

FURTHERING SOUTHERN AFRICAN INTEGRATION

PROCEEDINGS OF THE 2008 FOPRISA ANNUAL CONFERENCE

Edited by
Jonathan Mayuyuka Kaunda and Farai Zizhou



FOPRISA

Research for Regional
Integration and Development

REPORT 7

Botswana Institute for Development Policy Analysis
2009

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The Formative Process Research on Integration in Southern Africa (FOPRISA) (www.foprisa.net) programme commenced on 1 May 2005 and concludes in 2009. It is a collaborative research process involving the participation of several policy research institutes and universities and the SADC Secretariat (www.sadc.int). The core member institutions are the host institution: the Botswana Institute for Development Policy Analysis (BIDPA) (www.bidpa.bw); the Chr. Michelsen Institute (CMI) of Norway (www.cmi.no); the Centre for Defence and Security Management (CDSM) of the University of the Witwatersrand, South Africa (<http://pdm.mgmt.wits.ac.za>); the Economic and Social Research Foundation (ESRF) of Tanzania (www.esrftz.org); the Namibian Economic Policy Research Unit (NEPRU) (www.nepru.na); and the Faculty of Social Sciences at the University of Botswana (UB) (www.ub.bw).

The programme's objective is to provide policy-relevant research findings and recommendations that can assist in SADC efforts to advance regional cooperation and integration. The formative process research approach aims at providing inputs and analysis for enhanced performance through improvement of operational approaches, procedures and mode of operation. Therefore, FOPRISA liaises closely with the Policy and Strategic Planning Unit in the SADC Secretariat, to which it also provides research support. The other aim is to build a strong regional policy research network, with research activities focused on improving the understanding of integration policy issues and enhancing research skills and analytical capacities in participating research institutions. FOPRISA is funded by the Royal Norwegian Ministry of Foreign Affairs.

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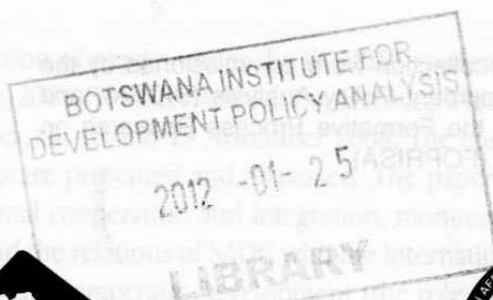
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Editorial note

This is the third collection of papers under the FOPRISA conference proceedings series. They were presented at the 2008 FOPRISA Annual Conference, which was held at the Centurion Lake Hotel, South Africa, on 18 and 19 November 2008. The conference is an annual event at which research reports are presented and discussed. The papers included here are a general discussion about regional cooperation and integration; monitoring southern African cooperation and integration and the relations of SADC with the international cooperating partners; and thematic presentations on Democratic Development (the role of civil society in SADC integration); Politics, Defence and Security Cooperation (peace support operations); Regional Trade and its Relations to the International Trade System (trade with China and links between trade and poverty reduction); and Economic Harmonisation, Finance and Investment (cross-border investments).

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ABBREVIATIONS

A

ACCORD	African Centre for the Constructive Resolution of Disputes
ACDS	African Chiefs of Defence Staff
ACP	African, Caribbean and Pacific Countries
AfT	Aid for Trade
AMIB	African Union Mission in Burundi
ANC	African National Congress
ASF	African Standby Force
AU	African Union

B

BNLS	Botswana, Lesotho, Namibia and Swaziland
------	--

C

CBO	Community Based Organisation
CCR	Centre for Conflict Resolution
CET	Common External Tariff
CEW	Continental Early Warning
CNGO	Council of Non Governmental Organisations
COMESA	Common Market for Eastern and Southern Africa
CoO	Certificate of Origin
CSO	Civil Society Organisation

D

DDR	Demobilization, Disarmament and Reintegration
DRC	Democratic Republic of Congo

E

EAC	East African Community
EBA	Everything But Arms
EC	European Commission
ECCAS	Economic Community of Central African States
ECCOSOC	Economic and Social Council
ECJ	European Court of Justice
ECOWAS	Economic Commission of West African States
EISA	Electoral Institute of Southern Africa
EPA	Economic Partnership Agreement
ETA	Basque Homeland and Liberty
EU	European Union

F

FAA	Angolan Armed Forces
FALA	Armed Forces for the Liberation of Angola
FAPLA	People's Armed Forces for the Liberation of Angola
FCD	Foundation for Community Development
FDI	Foreign Direct Investment
FES	Friedrich Ebert Foundation
FNLA	National Front for the Liberation of Angola
FOCCISA	Fellowship of Christian Councils in Southern Africa
FTA	Free Trade Area

G

GEMSA	Gender and Media Southern Africa
GL	Gender Links

H

ICISS	International Commission on Intervention and State Sovereignty
IEPA	Interim Economic Partnership Agreement
IGAD	Intergovernmental Authority on Development
INGO	International nongovernmental organisation

I

IOC	Indian Ocean Commission
IRA	Irish Republican Army
ISDSC	Inter-state Defence and Security Council
ISPMC	Inter-state Politics and Diplomacy Committee
ISS	Institute of Security Studies

J

JSE	Johannesburg Stock Exchange
LSE	London Stock Exchange

M

MCO	Ministerial Committee of the Organ
MDG	Millennium Development Goal
MDP	Mutual Defence Pact
MoU	Memorandum of Understanding
MPLA	People's Movement for the Liberation of Angola

N

NCOPM	National Office for the Coordination of Peacekeeping Missions
NGO	Non Governmental Organisation
NSE	Namibian Stock Exchange
NTB	Non-Trade Barriers

O

ONUB	UN Peace Operation in Burundi
OPDSC	Organ on Politics, Defence and Security Cooperation
OSISA	Open Society Initiative for Southern Africa

P

PDSC	Politics, Defence and Security Cooperation
PPDSC	Protocol on Politics, Defence and Security
PRSP	Poverty Reduction Strategy Paper
PSO	Peace support operation
PSC	Peace and Security Council

R

REC	Regional Economic Communities
RENAMO	Mozambique's National Resistance
REWC	Regional Early warning Centre
RISDP	Regional Indicative Strategic Development Plan
RoO	Rules of Origin

S

SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCC	Southern African Development Coordinating Conference
SADF	South Africa Defence Forces
SAFAC	Southern African Forum Against Corruption
SARPCCO	Southern African Regional Police Chiefs Coordinating Organisation
SARPN	Southern African Regional Poverty Network
SATUCC	Southern Africa Trade Union Coordination Council
SIPO	Strategic Plan for the Organ on Politics, Defence and Security Cooperation
SNC	SADC National Committee
SQAM	Standardization, Quality Assurance, Accreditation and Metrology
SWAPO	South West Africa People's Organization
TDCA	Trade and Development Cooperation Agreement

T

Trust	Southern Africa Trust
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U

UN	United Nations
UNDP	United Nations Development Programme
UNITA	National Union for the Total Liberation of Angola
UNSC	United Nations Security Council
US	United States

V

VAT Value Added Tax

W

WD Water Division

WSRG Water Strategy Reference Group

WTO World Trade Organisation

Z

ZCSD Zambia Council for Social Development

REGIONAL COOPERATION AND INTEGRATION IN SOUTHERN AFRICA

TWO LOGICS OF REGIONALISM: THE IMPORTANCE OF INTERDEPENDENCE AND EXTERNAL SUPPORT FOR REGIONAL INTEGRATION IN SOUTHERN AFRICA

SEBASTIAN KRAPOHL AND JOHANNES MUNTSCHICK

Introduction

Existing theories of European integration and political economy usually assume that economic interdependence is an important precondition for successful regional integration. This includes that regional integration among developing countries is unlikely to be successful, because their economies are usually more dependent on developed countries in the North than on their neighbours in the South. However, this article argues that developing countries use regional integration more in order to improve their standing *vis-à-vis* other world regions in the global economic system than to govern intraregional interdependence. Thus, the progress of regional integration in the South is at least as dependent on the feedback from other regions as it is on developments within the own region. This argument is illustrated with the example of the Southern African Development Community (SADC), which made important steps towards regional integration in the last decade. It centralised its institutional structure in 2001 and announced a free trade area in 2008. This development can only partly be explained by interdependence between the less developed countries of SADC and the relatively well developed Republic of South Africa, but it was also favoured by external support from other world regions, especially the European Union (EU). Nevertheless, further regional integration towards a customs union is disturbed by external influence, because the EU currently negotiates different Economic Partnership Agreements (EPAs) with the SADC member states, which prevents the harmonisation of tariffs for imports from outside the region.

Southern African Development Community in context

Within the last ten years, SADC¹ has made two important steps toward closer political and economic integration: In 2001, SADC adopted an institutional reform, which strengthened the central secretariat in Gaborone, set up a SADC court and included a body for defence and security politics into SADC's structure (Oosthuizen 2006: 51-115; Vogt 2007: 125-162). And, in 2008, twelve SADC member states (excluding Angola and the Democratic Republic of the Congo) announced the implementation of a free trade area, wherein the intra-regional trade of 85% of all goods is no longer affected by tariffs.² Even if these two steps seem to be modest from a European perspective, they lead to the fact that SADC is one of the most advanced regional integration schemes among developing countries, and that it is the most successful one on the

1 The member states of the SADC are: Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

2 SADC (2008): 'Final Communiqué of the 28th Summit of SADC Heads of State and Government' (<http://www.sadc.int/fta/index/browse/page/203>).

African continent. However, recent events indicate that this path towards closer integration may come to an end in the near future. The negotiations about different EPAs with the EU pose enormous problems for SADC, because they prevent the adoption of harmonised tariffs and the establishment of a SADC customs union (Stevens and Kennan 2006).

These ups and downs of regional integration in southern Africa are a puzzle for scholars of regional integration. Existing theories usually implicitly or explicitly assume that successful regional integration depends on liberal democracies and advanced economic development. The spillover concept of neo-functionalism is built up on the idea that intraregional trade has dynamic effects on the European integration process (Haas 1958). Liberal inter-governmentalism states that economic interdependence between member states is the driving force behind European integration (Moravcsik 1998). And aside from the specific European debate, political economists assume that the demand for regional integration results from the potential to exploit comparative cost advantages and economies of scale by intraregional trade (Mattli 1999). However, economic interdependence and the potential for intraregional trade are usually lower among developing countries of a region like southern Africa than they are in regions of the North like Europe or northern America. Developing countries usually produce more raw materials than processed goods, and the share of subsistence farming is relatively high. As a result, developing countries do not constitute significant export markets or investment destinations for each other, but they are more dependent on trade with and investment from more developed countries. Thus, it is more important for them to reduce barriers of trade and investment to the First World than to abolish them amongst each other.

If less developed countries are more dependent on trade with wealthier countries in the North than with their neighbours in the South, they may use regional integration as a tool to improve their position in the global economic system (Schirm 2002). This may happen in three ways: regional integration may improve the attractiveness of small developing countries for foreign investors, because these may gain access to a larger market by investing within the region (Büthe and Milner 2005, Jaumotte 2004). Regional integration may help to raise financial aid from donors – especially from other regional integration schemes like the EU – because the money may be spent more efficiently within a larger region than within a small state (Robson 1993). And finally, regional integration may strengthen the voice of the region within multilateral or bi-regional negotiations, if the participating countries speak with one vote (Mansfield and Reinhardt 2003).

Consequently, regional integration may bring some advantages for developing countries, but these advantages are different from that of regional integration among industrialised countries. Whereas regional integration in the North is a self-sustaining development, which is pushed forward by interests from within the region, regional integration in the South is mainly directed outwards and is always dependent on the reaction of actors within other world regions. If these reactions are favourable, they may strengthen the integration process. But the dependence on other world regions includes that the opposite may also happen, i.e. that regional integration comes to a halt if feedback from outside is less favourable. Thus, regional integration in the South is at least as dependent on inter-regionalism – the relationship with one or more other regions – as it is on developments within the respective own region.

In the following discussion, this article analyses the particularities of regional integration in the South using the example of SADC. Thereby, it proceeds in two steps. In its theoretical part, the article reviews two logics of regionalism – namely the traditional theoretical approaches to regional integration, as well as other rationales for regional integration in the South and their likely consequences for the integration process. Subsequently, in its empirical part, the article

demonstrates that intraregional trade and economic interdependence cannot fully explain the relative progress of regional integration in southern Africa, but that external factors – especially support from the EU – help significantly to explain the ups and downs of integration in southern Africa. In its conclusion, the article discusses the consequences for regional integration in southern Africa in particular and among developing countries in general.

Integration theory and South-South integration

When studying regional integration outside of Europe, one notices soon a surprising gap in the academic literature. On the one hand, regional integration is rather popular in the South (e.g. Andean Community, CARICOM and MERCOSUR in Central and Southern America, EAC, ECOWAS and SADC in Africa, ASEAN and SAARC in Asia), and there exist more regional integration schemes in the South than in the North. On the other hand, the vast majority of theories deals only with regional integration in Europe (Rosamond 2000), and just a few approaches from the field of international political economy take a broader perspective and compare different regional integration schemes (e.g., Mattli 1999). But even these comparative approaches mainly concentrate on regional integration in the North, and neglect the particularities of regional integration among developing countries. In order to reduce this gap between empirics and theory, the following section explores two logics of regionalism – namely, as a reaction to intraregional interdependence on the one hand, and to economic dependence from other world regions on the other.

The first logic: regional integration as a reaction to intraregional interdependence

The oldest and most well-known theory of European integration is neo-functionalism, which was developed by Haas (1958) in reaction to the set up of the European Coal and Steel Community in 1951. According to this theory, European integration is, once it has started, pushed forward by spillover processes. Such spillover occurs if integration in one area leads to functional pressure to integrate another area in order to exploit efficiency gains. For example, the establishment of a single market requires the harmonisation of health and safety standards if the respective products are traded among national borders (Krapohl 2008: 17-32). Thereby, supranational bodies like the Commission and the European Court of Justice (ECJ) are the addressees of political demands for more harmonisation, and they actively reinforce the integration process (Hooghe 2001; Stone Sweet and Sandholtz 1997). This development should lead from a free trade area to a customs union, a single market, a currency union, and finally to an economic and political union (Balassa 1961). However, the preconditions for such a development are increasing intraregional trade and economic interdependence. If products were not traded on a single market, different product standards would not act as barriers of trade. Thus, there would be no political demands for more harmonisation, and the supranational institutions could not really reinforce the integration process. Spill-over processes would not occur, because the transmission belt which links different economic and policy areas is missing.

Not only neo-functionalism, but also its younger opponent liberal inter-governmentalism (Moravcsik 1998), is built up on the assumption of economic interdependence. In contrast to neo-functionalism, liberal inter-governmentalism is much more sceptical in regard to the

automatic spill-over processes, and to the influence of supranational bodies on the integration process. Liberal inter-governmentalism argues that the EU member states still control the integration process, and that supranational institutions only help the member states to credibly commit themselves to cooperation (Moravcsik 1998: 67-77). However, the reason why the EU member states cooperate that closely with each other is economic interdependence between them (Moravcsik 1998: 24-50). Due to that interdependence, they can no longer regulate their economies independently from each other, and they have to cooperate in order to avoid negative externalities of individual action. As a result, economic interdependence is as important for liberal inter-governmentalism as it is for neo-functionalism. If this interdependence did not exist, the EU member states would have no interests to bargain about common economic policies, and to commit themselves to these policies with the help of supranational institutions.

The few theoretical approaches that explicitly try to grasp different regional integration schemes inside and outside of Europe, were mostly developed by political economists (Mansfield and Milner 1997, 1999). They all have in common that they see regional integration as an answer to globalisation or to successful regional integration in other parts of the world (Mattli 1999; Schirm 2002). Thus, regional integration is a way to improve the own position within the international system. However, political economists also stress the importance of intraregional interdependence for regional integration. According to Mattli (1999: 41-67), the success of regional integration schemes depends on the fulfilment of a demand and supply function. Economic demand for integration results from the fact whether the abolishment of trade barriers allows for the exploitation of economies of scale and comparative cost advantages by intraregional trade. Thus, the potential for such trade is again the driving force for the integration process. And political supply of regional integration depends either on the existence of a benevolent hegemonic power that supplies regional integration on its own, or on regional institutions that help the member states to overcome their cooperation problems. If both economic demand for and political supply of regional integration exists, the respective schemes are likely to be successful. As a result, Mattli (1999: 68-188) argues that regional integration is likely to be more successful in the North (that is NAFTA and EU) than in the South (that is ASEAN and MERCOSUR), because the limited potential for intraregional trade in the latter reduces the demand for regional integration.

These theoretical approaches differ with respect to the relative importance and influence of regional institutions. There are debates concerning whether the regional institutions are the driving forces behind integration, or whether they only indicate necessary credible commitments. Or could they be replaced by benevolent hegemony? However, the approaches have in common the fact that they are based on the assumption of economic interdependence within a regional integration scheme. It is this economic interdependence that leads to demand for regional integration and to the establishment of regional institutions (how influential they may ever be *vis-à-vis* the member states). In the words of historical institutionalism (Arthur 1994; Pierson 2000), the developmental path of regional integration is supported by positive feedback from stakeholders within the region, because these stakeholders profit from intraregional trade or investment.

The second logic: regional integration as a reaction to economic dependence on other world regions

According to the existing theories, regional integration in the South should either not exist or

should be doomed to failure. Because of low levels of industrialisation, less developed countries usually produce mainly agricultural goods or raw materials, and their potential to process these goods is rather limited. Thus, the economies of the respective countries are highly dependent on the export of unprocessed products and on foreign direct investment (FDI) to develop their economies further. The main problem is that the neighbours within the respective region usually do not constitute relevant markets and do not provide FDI. Because the neighbours themselves are less developed, they also try to export raw materials and to attract FDI. The respective economies are competitive and can rarely profit from trade or investment with each other. Economic interdependence does not so much emerge within a region of the South, but rather between regions of the South (exporter of raw materials) and regions of the North (exporter of processed goods and source of FDI). As a result, economic interdependence cannot be a major rationale behind regional integration among developing countries. Instead, regional integration in the South takes place in order to deal with the dependence on the North, and to improve the regions' standing in the international economic system.

Firstly, regional integration may improve the standing in the international system if it makes the respective regions of the South more attractive for FDI from the North (Büthe and Milner 2005; Schirm 2002). If several countries of the South integrate, war between them becomes less likely, which substantially adds to the region's attractiveness as destination for investment. And if the member states establish a free trade area or a customs union, they constitute a larger market than if they follow protectionist policies. If investors produce goods in one member state of this region, they automatically get easy access to all the other markets of the free trade area or the customs union. Thus, investment becomes more promising, because economies of scale are increasing (Jaumotte 2004). Besides, regional integration may lock in important policy choices. If some member states of a regional integration scheme have a bad reputation among investors, they may rebuild their reputation by committing themselves to regional institutions. For this reason, formerly autocratic or socialist countries may commit themselves to a regional project of liberalisation and deregulation. All in all, the smaller and the more politically unstable the member states of a region are, the more may regional integration help them to attract FDI.

Secondly, a similar rationale also applies for countries of the South, which try to attract development aid from donors of the North (Robson 1993). Regional integration may reduce the risk of conflicts, which in turn reduces the risk that investment in developmental aid is lost. Besides, regional integration may increase the economies of scale of such aid, because larger transnational development projects can be supported. And further, regional institutions may also lock in certain policy choices of developing countries, which make them more attractive to donors. Aside of these rationales, which look similar to that for the attraction of FDI, regions in the North may also support regional integration in the South for their own reasons. The EU, especially openly encourages regional integration elsewhere in order to export its own developmental model (De Lombaerde *et al.*, 2008, Doctor 2007; Lenz 2008). Thereby, it tries to strengthen the importance of regions in world politics in general, and aims to get significant influence on the respective integration schemes in particular. To sum up, regional integration in the South may help to increase the inflow of development aid especially when the developing states are small and potentially unstable, and when the donors have corresponding policy preferences towards regional integration.

Finally, regional integration may improve the bargaining position of small developing countries *vis-à-vis* other countries or world regions (Mansfield and Reinhardt 2003). As long as small developing states act on their own within international negotiations, they are likely to be relatively unimportant for more powerful countries of the North, and thus their voice is unlikely

to be heard. However, if the respective countries of a region integrate and speak with one voice in international negotiations, any disregard will be more difficult and their importance and influence is likely to increase. Thus, they may gain much better chances to negotiate preferential trade agreements with other regions like the EU. This effect is the more important, the smaller the respective countries are, and the better they are able to find a common bargaining position.

