheries and wildlife
Mozambique	Transport and communications
Swaziland	Manpower development and training facilities
Tanzania	Industrialisation programmes
Zambia	Development fund proposals; mining
Zimbabwe	Food security; land utilisation and soil conservation (with Lesotho); air transport including regional airports

Source: Richard Weisfelder (1982) in: Matlosa & Lotshwa (2006).

The member state driven approach was not without challenges. The various sectors moved at different speeds, intersectoral linkages were rare and only a minority of projects driven by the Units were in line with SADC's strategic goals (SADC Secretariat, 2001, in: van der Vleuten & Hulse, 2013). However, the SADCC structure also had some important advantages. Driven by nine "frontline states," in a response to the economic, political and military pressures by apartheid South Africa, SADCC was seen as crucial to the member states' national survival. As a result, countries "sought to build cooperation in areas of obvious mutual advantage to at least two of its nine founding members, and to avoid those where controversy was likely and where the pressures towards organisational dissolution would have become unmanageable" (Goodison & Nee, 1994 in: Vanheukelom & Bertelsmann-Scott, 2016). Hence, while formal arrangements were arguably less developed than is the case today, political commitment was strong and national ownership was high.

The establishment of SADC brought about changes in formal and informal institutional dynamics. Important formal changes emerged in 2001, when the SADC Heads of State decided to expand the institutional architecture of SADC. In order to streamline implementing and coordinating structures, SADC experienced a wave of centralisation towards the new SADC Headquarters in Gaborone, Botswana (Giuffrida & Müller-Glodde, 2008). The Sector Coordinating Units were dissolved and their responsibilities were integrated into the newly established Directorates (Isaksen, 2002). In contrast to the the SCUs, the Directorates are the responsibility of the SADC Executive and, depending on their nature, are led either by the Executive Secretary, the Deputy Secretary for regional integration or the Deputy Secretary for finance and administration.[8] In order to sustain national ownership, SADC National Committees (SNCs) were established as the new national structures of SADC. They provide inputs at national level for the formulation of regional policies and strategies, as well as coordinate and oversee the implementation of SADC programmes at national level. However, these SNCs are often weak and their potential for increasing member state ownership of the regional agenda remains largely untapped (Nzewi & Zakwe, 2009).

With the accession of South Africa to SADC in 1994, the "common threat" for all SADC member states disappeared and political traction for regional cooperation became more diffused. Within this context, there is a need for new functional forms of cooperation that are adapted to new opportunities. However, the centralisation of responsibilities has put in motion new institutional dynamics and nationally driven opportunities for functional cooperation often go by unnoticed. Learning from the past, SADC should once again build on national interests and priorities, and look for areas of mutual advantage in building the regional agenda.

Another common way for regional blocs to reach out to national stakeholders is through a regional parliament and other fora to engage with non-state actors such as business councils and CSO fora. **The SADC Parliamentary Forum** is a regional inter-parliamentary body composed of 5 Members of Parliament from each of the 15 SADC Member State national parliaments. However, it has no legislative, budgetary, supervisory or oversight powers, and no formal link with the SADC Summit or any other SADC institution (Musavengana, 2011). Again, this is often the case in African RECs. But increasing the role of regional parliaments is a way to move beyond sensitisation and promotion of dialogue, towards greater accountability and partly national ownership; partly only, because as shown by the EU experience, the European Parliament is still perceived by most European citizens as very distant from national perspectives and priorities, in spite of its extensive powers. Yet, strengthening the role of the SADC Parliamentary Forum, for instance, in terms of budgetary and oversight powers, could have positive effects, on transparency and accountability at

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[8] See http://www.sadc.int/files/2113/6792/0281/sadc_organogram_FINAL.pdf

least.

