



CAPE TOWN, SOUTH AFRICA



THE IMPLEMENTATION GAP OF THE REGIONAL INTEGRATION AGENDA IN SADC

Cape Town, South Africa

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Introduction

The Centre for Conflict Resolution (CCR), Cape Town, South Africa, hosted a two-day policy advisory group seminar at the Townhouse Hotel in Cape Town, from 15 to 16 May 2017, on the theme “The Implementation Gap of the Regional Integration Agenda in the Southern African Development Community (SADC)”.

The meeting brought together about 30 key policymakers, academics, and civil society actors to reflect critically on the challenges of, and prospects for, regional integration in Southern Africa; and to assess the implementation gap of its policies and protocols for its 15 member states with a view to accelerating regional implementation of SADC’s policies and protocols and to identify strategies for strengthening the capacity of national partners in furtherance of regional integration.

1. Regional Integration and Implementation: Progress, Problems, and Prospects

The sovereignty of the state has become increasingly challenged in regional integration spaces, with the state viewed as the centre of power around which SADC gravitates. A particular problem in Southern Africa is that the region has no mechanism to effectively deal with governance challenges. SADC needs to organise itself into an engine for the region that deals effectively with regional poverty, inequality, and unemployment. The SADC organisation was created as a result of member states’ that emerged from liberation wars against the apartheid and destabilisation practices with a view to attain independence and socio-economic development and regional stability.

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SADC’s regional integration as it currently stands, is not based on the realities on the ground. Thus, assessments conducted of SADC must take into account the genesis of its creation with a view to provide a clear understanding to its citizens of the anticipated results of the regional integration agenda, its design and its implementation framework and modus operandi. Such efforts will lessen misconceived processes and further avoid misconceptions at the national levels of the regional integration agenda and also place due focus on primary and not on secondary effects.



UNEMPLOYED MEN ADVERTISE THEIR SKILLS ALONG THE ROAD. FOR THE PAST 20 YEARS, UNEMPLOYMENT IN SOUTH AFRICA HAS NOT IMPROVED SIGNIFICANTLY.

Image source - Brookings
<https://www.brookings.edu/blog/africa-in-focus/2014/01/27/south-africas-welfare-success-story-ii-poverty-reducing-social-grants/>

SADC’s transformation ought to reconsider what had led to the strong relations and engagements brought about by key regional initiatives such as the spatial development initiatives (SDIs) of 1995 that were implemented in infrastructure and electricity generation, such as the Maputo Development Corridor (MDC) and the Southern African Power Pool (SAPP), both created in 1995, three years after the signing of the SADC Treaty. It was a partnership between South Africa and Mozambique that led to the creation of the MDC, connecting these two countries; similarly, South Africa invested in the SAPP project using its parastatal, Eskom, as a medium. Both these initiatives have had positive results for Mozambique in strengthening its economy and trade with an industrial regional power.

2. The SADC Parliament: The Domestication of SADC Policies and Protocols

The structural design of SADC and the role of both national parliaments and the regional SADC Parliamentary Forum level are vital in hastening ratification and domestication of SADC’s protocols and policies for its regional

integration agenda, and in supporting its member states. Implementation and incorporation of these protocols and policies however, into the national policies of member states remains patchy. There seems to be a disjuncture in terms of focus between SADC leaders and the SADC Secretariat.

Thus far, SADC's regional integration remains a state-driven affair, with member states neither willing to cede sovereignty to a supra-national body nor willing to empower organs representing citizens, especially civil society and the SADC Parliamentary Forum. Many SADC leaders are ill-disciplined and seem ready to close down or restructure institutions – like the tribunal – to suit their needs, should their power-bases and interests be in any way threatened, regardless of the fact that they have joined a regional organisation and signed its Treaty.

3. SADC Gender Protocol

The adoption of the United Nations (UN) Resolutions 1325 and 1820 brought to light the huge discrepancies and inequalities in the political, social, and economic conditions of women, inspiring a gender activism determined to establish non-governmental organisations (NGOs) on the African continent that addresses women and gender issues, as well as the inception of numerous journals on gender. In gathering regional lessons learned and in assessing implementation of the SADC Gender Protocol, at the regional level the implementation plan considered frameworks and policies including the revised SADC Treaty; the linkages between the SADC Gender Protocol and the Regional Indicative Strategic Development Plan (RISDP) (revised in 2015); the SADC Gender Policy of 2007; the SADC Protocol on Gender and Development; and the SADC Gender Mainstreaming Toolkit.