As a result, there is a range of arguments why less developed countries of the South may opt for regional integration. However, the rationale behind these arguments is fundamentally different from that of regional integration in the North, if one looks at it principally from an economic perspective (Robson 1993). Whereas regional integration in the North aims to deal with economic independence within the region, regional integration in the South mainly aims to deal with economic interdependence with – or dependence on – other world regions. This also has an effect on the positive feedback on regional institutions and on the resulting stability of the developmental path. Regional integration schemes in the North receive positive feedback from within the region. If they are successful with their task of liberalising trade and investment, economic interdependence increases, and regional integration is further supported by stakeholders who profit from this interdependence. In contrast, regional integration schemes in the South need to seek positive feedback from outside the region. If they are successful, FDI increases, development aid grows and international negotiations end with better results. However, all these positive feedbacks are not dependent on the respective region alone, but they are also heavily influenced by external factors. The supply of FDI depends not only on the attractiveness of a region, but also on the global economic climate. The amount of development aid does also not only depend on regional factors, but also on economic and political factors within the donor countries. And the outcome of international negotiations is also dependent on the strategic behaviour of other negotiators. As a result, at least in the short run, the success of regional integration schemes in the South remains to be dependent on the behaviour of external actors.

Consequences for regional integration in the South

Because of the generally low level of development in regions of the South, it is likely that the second logic of regional integration prevails over the first one – which leads to the assumption that regional integration in the South remains to be dependent on external support from other world regions. As long as the latter support integration, it is likely that the respective developmental path will be followed. But the reverse is also true: that regional integration may come to a halt if feedback from outside the region is contradictory, missing or negative. The consequence is that regional integration in the South is a much less stable developmental path than in the North, because the positive feedback is dependent on many factors which are outside of the scope of the integration project.

A self-sustaining integration process which follows the first logic can only emerge to some limited degree if at least one country of the region is developed enough to profit from trade with other states of the region and to be a significant source of FDI – or even development aid – within the region. In this case, economic interdependence emerges, because the developed state is dependent on the markets of its neighbours, whereas the neighbours themselves are dependent on FDI or development assistance from the relatively more developed state. This economic interdependence may reinforce the integration process, because it leads to positive

feedback from stakeholders who profit from it. However, as long as only one member state of a regional integration scheme in the South is fairly developed, economic interdependence is likely to remain significantly weaker than within regional integration schemes of the North.

Only if FDI and developmental aid helped to develop the respective region, intraregional trade and economic interdependence could significantly increase in the long run and positive feedback from within the region could finally support the regional integration scheme. Thus, the second logic of regionalism may be, step-by-step, replaced by the first one if the strategy of regional integration is successful. The crux is that the respective regions have to integrate first before economic interdependence will follow at a later stage. This is only likely to be successful if integration is supported from outside of the respective region.

Regional integration in southern Africa

From all the different regional integration schemes on the African continent (*inter alia*, the Economic Community of West African States (ECOWAS), the East African Community (EAC), the Common Market for Eastern and Southern Africa (ECOWAS) and SADC), SADC is probably one of the most constant, realistic and promising regional integration projects that already has reached a considerable degree of integration and shows certain dynamics. At the beginning of the new millennium, it has reformed and centralised its institutional structure, and it has just recently established a free trade area. A customs union is envisaged for 2010, but overlapping regional integration schemes in the region and several EPA negotiations with the EU pose problems in this respect. Although regional integration within southern Africa still seems to manifest itself on a low level by European standards, the recent integration steps make SADC one of the most successful regional integration schemes among developing countries. The following sections will demonstrate that this relatively successful integration cannot be fully explained by economic interdependence within the region, but that it is rather dependent on the support of actors from other world regions.

The first logic: economic interdependence within southern Africa

Generally, southern Africa is a region with low economic interdependencies between its constituent countries as most of them are classified as less or least developed with poor economic performance. To a general lack of industrial capacity comes the existence of undiversified, subsistence economies where the few goods suitable for export – as precious minerals, metals, oil and other raw materials – predominantly originate from the primary sector. The structure of domestic markets and the spectrum of tradable goods are very similar within the region and thus the chance to exploit complementarities rather little. This becomes visible by the fact that intra-regional trade in southern Africa is, with about 12 per cent³ of total trade, at a very low level because countries are strongly export-orientated to global markets overseas, as has been the case since colonial times (ECA 2007: 143-157).

Economic interdependence within southern Africa does only exist with regard to the Republic

3 The figures regarding the intra-regional trade in SADC differ in the literature and rank between eight and 25 per cent (Adelmann 2003: 52; Lee 2003: 102). The given number results from an own calculation from the SADC Trade Database (<http://www.sadctrade.org/tradedata>).

of South Africa (RSA), which is the economic giant of the region and a fairly industrialised and developed nation from a global perspective. South Africa accounts for about 70 per cent of SADC's GDP and its share of SADC's total exports and imports is not much smaller with 64 per cent respectively 48 per cent (2006). Beside her economic power regarding quantity and value, South Africa's economy and its array of exports (basic manufactures, minerals, precious metals, transport equipment, chemicals, machinery etc.) is quite diversified. However, South Africa's exports to and imports from SADC only account for about ten per cent respectively 3.5 per cent of its total trade volumes (2006).⁴ This fact highlights again the low intra-regional interdependence in southern Africa and its dependence on overseas markets.

Within the region, South Africa's economy is the only one that is quite diversified. The Republic's exports to SADC and its members consist to a major part of value-added manufactured goods, while imports are composed largely of lower-value primary commodities (Cureau 2004: 103-105). The trade balance between the RSA and the rest of SADC is, throughout, advantageous for the first time for decades. In 2006 the trade surplus totalled about three billion US dollars.⁵ With the opening of markets and the liberalisation of trade within SADC, South Africa's export-orientated manufacturing industry could benefit by exploiting economies of scale and flooding the much less developed neighbouring countries – particularly in the north of SADC – with its own manufactured products that often cannot compete on global markets. Hence, one example of a classic asymmetric 'North-South' trading-pattern seems to exist within the broader framework of 'South-South' cooperation in southern Africa. With respect to its comparably strong political and economic position within the region, South Africa is predestined to act as a 'motor for integration' for SADC.

However, whereas South Africa's economic development interdependence may explain its interest to pursue regional market integration, it is less clear why weaker and less-developed states in southern Africa should be interested in becoming members of a regional integration project as economic interdependencies between them are negligible. One reason for this might be that the less developed SADC members try to attract South African FDI and the benefiting effects on socioeconomic development attributed to it. Since the end of apartheid, RSA provides a considerable share of FDI to several smaller countries in the region and was the top foreign investor in seven of the 14 SADC countries between 1994 and 2003. (Grobelaar 2004: 93-95). However, besides the relatively large impact which South African FDI has for some of SADC's poorer member states, Africa in general receives only a marginal share of the Republic's total outward FDI flows, whereas by far the most money is invested in other regions of the world (Goldstein 2004: 51-52, Odén 2001: 90). Here again, economic interdependence within the region is much less important than economic relationships to other world regions.

The same is true with regard to the attraction of developmental assistance. Within SADC, South Africa itself starts to emerge as a regional donor and recently established the African Renaissance and International Cooperation Fund as an instrument to deliver developmental assistance to relevant institutions and countries in the region (Tjønneland 2008: 19). The strong dependence of the BLNS⁶ states on membership in the Southern African Customs Union (SACU) and on South Africa's benevolence highlights this asymmetric interdependence within the region. The Common Revenue Pool and its recently modified distributional formula to the

4 Figures regarding the year 2006 retrieved from the International Trade Centre: 'Trade Map' (<http://www.trademap.org>).

5 Figure according to Trade and Industrial Policy Strategies (TIPS) SADC Trade Database (<http://data.sadctrade.org/st>).

6 The BLNS states are Botswana, Lesotho, Namibia and Swaziland.

advantage of the BLNS countries are side payments from South Africa to SACU's less developed members (Bach 2005: 143-147; McCarthy 1999). Similar to SACU, SADC plans to implement a Regional Development Fund as an institution to compensate smaller members' impending tax losses resulting from removed trade-barriers and lower customs revenues in the SADC FTA (Draper and Khumalo 2005: 23-24; Landsberg and Monyae 2006: 141). Nevertheless, compared to developmental assistance from other world regions, this limited aid from the RSA is only a very small fraction. Generally, the SADC member states are much more dependent on developmental aid from other world regions than on side payments from within the region.

In sum, classical approaches of regional integration face difficulties when explaining the relative success of regional integration in southern Africa. Intraregional trade and economic interdependence within the region is very low, and the SADC member states are more dependent on good economic relationships with more developed regions in the North than with their less developed neighbours within the own region. But why did SAD establish an FTA if the potential for trade is low? And why were the regional institutions of SAD strengthened if they do not need to govern intra-regional interdependence? Thus, other factors than the traditional ones have to be taken into account in order to explain regional integration in southern Africa.

The second logic: positive feedback from outside

Regional cooperation and integration schemes in southern Africa have a rather long tradition of asymmetric, dependent relationship with regions and regional actors of the northern hemisphere. The Southern African Development Coordination Conference (SADCC), founded in 1980, was the highly decentralised predecessor of SADC. Besides close cooperation in defence and security matters, this political alliance of black-majority-ruled countries mainly aimed to fight the economic and infrastructural dependence on the South African apartheid regime and the devastating effects of its subversive policies towards several member states. In doing this, SADCC was very outward-oriented as the organisation depended strongly on official development assistances and donors' funds. This strategy was very successful as SADCC and its member states received large amounts of money for their purposes, with about 90 per cent of it originating from countries or institutions of the Western world (Oosthuizen 2006: 64-69, Vogt 2007: 57-84). This tradition of strong external donor support towards SADCC continues today with respect to its organisational successor, SADC, and its various subsidiaries, can be seen as a magnet for various kinds of developmental aid where membership is the key to access or participate in these funds (Oosthuizen 2006: 324). This positive effect is additionally underpinned by the fact that developmental policies of major international, regional – particularly the EU – and national actors have changed and nowadays focus explicitly on strengthening and supporting regional integration projects and their institutional frameworks (Kennes 1999: 38, Tjønneland 2008). Between 1992 and 2002, about 80 per cent of the costs of total internal SADC projects were financed by external donors (Lee 2003: 53, Vogt 2007: 101-102).

As an example, the EU as an institution provides, at the present time, about 104 million for a variety of ongoing SADC projects directly to the organisation. These projects focus, *inter alia*, on the promotion of investment and intra-regional trade, institutional capacity building, improvement of infrastructure and supporting EPA negotiations. Particularly important for SADC as an organisation is the financial support for the SADC Secretariat's and Directorates' technical

capacity where the EU⁷ is again the major external donor (Tjønneland 2008: 15, 39-45). For the time period 2008-2013 the EU intends to allocate another 135 million under the 10th European Development Fund for development cooperation with SADC (Köseler 2007: 24).

Comparable to the flows of developmental assistance, a second asymmetry between southern Africa and the developed regions in the North exists with respect to the direction of FDI flows. While South Africa plays a significant role in providing FDI for some less developed neighbouring countries, the country itself is heavily dependent on the influx of FDI from overseas to sustain development. The country's share of total FDI inflows to the rest of SADC has been about 72 per cent in 2007 and shows – since 1998 together with Angola – the highest, although sometimes oscillating, figures in the years before (Dahl 2002: 74, Hartzenberg and Kalenga 2007: 135, UNCTAD 2008: 254). With regard to the RSA, the EU is by far the major source of FDI to the country with a share of e.g., 65.5 per cent of total FDI between 2003 and 2004. Generally, although figures are often very volatile with respect to particular years, the SADC region experienced a considerable increase in total FDI inflows from 1990 onwards up until now. In 1995, the region received for the first time inflows significantly higher than one billion US dollars and by 1997 the five billion US dollars barrier was surpassed regularly (Dahl 2002: 74, Hartzenberg and Kalenga 2007: 135, Lee 2003: 170). In 2007, the total inflow of FDI to SADC member states amounted about 9.7 billion US-dollars which, is again a considerable increase compared to about 2.1 billion US dollars in 2006 and 7.2 billion US dollars in 2005 (UNCTAD 2008: 41-42, 254).

To sum up, regional integration in southern Africa mainly follows the second logic of regionalism. The region is more dependent on the economic relationships to more developed regions within the North than on the successful governance of intra-regional interdependence. Thus, integration is used to a considerably degree to improve the regions standing *vis-à-vis* its donors and foreign investors. As long as the feedback from these external effects is positive, that is, as long as developmental assistance and FDI are increasing like during the last decade, the developmental path is strengthened and regional integration is likely to proceed.

Negative feedback from outside? The case of the economic partnership agreements in southern Africa

If regional integration in southern Africa is mainly dependent on external support from outside, the crucial question is what happens if this external feedback is less positive for regional integration? In this case, one would expect problems for the integration process, because most member states would give first priority to the negotiations with more developed regions in the North, which provide developmental aid and FDI. Only if single member states were more dependent on aid or FDI from a more developed regional country like South Africa would they choose to integrate in order not to endanger this economic relationship.

At present, the EU claims to foster regional integration in the SADC region through its pending EPAs that imply mutual – but asymmetric – trade liberalisation, but include policies and measurements of regional capacity building and particularly developmental assistance and aid. Under the Cotonou Agreement, the EPAs are WTO-compatible and aim to create larger, economically-integrated regional markets as stepping stones for liberalised world trade. Thus, they

7 The European Commission's Delegation to Botswana gives a detailed overview of ongoing EU-SADC projects (http://www.delbwa.ec.europa.eu/en/eu_and_sadc/examples.htm).

could be regarded as instruments to foster regional integration in southern Africa with Europe being the external source for positive feedback (Oosthuizen 2006: 156-158). According to the EU,⁸ the EPAs will support the regional integration process, and they will be designed in a way to reflect the socioeconomic conditions in the SADC member states.

However, in practice the situation is different. Due to overlapping integration schemes in the region and the obviously indifferent standing of the EU, the EPAs have driven a rather serious split in the regional integration project. Although the majority of SADC members belong to the SADC EPA⁹ grouping, some member states chose (for various reasons) to be part of the Eastern and Southern African (ESA) EPA¹⁰ group that was initiated by the COMESA, and yet others (Tanzania and the DRC) are part of neither of these two groupings.¹¹ Furthermore, in 1998 South Africa had already bilaterally adopted a reciprocal free trade agreement – the Trade and Development Cooperation Agreement (TDCA) – with the EU. This agreement inevitably includes the BLNS states – which are more dependent on South Africa than other states of the region – as members of SACU, although they were not explicitly involved in the negotiation process and despite the fact that they are likely to face considerable negative consequences to their national budgets (Oosthuizen 2006: 76; Mushiri 2008: 120, 125; van der Staak 2007: 4-5). Regarding the EPA negotiations, the SADC region thus looks even more like a mixture of spaghetti and cannelloni (Draper, Halleson and Alves 2007) than a homogenous block.

With the adoption of the TDCA, the EU contributed to the undermining of the evolving regional integration process for the first time as it provided separate trade conditions to South Africa and *de facto* SACU than to the rest of SADC. This will lead to intraregional interferences and complicate the situation if the SADC EPA should fully enter into force. An impracticable overlap between the South Africa-SACU TDCA and the SADC EPA could become true if no harmonisation between them took place (Köseler 2007: 30-31, Oosthuizen 2006: 76). The crux of the EPAs is that the implication of a common free trade agreement between the EU and the regional grouping demands an internal FTA between the latter countries in order to be operational. This will additionally lead, as it can already be observed today, to the creation of several FTAs in the region with some SADC members being part of more than a single one.

Additionally, the different EPAs would have the effect of strongly pushing for fast-tracking implementation of the relevant trade protocols in the regional groupings, and for the creation of the respective customs unions. This is because that is the only way that the partner countries in southern Africa could prepare their socio-economic and institutional infrastructure for the trade liberalisation, to better cushion anticipated negative impacts related to the implementation of the EPAs. The possible negative effects of such hastily-established institutions are not yet taken into account (Köseler 2007: 29-30; Mushiri 2008: 118, 124-127; Shilimela 2008: 19-23). However, the implicit negative effects of the EPAs could be responsible for a final split in SADC if both SAD and the ESA EPA resulted in the un-harmonised creation of customs unions. In that case, some SADC member states would

8 European Commission (2005): "Trade for Development EU – SADC. Economic Partnership Agreement" (http://trade.ec.europa.eu/doclib/docs/2006/february/tradoc_127350.pdf).

9 SADC member states that belong to the SADC EPA grouping are Mozambique, Botswana, Lesotho, Namibia, Swaziland (signed) and Angola and South Africa (not signing).

10 SADC member states that belong to the ESA EÜA grouping are Madagascar, Mauritius, Zimbabwe (signed) and Malawi and Zambia (not signing).

11 World Bank (2008): "Africa. Economic Partnership Agreements between Africa and the European Union: What to do now?" Report 45945 APR (http://www.dgroups.org/groups/CoOL/docs/EPAs-Africa-What_to_do_Now-World_Bank_1008.pdf?ois=no).

be forced to decide which regional integration project they would like to belong to in the end.

To conclude, despite the EU's statements regarding the support of regional integration in developing countries in general and southern Africa in particular, in practice the TDCA and the EPAs can be judged as negative feedback to the regional integration process of SADC as they endanger the 'territorial integrity' of the integration project. At present, the whole situation is rather unclear and not yet settled as negotiations between the EU and the various EPA groupings in southern Africa still continue and no customs union beside SACU has yet been operational. Due to time pressures, only an interim EPA has so far been adopted. Perhaps the EPAs might speed-up the formation of customs unions in southern Africa, but probably not within the borders of the regional integration schemes as we know them today. Keeping in mind the limited financial resources and capacity in SADC countries, the territorial integrity of SAD becomes even more unlikely if the EU does not harmonise its inconsistent policies towards the region through concessions in the EPAs.

Conclusion

Despite the fact that the existing literature on regional integration stresses the importance of intra-regional trade and economic interdependence for the success of regional integration schemes, there exists a second logic of regionalism, which has fundamentally different interpretations of the integration process. According to the first logic, regional integration is an answer to govern interdependence *within* the region. If this is successful, the developmental path of regional integration receives positive feedback from concerned stakeholders within the region. In contrast, the second logic posits that regional integration is a way to deal with dependence on other world regions and to improve one's own standing within the global economic system. The main difference, compared to the first logic, is that positive feedback for regional integration according to the second logic is much less direct and is dependent on many more factors, which are outside the scope of the integration scheme. The attraction of FDI and development aid, as well as the improvement of the own bargaining position is not only dependent on successful integration, but also on the reaction of external actors. If this reaction is positive, it is likely that the developmental path of regional integration is strengthened. However, if the feedback from outside is negative or ambivalent, regional integration may face problems.

The difference between regional integration in the South is that it is in general much more based on the second logic than regional integration in the North. Members of regional integration schemes in the South are usually less developed and their economies are heavily dependent on the export of raw materials and agricultural products. Thus, the respective economies do not constitute markets or investment goals for each other. Intra-regional trade and economic interdependence remain low. In contrast, regions of the South are much more dependent on the attraction of developmental aid or FDI from other regions, especially from those in the more developed North. Although regional integration may help them in this respect, the result is much more uncertain than in the case of regional integration in the North. Consequently, regional integration in the South is much more dependent on positive feedback from outside. Integration according to the first logic may only occur in the South if at least one member state is developed enough to trade and invest within the region, or if regional integration is so successful that economic development and greater economic interdependence results from it.

The case of southern Africa supports the second logical hypothesis in respect to regional

integration in the South. Limited intra-regional trade and economic interdependence exist only in respect to the fairly developed RSA, but remains low among the other SADC member states. In sum, SAD member states are much more dependent on the economic relationships to more developed regions of the North than on that to their neighbours. As a result, regional integration in southern Africa proceeds as long as it is supported from outside. During the last decade, both developmental aid and FDI from the North were increasing within the region, and consequently, the integration process proceeded. This development may now come to an end, because feedback from outside has become more ambivalent or even negative. Whereas the EU officially states that it aims to support regional integration among developing countries in general and in southern Africa in particular, the EPA negotiations are likely to have negative effects. Instead of negotiating with SAD directly, the EU allows negotiations with at least three different groups of southern African States. If this should lead to different EPAs with different trade conditions, the establishment of a SADC-wide customs union would be fundamentally disturbed, because the SADC members could not establish a common external tariff. A possible result is that SAD would disintegrate, with a smaller core of countries that are especially dependent on the RSA (a 'SACU plus') proceeding with integration, whereas the others would be left behind or participate in other integration schemes.

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SADC RESTRUCTURING, PRIORITISATION AND DONORS, 2006 –2008

ELLING N TJØNNELAND

Introduction

At the consultative conference between SADC and their international cooperating partners (ICPs) in Windhoek in 2006, agreement was reached on the *Windhoek Declaration on a New Partnership* between SADC and its donors. Another consultative conference between SADC and its donors took place two years later in April 2008, in Port Louis, Mauritius. This time civil society and non-state actors were also invited to participate.