The SADC Tribunal was set up with the ambition to ensure compliance with, and the interpretation of, SADC rules. The Tribunal was meant to rule over disputes related to SADC rules between Member States and between natural or legal persons and Member States. SADC institutions could also take actions against Member States.[9] The controversy around the SADC Tribunal, which led to its suspension, illustrates that the application and interpretation of the rules has highly political implications, and cannot be perceived as a purely legalistic and somewhat technocratic exercise. It also clearly suggests that implementation matters cannot be approached through purely judicial lenses, in terms of commitments and obligations to be fulfilled and enforced through a sanction mechanism. Questions of sovereignty and political leadership are prominently at stake, which must somewhat be taken into account, and accommodated for, in the institutional design. So, while a regional tribunal can have strong merits, as illustrated by the case of the European Court of Justice for instance, it needs to have the support of the member states, and result from an explicit delegation of sovereignty (or sovereignty put in common).[10] A regional tribunal must, thus, be designed taking into account these political realities.

3. The way forward

A number of institutional challenges have often been identified for SADC. They illustrate issues such as the lack of supranational SADC institutions, the vulnerability of institutions to power games, the influence of external partners, the lack of funding, the lack of non-state actor involvement, the lack of Parliamentary scrutiny, the vagueness of mandate and procedures, the inflexible decision-making procedure by consensus, and the incoherence of overlapping regional initiatives.

While these provide some possible pointers for institutional reforms, it is important to keep in mind some **guiding principles and observations** about institutional arrangements.

3.1. Guiding principles and trends in integration dynamics

Discussions around institutional settings, and more generally about regional integration processes, tend to be quite prescriptive, with many preconceived ideas about what regional integration should or should not be, and what institutions are desirable or not. In reality, however, there are different trajectories and rationales for regional integration, and integration processes take place in different environments (Bilal and Vanheukelom, 2015). There is, therefore, no 'one-size-fits-all', best practice model of institutional configuration for regional integration or one predetermined trajectory that needs to be followed. The EU and its institutions have often served as an explicit or implicit model of regional integration, in particular in developing countries (Bilal, 2007), including in SADC, which arguably has partly

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[9] See http://www.sadc.int/about-sadc/sadc-institutions/tribun/

[10] The desire to regain sovereignty, of national parliament, but also national court, played an important role in the motivation for Brexit and the decision by a majority of the British to leave the EU.

followed the EU institutional model (Lenz, 2012; Saurombe, 2013). Yet, Europe's trajectory has been erratic, pushed at times by powerful coalitions of non-state actors, driven by external variables (such as the end of the Cold War), triggered at times by dramatic political changes (the demise of fascism and authoritarianism in three European countries) and currently confronted with the new phenomena of countries opting out. So the lesson seems to point to the importance to adapt the institutional structures of regional groupings to contextual opportunities, to objectives, incentives with traction among the member states, in line with, incentives, and with the interests and resources of the member states concerned.

Analysing the dynamics of integration in Africa, Vanheukelom et al. (2016) identify several key findings of particular pertinence for institutional reforms. They note that while regional organisations adopt institutional *forms* to foster regional integration, these institutions often do not serve their stated *functions*. For all African RECs, and the AU, there is "a gap between the multiple institutional forms of regional organisations and the functions they fulfil. In fact, many of the key functions of planning, budgeting, monitoring transparency and accountability are weakly developed and not mutually reinforcing. This leads to inflated policy agendas with limited mechanisms to encourage implementation." Besides, in spite of complex decision-making organisational forms in most RECs, including SADC, decisions are driven primarily by Summits of Heads of State or Government. **Focusing on institutional functions rather than forms should thus be at the heart of any institutional reform process.**

In addition, Vanheukelom et al. (2016) have warned about the tendency for actors to pretend that major reforms are being undertaken where there is a strong degree of dependency on external funders. In such circumstances, member states are incentivised to signal their support for regional policies, programmes and institutions even when implementation is not a domestic priority, as illustrated by numerous examples in different RECs. This may be reinforced by the rhetoric and logic of regional solidarity, the desire to signal a longer-term aspiration rather than short-term objectives, a lack of enforcement mechanisms or demand for implementation. National interests, by member states or domestic interest groups (often from private sector), also tend to override stated regional ambitions. Regional integration processes should thus rest on national interests and priorities. Attempts to ignore these are often self-defeating, and a common reason for the slow implementation of regional commitments. In this context, the position of larger member states and coalitions of member states tend to play a major role in shaping (i.e. driving or hindering) regional outcomes. Coalitions of stakeholders, civil society actors or businesses, can also become important factors influencing regional dynamics. The tendency in many RECs, as in SADC, to focus mainly on state actors with little active involvement of non-state actors may also explain some of the problems in pursuing effective regional integration.