Implementation of SADC's Gender Protocol was further propelled by the global instruments and frameworks that SADC had to implement to create a gender machinery at national levels, including the 2005 Beijing Plus Ten review, and the 2005 progress review of implementing the Sustainable Development Goals (SDGs). These instruments were essential in allowing the SADC Secretariat to lead the process of drafting the SADC Gender Protocol. Both lobbying and advocacy with civil society remain important strategies for the implementation plan of the SADC Gender Protocol. SADC's biggest challenge for implementation of its Gender Protocol however, is its institutional architecture – its Secretariat in particular.

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THE 3RD ANNUAL NATIONAL ASSOCIATION OF BUSINESS WOMEN (NABW) MEETING TOOK PLACE IN NOVEMBER 2015, JOHANNESBURG, SOUTH AFRICA, BRINGING TOGETHER WOMEN FROM 10 AFRICAN COUNTRIES.

Graça Machel Trust
http://gracamacheltrust.org/new/index.php?option=com_content&view=article&id=151:january-newsletter&catid=13&Itemid=157

4. Assessing Regional Integration Progress, Prospects, and Challenges, the Case of Namibia and Mozambique

There is a further need for SADC to radically transform key sectors for more efficient corporate governance that is able to address shadow regionalism and the illicit exploitation of natural resources within prudent financial regulatory frameworks that incorporate intra-regional trade through best business practices. Cross-border trade requires governments to address corruption beyond border-posts with trained and professional individuals. Namibia made a conscious effort to sign agreements that set the footprint for development and investment, covering trade, peace and security, trans-boundary natural resources, science and technology, education and training, and the

empowerment of women and youth. Namibia's approach to regionalism is unlike neo-functional regional integration (following Ernest Haas's neo-functional regional integration theory or Björn Hettne's constructivist approaches to regional integration, for example) in which regional integration projects are dependent on certain factors for success, such as increasing transactions between states that could benefit all member states.

Namibia has signed numerous SADC protocols, including those on mining; energy; control of firearms, ammunition, and other materials; mutual assistance in criminal matters; extradition; mutual defence; finance and investment; gender and development; science, technology, and innovation; the RISDP Desk Assessment; assistance in tax matters; environmental management for sustainable development; shared watercourses; tourism; transport, communications, and meteorology; and wildlife conservation and law enforcement. Namibia is also a member of the Regional Electricity Regulators Association of Southern Africa (RERA). The regional body must however, seek to introduce a well-streamlined implementation plan that includes a framework for monitoring – one that is self-regulatory for its member states. In particular for Namibia, mining tourism, and environmental management lack poor implementation and training at community level. Even though Namibia is involved in mining and water intervention projects, not much is happening in the countryside, given the costs of implementing mining regulatory policies and the level of training that is required.

Very little is known about SADC by the majority of its 281 million citizens throughout Southern Africa. But Mozambique, through its SADC National Committee (SNC), has been creative in promoting the work of the regional body, by making use of the SADC Commemoration Day (an annual event held in August) as a platform to promote SADC's regional integration agenda. Such promotion work involves the hosting of activities such as arranging public presentations by high-level diplomats; the sponsoring and hosting of school competitions; and inviting representatives from SNCs of SADC member states for the cross-pollination of ideas with a view to strengthen SADC's regional integration initiatives. Mozambique has also performed positively in its work on gender equality and women's political participation, though prior to Maputo's elections in November 2014 it performed "modestly in terms of women's representation of 39 and 38 percent in parliament and local government respectively", which is still below the 50 percent representation of SADC's regional goal.