Previous SADC-ICP reports have examined the nature of the Windhoek Declaration and chronicled evolving relations between SADC and the ICPs, including the role of emerging powers and SADC's new partners such as India and China.¹ This report provides an update on selected issues, but more significantly also seeks to revisit the big questions: is SADC's capacity to advance regional cooperation and integration improving; how is SADC responding to calls for better focus and institutional performance; is SADC capable of delivering on the commitments made in the Windhoek Declaration?

The paper discusses these issues by first outlining the trajectories of SADC restructuring and prioritisation between 2006 and 2008, after which the current changes are discussed with specific reference to SADC-ICP relations through the programme thematic groups.

The trajectories of restructuring and prioritisation – SADC and its Secretariat 2006-2008

SADC has made a number of major decisions to ensure that its institutions and activities can advance regional cooperation and integration. An important milestone was the 2001 Summit decision to centralise the coordination and implementation of SADC's programmes to a strengthened Secretariat in Gaborone. Furthermore, the adoption of new strategic frameworks and priorities for action through the Regional Indicative Strategic Development Plan (RISDP) and the Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO) were crucial in laying the foundation for new directions.

However, it became increasingly clear that neither the restructuring nor the new priorities were sufficient to put SADC on a new course. SADC's "engine room" – the Secretariat – remained particularly weak in human and financial management capacity and in its ability to facilitate strategy development and policy harmonization. Furthermore, the RISDP and SIPO as blueprints for development were far too broad in their strategies, priority interventions and ac-

1 See the two previous reports by the author: *SADC and Donors – Ideals and Practices. From Gaborone to Paris and Back* (FOPRISA Research Report No 1, Gaborone: Botswana Institute for Development Policy Analysis 2006) and *From Aid Effectiveness to Poverty Reduction. Is foreign donor support to SADC improving?* (FOPRISA Research Report no 4, Gaborone: Botswana Institute for Development Policy Analysis 2008) (Both reports are available from www.foprisa.net).

tivities. Finally, there was a growing mismatch between SADC's institutional structures, financial resources and priorities.²

Over the last two years a number of steps have been taken to address these shortcomings and failures. The chronology of discussions and decisions made by SADC's governing structures and institutions provides a good introduction to an understanding of SADC's efforts to deal with these issues.³

August 2006: ministerial task force and job evaluation study

The first important steps to resolve shortcomings and failures were made at the SADC Summit in Maseru in August 2006. The discussion led to two important decisions. One was to establish a ministerial task force on regional economic integration. The task force comprised ministers responsible for finance, economic development, and trade and industry. They were to advise on measures to scale up and accelerate the implementation of the RISDP with special attention to deeper economic integration issues. Furthermore, the Summit recommended a strengthening of the Secretariat, a review of the role of the Integrated Committee of Ministers, and called for a focus on selected priorities. The Council of Ministers instructed the Secretariat to carry out an evaluation of all staff positions with a view to realign the Secretariat's organisational structure to SADC's priorities. This "job evaluation study" was carried out by KPMG.

Parallel to the job evaluation were two related studies. The European Commission, through Ernst and Young, did a major institutional assessment of the Secretariat focusing on operating policies and procedures. Germany (through GTZ and inWent) in cooperation with the Secretariat commissioned a study of the capacity needs of SADC (which produced two reports; one on the Secretariat and one on SADC National Committees). These studies were to have an important impact upon subsequent efforts to deal with capacity constraints.⁴

March and August 2007: priority programmes for regional integration

In March 2007 the Council of Ministers at a meeting in Lusaka invited the Standing Committee

2 For a background and further discussion see E. Tjønneland and G. le Pere, *Which Way SADC? Advancing co-operation and integration in southern Africa*, Johannesburg: Institute for Global Dialogue (*Occasional Paper No 50*, October)

3 The discussion is based on two previous monitoring reports by the author (see note 1 above), communiqués and briefings from Summit's and meetings of the Council of Minister's (usually available from www.sadc.int) and an important recent paper by Leda Giuffrida and Helmut Müller-Glodde, 'Strengthening SADC institutional structures – capacity development is the key to the SADC Secretariat's effectiveness', pp. 120-148 in A. Bösl *et al.* (eds.), *Monitoring Regional Integration in Southern Africa Yearbook*, Volume 8, Stellenbosch: Trade Law Centre for Southern Africa 2008.

4 See KPMG, *Job Evaluation Report*, unpublished report commissioned by the SADC Secretariat (August 2007); Ernst and Young, *Institutional Assessment of the SADC Secretariat*, unpublished report commissioned by the Delegation of the European Commission in Gaborone (August 2007); E. Corne, *Institutional Capacity Development Needs of the SADC National Committees*, unpublished report commissioned by the SADC Secretariat supported by Germany through inWent (June 2007); and J. Kasanga *et al.*, *Institutional Capacity Development Needs of the SADC Secretariat*, unpublished report commissioned by the SADC Secretariat supported by GTZ (July 2007).

of Officials to re-prioritise SADC programmes and projects abiding by the RISDP principles of “additionality” and “subsidiarity”. The Committee met in August to review the 12 intervention areas listed in the RISDP and to prioritise them according to their added value for regional economic integration and contribution to poverty reduction. The Council of Ministers meeting in August 2007 then approved four priority programmes in support of regional economic integration:

- peace and security cooperation as a pre-requisite for economic integration;
- trade and economic liberalisation through progressive market integration;
- infrastructure in support of regional integration; and
- special programmes (regional dimensions of education and human resource development; health, HIV/AIDS and communicable diseases; food security and trans-boundary natural resources; statistics; gender equality; science and technology).

Interventions in these core areas were expected to have a greater impact on regional integration and should be managed at the central level through the Secretariat. Interventions in other areas should be considered areas for regional integration to be coordinated at the level of member states.

The Council furthermore, decided that these reprioritised areas should be the focus for the Secretariat’s activities; that the Secretariat’s financial and human resources should be aligned to these priorities; and that member states should strengthen SADC institutions by building SADC National Committees and exchange best practice on how to integrate the RISDP into national programmes and policies.

The role of the Integrated Committee of Ministers (ICM) was also discussed. Subsequently a task force was appointed to review the mandate and functions of this institution.

November 2007: from ICM to ministerial clusters

In *November 2007* the Council of Ministers held an extraordinary meeting in Lusaka. Several decisions were made. It was decided to abolish the ICM and to replace it with six Ministerial Clusters.

- Cluster for Trade, Industry, Finance and Investment (currently constituted as Ministerial Task Force for Regional Integration);
- Cluster of Infrastructure and Services in Support of Regional Integration;
- Cluster for Food, Agriculture, Natural Resources and Environment;
- Cluster for Social, Human Development and Special Programmes;
- Cluster for the Organ on Politics, Defence and Security Cooperation; and a
- Cluster on cross-cutting issues related to Science and Technology and Gender.

In addition, the Council at this meeting also approved a series of technical and administrative initiatives to improve management capacity of the Secretariat.

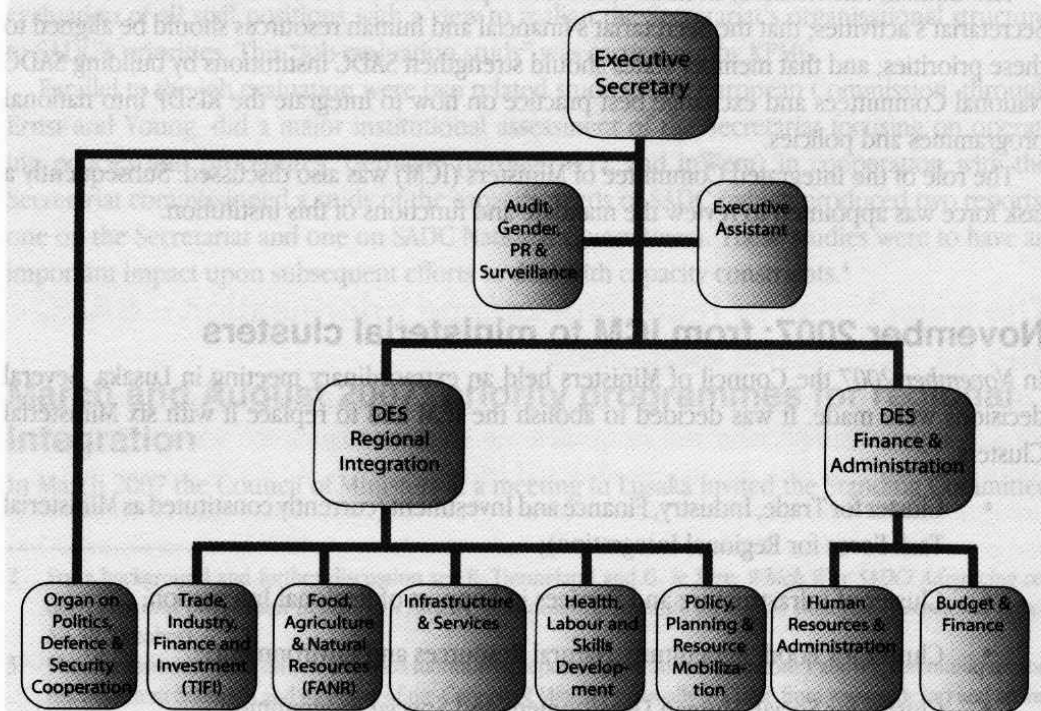
February 2008: restructuring of the Secretariat

The SADC Council of Ministers meeting in February 2008 approved a number of changes in the organogram of the Secretariat. They are reproduced in Fig. 1. The key purpose was to bring clarity into the lines of authority and improve coordination in senior management. The post of Chief Director (which had been vacant for some time) was abolished and the Executive Secretary (ES) was to be assisted by one additional Deputy Executive Secretary (The ES and the two Deputy ES' are Treaty positions and appointed by the Summit). This was intended to give the ES more time to focus on strategic and sensitive issues.

The new Deputy ES for Regional Integration is responsible for overseeing the programmes of regional integration of all the technical directorates as well as the work of the new directorate for policy planning and resource mobilization. The latter, previously a unit, is of great importance because it will provide strategic direction to the Secretariat, recommend regional policies and coordinate with other regional economic communities. The Organ directorate, on the other hand, is expected to report directly to the ES.

The Deputy ES for Finance and Administration is responsible for the two new directorates: Human Resources and Administration and Budget and Finance. The new organisational structure is intended to streamline the support functions of the Secretariat.

Figure 1: Organogram of the new SADC Secretariat



Source: adapted from SADC New Organizational Structure as approved on 28-29 February 2008, Lusaka, Republic of Zambia (issued by the SADC Secretariat)

April 2008: poverty focus

In April 2008 in Mauritius, SADC held a Consultative Conference followed by a Summit on Poverty and Development. One important outcome was the *Declaration on Poverty Eradication*

and *Sustainable Development* signed by the SADC Heads of States and Governments. In this Declaration, SADC resolved to work towards the establishment of a regional *Poverty Observatory*. The Secretariat's background paper on the Poverty Observatory calls for the establishment of a regional mechanism to monitor the implementation of RISDP's poverty reduction objectives. It seeks to supplement SADC's monitoring through the regional statistics programme and macroeconomic convergence programme. The Observatory is intended as a multi-stakeholder consultative forum to monitor objectives, targets and actions.

Another background paper outlined a proposed *Regional Poverty Reduction Framework*. This was essentially an effort to operationalise RISDP's poverty reduction interventions in such a way that activities are identified that will have an impact on poverty in the short-to-medium term. Such activities are not sufficiently addressed in the current implementation of SADC's strategies and policies. The new framework seeks to translate RISDP's poverty intervention objectives into an implementation framework. It wants to do this by identifying the bridge between national poverty reduction strategies and regional interventions. It focuses on high impact areas where a regional approach is expected to complement and bolster national interventions. To this effect the draft framework also pays more attention to cross-border issues in order to improve consistency between national strategies and programmes on the one hand and the regional strategies and programmes on the other. This will also enhance the visibility and relevance of regional interventions to country policy makers.

The poverty reduction framework also identifies intervention areas where SADC can have high impact with poverty focused interventions.⁵

August 2008: framework for capacity building

The Mauritius conference also saw the unveiling of the Secretariat's proposed *SADC Capacity Development Framework* which summarised the status of SADC institutions, identified the needs for change in capacities, technical skills and management, outlined a framework for capacity building support and presented a business plan and budget for implementation. The framework was based on the findings and recommendations from the job evaluation study, the institutional assessment and the capacity need studies.⁶ The thrust of the framework is based on the recognition that if the Secretariat should be able to run with priorities outlined in the RISDP and SIPO, it must to a much greater extent be able to function as a:

- *'think tank'* with capacity to strategically advise and guide member states on the implementation of the SADC Common Agenda;
- *principal regional coordinator* of policies, strategies and programmes of the deeper regional integration process;
- *provider of support services*, to provide legal, administrative, financial and procurement services to technical directorates, and to convene annual consultative conferences and meetings of the SADC decision-making structures; and

5 See more on this in the SADC Secretariat's *The Regional Poverty Reduction Framework: Background document*, SADC International Conference on Poverty and Development, 18–20 April 2008, Port Louis, Mauritius.

6 See here the SADC Secretariat's, *SADC Secretariat Capacity Building Framework*, unpublished (27 pages); March 2008 (first presented at the *SADC International Conference on Poverty and Development*, 18–20 April, Port Louis, Mauritius).

- *professional 'programme manager'*, to strategically plan and budget, facilitate the implementation process, monitor prioritised programmes, and systematically report on progress in close coordination and cooperation with SADC stakeholders.

The framework lists a series of interventions areas intended to strengthen the Secretariat's capacities:

- leadership skills development and review of management processes;
- policy and strategy development;
- programme management;
- implementation of secretariat performance management and appraisal system;
- internalisation of the secretariat vision, mission and values;
- human resource development;
- development of administrative management competencies;
- financial management development;
- accounting and procurement of services; and
- implementation of the SADC/ICP partnership framework

For each of these interventions a business plan with activities, time frames, results and budgets have been developed. The capacity building framework also calls for the establishment of a Bridging Facility as a way of securing funding in the spirit of the Windhoek Declaration.

Capacity building requires additional financing and donors are encouraged to channel funding for the implementation of such activities through the proposed Bridging Facility. The intention is that the Bridging Facility should cover short to medium-term requirements starting from the 2008/09 financial year. Initially the Bridging Facility should address the capacity needs of the Secretariat, other SADC Treaty-established Institutions such as the SADC Tribunal, SADC subsidiary institutions such as the Regional Peacekeeping Training Centre and the Development Finance Resource Centre. Later the support should also be channelled towards member states and SADC-supported institutions whose mandate is to implement RISDP/SIPO-specific priorities. Such institutions include SADC National Committees, SADC National Contact Points and respective Sector Ministries.

In *August 2008* the Council of Ministers met and endorsed the Capacity Building Framework presented in Mauritius. However, the Council also directed the Secretariat to review the structure of the budget with a view to reduce the proportion of the technical assistance component.

Into 2009: what is happening?

A number of steps have been taken to begin the implementation of the restructuring and capacity building as well as to give SADC's work a sharper focus. Much of this revolves around the hiring of external consultants to help implement activities outlined in the capacity building framework, including undertaking a skills audit, helping develop and strengthen the Secretariat's capacity in financial management, and developing the modalities for the proposed poverty

observatory and how to monitor the poverty reduction impact of the RISDP and SIPO.⁷

Importantly, some of the technical directorates have also made good progress in preparing one- and five-year business plans with budgets and identification of funding gaps. This is perhaps most strongly developed in the case of the TIFI-directorate. The main changes in the organisational structure are however, not likely to be felt before the new Deputy Executive Secretary is in place (he/she will be appointed by the SADC Summit in 2009).

A special Project Preparation Facility or Fund is also in the process of being established. Already in 2005 the SADC Council of Ministers decided to set up a mechanism that could help prepare projects and take them to a "bankable" stage. In early 2007 the first request for expressions of interests was issued by the Secretariat. Institutions in the region were invited to host such a facility. A primary objective of the facility is to play a catalytic, intermediary role that can facilitate development of projects up to the point at which they could be taken to the market. It is also expected that project preparation functions currently performed by the directorates could be shifted to this new facility. In 2008 South Africa's Development Bank of Southern Africa was selected as the host institution. It is expected that it will become operational in 2009 once various legal issues related to the status of the facility have been sorted out. Initial funding is provided by Germany through KfW.

Special mention must be made of the Secretariat of the SADC Organ on Politics, Defence and Security Cooperation. It is now in the process of being fully integrated in the SADC Secretariat as one of the technical directorates. However, its mode of operation is still somewhat different from the other Directorates. This reflects the Organ's special origins in the Front Line States and its successor, the Inter-State Defence and Security Committee. The Organ Directorate also reports directly to the ES.

The Organ directorate is primarily servicing the SADC Organ, its Troika and its elaborate network of committees (primarily under the Inter-State Defence and Security Committee). These governing structures often provide the Organ directorate with a mandate and tasks which goes far beyond what is provided for in terms of budget and personnel allocated through the ordinary SADC Secretariat structures and the Financial Sub-Committee of the Council of Ministers. The Organ directorate has a far less developed business plan and budgets compared to the other directorates (see also more on this in the section below).

SADC, foreign donors and thematic groups

SADC and its institutions have made a series of decisions which have put them on a path expected to lead to an improvement in the capacity to make priorities and to deliver. Improved capacity of the SADC institutions and, in particular, its Secretariat, is also a precondition for enabling SADC to carry out its obligations under the Paris and Windhoek Declarations. The capacity building framework addresses these issues, for example, through efforts to strengthen financial management.⁸ The major donors providing capacity building support to the Secretariat – GTZ and the European Union – are also reportedly prepared to provide funding through the

7 The study is intended as an important component in the capacity building plan: It is focused on the Secretariat's core staff (i.e. those funded by the member states through the regular budget) and not on technical assistants.

8 This is a major issue for the European Union – the biggest financial contributor to SADC. Recommendations to bring financial management in SADC up to international standards were a major issue in the EU –commissioned institutional assessment of SADC. The EU is expected to commission a new institutional assessment in late 2009 to assess progress in the "four pillars" revolving around financial management.

Bridging Facility that SADC wants to set up as a channel for mobilising external funds in the short-to-medium term.

However, most developments are taking place at the level of the thematic groups. All thematic groups – except the one covering politics, defence and security cooperation – have now been formally constituted. The establishment of the thematic groups was possibly the most important achievement since Windhoek. The thematic groups are:

Directorate	Thematic group	Lead donor
Trade, Industry, Finance and Investment (TIFI)	TIFI	EC Delegation (Gaborone)
Infrastructure and Services (I&S)	Water	GTZ (Gaborone)
	Transport	DFID (Pretoria)
	Energy	Norway (Maputo)
Food, Agriculture and Natural Resources (FANR)	Agriculture and Food Security	DFID (Pretoria)
	Natural resources and Environment	FAO (Harare)
Social and Human Development and Special Programmes (SHD)	HIV/AIDS	Sweden (Lusaka)
Organ on Politics, Defence and Security (OPDC)	Still to be launched	Austria (Pretoria) has been invited to lead the group
Cross-cutting	Institutional Capacity building	SADC/ICP Core Group (Gaborone)

Beyond the formation of the thematic groups, progress since 2008 (Mauritius) has been mixed and uneven. The Secretariat has hired a technical assistant (based in the new directorate on policy planning and resource mobilisation) to focus on SADC-ICP relations (the position is funded by the EC, but recruited in the region). There is also progress in data collection to feed into a new sub site on the SADC website on SADC-ICP relations. On the other hand, not much has happened when it comes to overall coordination and direction through the SADC-ICP core group and the wider Joint Task Force. They have not even met since the April 2008 consultative conference (the first meeting of the core group took place in February 2009). There is however, informal interaction between the Secretariat, GTZ and the European Commission on support to capacity building and the bridging facility.

Nevertheless, two examples may illustrate what is happening and the challenges that lie ahead of SADC-donor relations. One example is the Water Sector Reference Group and the other concerns politics, defence, and security cooperation.

Water Sector Reference Group

The Secretariat's Infrastructure and Service directorate has a small, but important water division.⁹ SADC established its water sector coordinating unit in Lesotho in 1996. It became the

9 It should be added that certain water issues are also managed by the Food, Agriculture and Natural Resources directorate (FANR). This includes 'irrigation' which accounts for the largest water use in the region. It is handled by FANR's land management sub-division.