Two other considerations must also be highlighted. First, integration dynamics are very sector or thematic specific, and can be perceived very differently in each country. Therefore, it is to be expected that given the broad scope of sectors and integration issues on the SADC agenda, some will have more traction than others, depending on the sector characteristics and specific institutional and interest dynamics within each country around each issue. Second, the availability and allocation of resources to pursue the broad regional

agenda also dictates the dynamics and speed of progress of the different thematic areas. In this respect, the role of donors in terms of the quantity and quality of support they provide to regional organisations such as SADC presents opportunities but also profound challenges depending on whether donors support *home grown* institutional reforms or drive the process.

3.2.   What does it mean for the SADC institutional reform?

First, institutions should not be designed or reformed in a vacuum. They should serve to overall objectives and strategic priorities of SADC. In the context of "The SADC We Want" reflection, institutional arrangements should adjust to the scenarios identified about the future of SADC and regional priorities in Southern Africa and focus on functions rather than forms.

This means that institutional adjustments are not a technical, or merely capacity issue, but first and foremost a political process, which requires **political leadership**. Political will and leadership does not only mean to make political statements and promises about regional ambitions; it also means to take responsibility for making choices and prioritising in the face of resources scarcity, as well as ensuring follow up at national level on collective regional decisions, dedicating scarce resources and capacity to national implementation.

Second, institutional arrangements and processes should not be considered in an ideal form, but should respond to realities, at the regional and national levels. This means that **SADC institutions should respond to the interests and incentives of the SADC Member States**. They should also accommodate financial constraints. More resources are always needed to match vision and ambitions. The art of institutional design consists in adapting institutional ambitions to financial constraints, and allocating scare resources to institutional mechanisms that matter most to achieve priority objectives. Besides, overdependence on external support raise the risk of donors *driving* rather than *supporting* reforms, reducing the ownership and ultimately the commitment of regional leaders to their own institutions. In the context of "The SADC We Want" reflection, institutional arrangements should adjust to the options for the sustainable financing for regional integration.

Third, **institutional arrangements should foster a greater connection with key domestic stakeholders in the SADC Member States**, building on their incentives and interests, so as to harness their potential to drive, support or accompany integration processes. This means adapting institutional arrangements to include (and structure) private sector and civil society voices, at all stages of the regional policy cycle, i.e. in agenda setting, decision-making, implementation and monitoring & evaluation processes.

3.3.   Towards institutional adjustments

The purpose of this paper is not to make prescriptive recommendations on what should be done, but rather highlight key considerations when seeking to adapt institutional processes to "The SADC we want". These could be outlined as follows:

Sovereignty: Strengthening the power of regional institutions entails a delegation of national

sovereignty to the collective regional level. This can be characterised, for instance, by the transformation of the SADC Secretariat into a Commission, with agenda setting power for instance, or the creation of a regional Parliament, with budgetary and legislative power, or the establishment of a regional tribunal, with enforcement authority. Common recommendations in the literature go in the direction of greater supranationalism, such as:

- Give the secretariat more power in day-to-day decision making;
- Turn parliamentary platform into an elected parliament with real legislative power;
- Reinstate and strengthen Tribunal;
- Make sure SADC rules have a direct effect on national laws;[11]
- Go beyond consensus decision making to solve political impasses;
- Make sure Summit can't overrule all of the other institutions;
- Etc.

However, such empowerment of regional institutions can only be effective if it reflects the will and recognized interests of the member states, is supported by them and builds on existing capabilities and institutions. There are plenty of regional organisations that have the institutional form of regional power (e.g. a Commission), but not the function. The question for SADC leaders is, therefore, whether, in the short to medium, and irrespective of their long-term aspirations and vision, they are willing and ready now to pool some of their sovereignty. While perhaps desirable, this may not be realistic in the near future. If so, this need not be a stumbling block to "the SADC We Want". Rather than a top down approach to integration, with strong heavy-handed institutional mechanisms, a bottom up approach, building on national priorities and interests aggregated and coordinated as regional level might prove to be more effective and successful at foster integration, at least in the short to medium term.