5. Cross-Cutting Issues: Owing the Regional Integration Agenda

Capacity-building programmes could enhance the work of SADC, with a specific focus that takes into account the capacitating of the SADC Secretariat staff in the requisite skills to strengthen the organisation's regional integration implementation work. Such skills ought to include formalising guidelines for implementing and developing model laws and regulations designed specifically for the implementation of SADC's protocols and policies that are not implemented by its member states (according to the 1992 SADC Treaty); creating legal frameworks and laws for its member states regarding non-adherence to implementing regional policies and protocols such as trade agreements by SADC member states; and creating a monitoring and evaluation coordinating unit and framework, as well as providing SADC Secretariat staff with the requisite skills necessary to manage, monitor, and evaluate both their internal and external implementation activities.

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LESSONS FROM NAMIBIA'S INNOVATIVE WATER SYSTEM – BRINGING SCIENCE AND DEVELOPMENT TOGETHER.

Image source - SciDev.Net
Photo - Danilo Pinzon/World Bank
<http://www.scidev.net/sub-saharan-africa/water/feature/namibia-innovative-water-system.html>

CCR's May 2017 policy advisory group seminar thus highlighted the importance of civil society engagement in Southern Africa as a regime that regulates human rights and commands a developmental state agenda. The role of civil society organisations and the private sector is crucially important for SADC's regional integration implementation processes to grow economies and tackle socio-economic challenges, such as unemployment, centred on citizen ownership and participation in shaping and driving the SADC regional integration agenda.

6. Efforts Towards Closing the Regional Integration Gap

SADC must become more visible to the population of Southern Africa, since there is very little known about the regional grouping, and this gap could be addressed through promoting its work. Such promotion activities should consider, for example, making use of advertising through media such as radio and television. Social media such as Twitter and Facebook could also serve as a platform for raising awareness and engagement. Promotion efforts could also consider replicating a model similar to SADC's 2015 Success Stories publication, which is a good example of an instrument promoting the work of SADC.

Without civil society organisations, citizens have difficulty voicing opinions constructively, and similar difficulty engaging with governments. For example, the Southern African Development Community Council of Non-Governmental Organisations (SADC-CNGO), inaugurated in August 2005, was created as an attempt to provide a platform for civil society engagement at the policy level in Southern Africa. Similar initiatives undertaken by civil society organisations include the Botswana-based Formative Process Research on Integration (FOPRISA), with key functions of enhancing SADC's research and analytical framework. Also within the security nexus, the Southern African Defence and Security Management (SADSEM) has been instrumental in the training and capacity-building of SADC's security and defence sectors. In an attempt to establish a SADC Mediation Support Unit (MSU), civil society involvement of NGOs has also been incorporated into these SADC processes.

SADC civil society organisations still face challenges in terms of grasping opportunities from SADC programmes and projects. Projects such as the "The SADC We Want" seem to be alluding to the inclusion of civil society involvement, but SADC citizens are still engaging in actions, such as xenophobia across Southern Africa that do not demonstrate a strong people-to-people bond, and still lack an appreciation of the free movement of people within and across the region. There is also the region's private sector, which is not aligned to a regional integration agenda, together with SADC's failure to market itself as a safe investment destination.



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FOREIGN NATIONALS REGISTERING WITH ZAMBIAN POLICE AFTER FLEEING THEIR HOMES DUE TO XENOPHOBIC VIOLENCE IN LUSAKA, IN APRIL 2016.

Image source - Newsweek
Photo - Salim Dawood/AFP/Getty Images
<http://www.newsweek.com/whats-point-ritual-killings-457496>

Policy Recommendations

The following 12 key policy recommendations emerged from CCR's May 2017 seminar:

1. There is need for SADC to revisit its model of regional integration, which is currently linear, to ensure that the Community's integration is more informed by its historical trajectories and principles. There is a further need for SADC to agree on a regional integration model that serves both the leadership and the citizenry. This will make it easier for both state and non-state actors to contribute to SADC's success. Imposed or wrongly adopted models often do not work.
2. For effective implementation of SADC's regional integration arrangement, its member states need to find ways of partnering with various stakeholders, especially civil society, academia, and the private sector.
3. The role of parliaments should become more recognised in SADC's regional integration agenda, which will provide for more timely ratification and domestication of policies and protocols at the national level and prevent unnecessary delays and setbacks of the integration process. The SADC parliamentary forum as well as national parliaments should also help to create the space for civil society organisations to influence the SADC agenda, policies, and programmes. Civil society should enhance its proactiveness and engagement with SADC leadership by learning from the civil society organisations of the Economic Community of West African States (ECOWAS); and the SADC National Committees must be enabled to foster participation of civil society organisations and the private sector.
4. The role of the private sector is critical in building Southern Africa's economies, and therefore the private sector needs to be proactive and to organise itself, define its priorities in the regional integration agenda, and mobilise resources necessary for effective advocacy, representation, and information dissemination. A regional private sector apex body that is autonomous and operates independently ought to be set up by non-state actors, but endorsed by SADC's member states.
5. SADC's member states are too dependent on external funding, which often deters the regional integration progress. While SADC has created its own regional funding mechanism, this has not yielded results since member states are still heavily dependent on external funding and do not fund their own projects, which further hampers progress in the regional integration agenda. For regional integration to be effective, member states should therefore ensure adequate funding for their programmes, and move at the same speed of agreed timelines at the implementation level, which accordingly means there is a need to secure buy-in from member states' national institutions and citizens.
6. For SADC regional integration to be successful, there is need for member states to have the political will to establish institutions and mechanisms that will help spearhead the domestication of protocols, policies, and programmes at the country level. SADC thus needs to promote cross-learning and best practices demonstrated by member states. The Mozambique case study on the implementation of SADC protocols and policies needs to be widely shared among SADC member states as a demonstration of political will and good practice that can be emulated and replicated elsewhere on the African continent and beyond.

“ Civil society should enhance its proactiveness and engagement with SADC leadership by learning from the civil society organisations of ECOWAS. ”



A RALLY IN CAPE VERDE WITH PORTRAITS OF AMILCAR CABRAL AND ARISTIDES PEREIRA, IN AUGUST 2010.

Image source - Africa Renewal Online
Photo - UN Photo / Yutaka Nagata
<http://www.un.org/africarenewal/magazine/august-2010/%E2%80%98transformed-continent>

7. Bilateral and multilateral trade deals that occur between member states, as well as with the international community and external trade partners, complicate the finalisation of SADC's own policies. Such practices thus warrant a legally binding instrument for those members who have agreed to but have not ratified agreements and protocols.
8. In terms of promoting the rule of law and human rights protection, there is need for establishing a powerful regional institution to handle judiciary matters between states, states and individuals or various groups, replacing the SADC Tribunal which was first suspended and then bounced back weakened. In line with this SADC needs to have clear guidelines on tackling issues of subsidiarity when working with institutions such as the International Criminal Court (ICC).
9. When it comes to the implementation of SADC protocols, policies and agreements, variable geometry must be addressed. Clear deadlines and sanctions must therefore be put in place to dealing effectively with SADC issues at member state level.
10. Technology does not automatically translate into socially and ecologically sustainable environmental management and human development, due to the disparate and socially isolated nature of certain environments – for example the Okavango and Cuvélai Basins. There is thus a need to strengthen corporate governance codes and protocols and, similarly, a need for voluntary self-regulation, or sector-wide self-regulation such as following the model of corporate social responsibility, based on meaningful integration and sustained cooperation.
11. SADC must consider codes of conduct or social charters to strengthen sectors on the environment, fisheries, mining, and tourism. Southern Africa should therefore consider corporate “social licences to operate”, such as mining that ensures transparency and accountability.
12. The region should also learn from the Forest Stewardship Council (FSC), which has wider-than-industry representation, with NGOs building meaningful relations between scientists and researchers as well as policymakers in respect of key SADC protocols and agreements. There is a great need to strengthen hydrological jurisprudence, by according special legal status to trans-boundary waterways and setting up special forms of guardianship; as well as incorporating trans-national water resources and global principles that can provide status and laws.



“SADC must consider codes of conduct or social charters to strengthen sectors on the environment, fisheries, mining, and tourism.”

THERE ARE NEARLY 500 CHINESE VESSELS OPERATING IN AFRICAN WATERS, AND SOUTH AFRICA CANNOT FIND THE MONEY IT NEEDS TO PROTECT ITS WATERS.

Image source - Mail & Guardian
Photo - Dong A-Ilbo, AFP
<https://mg.co.za/article/2016-05-19-00-sa-at-sea-over-illegal-fishing-in-its-waters>