Water Division (WD) in the SADC Secretariat in 2003. In 1999 donors providing support to the water sector, together with the Maseru unit, organised themselves into the *Water Strategy Reference Group* (WSRG). Following the 2006 Windhoek Declaration and the decision to launch a thematic group the WSRG was reconstituted. In 2007, Germany, through GTZ, was appointed the lead ICP in this group. Meetings of the group are co-chaired by the WD and the lead ICP. The WD is responsible for preparing minutes of meetings and to distribute them. It meets regularly twice a year with extraordinary meetings if and when required. Typically the meeting has two elements, namely a pre-meeting in the afternoon prior to the main WSRG meeting, where ICPs coordinate through the lead ICP, and the main WSRG meeting during which the WD reports back on progress in implementing the action plan and problem areas.¹⁰

The WSRG is intended as a strategic advisory group to the SADC Secretariat and the WD, and acts as an interface for a policy and technical dialogue between the WD and ICPs. It also provides input to specific strategic documents and processes. The task of the WSRG is to reduce transaction costs for SADC as well as for donors and to improve the quality and coherence of dialogue and support.

The WD currently has one core staff member (funded through the regular budget) and two technical advisors (funded by donor agencies). In addition there are a range of subsidiarity organisations in the form of shared water course institutions, mainly river basin commissions. The SADC region has 15 shared water courses and the aim is to have shared institutions for all of them.¹¹ The WD's capacity has been severely constrained by a gradual reduction of professional staff since 2003.

The WD's work in response to the RISDP objectives is guided by three key documents:

- The 2000 *Revised Protocol on Shared Water Courses*. This creates the overarching framework for the trans-boundary management of shared water courses in the SADC region;
- The *Regional Strategic Action Plan* for Integrated Water Resource Management and Development is the framework for implementing the SADC water protocol. In the second phase (2005-2010) there are some 14 projects belonging to four strategic interventions areas: regional water resources planning and implementation, infrastructure development support, water governance, and capacity building; and
- The 2006 *Regional Water Policy* document, which is aimed at providing a framework for sustainable, integrated and coordinated development, utilisation, protection and control of national and trans-boundary water resources in the SADC region, for the promotion of socio-economic development and regional integration and improvement of the quality of life.

The SADC action plan provides the framework for mobilising external development finance in the water sector. The main donors also appear to adhere to this framework and seek to pro-

10 See also the *Terms of Reference – Water Strategy Reference Group (WSRG)*, unpublished, 7 pages, adopted 6 May 2008.

11 See more in SADC's work in this field in B. Hollingworth and T. Chiramba (eds.), *Implementing the SADC Regional Strategic Action for Integrated Water Resource Management (1999-2004): Lessons and best practice*, Gaborone, Bonn: SADC Water Division, GTZ, in Went and UNDP 2005; SADC, *Regional Water Policy*, Gaborone: Infrastructure and Services Directorate, SADC Secretariat 2006; and P. Widmoser and H. Krugmann, *SADC Water Resources Management Project (April 2003 – March 2007), External Review 2007*, unpublished report prepared for the Swiss Development Cooperation 2007.

vide support to advance the implementation of this plan. Harmonisation beyond this and beyond information sharing remains limited. There is limited joint funding. The main exemption is DFID support, which is now channelled through GTZ. Within the significant capacity building support – crucial because of the limited capacity of the WD – donors have failed to agree on a common approach. Currently GTZ is providing funding to the directorate for the hiring of technical advisors, while the Danish support for technical assistance is provided on different terms. Despite the political will to do so the donors have so far found that the transaction costs of harmonising such support have been too high.

In mid-2008 the WSRG through the lead ICP (GTZ) in cooperation the SADC WD carried out a major survey of donor support to SADC's water programme. It identified 58 donor-funded programmes and projects in trans-boundary waters in the SADC region with a focus on river basins. Nine bilateral and six multilateral agencies provide funding in four major areas: water governance; water wisdom; urgent water and sanitation needs; and water resources financing.¹² A dedicated website has also been set up to keep track of external support. It is envisaged that this website will be moved to the SADC/ICP sub site on the SADC homepage once it is functional.

Politics, defence and security cooperation

The new directorate servicing the Organ on Politics, Defence and Security Cooperation is in a different situation and operates in another context. This partly reflects its origins in the Front Line States and its successor (the Inter-State Defence and Security Committee) and its role as a unit more directly servicing the immediate needs of its governing structures (the Troika and its elaborate network of regional committees).

The Organ directorate has a small core staff. It is headed by a Director and has some ten persons on secondment from member countries to work on issues related to the Standby Force (planning element, early warning, etc). Those persons are, however, representatives of member countries working on specific issues and, as such, are not directly working on other Organ issues. To help with these the Director is assisted by two technical advisors and two interns (mainly working on mediation in Lesotho, Zimbabwe and DRC, and on election observation). In addition, the directorate has an administrative staff of two.

The work of the Organ directorate falls in two broad areas. One is peace and security which is dominated by the preparations for the stand-by force and by SADC's mediation efforts (Lesotho, Zimbabwe and the DRC). The other is politics and governance issues which are mainly dominated by deployment of election observer missions in member countries. The directorate has had little time or capacity to set its own agenda and has been preoccupied with servicing the needs of governing structures. Sensitive political issues, such as the mediation efforts, have dominated the agenda.

In 2008 the Organ directorate supervised the completion of two commissioned studies. One was on how mediation efforts could be professionalised and the second on how to focus and strengthen training related to peace support missions (see above). The directorate has not had any capacity to deal with governance issues such as anti-corruption, which was high on the agenda when the responsibility was located in a member state (Namibia).

12 The draft report from consultants is available as *Activities of International Cooperating Partners in transboundary water cooperation in the SADC Region – Results of a mid 2008 survey, Technical Report*, September 2008, commissioned by the SADC Water Division and implemented by GTZ. A short draft executive summary is also available as a separate document.

The Organ also has two subsidiary organisations, both located in Harare. One is the *Southern African Regional Police Chiefs Coordinating Organisation* (SARPCCO). It became fully constituted as a SADC structure in 2008. It promotes and facilitates technical cooperation between police agencies in the region and also acts as the regional office of Interpol. In addition, it performs various tasks for SADC, most importantly as a technical body related to the implementation of SADC's protocol on small arms. SARPCCO is largely funded by member countries. The *SADC Regional Peacekeeping Training Centre* (RPTC) is a training institution which was established to strengthen capacity for participation in peace support missions. It was originally established with significant financial and technical support from Denmark, but with the end of external donor funding the RPTC became dormant. It has now been revived. The director and deputy director, together with two administrative staff members, are funded by SADC through the Secretariat, while Zimbabwe provides support staff. However, the RPTC has limited funds for training and currently only runs a skeleton programme.

SADC and the RPTC have been preparing for a major scaling up of the RPTC's training programme linked to preparation for the SADC stand-by brigade.¹³ With the new focus on multi-dimensional peace support missions this has implied that the RPTC will also be focusing on policing and the civilian component of peace support missions. To help facilitate this, the RPTC is preparing to move out of its premises within the Zimbabwe Defence Force barracks and relocate to a civilian training centre. Training is also expected to be harmonised with SARPCCO.

The level of donor funding to or through the Organ directorate remains very limited. It is mainly provided by Germany through GTZ (which provides funding for technical advisors in the Secretariat and for some project support). UNDP provided some funding for election observation in Zimbabwe. The Organ has also accessed funding from the AU provided by the EU peace facility. In addition there has been some support, including technical and logistical, related to the stand-by force. This has included support from, e.g., the French programme *Reinforcement of African Peacekeeping Capabilities* (RECAMP).

The SADC Organ has been ambivalent in its position regarding external funding. The Frontline States and the Inter-State Defence and Security Committee had always managed without foreign funding (although there are some significant exemptions such as the establishment of the RPTC). The reluctance to engage with external donors has remained a feature of the Organ's approach to external funding. There are also divergent opinions among member states. However, there is now a clear recognition that the SADC Organ needs to engage with donor agencies and to secure additional funding to facilitate implementation of SIPO and the Organ agenda. It has been decided that a thematic group should be established although the constitution of the group is still to take place. The SADC Secretariat has approached Austria which has responded positively to the request and is prepared to act as a lead ICP for this group and to provide the necessary resources to make it work.¹⁴

The traditional donor countries are all funding various regional projects in the politics, defence and security area. Much of this is channelled through various NGOs. Most of these funders are also keen to provide funding for such projects through SADC and inter-governmental organisations. Donors have met informally to exchange information and discuss challenges

13 See also SADC RPTC - *Vision for the Future. Final Report of An Independent Study Commissioned by the Directorate of the SADC Organ on Politics, Defence and Security Cooperation on the vision of the Regional Peacekeeping Training Centre*, 2 May 2008 (Gaborone: SADC 2008).

14 See also the report from policy advisory group on security and development co-hosted by SADC, Austria and the Centre for Conflict Resolution in Cape Town: *Security and Development in Southern Africa, Policy Advisory Group Seminar Report*, Johannesburg, 8-10 June 2008 (Cape Town: Centre for Conflict Resolution 2008).

and opportunities. Donors active in the governance/human rights area have met over the last few years (this has included traditional donors as well as new and special purpose agencies such as the Open Society). Donor countries active in the peace and security have also met over the past year (this has included representatives from donor agencies as well as embassy officials – such as defence attachés - representing defence and foreign policy interests).

The forthcoming thematic group and the donors working through the lead ICP (Austria) will have to bring these agencies together and work with the Organ directorate in developing a work/business plan with a budget and which identifies areas where external funding is required. In this process there are two additional challenges. One, especially evident in the peace and security field, is that many ICPs are approaching SADC both as aid donors and as representatives of defence and foreign policy institutions in their home countries. The thematic group needs to be clear about their role which is primarily related to the delivery of aid based on the principles of the Windhoek Declaration. Political dialogue and consultations takes place at other levels.

Secondly, many traditional donor agencies have provided significant aid funding to civil society active in this and has helped build strong capacities and competence among a few strong NGOs (mainly, but not solely based in South Africa).¹⁵ The thematic group must help ensure a better distribution of funding and also to ensure that the funding channelled to NGOs also more strongly can benefit SADC and SADC institutions in this area.

A third challenge may also be added. A number of new, powerful countries, spearheaded by China, India and Brazil, are entering southern Africa presenting new challenges and new opportunities for development as well as for aid effectiveness. They are rapidly becoming important partners for several SADC member countries. So far there has been limited or no engagement with SADC (and other sub-regional organisations), but India is emerging as a partial exemption to this. It has been active in SADC-ICP meetings; a special SADC-India Forum was set up in 2005 (following a 1997 MoU); and recently India has had delegations in Gaborone to explore possibilities for technical assistance and cooperation. Most recently and highly relevant for the discussion here, was the India-Africa Summit in Delhi in April 2008. The Forum adopted the *Delhi Declaration* as well as the *Africa-India Framework for Cooperation*.¹⁶ The framework outlines new areas of cooperation. This includes commitments by India to work with the AU and Africa on post-conflict reconstruction; enhancing the civilian component of peacekeeping operations; policing; human trafficking; disaster management and humanitarian intervention. India has been a major contributor to peacekeeping operations in Africa. Under its technical assistance programme it has also provided training to armed forces of – mainly Anglophone African countries. So far, there has been limited Indian cooperation with pan-African and regional institutions in the area of peace building, e.g., in support of the emerging African stand-by forces. The Delhi Summit signals a possible shift which may open up new opportunities and challenges also for the SADC-ICP thematic group in this area.

15 See also more on donor trends here in E. Tjønneland and Nobi Dube, *Aid Effectiveness: Trends and Impacts of Shifting Financial Flows to Civil Society Organisations in Southern Africa*. Midrand: Southern Africa Trust 2007 (a summary is also published as, 'How can we make aid to civil society organisations more effective in overcoming poverty?' Southern Africa Trust *Policy Brief* vol. 1, June 2007 (available from www.southernafricatrust.org).

16 An informative presentation and discussion of the Forum Summit and its outcomes can be found in S. Naidu and H. Herman, "India in Africa. No "Sleeping walking" in Africa", *Global Dialogue. An international affairs review*, vol. 13, 2008, No 2 (August) (available from www.igd.org.za). See also the discussion of emerging powers and Southern Africa in E. N. Tjønneland, *From Aid Effectiveness to Poverty Reduction. Is foreign donor support to SADC improving?* (Foprisa Research Report no 4, Gaborone: Botswana Institute for Development Policy Analysis 2008) (Available from www.foprisa.net).

Conclusion

Efforts by SADC to strengthen institutional capacities and to sharpen priorities have created a momentum for improvement. There are numerous challenges ahead. Three are mentioned here. One is technical: will the Secretariat aided by the capacity building framework improve its ability to deliver? Will it become more results oriented? Will the Secretariat acquire additional capacity and competences in programme management, planning, monitoring, finance, procurement and administration? Progress here is crucial if SADC will be able to deliver on obligations and commitments made through the Windhoek Declaration.

Secondly, will SADC member states provide the SADC Secretariat and the Executive Secretary with a sufficient mandate and resources that will enable SADC to advance regional cooperation and integration? The SADC region has a common history and members remain committed to SADC. However, implementation of SADC's trade policy as well as its responses to the crisis in Zimbabwe has revealed divisions within the organisation. These divisions reflect divergent views and priorities on economic integration issues as well as differences in political values. This will constrain SADC's ability to manoeuvre. Still, there is scope for increasing the Secretariat's role and to provide the Executive Secretary with additional policy and strategic development capacities.

Thirdly, the progress in improving SAD-ICP relations remains uneven. One major challenge lies in communication, dialogue and alignment between what is happening at the level of thematic group and what is happening at the overall level (core group/Joint Task Force). A failure to make improvement may lead to a weakening of SADC leadership and we may end up with a range of donor-directed project management units.

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PROGRESS TOWARDS THE SADC FREE TRADE AREA: THE CHALLENGES

JACOB NYAMBE AND KLAUS SCHADE

Introduction

This paper presents the findings of desk research and fieldwork that were undertaken between July and October 2008. The study involved interviews of government officials, private sector and academia in Mozambique, Namibia, South Africa and Tanzania. The objectives of the research were to study the current status of the Southern African Development Community (SADC) Free Trade Area (FTA) and the challenges of implementation in furthering deeper economic integration in SADC.

The findings show that the progress of the SADC regional integration agenda is mixed and beset by several challenges. The principal ones relate to delays in the implementation of protocols by member states and differences in the levels of economic growth and development. The other major findings are that although macroeconomic targets have moved closer to convergence, the global economic crisis appears to be undoing the gains that were seen in 2006-2008. The FTA has contributed to the harmonisation of customs systems, but this is constrained by the difficulties of computerising customs processes at the borders. Product standardisation is on track as spearheaded through the Standardization, Quality Assurance, Accreditation and Metrology (SQAM) instrument of SADC. However, there is a need for the development of competition and industrial policies, and greater attention on trade in services (rather than just trade in goods) in the EPA negotiations.

Background

In 1992, the SADC region witnessed the antecedents of the old Southern African Development Coordinating Conference (SADCC), which was set-up in 1980, translating into the new SADC. The Declaration and Treaty of SADC ushered in new SADC objectives aimed at deepening regional integration. The Regional Indicative Strategic Development Programme (RISDP) and the SADC Trade Protocol of 1996 guide the direction of macroeconomic convergence. The RISDP and the Trade Protocol complements each other; with the former providing a framework on selected macroeconomic indicators that are referred to as the 'yardstick' in this study. The SADC FTA¹ was launched on 17 August 2008 as a precursor to a customs union that will come into force in 2010.

This study focuses on two issues: the progress of the SADC FTA and the challenges it has to overcome in implementation. The FTA consists of 12 out of 15 SADC member states, namely, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Angola, the Democratic Republic of Congo (DRC) and the Seychelles are not members.

1 A free trade area refers to a group of states whereby their tariffs and non-tariff barriers are eliminated on substantially all trade amongst these member states (SADC, 2008).

The SADC FTA is meant to provide economic benefits resulting from reduced product prices. This would result from the lowering or removal of tariffs, greater competition due to increased number of players in the FTA market, improvements in allocative efficiency of scarce resources (economies of scale), induced productivity gains and a wider market with access to a variety of products. Theoretically, these opportunities and benefits would increase with higher levels of integration.

It is against this background that the launch of the SADC FTA is seen as an appropriate step that would improve economic opportunities for the members. The success of the FTA could also serve as a stimulus for Angola, DRC and Seychelles to join. However, there are a number of challenges in the implementation of the SADC FTA. The most critical of these are the member states' overlapping memberships of different economic blocs and membership of different negotiation configurations for the economic partnership agreements with the European Union. The aim of this study is thus to understand the status of the SADC FTA and the challenges of deepening regional integration.

The research for this study was conducted in four countries: Mozambique, Namibia, South Africa and Tanzania. The respondents of focused interviews included government officials dealing with regional integration issues, private sector representatives and academics. Purposive sampling was applied. The four countries were selected because they are interesting case studies: South Africa is a dominant regional economic giant and hosts a number of regional umbrella organisations; Tanzania is part of SADC and the East African Community Custom Union; Mozambique is developing strongly, is becoming more integrated with South Africa, and is the only country in SAD that belongs only to this regional grouping; and Namibia is both a member of SADC and SACU and is a middle-income country. Hence, these are interesting case studies when it comes to monitoring progress that relates to the SADC FTA and existing challenges to deeper integration. They represent a variety of SADC interests in the sphere of this monitoring exercise.

The study is organised around three issues: overlapping memberships of regional organisations, macroeconomic convergence, and the institutional framework for deepening regional integration.

Overlapping memberships

Overlapping or multiple memberships of regional organisations complicates the regional integration process. Overlapping memberships pose a challenge to regional integration since it can cause delays in the implementation of protocols as member countries try to keep their options open. This complicates the harmonisation of frameworks for deeper regional integration. The reality is that SADC member states are members of different regional groupings, notably the COMESA and EAC. The EPA negotiations have demonstrated that even countries with a long history of cooperation find it difficult to agree on common positions, which is especially complicated by overlapping memberships. This makes the establishment of larger groupings more challenging. This section discusses five main considerations that are vital to the coherence of regional economic groupings, namely legal, economic opportunity, the geographic configuration, financial purpose, and historical, cultural and traditional relatedness.

Legal framework

GATT Article XXIV provides a guideline on how members of the same economic grouping should

treat each other, third parties, and the technicalities of belonging to two customs unions. The World Trade Organisation (WTO) does not illegitimatisé belonging to two customs unions, but cautions against the complications that might arise as a result of the pursuance to negotiate and maintain two Common External Tariffs (CETs). Furthermore, if this hurdle is passed, a member state belonging to two Customs unions should be able to manage all expectations of the two Customs unions and the obligations to third parties in a manner that does not violate WTO rules. Therefore the illegality of belonging to two customs unions comes into place as a result of the high probability of incompatibility with GATT Article XXIV. It is on that basis that trying to belong to two customs unions becomes a practical nightmare unless CET and Most Favoured Nations obligations are complied with.

Applying GATT Article XXIV provision to the overlapping membership scenario ahead of SAD's aspiration in which it seeks to rise to a customs unions raises concerns. Though the issue of a SADC customs union is not a point of discussion for this study, the multiple membership issue suggests explaining this complexity to future events such as SADC, EAC and COMESA customs unions. Advancing the SADC regional course beyond an FTA is mired with the challenge posed by overlapping memberships. Previously the issue of multiple memberships did not pose many problems to the SADC ideals even though it might have slowed progress on implementation of protocols as a result of lack of proper commitment to the SADC agenda.