Build on national interests to stimulate regional coalitions: A more bottom up approach would seek to foster greater involvement of national stakeholders, government and non-state actors, around common regional agenda reflecting national interests. In terms of institutional setting, this would require for instance to strengthen the coordinating and facilitating role of the SADC Secretariat, to dedicate greater efforts to strengthen the SADC National Committees, and to structure and support non-state actors' coalitions (business and civil society) at national and regional levels. In this optic, the role of the SADC Parliamentary Forum could also be enhanced.

Focus on key priorities: Institutional effectiveness may also require streamlining some institutional processes and structures, focusing energy and resources on those that matter most. Therefore, it matters to prioritise those processes, issues or problems that have been collectively identified by the leaders for "the SADC We Want". But it may also mean those that reflect best coalitions of national interests, beyond government actors only. Indeed, in defining "the SADC We Want", a key question is who is "we"? We the regional leaders? We the national governments of SADC? Or we the people of SADC? Answering this question will provide a major indication to the type of institutional adjustments and focus that could be

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[11] See also the European direct effect principle, established in Costa vs. Enel, 1964. http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l14548&from=NL

undertaken in SADC, and their chance of success. Those chances have to be informed by the answer to another core question: What is the SADC that we can afford? In order to respond, an open and well-informed conversation needs to be had about the operational and programme budget and the types of external partnership - with their inherent ties and restrictions, but also potential - that can help deliver the "SADC we want".

Different scenarios can be envisaged for reforming the SADC institutional arrangement. One might build on strengthening regional institutional mechanisms, giving them more power, towards supranationalist structures. Another option is to anchor more strongly regional actions and institutions on national interests and drive, towards effective intergovernmentalist arrangements. Box 2 outlines some possible characteristics of these two scenarios.

Table 2: Options for institutional reforms

Option 1: Towards more supranationalism	Option 2: Towards greater intergovernmentalism
Strengthening the power of regional institutions, which entails **pulling national sovereignty** to the collective regional level, including for instance: ● Strengthening the Secretariat, to become a Commission, with agenda setting power and day-to-day decision authority ● Increasing decision-power of the Troika, Ministers, Senior Officials ● Regional Tribunal with enforcement authority ● From Parliamentary Forum to SADC Parliament with budgetary oversight, legislative power ● Giving SADC rules direct effects on national laws ● Going beyond consensus (majority decisions)	**Strengthening the coordinating role of regional institutions**, based on national sovereignty, seeking consensus and coalition formations at regional level, for instance by: ● Strengthening the **capacity of Secretariat to link** with national entities, pull expertise & knowledge and reach out to other actors ● Strengthening the **role of Standing Committee of Senior Officials**, providing more opportunities for sharing views and experience/good practice, and building regional consensus ● Strengthening the **role and capacity of SADC National Committees**, to feed in decision-making process, monitor and implement ● **Decentralising leadership**, assigning specific country lead for a dedicated thematic issue to be pushed at regional level
Delegation of authority to regional institutions	Subsidiarity principle & facilitation roles of regional institutions

Given the traditionally strong role given to national ownership in the SADC construction, SADC leaders might rightly be more inclined to strengthen the SADC capacity to pursue effective intergovernmentalism (option 2), while aspiring in the longer term to more powerful

regional institutions (option 1). In practice, institutional reforms can take an hybrid form, combining some features of each of the options.

Finally, it might be helpful to conclude where we started, with the Kagame report (2017) on *The imperative to strengthen our Union*. Among the following recommendations for the institutional reform of the African Union, which ones could be applicable to SADC as well?

- Focus on a fewer number of priority areas
- Structures should be re-evaluated to ensure they have the right size and capabilities to deliver on the agreed priority areas
- The roles of the judicial organs should be reviewed and clarified
- The specialised technical agencies should be reviewed and streamlined
- The [Summit] should handle an agenda of no more than three strategic items at each Summit. Other business should be delegated to the Council
- The Deputy Chairperson and Commissioners should be competitively recruited in line with best practice and appointed by the Chairperson of the Commission
- ensure the African Union's financial sustainability: This calls for African Union member states to finance 100 per cent of the operating budget, 75 per cent of the programme budget and 25 per cent of the peace support operations budget.
- A legally binding mechanism should be established to ensure members honour their commitments to implement these reforms.

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Annex

Table A1: Overview of SADC organizational structure

SADC Institution	Membership	Mandate	Frequency of Meetings	Effect / Implications
The Summit of Heads of State or Government	Heads of State or Government of each Member State	Supreme policy-making unit for all institutions and member states Decision-making by consensus	Twice yearly	Implementation of decisions made by Summit are up to member states discretion. Nothing in the SADC Treaty to enforce implementation or to establish supremacy over national laws Not possible to make decisions that could be favourable to the region but with adverse effect on one or two member states, therefore sum of nations rather than supranational institution
The Organ on Politics, Defence and Security Cooperation	Chairperson and Deputy appointed by the Summit Ministerial Committee of member states' Ministers of Foreign Affairs, Defence, Public Security or State Security	Promotion of peace and security, prevention of breakdown of law and order, development of common foreign policies, enforcement of international law, promotion of democracy Reports to Summit		Not independent from Summit No checks and balances
The Council of Ministers	One Minister from each member states, , usually from the Ministries of Foreign Affairs, Economic Planning, or Finance	Oversees functioning and development of SADC Implements policies Oversees project implementation Recommendations to Summit Develops and implements SADC common agenda and strategic priorities Decision-making by consensus Reports to Summit	Four times per annum	No power to make binding decisions, this delays and impedes its activities
The Sectoral and Cluster Ministerial Committees	One Minister from each member state, in each of the following Committee: ● Ministers responsible for Trade, Industry, Finance and Investment;	Oversee the activities of the core areas of integration Monitoring and controlling the implementation of the Regional Indicative	Once per annum	No real power to steer policy direction or chastise where integration is not progressing

SADC Institution	Membership	Mandate	Frequency of Meetings	Effect / Implications
	● Ministers responsible for Infrastructure and Services; ● Ministers responsible for Food, Agriculture, Natural Resources and Environment; ● Ministers responsible for Social and Human Development and Special Programmes (HIV and AIDS; education, labour; employment and gender); ● Ministers responsible for Politics, Defence and Security; and ● Ministers responsible for Legal Affairs and Judicial matters.	Strategic Development Plan in their area of competence Provide policy advice to the Council Decision-making by consensus Reports to **Council**		
The Standing Committee of Officials	One permanent secretary from member state SADC national contact points	Technical Advisory Committee to the Council Processes documentation from Integrated Committee of Ministers Decision-making by consensus Reports to Council	Four times per annum	Largely administrative and the work-horse of SADC
The Secretariat	Staff appointments from SADC member states and donor technical assistance secondments. The Secretariat has around 200 permanent staff members and another 100 project staff members.	Principal executive institution Organising, mobilising, coordinating, implementing and administering policies and programmes Executive Secretary – appointed by summit four year term (renewable once)	Daily	Summit appointment means Executive Secretary can not chastise non compliant member states Secretariat has no compliance powers, therefore merely an administrative body, largely ineffective
The SADC Tribunal	Ten judges with a president, five are regular members, five called in when needed Five-year terms (renewable once)	Should have been cornerstone of regional integration	As need arises	Currently suspended
The SADC National Committees	In each member states the stakeholders from government, private sector, civil society, NGOs, workers and employers associations	Provide input to SADC agenda from the national level Coordinate national level implementation of		Should be the bottom-up approach to regional integration, but generally very weak, not same level of

SADC Institution	Membership	Mandate	Frequency of Meetings	Effect / Implications
		SADC policies and programmes		importance as Ministries of EAC Affairs in East Africa
The Troika	Troika principle applies to the Summit, the Organ, the Council, the Ministerial Committees and Standing Committee of Officials – Troika consists of outgoing, incoming and current chair, which is the Head of State or government of one of the member states. As such, the chair as influence over agenda-setting and leads and directs the organisation for that particular year.	Decision-making, implementation and policy-direction in-between other meetings of the institutions Effective coordination	In-between other meetings	Perpetuates self-interest although it could promote efficiency

Source: Adapted from Vanheukelom and Bertelsmann-Scott (2016).