Figure 1: Multiple memberships of SADC member states in other African Regional Economic Communities

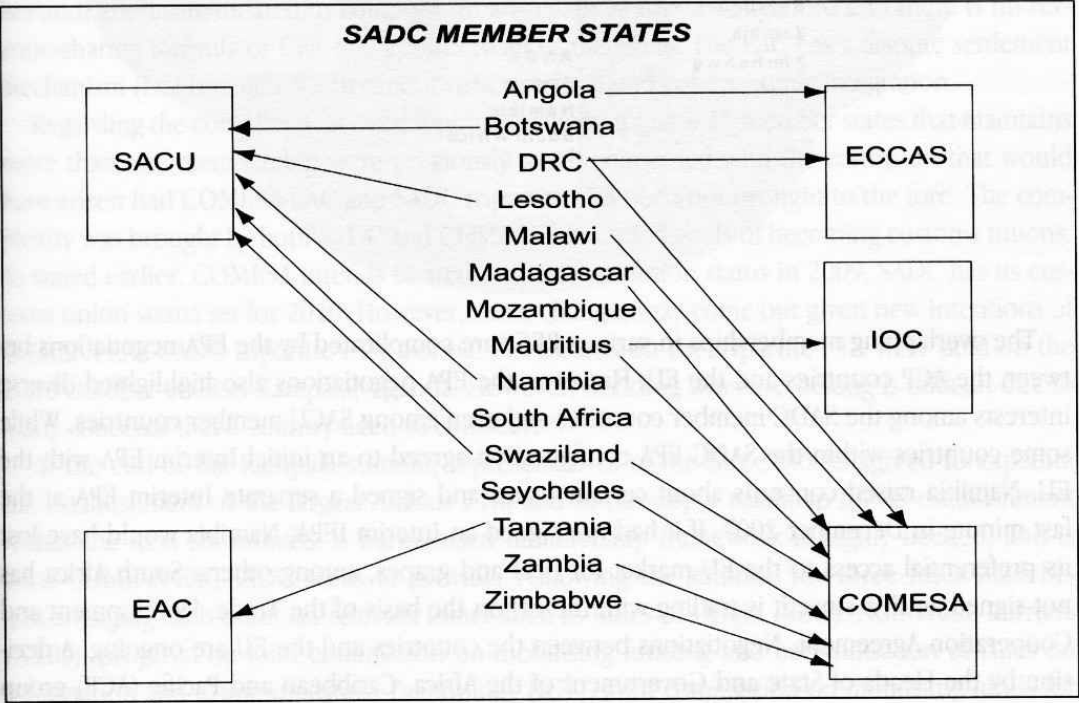


Figure 1 illustrates the multiple memberships of SADC member states. Currently there are two customs unions to which some SADC member states belong, namely SACU and the EAC. Other groupings are ordinary regional economic communities (RECs) with future aspirations of developing into higher levels of integration. Thus other RECs are for now not posing threats of a membership nature on SAD. In the SADC regional grouping, all member states, except Mozambique, belong to either: SADC and SACU; SADC and COMESA; SADC and EAC; SADC

and Indian Ocean Commission (IOC), and SADC and Economic Community of Central African States (ECCAS). More than half of SADC member states belong also to COMESA. COMESA postponed the launch of its customs union from 2008 to June 2009; whether it will launch as planned has yet to be seen. SADC has its focus on 2010 as an appropriate year for launching its customs union. Countries continue to join and others maintain their memberships in old RECs. There are reasons for joining and belonging to RECs.

Belonging to more than one REC has a bearing on a particular member's negotiating position as seen during SADC EPA negotiations in which Tanzania had to opt out of the SADC EPA and began to negotiate in the East African Community (EAC) configuration.

Figure 2: SADC EPA negotiating positions



The overlapping memberships in various RECs are complicated by the EPA negotiations between the ACP countries and the EU. However, the EPA negotiations also highlighted diverse interests among the SADC member countries and even among SACU member countries. While some countries within the SADC EPA configuration agreed to an initial Interim EPA with the EU, Namibia raised concerns about certain issues and signed a separate Interim EPA at the last minute in December 2007. If it had not signed an Interim IEPA, Namibia would have lost its preferential access to the EU market for beef and grapes, among others. South Africa has not signed an EPA since it is trading with the EU on the basis of the Trade, Development and Cooperation Agreement. Negotiations between the countries and the EU are ongoing. A decision by the Heads of State and Government of the Africa, Caribbean and Pacific (ACP) group of states at the Sixth Summit in Accra, Ghana which took place on the 2-3rd October 2008, was taken to instruct the Council of Ministers to pursue the possibility of creating an ACP FTA. This shows the significance placed on FTA and particularly the need to avoid fragmentation of member states in this grouping. However, the fragmentation took place even within SACU, a long-established customs union, and hence the creation of an ambitious ACP FTA or COMESA-EAC-SADC FTA might not be the panacea to fragmentation.

Joining and belonging to regional economic communities

Four main factors among others which strongly influence the decision to join or to maintain membership in a REC: economic opportunities; financial benefits; historical traditional, cultural and political ties; and geographic configuration.

On economic opportunities and other factors that influence the decision to belong to a REC, the SADC region has a population of some 248 million which is a reasonable market for intra-SADC trade. However, the absence of Angola, DRC and Seychelles from the FTA reduces the FTA market to about 170 million people. Botswana, Mauritius, Namibia and South Africa are leading in terms of per capita income but are in part plagued by a skewed income distribution. Still, they pose attractive markets for other countries with lower per capita income. On the other hand, some SADC countries are growing strongly and attract investment from other members. Hence, countries might opt to stay in SADC because of the economic opportunities the region offers.

COMESA has a larger market of over 389 million people compared to SADC, but it lacks some economic advantages, especially with the countries below the Sahara desert. COMESA is not convergent in terms of macroeconomic issues and the transport infrastructure between north Africa on the one hand, and east and southern Africa on the other needs to be improved. Cultural, traditional and political relationships between COMESA members are also not as strong as those in SAD or the SACU. The EAC has advantages of geographic configuration and historic ties dating back to the old EAC, but has a relatively small economy with Kenya being the dominant economic power. However, the EAC attracted the interest of Rwanda and Burundi which joined in 2007. The EAC is said to be practically less than a customs union. Rwanda and Burundi are not mandated to comply with any customs union obligations and there is no revenue-sharing formula or CET that applies to all its members. The EAC has a dispute settlement mechanism (DSM) which is a pertinent structure in matters of economic integration.

Regarding the complexity of overlapping memberships in SAD, member states that maintains more than one membership were previously much concerned with the confusion that would have arisen had COMESA-EAC and SADC tripartite FTA been not brought to the fore. The complexity was brought by both SADC and COMESA's intended goals of becoming customs unions. As stated earlier, COMESA intends to attain its customs union status in 2009. SADC has its customs union status set for 2010. However, some changes may come out given new intentions of COMESA-EAC-SADC tripartite FTA. Formal discussions on the tripartite FTA were held on the 22nd October 2008 in Kampala, Uganda. However, deciding where to belong is difficult due to many concerns that a country need to consider.

At the end of the Kampala summit, representatives of the three blocks agreed to expedite the establishment of the largest African FTA, and to develop a roadmap for its establishment within the next six months. A harmonised membership framework is highly needed, and is what COMESA-EAC-SADC seeks to provide. Following the summit, the three RECs have begun engaging each other on relevant issues such as Rules of Origin (RoO), Non-Trade Barriers (NTBs), proposal on joint commission on mobilising funding and harmonisation of rules on Information and Communication Technology (ICT), joint commission on mobilising funds for infrastructural development and also on harmonisation of rules on infrastructural related matters. The FTA would comprise of 26 countries – half of Africa's nations – with more than 527 million people.

An FTA amongst the three blocs will avoid the painstaking and politically sensitive decision of members belonging to various blocs of choosing one REC. However, experience not only with the SADC FTA has shown that ambitious schedules often falter, since regional integration

takes time.² The alternative approach could have been to address various issues pertaining to regional integration, such as harmonised CET, RoO, border and customs procedures, standards, etc. on an issue-by-issue basis. Removing NTBs often proves to be a more trade facilitation tool than reducing or removing tariffs. Hence a shift in focus toward cooperation on these issues could probably prove more fruitful and bear better results than aiming at another FTA of quite diverse economies.

On a broader picture, applying the factors listed above on the situation in the SACU, it is highly likely that SACU member states may remain and continue to belong to SACU because of its strong economic ties with South Africa and the financial benefits derived from SACU's revenue pool. There is also better economic convergence in SACU compared to the rest of SADC.

Progress towards macroeconomic convergence

This section discusses the current status of macroeconomic convergence in the SADC region and attempts to provide an outlook for the near future. The 2001 meeting of the SADC Committee of Ministers of Finance and Investments provides the convergence targets. These targets serves as macroeconomic requirements that SADC member states must comply with in order to move to higher levels of regional integration.

Table 1: SADC's macroeconomic convergence yardsticks

	Target in 2008	Target in 2012	Target in 2018
Inflation	Single digit	≤ 5%	≤ 3%
Budget deficit as a % of GDP	5%	3%	1%
External debt as % of GDP	< 60% of GDP	< 60% of GDP	< 60% of GDP
Current account as % of GDP	≤ 9% of GDP	≤ 9% of GDP	≤ 9% of GDP
Real growth rate	≥ 7%	≥ 7%	≥ 7%
Import cover of foreign currency reserves in months	≥ 3 months	≥ 6 months	≥ 6 months

Adapted from Knedlik and Povel (2007).

Countries like Botswana, DRC, Malawi and Mozambique which had double-digit inflation rates in 2006 managed to reduce inflation in 2007 to single digit figures and most of them achieved the target of single-digit inflation in 2007, with the exception of Zimbabwe. However, countries with already low inflation rates witnessed an increase and could not keep inflation below ten per cent in 2008. Overall, in 2008 twelve out of fifteen SADC member states missed the single-digit target envisaged for 2008. The outlook for most countries for 2009 is, however, gloomy. Food prices that are still high, steady energy prices which are on average higher than for the past four decades and low demand for commodities makes it unlikely that most countries will meet the target in 2009. The drastic decline in oil prices towards the end of 2008 has provided production sectors more room for manoeuvre but is not sufficient given other crippling factors mentioned and could thus reverse previous gains.

Most countries improved their fiscal balance considerably over the past years. Budget deficits were reduced or even turned into surpluses as in the case of Angola and Namibia. It is unlikely that the trend will persist in 2009 given the disappointing results of 2008, which are mainly due

2 See also Kruger, P. (2008) Comments on the SADC-EAC-COMESA Tripartite Summit

to the slowdown of the world economy in the aftermath of the financial turmoil. Declining raw material prices in the second half of 2008 and 2009 due to lower demand will result in reduced economic activities and hence less tax revenue for governments, in particular in countries dependent on the export of commodities. On the other hand, governments might face increased expenses due to rising prices. These factors will put pressure on the fiscal balance. Likewise, all countries, except Botswana, DRC, Madagascar, Malawi, Mauritius, Mozambique, Tanzania and Zambia brought down the levels of public debt in 2008. But this trend might be reversed in 2009 due to a less favourable fiscal balance triggered by the second round effects of the global economic crisis. However, all countries moved very close towards the targets set for 2008, but there is low probability that most of them could achieve them in 2009.

While some countries improved their position by reducing deficits or increasing the surplus, other countries show opposite trends. Declining commodity prices combined with increased prices for food and energy imports have resulted in more countries missing the nine per cent target in 2008.

In 2008, the ambitious target of a seven per cent growth rate was met by countries that started from a low basis such as Malawi, Madagascar, Mozambique and Tanzania as well as by oil-rich Angola benefiting from oil prices reaching record levels. In line with worldwide trends most countries have reduced their growth forecast for 2009 making it unlikely that any of the countries except Angola would reach the seven per cent target in 2009, despite a drastic decline in oil prices during the end of the third quarter and beginning of the fourth quarter 2008.

The analysis shows that most countries have improved on their macroeconomic indicators, which is to a certain degree based on home-grown efforts, but also influenced by the performance of the world economy. The slowdown of economic growth elsewhere in the world will impact on achieving the convergence criteria, and it is likely that fewer countries than anticipated before will meet the convergence criteria in 2009. However, there is room for improving the macroeconomic environment in member states. Improving the infrastructure, removing non-tariff barriers to trade, and easing bureaucratic procedures for investment could all support a more conducive business environment in the countries and subsequently contribute to economic growth and support macroeconomic convergence.

The current global financial crisis has furthermore demonstrated the importance of regional and international concerted efforts to – in this case – address liquidity problems. However, even within the EU, which has a long history of regional cooperation, national interests and approaches often took priority over regional efforts. There is still a need within SADC to build institutions and create platforms that could assist in containing macroeconomic shocks in the region. Furthermore, there is a need to harmonise macroeconomic policies in order to stimulate growth. This is vital for providing a stable macroeconomic framework in the region that in turn could attract more investment, foreign and domestic. The current Common Monetary Area that comprises Lesotho, Namibia, South Africa and Swaziland could act as a stepping stone. However, the influence on monetary policy decisions of the smaller economies is very limited. As with the renegotiated SACU Agreement, a new more democratic CMA arrangement could attract the interests of other SADC countries to join. Furthermore, the Monitoring and Surveillance Policy Unit within the SADC Secretariat could play a more pro-active role in focussing the discussions on these issues. However, the strategic relationships of member states with other institutions such as the International Monetary Fund and the World Bank might limit their policy space for SADC-wide macroeconomic policies.

Table 2: SADC member states macroeconomic status

Member State	Inflation rate			Budget surplus/ deficit as per cent of GDP			Public debt as per cent of GDP			Current account deficit as per cent of GDP			Real growth Rate		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Angola	12.2	11.8	13.2	-3.4	11.3	8.9	25.5	24.99	33.3	16.4	15.8	22.9	19.5	9.8	10.4
Botswana	11.6	7.1	12.6	8.1	10.8	-0.8	3.8	4.8	4.4	20.9	14.3	7	-0.8	26	22
DRC	18.2	9.9	27.6	-0.7	0.25	0.44	133	108.33	94.75	-7.5	-9.4	-9.4	5.1	0.76	0.5
Lesotho	6	8	10.7	13.3	7.9	-0.1	49.9	47.2	55	4.3	12.5	12.6	6.2	7.6	8.6
Madagascar	10.8	10.3	9.4	-10.3	2.8	-4.7	30	32.2	30	-8.8	14.6	22.8	4.9	3.3	3.2
Malawi	13.9	8	8.7	-1.5	-5.9	-6.3	28.5	21.3	17.4	-31.2	-23.9	-19.8	8.5	2.1	2.2
Mauritius	8.9	8.8	9.7	-5.3	-4.3	-3.4	57.9	55.8	48.6	-9.5	-5.7	-10.5	5	5.2	5.2
Mozambique	13.2	8.2	10.3	-1	-2.9	-2.5	47.7	41.11	37.86	-8	-10.5	-10.1	8.5	5	4.9
Namibia	5.1	6.7	10.3	2.1	4.1	4.7	31.4	18.5	18.7	18.3	9.2	1.8	4.6	3.2	4.8
Seychelles		5.3	37		-9.7	-3.7		146	149.3		-30.3	49		0.9	1.9
South Africa	4.6	6.2	11.6	0.04	0.5	-0.7	33.3	27.4	32	-6.4	-6.7	-8	5	3.1	3.4
Swaziland	5.3	8.1	12.6	-2.1	3.7	-1.4	17.1	16.4	19.1	1.8	-2.3	-12.6	2.8	3.7	4.9
Tanzania	6.2	7	10.3	-5.5	3.6	-3.8	50	40.4	38	-10.9	-14.4	-12.5	6.2	4.5	4.3
Zambia	8.2	10.7	12.4	-1.9	-0.2	-1.7	25.8	24.1	18.1	-1.2	-4.7	-5.8	5.8	3.6	2.8
Zimbabwe	1,282	6,724	15,947	-5.5	2.55	29.9	76.2	67.5	114.7	-7.9	-6.5	-16.6	-1.8	0.7	0.3

Source: SADC Central Banks (2008)

Institutional frameworks: the SADC Secretariat and national committees

The SADC Secretariat remains a focal point for the entire SADC region in terms of facilitating the process of economic integration. The activities of the secretariat are also vital to the future envisaged activities through expected monitoring which it should be doing in order to pin down programmes that requires urgent attention or those that have lagged behind schedule. This section discusses structural challenges at the Secretariat, the SNCs and the involvement of the private sector in the SADC activities.

The SADC Secretariat

The SADC Secretariat serves as a focal point for all SADC member states. The Secretariat coordinates SADC activities and is a custodian that oversees the implementation of programmes and activities to advance regional integration. However, its operations are being held back by several constraints, namely, inadequate budget allocation, lack of influential authority, and inadequate human capital. The Secretariat requires a budget allocation which is adjustable to modern realities in terms of financial packages for staff of the secretariat to be at par with those at other continental organisations such the African Union and COMESA.

Several initiatives have been implemented over the years to increase the secretariat's capacity and realign its structure with priorities set out in the RISDP. Between 2006 and 2007 three institutional assessments were undertaken advising the secretariat on the institutional structure, its vision and mission, leadership and result orientation, strategy and policy formulation, processes and systems as well as staff and HR management.³ Subsequent to the findings of these assessments the Council of Ministers decided in November 2007 to abolish the Integrated Committee of Ministers since it was not working effectively. Instead, six ministerial clusters were created for:

- Trade, Industry, Finance and Investment
- Infrastructure and Services
- Food, Agriculture, Natural Resources and Environment
- Social, Human Development and Special Programmes
- Organ of Politics, Defence and Security Cooperation; and
- Cross-cutting issues related to Science and Technology and Gender.

The clusters are tasked among others with providing policy guidance to the directorates and reviewing the progress made.

The restructuring process furthermore included a new organisational structure for SADC. The second Deputy Executive Secretary replaces the previous Chief Director. The deputies are now responsible for the areas of regional integration as well as Finance and Administration respectively. It is expected that the new structure improves the line of authority as well as coordination.⁴ Following the restructuring exercise it was realised that serious efforts are needed in order to increase human and managerial capacities and competencies, which resulted

3 See Müller-Glodde, H. and Giuffrida, L. (forthcoming), Make SADC work

4 *Ibid.*

in the "SADC Secretariat Capacity Development Framework" that was presented at the SADC International Consultative Conference in April 2008. The comprehensive programme includes the development of key result areas, performance management and appraisal systems, human resource development, etc.

The implementation of the framework would address the skills shortage at the SADC Secretariat that were in previous years blamed for delays in project implementation as well as for outsourcing of work to consultants. However, one needs to be aware of the fact that human capacity building is a long-term project that would not immediately yield measurable results. The programme would need to be supported by an adequate remuneration structure and recruitment procedures that attracts experienced and skilled personal.

Besides the internal structure of the SADC Secretariat, and hence its efficiency and effectiveness, it appears that the Secretariat would need more external power to ensure a more speedy ratification and implementation process of agreed upon protocols. The SADC Tribunal could be empowered to put pressure on member countries that delay the process of implementation and hence the process of deeper regional integration.

Operating the SADC National Committees

The SADC National Committees (SNCs) are important structures in all member states. However, they are undeveloped and lack requisite staff and financial resources to be effective. This study found that out of four member states visited only Mozambique has a permanent SNC structure which has offices in all of its provinces. An element of representation is an imperative feature of the SNCs. Well-functioning SNCs can also contribute meaningfully to national policies that influence regional integration. So far, the influence is rather minor.

Private sector involvement

The involvement of the private sector is important since it will be the main beneficiary of new or better business opportunities due to regional integration. However, the private sector is apparently not always strongly involved in issues of regional integration. Civil society involvement is required not serious involvement. In other words, civil society should be updated on the happenings so that people on the ground could get that form of awareness about progress of integration in the region. This could be caused by the often ad-hoc nature of SNCs that meet shortly before relevant SADC events and fell dormant afterwards. For private sector representatives it is challenging to plan and work like this and be available on a short notice without proper presentation. It is therefore not surprising that the study found that what is referred to as private sector involvement is often limited to updates by government officials to the private sector. The private sector feels not being strongly consulted and involved in the decision-making process. In some cases such as in South Africa, consultation does take place.

However, the private sector is not a homogenous bloc and often pursues different agendas. Export associations usually have different interests from that of producers for the local markets. Some industries see regional integration and trade liberalisation as opportunities to access other markets, while others fear increased competition. Hence it is often difficult to reach a common position within the private sector. Furthermore, some countries are characterised by a strong presence of parastatals as opposed to private companies that in turn have a stronger influence on government decisions. However, this does not call for fewer consultations rather

for more in order to understand each others' positions and find common ground over time. The same applies of course also to consultations between the private and public sector.

Outstanding issues relating to the SADC Free Trade Area

There are 'behind the border' issues that are coming to the fore since most SADC countries have started to comply with the tariff reduction schedule. Prior to the year 2000, SAD made an arrangement at which the process of tariff reduction would take the asymmetric format. This suggested that developed SADC member states, particularly the SACU group, would front-load tariff reduction. Developing states would follow and lastly will be less developed ones which include the DRC and Mozambique. From as early as 2001, SACU SADC member states front loaded the tariff reduction and some of the SADC member states followed suit. This asymmetrical approach to the process of tariff phase-down was adopted on the basis of economic differential of member states. Except for Malawi, all SADC countries that are part of the SADC FTA complied with the schedule at the launch of the SADC FTA in August 2008. Note that Angola, DRC and Seychelles are not yet part of the FTA.

The main issues that are outstanding relate to non-tariff barriers, rules of origin, the ease of doing business, stock exchanges, transport and telecommunications infrastructures, trade policies, customs standards, and product standards, which are dealt with next.

Non-tariff barriers

For trade (and regional integration) to advance there is need to eliminate Non-Tariff Barriers (NTBs) among member states. In the SADC region NTBs which are common seem to be in part product-based and in part introduced for a short period of time such as certain seasons only. However, other NTBs are still pervasive. According to the table below it is expected that by adhering to SADC set standards of protocols and other agreements, most of these NTBs should not apply. In fact SADC has engaged processes of implementing its NTB monitoring arrangement. Progress on most of the NTBs is due to the SADC engagement. Some other NTBs such as price controls, foreign currency controls, state marketing and import licensing which were all common in the past have now been done away with in most of the member states, except for a number of agricultural products. However, the main challenge remains at border posts. This has to do with the delays in time spent before one can finally be allowed to cross and the frequency of adjustments of border charges as well as lack of uniform customs documents.

Rules of Origin

Rules of Origin (RoO) are vital for any free trade agreement or customs union since they outline the conditions under which a product qualifies as a local or regional – as part of an FTA – product and hence benefits from a removal of import tariff barriers.⁵ However, if they are complex and difficult to understand, RoO will serve as a trade barrier. In this case procedures of verification should be understood and simplified. The system of verification of the status of origin could also be abused by authorities that seek to protect national markets. While SADC

5 See for instance Naumann, E. (2008)

Table 3: Common Non-Tariff Barriers in the SADC region

Non-Tariff Barrier	Primary reason	Suggested remedy	Current status
Un-acceptance of SADC Certificate of Origin (CoO)	No notification of change of verifying signatures	Efficient communication between national authority and the SADC Secretariat	
Changes in road and border tolls	To generate revenue in a short-term	Adherence to the SADC protocols and agreements by national authorities	Common
Temporal bans on selected products	Industry protection, vested interest and health protection	At times these actions are not justifiable and requires a dispute resolution mechanism	When required on SPS reasons
No acceptance of certificates and trade documents	If documents are in order the refusal could be due to corrupt practices at border posts	Improve border administration and avail anti-corruption apparatus at border posts	
Visa requirements	Lack of harmonisation and revenue seeking	Need to deepen the SADC regional integration process	Required in some SADC member states.
No acceptance of national standards	Inability for verification at national level, lack of regional accreditation processes	Increasing national investment in standards authorities and to harmonise standards at the regional level	Status quo is maintained due to poor standardisation in the region.
Poor collection and dissemination of trade data	Inadequate human capital and lack of computerised systems	The use of the SADC CoO is still difficult to quantify	Common in some non-SACU SADC member states
Pre-shipment inspection, control on prices, foreign currency, state marketing and import licensing.	To prevent under pricing on invoices.	Removal of the entire practice	Most of the member states no longer practice it.

Source: Imani Development Austral Pty Ltd (2004); and authors' additions from recent developments

and COMESA started from similar RoOs, demands by SADC member states for specific clauses protecting domestic industries have resulted in quite cumbersome procedures. In the past, instead of a convergence of the two blocs that would finally ease at least compatibility if not a merger, they have diverged over time. Matters were complicated further with pressure to sign Interim EPAs between the EU and groups of ACP countries. While the EU strives to apply RoO that are in line with trade arrangements with other countries, this reduces the policy space for developing countries that like to see their specific needs addressed. Concerning SADC, the EU trades with South Africa under the Trade and Development Cooperation Agreement (TDCA),

while with other SADC member countries it trades under under IEPA, EBA, etc.

One issue that arises when it comes to RoO is that of cumulating, meaning that more than one country must jointly comply with the RoO. For instance, country A within the SADC region could source processed inputs from South Africa and produce finished goods that are exported to the EU and benefit from preferential access if the value added in South Africa and country A meet the RoO requirement of the EU. While cumulating is allowed for countries that have signed an EPA, provisions for the cumulating with South Africa include a number of exclusions. This reduces the benefits to other SADC countries from sourcing or selling inputs from or to South Africa, the most advanced economy in the region.

The SADC has advanced its RoO and agreed on a variety of concerns among others, agriculture and household appliances. Even though these issues were addressed, it remains that these are on certain product and tariff lines. However, an outstanding and a somehow thorny issue to some member states is that of the Agreement on Textile and Clothing. Member states are pursuing negotiations that would allow for a single-stage transformation while the SADC provides a double-stage transformation. Double-stage transformation is restrictive and would not easily offer opportunities for wealth creation due to supply constraints in most member states on textile and clothing. Single-stage transformation is required and currently is enjoyed by SADC member states that are also COMESA members.

The results of this study shows that COMESA's rules of origin are less cumbersome compared to SADC RoO. Usually, SADC member states that export products tend to choose to use COMESA RoO than SADC ones. In the envisaged inclusive COMESA-EAC-SADC FTA, we find COMESA and EAC have harmonised the RoO but the RoO with SADC have not yet been harmonised. In order for RoO not to introduce trade barriers but to facilitate to create trade through outsourcing of production lines to countries with comparative advantages, RoO have to be harmonised. This process of harmonising RoO in the tripartite FTA has started.

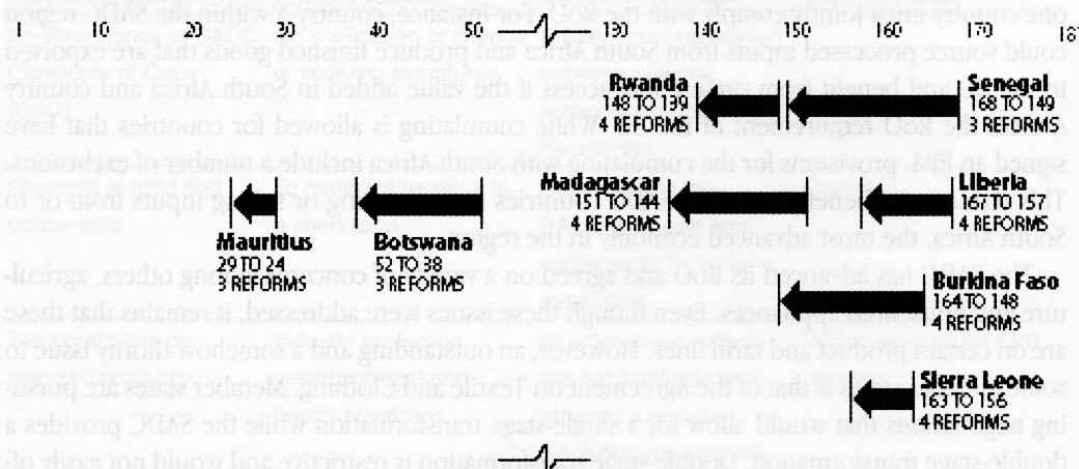
The ease of doing business in SADC

This part is based on the 'Doing Business' report which is a publication of the World Bank. Ranking nation states in terms of the ease to do business is imperative in stimulating economic reforms. This process is especially essential for states that belong to RECs with mandates to advance economic integration. This is equally true for states that belong to SADC. Ranking on the ease of doing business does not tell the entire economic story, but sheds light on the government's eagerness in creating favourable regulatory framework for operating business undertakings. In the 2007/2008 assessment, the criteria on which states are assessed include: starting a business, dealing with construction permits, employing workers, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts and closing a business.

In Figure 3, African states that lead the ladder of reformers are Mauritius which was ranked 29th in 2007/2008 and now at 24. Botswana has made good strides by ranking 38, down from 52 in 2007/2008. Madagascar and Rwanda have also made some great improvements in the ease to do business in 2009 compared to the previous year. As for other SADC member states, their performances in the doing business database of 2009 appears below.

Table 4 indicates that few SADC member states have improved their domestic business environment using 2007/2008 ranking as a benchmark, namely Botswana, Madagascar, Mauritius, South Africa and Zambia. All other SADC member states declined in their ranking. The declining

Figure 3: African reformers' ranking on the ease of doing business in 2008/2009



Adapted from the Doing Business Database, World Bank (2009)

rankings are not attractive to the judgement of foreign investors. With the desire to advance economic integration in the region, the ability to attract these is important.

Economic growth calls for the presence of local, regional and foreign investors. A decline in the ranking is a signal of the difficulties faced by investors in the domestic economy. A steady improvement which can be sustained for a longer period is healthy to investors because it instils confidence in the economy, and it is easier for the investors to somehow predict likely outcomes in the investment environment and associated policies. The improvement in ranking would furthermore support economic growth and, hence, macroeconomic convergence within the SADC region. Room for improvement among SADC member states is there as speculated also in 3.2 under economic yardstick.

Progress on stock exchanges

Regional economic integration in the SADC has been extended to include among others integration of stock exchanges. It is argued that benefits that results from integration of these financial markets relates to fostering higher returns, lower costs, efficient and competitive markets, attracts pools of investors, prevents large capital outflows, diversifies risks, provides more liquidity, and mobilisation of domestic, and international investors. Integrating

Table 4: Trends in 'Ease of Doing Business' Ranking of SADC Countries

Member state	2007/2008	2008/2009
Angola	169	↓169
Botswana	52	↑38
Lesotho	119	↓↓123
Malawi	131	134
Madagascar	151	↑144
Mauritius	29	↑24
Mozambique	139	↓↓141
Namibia	48	↓↓51
Seychelles	93	104
South Africa	35	↑32
Swaziland	100	↓108
Tanzania	124	↓127
Zambia	101	↑100
Zimbabwe	154	↓158

Source: Authors' compilation using data adapted from the Doing Business Database, World Bank (2009)

Note: The arrow ↑ means there is an improvement in the ease to do business whereas ↓ represents a decline in the ease to do business.

stock markets requires careful planning and implementation, in that to rush to integrate stock exchanges could polarise the market by creating an illiquid atmosphere which is not desirable at any moment.

In SADC, established stock exchanges include Botswana Stock Exchange, Dar Es Salaam Stock Exchange, Malawi Stock Exchange, Mozambique Stock Exchange, Namibian Stock Exchange, Johannesburg Securities Exchange (JSE), Lusaka Stock Exchange, Stock Exchange of Mauritius, Swaziland Stock Exchange, and Zimbabwe Stock Exchange. From the integration process, benefits so far have, among others, led to the linking of the JSE to the London Stock Exchange (LSE). The Namibian Stock Exchange (NSE), which is also linked to the JSE has benefited in terms of operating with advanced technology. The LSE calculates the NSE indices and distributes them as part of the package. Prudent regulations have trickled down to the JSE and the NSE through the LSE link.⁶

Transport and telecommunications infrastructure

Transportation infrastructure is essential to smooth and speed delivery of cargo from one member state to another or the outside world. Outside SACU, but still in the SADC region, lies the main challenge of transport infrastructure. The condition and absence in other cases of proper road and railway networks hampers the smooth flow of goods. For many years countries in this grouping have failed to invest in their road and railway networks as a result of wars and economic slowdowns. A typical example of historical wars that ravaged road and rail infrastructure and, or which, prevented rehabilitation of such infrastructure includes countries such as Angola, DRC, and Mozambique.

The current problem with regard to infrastructural development and maintenance is not found in lack of political drive, but is in economic resource deficiencies, especially the situation with Mozambique and Tanzania given that their national budgets continue to rely more on donor funds. Namibia has modern transport infrastructure, but its reliance on the SACU revenue pool, together with Botswana, Lesotho and Swaziland (even though their levels of reliance varies), makes it vulnerable to future revenue sources for its capital projects unless other sources are found. It has been widely mentioned that SACU revenue from the customs pool would decline in the near future due to trade liberalisation. However, so far, rather the contrary was observed because of economic growth that absorbed tariff reductions. Existing transport infrastructure bottlenecks affect, in particular, the north-south corridors linking DRC's Katanga province with South African ports. In part, roads are not tarred, or they are too narrow and not built for the amount of traffic that the high demand for minerals such as copper has induced. Railway infrastructure that could be an alternative to road infrastructure, in particular for the transportation of bulk cargo, suffers in some areas from a severe lack of maintenance and rehabilitation.

Insufficient transport infrastructure causes costly delays in the transportation of goods and passengers, increases maintenance costs of trucks or hinders market access altogether. The result is that transportation costs within the region often exceed the costs for shipments from overseas. For instance, the costs of transporting a container from Dar Es Salaam to Rwanda or Burundi are higher than the costs for the container from China to Dar Es Salaam.

However, efforts are underway to address these bottlenecks and create alternative routes in

6 See Irving, J. (2005)

order to reduce the impact on existing corridors. Namibia, for instance, intends to extend its railway network to the Angolan border in order to link the port of Walvis Bay to mining areas in the south of Angola, but also to provide an alternative to road transport for consumer products destined for Angola. It is planned to build a one-stop border post between Angola and Namibia for railway transports; one of the first of its kind within the SADC region.

Expanding the transport infrastructure and maintaining the network is costly. Countries use various means in order to recover the costs, such as road levies that are to be paid at entry points or are levied on petrol. However, the funds are not sufficient to cover the costs of new infrastructure projects. Countries need to tap into other sources, often donor funding.

Another area that needs attention is the telecommunication infrastructure. While regional service providers cover some regions of SADC, in particular east Africa where one provider provides services in all countries and beyond, in other parts roaming profiles and/or cross border calls are expensive. More competition is not the immediate panacea, unless the necessary regulatory framework exists that, among others, regulates interconnection rates in order to avoid a dominant market player exploiting the position.⁷ This calls for functional competition authorities in member states. While most countries do have competition policies (in Mozambique a draft exists), competition commissions are often in their infancy. In the era of trade liberalisation, and hence easier flow of goods across borders, this is an area where capacity needs to be built to avoid uncompetitive behaviour of market players. Again, high telecommunication costs are a barrier to trade and investment.

Trade policy positions and preparedness

So far, part of Mozambique's service sector has been liberalised and the tariff reduction concessions are on schedule with complete phasing down of tariffs scheduled for 2012. The challenge which Mozambique faces is that of a steady decline in revenues which is estimated at about five per cent to six per cent due to tariff reductions, but the Receiver of Revenue attempts to recoup the shortfall through increased efficiency of domestic tax collection. With South Africa being the main trading partner, supplying about 66 per cent of Mozambican imports, Mozambique would require bilateral arrangements with South Africa to assist with some incentives so that the Mozambican economy may also shape up in terms of trade benefits, and improvement of the much-needed skills. This argument is based on the need for supporting one another as trade partners in the same REC. The study has found that in Mozambique, the current Mozambican Value Added Tax (VAT) stands at 17 per cent which is levied on imported products.

To a high degree, most of the SADC member states lack the supply of diversified products. This means that common and somehow similar products they sell fail to stimulate intra SADC demand except for those that are needed to maintain food security positions. This lack of diversity of marketable commodities gives South African entrepreneurs an opportunity to dominate regional trade due to the advantage of their diversified supplies. As a result, both Mozambican and Tanzanian small and medium enterprises fear the might of South African economic muscle as the main threat to their survival. Lack of information on the sources of funds and markets beyond their borders of Mozambique and Tanzania is a serious obstacle to their active participation in intra-regional trade. In Mozambique, Namibia and Tanzania there is an absence of, or in some instances inadequate, production lines for locally produced products. The problem with

7 See for instance Stork, C. and Esselaar, S. 2008

this absence or inadequacy of production capacities manifests as a serious supply constraint which has some disadvantages of diseconomies of scale.

Currently the SADC lacks a formalised approach that collects resources from the well-to-do member states to utilise the resources on the less well off member states in order to uplift their economic positions. The idea is mired by the fact that each SADC member state has its own internal challenges and the main focus is still on the national, and very little on the regional, level especially when resource allocation is concerned. The SADC Development Fund listed in the RISDP should have come into place in 2005 and so is behind schedule. Even though this idea of mobilising resources from well-to-do member states to the less well off ones is good, it nevertheless has some weaknesses through inviting national protests from domestic interest groups. The Development Bank of Southern Africa (DBSA) could be seen as a building block for a SADC Development Fund. However, so far member states do not have shares in the DBSA. The DBSA cannot leverage resources on behalf of the region. These issues need to be addressed.

Customs standards

Intra-SADC trade in goods is vital to the efficiency and full operation of the SADC FTA. In the SADC Trade Protocol, cross-border trade is heralded as an important consideration for the success of the SADC region. Despite this understanding, there are still delays at border posts which are a result of, among others, the duplication of customs documents. SADC member states use various customs standards. It was found that South Africa uses Customs Automation Entries at the border, while Botswana, Malawi and Namibia use ASYCUDA, an UNCTAD product. However, there are four different versions of ASYCUDA currently in use. It is important for speedy border procedures that these customs systems talk to each other. The SADC Secretariat is facilitating the process of seeking to ensure that versions of ASYCUDA and any other system used in customs procedures have some elements of compatibility to reduce conflicts of processes.

In addition, customs documents are cumbersome to complete, a concern most member states visited in the survey have pointed out. Having realised the delays at border posts as a barrier to trade, the SADC region has embarked on various initiatives such as the Single Custom Document and the once-off-stop border post projects. The Beit Bridge border post (between South Africa and Zimbabwe), Chirundu border post (Zambia and Zimbabwe) and Komatipoort (Mozambique and South Africa) are the first to be piloted. In addition, Namibia currently extends its railway network to the Angolan border. A first one-stop border post for trains will be built at the Oshikango (Namibia) – Santa Clara (Angola) border post. This is a significant change to earlier plans that envisaged the traditional two border stops. It is hoped that lessons from the projects which are being piloted will assist in enlightening on the better way to manage border procedures to stimulate cross border trade in goods.

Botswana, Namibia and South Africa started a pilot project some years ago for a Common Single Administration Document on the Trans-Kalahari Highway that links the port of Walvis Bay in Namibia through Botswana with Gauteng Province in South Africa. The positive results of this project led to the adoption of the document within SACU, and could be expanded to SADC at large.

All countries use the internationally defined Harmonised System (HS). However, a number of countries add codes at the HS 6-digit level that are internationally not defined. Reportedly, South Africa has added some 200 to 250 codes at this level. So far the SADC adopted the 6-digit level and accepted Chapter 98 use by South Africa for vehicle assembly plants. On the 8-

digit level, there are special national circumstances which result in tariff splits or amalgamation which seem to be unavoidable. There is a need for information dissemination so that relevant authorities in member states are aware of these developments.

Product standards

Setting standards of products in the SADC region remains a challenge. Currently in Mozambique there is a system of setting standards called INNOQ. In Tanzania there is Tanzania Bureau of Standards (TBS) that sets national standards of products even though it is in its infancy. Namibia has been assisted by South Africa to set up Namibia Standards Institution (NSI) that sets national standards of products. Like TBS and INNOQ, NSI is also in its infancy stage. South Africa has a long established institution called the South African Bureau of Standards (SABS). The issue of accrediting institutions of standards is spearheaded by an instrument known as SQAM. This has to do with harmonisation of standards and quality issues to ensure that rules on product standards are harmonised. As trade in the region advances as a result of the SADC FTA that has come into place, it will be useful to have the standards of products harmonised so that disputes are reduced. Product standardisation is also important in that it guarantees and thus assures importers on the quality of products from member states. It is a necessary ingredient to deepen integration through expanding value chains across the region. Certain products lines can be outsourced to other companies in other member states if the final producer is assured of the quality of the product he will receive in return. Furthermore, if storage facilities in member countries comply with international standards this will facilitate trade between countries. Storage facilities for agricultural products are currently not up to standard in some countries.

Preferential access to the EU market under Lomé or Everything But Arms has already compelled SADC countries to adopt certain product standards in order to fulfil EU requirements. However, financial and technical assistance is needed to upgrade production facilities and increase skills to comply with these requirements. If more SADC states work together and harmonise standards it would open room for breaking up production processes and benefit from specialisation. It would reduce production costs and hence make the region more competitive and eventually attractive to investors.

Conclusions

SADC has seen substantial improvement at its border posts. This came due to the realisation that trade is imperative and border posts are key to facilitating free movement of goods. There are issues though which still require to be addressed at border posts, including the improvement in customs facilities, and making ASYCUDA and the Automated System to be compatible with each other. When ASYCUDA and the Automated System are made compatible delays in transiting goods across borders would be reduced.

On product standards, harmonisation is taking place among bureaus of standards in the region. However, the process is not that useful compared to what it would be if harmonisation was done using international standards. In fact standards that are being harmonised shares commonality with international ones. but harmonising with international standards could automatically instil the same status in the regional bureaus.

Whether or not SADC becomes a customs union in 2010 is not the issue; how it consolidates and builds on what it has already achieved through an FTA is what matters more. In other

words, deepening its FTA to serve as a launch pad for advanced levels of integration is what should be given priority. Hence the focus should shift to deepening regional integration by harmonising trade and sector policies and removing remaining NTBs. The trouble with overlapping memberships would be addressed temporarily through the COMESA-EAC-SADC tripartite alliance. However, the fact that COMESA, EAC and SADC continue to aspire for higher levels of integration such as the CU might revive the overlapping membership friction. In the meantime, COMESA, EAC and SADC have engaged the process of finding the roadmap on issues such as monitoring NTBs, RoO, infrastructural and communication policies. Again on NTBs, SADC has to strengthen its NTB monitoring mechanism to ensure effective surveillance. Working on all these issues step-by-step will likely reveal more and speedier results than only embarking on an expanded FTA between the three blocks.

Furthermore, with the signing of the SADC FTA, member states accepted he need to respond to the expected process of policy harmonisation at a regional level. Strategically, the path to higher levels of integration suggests the sovereignty aspect needs to be considered for the process of integration to become more meaningful, and should be carefully driven with the help of the SADC Secretariat. Currently the SADC Secretariat is not empowered to perform these functions. The SADC member states need to consider ceding some 'sovereignty' to make the Secretariat more effective. This strategic recommendation falls short of the current statute that establishes the SADC but it is critical for improving the present situation. The current way of operating a secretariat would not be effective with higher levels of integration. Starting the debate on this issue could shed more light as time goes but before that crucial time comes. Given that the Summit is the highest structure that endorses protocols and structural adjustments at the Secretariat, any departure from a less empowered secretariat to a stronger one would require the Summit to ratify the proposed position.

With the fact that SADC is not yet at a higher level beyond an FTA, the SADC Development Fund should be established for member states to begin to benefit from it. The benefits of belonging to this group have to be revealed through institutions like the proposed fund. Without strong incentives, member states may drag the process of implementing programmes and protocols they have or they are yet to sign. On tariffs, most tariffs have now fallen to zero, but remaining ones should be re-negotiated to ensure that a plan on when they will be completely removed becomes known. This would also be informative to member states that are yet to lose revenue from the final phase down so that they begin to find reasonable ways of mitigating for the imminent losses.

It still has to be seen whether or not the SADC will manage to address other issues such as compensation to member states that suffer revenue losses due to tariff phase-down. Future strategic plans should provide for discussions on mobilising funding, via established institutions or through the creation of a SADC Development Bank to fund projects that are greatly needed in member states. SADC will also need to establish a monitoring mechanism to detect non-compliance with signed protocols and agreements. When this is done, it may assist with hastening implementation processes. Competition commissions should also be established in member states where they do not exist. Establishing competition commissions is pertinent in that unfair competition would be addressed by such commissions, thus levelling the playing field in both the domestic and regional trade environments.

Finally, the regional integration project needs to engage civil society since it is the citizens that should eventually benefit from economic and social development. The xenophobic attacks in South Africa in the middle of 2008 have clearly shown what could happen if the population is not strongly involved and is aware of the benefits of labour market integration. Awareness

campaigns in all SADC countries on radio, television and in newspapers would increase the knowledge of the benefits of integration. Such awareness would help to create a SADC identity and a culture of working regionally.

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Appendix 1: Interview guideline

NB: Not all the issues were applicable to all stakeholders

The implementation of plans and obstacles thereof: adherence to agreed principles, actions and functioning of created institutions (e.g. SADC National Committee), tendencies of bureaucratisation. Progress in the removal of tariffs and NTBs.

Consistency of policy objectives – internal consistence with regard to national development plans and visions, consistency with other regional plans and objectives (e.g. CMA, SACU, AU/NEPAD, EPAs etc).

The progress or otherwise of other inter-state initiatives in which members states of SADC are participating may strengthen SADC (SADC as a stepping stone to African integration, SACU as a building block for deeper integration within SADC), but it may also direct scarce human and financial resources away from SADC.

Institutional implementation capacity: Institution building, Human Resources etc.

Financing of SADC: sufficiency for present and planned activities, dependence on International Cooperating Partners (donors), distribution of membership fees. Sufficiency of funding; contributions by governments, donors, others – funding of SADC National Committees.

Overlapping memberships to Regional Economic Communities and EPAs, How are *decisions formed* about which grouping to join? Who is involved in the decision making process? What role does the *private sector* play? Formal/informal communication channels.

Relation to the private sector and civil society (including trade unions, churches, media, NGOs, etc.): *Degree of their knowledge of and participation* in the process of RI.

Legal structures and their adequacy to monitor compliance with signed protocols.

Costs and benefits of the Regional Integration process and the perceptions of these on countries and various interest groups. This is believed to be a key driving force for the speed and sustainability of regional integration.

Adequacy of the SADC linear model of integration as a focal point or dealing with intermediaries such harmonisation of customs and excise standards, road authority standards, standardisation of goods in general and legal institutions.

The role of the SADC Secretariat in the quest for regional integration.

Previous Monitoring SADC reports can be downloaded from: http://www.foprisa.net/publications/research_outputs.htm

Appendix 2: List of interviewees

Mrs Cerina Mussa: National Director of International Relations at the Ministry of Commerce and Industry, Maputo

Mr Constantino Gode: Economic Advisor at the Ministry of Finance, Maputo

Mr Domingos E. Fernandes: Director of SADC and NEPAD affairs at the Ministry of Foreign Affairs, Maputo

Mr Lourenco Sambo: Economic Advisor at the Ministry of Planning and Development, Maputo

Prof Carlos Castel-Branco: Director of the Institute for Social and Economic Studies, Maputo

Ms Migelia Minezesh: President of Association of Mozambican Economists

Mr Herminio Sueia: Director General of Mozambican Revenue Authority

Mr Anastacio E. Magombe: Director at Mozambican Revenue Authority

Mr Hernani Ruface: Head of Division of Regional integration at Mozambican Receiver of Revenue

Mr Jim Lafleur: Senior Economic Advisor at Confederation of Business Associations of Mozambique

Mr Dino Foi: Coordinator of Consultative Mechanisms at Confederation of Business Associations of Mozambique

Mr Ambassador Herbert E. Mrango: Director for Regional Cooperation at the Ministry of Foreign Affairs and International Cooperation in Tanzania

Prof. Robert Mabele: Professor of Economics at University of Dar Es Salaam

Mr Daniel Machemba: Acting Chairperson of the Tanzanian Chamber of Commerce, Industry and Agriculture

Ms Magdalene Mkocha: Senior Chamber Development Officer at the Tanzanian Chamber of Commerce, Industry and Agriculture

Mr Suweid F. Faraj: Manager of Customs Automated Systems at Tanzania Revenue Authority

Mr Narcis A. Lumumba: Customs Officer of Trade Facilitation Unit at Tanzania Revenue Authority

Dr Joseph L. Masawe: Director of Economic Policy at Bank of Tanzania

Mr Peter L. Kadesha: Deputy Director of Macroeconomic and Financial Programme at Bank of Tanzania -

Mr Phillemon L. Luhandja: Chief Secretary at the State House of Tanzania

Dr Hamisi H. Mwinyimvua: Personal Assistant to the President (Economic Affairs) at State House of Tanzania

Mr. Singi R. Madata: Coordinator of Reforms in the Office of the Chief Secretary at State House of Tanzania

Mr. Mtemi L. Nahuyaga: Executive Director of Tanzania Exporters' Association

Mr Peter G. O. Lanya: Vice Chairman of Tanzania Exporters' Association

Dr. Oswald Mashindano: Senior Research Fellow at the Economic and Social Research Foundation, Tanzania

Mr Mshilyeni Belle: Head of International Relations at the South African Reserve Bank

Mr Brian Monyake: Senior Economist at the South African Reserve Bank

Mr Mmatlou Kalaba: Senior Trade Economist at Trade and Industry Policy Strategies, Pretoria

Ms Ximenta Gonzalez-Nunez: Deputy Director at Trade and Operations at Trade and Industry Policy Strategies, Pretoria

Mr Mbofhi Tsedu: Researcher at Trade and Industry Policy Strategies, Pretoria

Mr Wamkele K. Mene: Director of Trade in Services at the Department of Trade and Industry, Pretoria

Mr Joseph Senona: Assistant Director of SADC Unit at the Department of Trade and Industry, Pretoria

Ms Varsha Singh: Manager in the Office of the Commissioner for International Relations at the South African Receiver of Revenue

Ms Maggie Tladi: Senior Policy Analyst in the Office of the Commissioner for International Relations at the South African Receiver of Revenue

Mr Hammed Amusa: Senior Researcher at the Fiscal Policy at the Financial and Fiscal Commission, Midrand

Dr Themba Mhlongo: Advisor on Regional Integration at the Southern Africa Trust, Midrand

Ms Giulia Pietrangeli: Trade Analyst at the European Delegation to South Africa

Mr Jurgen Hoffman: Special Trade Advisor at the Agricultural Trade Forum in Windhoek

Mr Eckhart Naumann: Tralac Associate, Cape Town

Mr Willie Roux: Independent Analyst, Windhoek

Mr Alain Joaris: First Counsellor and Head of Economic and Social Unit at the EU Delegation to Namibia

Mr Cleopas Sirongo: Ministry of Trade and Industry, Namibia

Mr Mesaq Mulunga: Deputy Director at the Ministry of Agriculture, Namibia

Mr Frikkie van der Merwe: Customs and Excise at the Ministry of Finance, Namibia

**DEMOCRATIC DEVELOPMENT: CIVIL
SOCIETY AND HUMAN SECURITY
IN THE SOUTHERN AFRICAN
DEVELOPMENT COMMUNITY**

CIVIL SOCIETY AND HUMAN SECURITY: A CONCEPTUAL NOTE

LISE RAKNER

Introduction

The purpose of this paper is to examine the conceptual literature on civil society and its role in the promotion of human security, regional cooperation and integration. Civil society is closely linked to the concept of human security. Often referred to as a critical security perspective, the human security agenda, introduced by the United Nations Development Programme's 1994 *Human Development Report* (HDR), identifies individuals and collectives as the objects of security. The concept emphasises human rights, good governance and, more generally, quality of life issues as the central dimension of international security. Non-state actors, and in particular civil society, are regarded as crucial for advocating the concept of human security. Within this perspective, civil society is also tasked with launching policy initiatives that may translate this concept into concrete policy initiatives that address the sources of human insecurity.

This concept paper suggests that the notion of security and security threats present in the concept of human security is of particular relevance to the southern African region as security threats linked to poverty, infectious diseases and in particular the HIV/AIDS pandemic, environmental degradation and the pressing refugee crisis are threats that cut across state boundaries and demand regional and international solutions. Furthermore, experience has shown that states may constitute a significant threat to the security of citizens and regional networks of civil society associations working closely with local associations may be in a better position to address these security threats than national governments. It is therefore of great interest to critically address the role of civil society in the promotion of human security within the Southern African Development Community (SADC) organisational structures and the region more broadly.

However, while the notion of civil society is used widely, there is no clear agreement on what the concept really entails, despite being frequently used by all. In the context of human security concerns, arguably, the notion of civil society is closely linked to a Western concept of non-governmental organisations (NGOs) operating on a global level. Critical questions regarding both national and international NGOs must be asked in relation to their legitimacy and representativeness. It is also a concern that the international donors, by funding a set of associations and excluding others, are empowering particular sets of civil society actors. A particular feature of the southern Africa region is that many of its current governments have emerged out liberation movements that traditionally have incorporated many of the 'civic' associations into its movement and later party structures. The concept of independent associations outside the state has proven difficult to integrate to the liberal notion of civil society across the region. How does this affect the relationship between civil society groups promoting a human security agenda and the states of southern Africa? What roles does SADC here play? Similarly, critics of the concept of human security have argued that its vagueness has undermined its effectiveness and it is therefore unclear whether the concept of human security can serve as a practical guide. In the context of the southern African region, and SADC in particular, it may be questioned how far this notion of

security has evolved as the organisation still applies a strong focus on states and the members states autonomy from external intervention.

The paper is divided into four main parts. Following the introduction, section two assesses the conceptual and current debates around the concept of civil society and problematises this concept in the SADC region. Section three introduces the concept of human security and shows how it is closely linked to global, regional and domestic nongovernmental associations. A final section discusses the role of civil society in the promotion of human security and its application to the SADC region. A set of research questions are proposed intended to guide the empirical analyses of various aspects of civil society and its role in promoting human security in the SADC region.

The concept of civil society

The concept of civil society is contested but it is generally agreed that it constitutes the intermediary associational realm between state and family populated by organisations which are separate from the state, enjoy autonomy in relation to the state and are formed on a voluntary basis by members of the society to protect their interests or values (White 1994: 379). Civil society may be differentiated from political parties in that they do not explicitly seek political mandates through presenting candidates in elections.

In the context of sub-Saharan Africa, civil society organisations are often grouped into four different forms of associations:

- Grassroots organisations that are organised for economic or social purposes operating at the local level such as burial societies, water groups, etc. According to Chabal and Daloz (1999) this is the only 'real form' of civil society in sub-Saharan Africa as it is grounded in real local concerns.
- Professional or vocational organisations such as farmers and business associations, lawyers associations, trade unions and churches.
- Media institutions (print houses, radio and television).
- NGOs established with a task of addressing either developmental, environmental or human rights concerns. In the context of sub-Saharan Africa these associations are very often established and funded with significant donor support which may affect their sustainability.

Since the early 1990s the promotion of democracy has become an explicit focus of aid and foreign policy, and programmes to support civil society have been heavily emphasised by most donors. Throughout the developing world, the number of (pro-democracy) NGOs mushroomed as a direct consequence of civil society assistance programmes. As argued by Carothers and Ottaway (2000: 98) in the case of Africa, "[I]f success is measured by the number of NGOs formed in the late 1990s, civil society assistance to Africa has been extremely successful". In many instances, the infusion of donor assistance helped to strengthen civil society organisations in countries which already had strong civic traditions and comparatively rich networks of associational life. However, in many other cases, international assistance was instrumental in creating voluntary associations and, therefore, a new form of civil society, following decades of authoritarian rule.

Critics have argued that donors have tended to reduce the concept of civil society to a depoliticised technical tool (Jenkins 2001; Robinson and Friedman 2005). Secondly, as the international community has employed a rather limited definition of civil society that has tended

to equate civil society with Western-style advocacy groups or NGOs, their assistance has been focussed on a narrow set of organisations. In particular, organisations that form an important part of civil society in most advanced democracies, such as sports clubs, cultural associations and religious associations, have been absent from most programmes (Carothers and Ottaway 2000). Thirdly, in many instances the views of the NGOs that emerged as a response to democracy promotion programmes have reflected the donors' view of democracy both in their immediate goals and in the means they use to pursue them. Fourthly, many of the NGOs favoured by democracy assistance programmes have a small membership and therefore lack a mandate from a wider constituency, putting both their sustainability and representativeness in doubt. Finally, there is evidence that donor assistance can actually militate against grassroots participation because the NGOs it helps to bring about are perceived as depoliticised, too closely aligned with donor service delivery agendas, too dependent on external funding, and out of touch with the grassroots (Howell and Peace 2001). Taken together, these factors have often meant that donors have focused their attention and funding on particular types of social organisation (urban-based and poorly rooted in society, top-down rather than grassroots, trustee rather than representative organisations and heavily reliant on external funding for their continued existence). As a result they have bypassed other significant agents of social and political change.

The relationship between externally funded NGOs and the state

The question remains whether this form of donor assistance represents a direct interference in political processes. This issue has given rise to heated debates between governments, the donor community and civil society. NGO activities, such as the promotion of human rights and monitoring elections, are viewed with suspicion by developing country governments and in some countries (for example, Ethiopia, Zambia, Malawi and Zimbabwe) such NGOs have been subjected to government harassment. Furthermore, close linkages to the donor community have made it very difficult for these associations to build productive relationships with government. The fact that changing aid policy affects the power relationship between the government and civil society is an issue that seldom is reflected in evaluations of democracy assistance.

It may also be argued that *international NGOs* (INGOs) are the part of civil society that has taken on the most prominent role in the new political realities formed by the poverty reduction strategy papers PRSPs (Florini 2000). The large international NGOs with local branches/partner institutions in the South have taken on something of a sub-contracting role. They have also taken on key roles themselves where national civil society has been weak or where an authoritarian government has allowed only limited independence to local NGOs.

The new and prominent role of INGOs, not least linked to the human security agenda, raises new issues about the basis for both NGOs' and their own legitimacy. Do they have a right to represent poor peoples' interests in national policy processes? To whom are they accountable? What are the implications of being representative for their own internal governance and organisational structures? There are no easy answers to these questions. While it is undoubtedly true that INGOs have made important contributions to democratisation efforts in the developing world, it is also worth considering whether the presence of these (relatively) large international NGOs may not have an adverse impact on the capacity and sustainability of home-grown NGOs, which tend to be much smaller and to lack the resources to compete with their international counterparts (for funding, skilled personnel, policy influence, etc) (Rocha and Rogerson 2006).

It is important for both donors and policymakers to be aware of these potential tensions given their strong emphasis on INGO financing as a means of supporting democratisation.

Civil society and the political realities of southern Africa

A particular feature of the SADC is first of all the late liberalisation and independence and the liberation movements that have later become incumbent governments, very often dominant parties. Tanzania, Zambia, Angola, Mozambique, Namibia, Zimbabwe, South Africa were all characterised by the unity within the liberation movement. This has a clear effect on the mode of government and nature of civil society. According to Melber (2002), former liberation movements coming to power are characterised by structural flaws that impede the creation of democratic institutions. In many instances, the military organised structures are transferred into government institutions, which have led to an uneasy relationship to autonomous associations, opposition and liberal democratic values more generally.

There are of course significant differences within the southern African region and autonomous civil society associations are in some countries providing significant insights and alternative voices to the policy making process. Nevertheless, the potential conflicts between a largely 'donor sponsored' cluster of autonomous NGOs and a set of associations traditionally tied to the liberation movement/dominant party is an important area of research. It is also important to analyse how many governments in southern Africa have attempted to control and limit the space of civil society through various forms of registration and licensing laws.

Linked to regional developments and policy issues affecting the region more generally, it is also important to question what civil society organisations that are the driving forces in these processes. South Africa has by far the most extensive and best organised network of civil society associations. The question is whether the norms and values of a liberal democratic agenda, and the key role herein provided civil society organizations (CSOs), are being translated to the southern African region via South African organisational 'filters'. To the extent that South African CSOs are influencing the policy agenda for CSOs in the region, what are the impacts for the role of CSOs in terms of promoting human security issues? Does this affect the representativeness of the views presented? Can it be argued that the voices of civil society represented in regional forums represent the views of the majority of the regions citizens? These are questions that so far have not received much attention in empirical analyses

The concept of human security

Human security will here be understood as a new paradigm for understanding global vulnerabilities. The proponents of the concept challenge the notion of national security arguing that the referent for security should be individuals and not states. Thus, human security – as opposed to a traditional notion of security – centres on a 'people-centred' notion of security holding that this understanding is necessary to secure national, regional and global stability.

The United Nations Development Programme's 1994 *HDR* (UNDP 2005) is considered a key publication in the field of human security. This report presented the argument that ensuring 'freedom from want' and 'freedom from fear' for all persons is the best way forward in order to tackle problems of global security. Following this path-breaking study, human security is now frequently referred to in a wide variety of global policy discussions and often part of university curricula. The 'mainstreaming' of the concept was secured when the 2005 World Summit out-

come document committed the UN General Assembly to discussing and defining notions of human security. The 1994 HDR defines human security as; economic security, food security; health security; environmental security; personal security; community security and political security (Suhrke 1999, Shawki 2004).

The central argument of authors writing from a human security perspective is that global policy problems, as opposed to military threats that have traditionally dominated security research and policy, pose the greatest security threats in today's world. Criticising the prevailing and mainstream notions of security, they advocate a shift in our thinking about what security constitutes, about whom the objects and beneficiary of security policies should be and about the entities that can provide security (Hoogensen and Carothers 2001).

Table 1 below shows how the concept of human security departs from the traditional security concept. As indicated by the table, the two perspectives on security are overlapping as people are also the centre of attention within traditional security, however within state boundaries.

Table 1: Notions of Security: Traditional Security and Human Security¹

	Traditional security	Human security
Referent	Designed to promote demands ascribed to states, other interests are subordinated to those of the state. Traditional security protects a state's borders, institutions, people and values.	People-centred, focus shifted to protect individuals. The important dimensions are to entail the well being of individuals and respond to ordinary people's needs in dealing with sources of threats.
Scope	Seeks to defend states from external aggression – the states' ability to deter or defeat attack. Emphasis on protecting territory from external threats.	In addition to protecting the state from external aggression, human security expands the scope of protection to include a broader range of threats such as environmental pollution, infectious diseases and economic deprivation
Actors	The state is the sole actor, decision making power is centralised in the government and the execution of strategies rarely involves the public. This notion of security assumes sovereign states operating in an anarchical international environment without any world governing body enforcing international rules of conduct.	The realisation of human security involves not only governments but a broader participation of different actors such as regional and international organisations, nongovernmental organisations and local communities.
Means	The building of national power and military defence.	National power and military defence but in addition aims to protect and empower people and societies as a means of security.

However, human security and traditional notions of security are not mutually exclusive. The 1994 HDR originally stated that the human security agenda required attention both to the wellbeing of individuals, and to respond to ordinary people's needs in dealing with sources of threats. A division has later emerged over the scope of protection (e.g. over what threats peo-

1 Author's summary of literature. See Hampson (2002), Liotta (2002), Paris (2001) and Suhrke (1999).

ple should be protected from) and over the appropriate mechanisms for responding to these threats. Attempts to implement the human security agenda have emerged into two schools of thought – freedom from fear and freedom from want. Arguably, the ‘freedom from fear school’ is placed relatively close to more traditional notions of security.²

The freedom from fear school: Proponents of this agenda seek to limit the practice of human security to protecting individuals from violent conflicts. The approach argues that limiting the focus is a realistic and manageable approach towards human security. Hereunder, emergency assistance, conflict prevention and resolution and peace-building are the main concerns. Canada has been a critical player in the efforts, among other things, to ban land mines, and has incorporated the freedom from fear agenda as the primary component of its foreign policy.

The freedom from want school: According to the 1994 HDR, the freedom from want perspective focuses on the basic idea that violence, poverty, inequality, diseases, and environmental degradations are inseparable concepts in addressing the root of human security. In contrast to the narrower concept of freedom from fear, this perspective on human security expands the focus beyond violence with emphasis on development and security. Japan has adopted a broader freedom from want perspective in its foreign policy.

Human security: the role of states and non-state actors

Human security has been suggested to be particularly useful in examining the causes of conflicts that explain and justify humanitarian interventions. It is also a paradigm that may be used for identifying, prioritising and solving large trans-national problems. A central debate within the human security discourse relates to the fact that many concepts under human security, like humanitarian intervention, violate the traditional principles of state sovereignty, which is a deep-rooted concept. As states still play a major role in global affairs, the unwillingness of states to give up parts of their state sovereignty has made human security approaches less effective. Critical security theorists argue that far from being guarantors of security states in many parts of the world are the main source of threat and insecurity for individuals living within their borders. It may therefore be argued that traditional security concepts are inadequate in terms of dealing with internal threats, civil war and cases where the state is the perpetrator.

The human security perspective entails a fundamentally different understanding of both the object and provider of security: states are not necessarily the sole providers of security – or its object. Rather, it is assumed that non-state actors may be a major force behind the transformation of the concept of security and a major provider of security. The keys here are critical social movements. By providing a role for civil society actors/non-state actors as both the main object and provider of security, the human security agenda explicitly links human security and civil society by arguing that non-state actors will be prominent in advocating the concept of human security. The question is whether a global civil society has been an important force for change in the international security discourse. Furthermore, to what extent have these movements/actors been successful in terms of reaching their goals? What empirical evidence and analysis exists internationally?

Critical security theorists claim that non-state actors can be a major force behind the transformation of the concept of human security and they can be a major provider of security. In

2 In practice, freedom from fear and freedom from want are not contradictory, but may be considered complementary.

particular, in contexts of weak and failing states and conflict, the role of CSOs as providers of human security has been emphasised. There are so far few studies that assess the extent to which non-governmental associations at the international level have been able to change the international security discourse. The key examples of global civil society movements that have influenced trans-national security concerns and thus aimed to realise a human security agenda are: the Kimberly process, an initiative concerned with conflict or blood diamonds; Jubilee 2000, the movement advocating the cancellation of debts of heavily indebted people; and finally, the international campaign to ban land mines. Evidence from these international campaigns show that even though these international movements frame their causes and goals in terms of human security concerns, the result that their campaigns have achieved do not represent a truly transformative change in international relations (Shawki 2004). Thus, while transformative initiatives have emerged in the global civil society since the end of the Cold War, these initiatives have not been able to turn their visions into reality as there are strong tendencies of maintaining the status quo. While the literature points to some indications of global civil society as agents of change in the discourse and practice of international security, it is still debated how far-reaching the influence of trans-national movements have been given the resistance to change in the international system.

Moreover, the human security agenda still faces difficulties concerning the scope of its applicability. Critics of the concept argue that its vagueness has undermined its effectiveness. As a result, it has become little more than a vehicle for activists wishing to promote certain causes that do not help the research community to understand what security means or help decisions makers formulate good policies. Arguably, it remains unclear whether the concept of human security can serve as a practical guide. Like 'sustainable development', the concept lacks a clear definition. Furthermore, it is argued that the supporters of human security deliberately try to keep the concept vague and expansive so that the concept can keep the coalition of middle-power states, development agencies and NGOs (Paris, 2001: 88). Deeper concerns concerning this approach revolve around how this process could be implemented in practical terms and whether or not human security is the best tool for addressing global threats. Arguably, the human security approach, in particular the freedom from want school, may suffer from being too idealistic.

Civil society and human security, non-state actors and the realities of the SADC region

The perspectives on human security framed in global terms and located at an international policy arena are of great relevance to the challenges facing southern Africa. The high prevalence of HIV/AIDS, persisting poverty, problems of illiteracy, gender inequalities, limited access to health, and the plight of refugees are some of the major challenges facing the region. These challenges are trans-national and demand solutions that transcend the national level. Recent events in South Africa where immigrants have been the victims of mob action and violence point to the need to understand and tackle issues of human security at a regional and international level.

A central component of the human security concept is that it presents a fundamentally different understanding of the state both as the object and the provider of security. Within this perspective, individuals or groups, rather than states, are the objects of security and states are not necessarily the sole providers of security. The emphasis on actors outside the state institutions

as both the object of security and a provider of security is a pressing and highly relevant topic for analyses of human security in the SADC region. Arguably, many states and governments of southern Africa, far from being guarantors of security, are considered the main source of threat and security for individuals living within their borders.

Within this perspective, SADC as a regional body has an important role to play in terms of protecting citizens of the region from states not fulfilling their obligations toward their citizens. The question is whether SADC as a regional organisation is capable of fulfilling this role. However, to the extent that the security agenda through the application of human security is implemented, how does this affect the state's responsiveness to its citizens? What are the consequences for the states? Is it possible that political leaders and representatives of southern African states will become further removed from its citizens?

The debates within the human security discourse reflected in this paper reflect also a much-repeated criticism of the SADC institution – its perceived lack of ability or will to intervene in member states when political, civil and social rights of citizens are being violated. The question is whether the human security agenda has affected the debates within the relevant SADC organs? Actually, have there been debates that are in favour of an actor/human centred notion of security? At this stage, we have limited empirical knowledge about the debates and application of the human security concept in the southern Africa region. In particular, we do not have adequate understandings of how this debate may have affected SADC as an institution. The kind of non-state actors/associations involved, their origins and representativeness is also an area where we have limited knowledge. The questions below provide a starting point for further empirical investigations.

Civil society and human security: questions for further empirical analysis

- In the SADC region, who are the regional non-state actors capable of assuming some of the security provisions conventionally ascribed to nation states?
- What are the experiences with global civil society networks in the region? Are there examples of cooperation between INGOs and NGOs in the region that can be linked to regional human security concerns?
- What is the relationship between SADC, the international donor community and civil society in terms of human security concerns: Where have these issues been voiced? Can driving forces be identified?
- To what extent and how has the perspective of human security been debated and implemented through SADC forums?
- At what level, and how, does SADC as an institution link to civil society?
- To what extent are human security concerns debated within SADC in relation to violations of human rights within member states?
- Does the debate on human security within SADC reflect divisions that can be linked to different notions of security (traditional versus human security perspectives)? Where are the potential conflicts located?

- What legal restrictions are applied to civil society in the various SADC countries?
- Which associations and umbrellas of associations cut across the region?
- To what extent does donor funding shape the pattern of civil society associations in the SADC region? Can differences be discerned between aid-dependent and less aid-dependent countries in the region?
- Is it possible to establish a typology of associations that may be particularly promising in terms of promoting a human security agenda across the region?

Concluding remarks

The discussion above has aimed to introduce the conceptual literature on civil society and its role in the promotion of human security. In particular, the paper has aimed at providing guidance for empirical analyses of the role of civil society in promoting human security in the SADC region. The paper has assessed the conceptual and current debates around the concept of civil society and problematised the concept when applied to the SADC region. Furthermore, the paper has aimed to show that the concept of human security is closely linked to global, regional and domestic nongovernmental associations. The discussion has raised a set of research questions intended to guide the empirical analyses of various aspects of civil society and its role in promoting human security in the SADC region.

This paper has argued that the notion of security and security threats present in the concept of human security is of particular relevance to the southern African region as security threats linked to poverty, infectious diseases and, in particular, the HIV/AIDS pandemic, environmental degradation and the pressing refugee crisis are threats that cut across state boundaries and demand regional and international solutions. Furthermore, southern African political realities indicate that states may constitute a significant threat to the security of citizens. As a result, regional networks of civil society associations working closely with local associations may be in a better position to address these security threats than national governments. It is therefore necessary to critically address the role of civil society in the promotion of human security within the SADC organisational structures and the region more broadly.

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INTERFACES BETWEEN REGIONAL CIVIL SOCIETY ORGANISATIONS AND SADC STRUCTURES ON HUMAN SECURITY

BERTHA Z. OSEI-HWEDIE

Introduction

The importance of civil society organisations (CSOs) in human security has increased over time, especially since the end of the Cold War, and the shift in priority from traditional (state) security to human security. Indeed, enhanced political stability in the SADC, with the end of civil wars in the Democratic Republic of Congo (DRC), Mozambique and Angola, has facilitated the shift in orientation to human security as the primary focus. The elevation of human security problems has necessitated a partnership between governments, regional civil society and the private sector, worldwide. However, both scholars (for example Kotter, 2007; Centre for Conflict Resolution (CCR), 2007; Institute for Security Studies (ISS), 2004) and practitioners appreciate the fact that state and human security are intertwined, therefore, one cannot be promoted at the expense of the other. This is more so since both state and human security contribute to peace and development, and often occur simultaneously. In reality, giving priority to either state or human security is dependent on the prevailing situation at any given moment.

The chapter focuses on the relationship between regional civil society and SADC structures on human security. Specifically, it examines the conceptualisation of human security and civil society; identifies and discusses the human security challenges and problems in the sub-region; and interrogates the issue of the type of security SADC should pursue. The chapter also examines the nature of CSOs/NGOs-SADC engagement on human security. This is done through case studies of four organisations, namely, the SADC Council of Non Governmental Organisations (SADC-CNGO), with a much broader human security agenda; and the Southern African Trade Union Coordination Council (SATUCC) with the working class agenda; Gender Links (GL) with a gender focus; and Southern Africa Trust (the Trust) with a specific mandate on poverty. Also, two (GL and the Trust) are relatively more successful in their interface with SADC structures than SADC-CNGO and SATUCC. Both have regional membership and networks; are umbrella organisations, and therefore, are expected to be representative regional mouthpieces; are capable of championing human security issues; have active links with SADC structures; and were willing to be studied. Moreover, SADC-CNGO and SATUCC are Botswana-based, while GL and Trust are South Africa-based, but they all source from multiple donors.

Regional civil society organisations and human security challenges

Human security is a contested concept. However, the focus on individuals as the target of security, security threat to life, and significant role of CSOs in realising human security provide a common denominator in all definitions (McDonald 2002). The chapter adopts the meaning of human security as conceptualised by the United Nations Development Programme (UNDP)

Human Development Report (1994). It emphasises two aspects of individuals' safety from such chronic threats as hunger, disease and repression; and protection of individuals from sudden and hurtful disruptions in their daily life at home, the workplace, or in the community. Broadly, the UNDP (1994) identifies seven interrelated dimensions of human security: economic, food, health, environmental, personal, community and political. Thomas (1999:3) conceives it as the security of human beings in their personal surroundings, their community and their environment that entails fulfilment of basic material needs and human dignity for the majority. To Kotter (2007: 44, 50), human security makes the individual the centre of concern in terms of freedom from fear and want, and protection against chronic daily threats to human life posed by hunger, diseases, and repression. In this respect, human security allows individuals to be empowered through human rights and human development. Thus, human security is synonymous with sustainable development.

Although the concept of civil society has defied a conclusive definition, it is commonly viewed as civil space that allows for associational life for individuals and groups devoid of state control. However, interaction with the state is encouraged. It is conceptualised as "the space for cultivating processes through which citizens engage in public life by channelling their interests and aspirations through peaceful deliberative processes" (Kotter 2007: 47). It embraces such groups as voluntary associations, NGOs, community-based organisations (CBOs), Churches and professional associations. SADC has witnessed the mushrooming of a diversity of CSOs, composed of professional organisations, research institutions, CBOs and churches, which have become active actors at the regional level on issues of human security (CCR, 2005: 34). However, they remain relatively weak. In part this is due to recent entry on to the regional scene. Therefore, they are preoccupied with finding contact points. It is also partly because of their heterogeneity, and diverse agenda, which prevent cooperation and a united voice. What is promising is their potential to become instrumental partners in fostering human security at the sub-regional level.

Increasingly, civil society has been viewed as an important instrument for promoting human security issues relating to democracy, development, and human rights. This is because of its diverse expertise, capability, experience in research and policy advice, humanitarian assistance, HIV/AIDS and poverty projects, of which SADC has a shortfall, and proximity to the intended beneficiaries of development, the grassroots, as well as the loss of credibility by the (African) state in the eyes of Western donors and international financial institutions (Lancaster 2000; Nyang'oro 1999). However, this puts a strain on state-CSO and regional structures-CSO relations. It also raises the question of whether (unelected) CSOs are better representatives of society's interests than states. CSOs represent sectional interests and, therefore, cannot represent the whole of society.

Furthermore, opportunity for collaboration between SADC and civil society exists in conflict management and resolution, reducing cross border organised crime and corruption, as well as spearheading disarmament, demobilisation and reintegration of former soldiers in post conflict member countries, such as the DRC (CCR, 2005: 32). Moreover, as alternative providers of human security and preoccupation with 'security concerns of individuals', their engagement brings in the bottom up approach to human security to complement states' and regional organisations' (SADC's) top down approach (Kotter, 2007). Articulation, mobilisation, lobbying and advocacy roles place them in a very strategic position to promote human security. Kotter (2007:47, 53) states succinctly:

If the concept of human security is to be successful, people themselves must be first to be motivated

and mobilized for the implementation of the concept... Only people's active engagement, be it through civil society or politics, can truly foster lasting human security.

The questions that have to be posed are: which security, human or state, should be the primary focus of SADC? Should there be a paradigm shift from state to human security? What should be the nature of the process and content of the debate on these issues? Is human security part of the SADC vocabulary? There has not been extensive regional debate on which security, state or human, should be at the top of the SADC agenda. Also, neither the Regional Indicative Strategic Development Plan (RISDP) nor the Strategic Indicative Plan for the Organ (SIPO) mentions the concept of human security, but merely refer to aspects of it. However, it is generally acknowledged that SADC is preoccupied with resolving human security problems that impinge directly on individuals, groups and communities. Both the Organ on Politics, Defence and Security Cooperation (OPDSC), herein referred to as the Organ or (sometimes the Directorate on PDSC), and the four CSOs agree that some debate has already taken place regarding security and that SADC has already moved on to human security.

Much of the debate on human security is relatively recent and has involved CSO/NGO and research institutions (based in South Africa), with relatively little initiative and/or participation by the SADC structures, especially the Organ. The CCR has been most prominent and resilient in sustaining the debate on human security. The ISS has made its contribution as well. In 2004, the ISS hosted a workshop to engage civil society and researchers within SADC to debate and identify major human security challenges in seven selected SADC countries. The CCR organised five policy seminars between 2004 and 2007 involving senior SADC government officials, the UNDP, donors and civil society active in areas of peace, security, development and governance (CCR, 2007).

What is important to note is that the overall preoccupation in all these CCR workshops was to foster human security through regional integration, especially through successful implementation of both RISDP and SIPO as they address various human security challenges such as HIV/AIDS, poverty, human rights, economic inequality, democracy, food, and gender inequality. Undoubtedly, CSOs/NGOs are in the forefront in highlighting and raising awareness through campaigning for prioritising the human security on the SADC agenda and in regional policies as testified by workshops held so far. Unfortunately, SADC's commitment to human security remains questionable, primarily because of the priority accorded to state security. However, the problem and the source of potential conflict seems to be threefold: how to prioritise human security while not abandoning state security; which human security concerns should top the agenda; and what must be done to respond to human security challenges, which in turn highlights the interface between SADC structures and CSOs.

In southern Africa, the human security problems are products of the development and democratic processes, destabilisation and civil wars, failure of states, and natural disasters. Whereas the 14 member countries suffer from varying and diverse human security problems, there are common characteristics for the sub-region which include poverty, HIV/AIDS, socio-economic inequalities, gender inequalities, landlessness, bad governance in terms of electoral practices, poor human rights, food insecurity, lack of resources and capacity, and forced migration (CCR, 2005: 34; 2007; SARPN, 2005: 1). To ameliorate and resolve human security problems, there has been mutual recognition and desire for collaboration between states and regional CSOs to pool capacity and resources for effective outcomes.

Institutional framework for regional interfaces on human security

The SADC Treaty and other related documents stipulate the interface between regional CSOs/NGOs and SADC structures. The legal provision for the interface with civil society is set out in the SADC Treaty, which recognises non-state actors as important partners in the implementation of the sub-region's processes of democracy, peace and security. Article 23 of the SADC Treaty lays the foundation for civil society participation. The four key stakeholders that have been identified include private sector, civil society, NGOs, and workers and employers organisations (SADC, 2003a:20). However, in this chapter, only the last three groups are the subject of discussion.

As a demonstration of its recognition of the importance of resolving human security problems, and the involvement of civil society in addressing human security challenges, SADC has formulated two critical instruments, the RISDP of 2003 and SIPO of 2004. The former is a product of consultation between SADC member states and non-state actors; while the latter was by SADC members only. There are also a commendable number of protocols as well as declarations which, when implemented properly, will have positive outcomes (CCR, 2005). Both the RISDP and SIPO reiterate the importance of CSOs engagement with SADC on human security threats such as poverty, HIV/AIDS, gender-based violence and governance issues. Furthermore, SADC has made other provisions including: the Declaration on Gender and Development of 1997 which is aimed at mainstreaming gender into all SADC activities to reduce gender inequalities; the Maseru Declaration on HIV/AIDS of 2003 designed to respond to the political, social and economic impact of HIV/AIDS; the HIV/AIDS Strategic Framework and Plan of Action, 2003-2007 to implement intervention programmes; and the SADC Principles and Guidelines Governing Democratic Elections of 2004 to facilitate free and fair elections in member countries.

Article 10 of the Protocol on PDSC provides for civil society involvement. In addition, SIPO encourages partnership with non-state parties in areas of politics, defence and security, and outlines specific areas in which civil society can work with the SADC's security and governance structures. Primarily, these areas involve: academic research; public debates and seminars or deliberations on peace and security; public sensitisation on security issues; and conflict prevention, management and resolution (CCR 2005: 8; SADC 2004). Thus, SIPO paves the way for "civil society engagement in conflict resolution, public awareness-raising on security issues, and the establishment of a forum for academic and research institutions to deliberate on peace and security matters" (CCR 2005:11).

In this respect, numerous and varying roles of civil society in its interaction with SADC structures can be identified. First and foremost, participation by civil society enables the use of its expertise to augment the policy making and implementing capacity of individual governments and the SADC Secretariat. Second, civil society can exert pressure on SADC governments to implement protocols and declarations on democracy, human rights, peace and security. Third, it could act as a watchdog to ensure that SADC adheres to commitments and rule of law, and provide checks and balances to SADC governments and structures to supplement efforts of oversight institutions such as parliaments and judiciaries. Fourth, CSOs/NGOs could monitor implementation by the governments at the national and regional levels. Fifth, civil society would develop norms, standards and structures of governance to enhance democracy in SADC. Sixth, it would mobilize communities for participation in determining the SADC agenda, thereby helping democratise the regional decision making processes, and the development processes at national and regional levels (CCR 2005: 33; CCR 2007:21).

Undoubtedly, to date, regional CSOs have worked hard to open up opportunities for participation and successfully cooperated with SADC structures to ameliorate human insecurity in the sub-region, the more so by strengthening democratic governance, implementing programmes against HIV/AIDS, fighting corruption, and promoting peace building processes (CCR, 2005: 8). For example, regional NGOs successfully collaborated with the Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO) on HIV/AIDS, human rights and violence against women. The Southern African Forum Against Corruption (SAFAC) has championed the fight against graft (CCR 2005: 34). Not to be outdone, the youth CSOs in the SADC convened to dialogue and implore governments to spearhead human security, especially regarding good governance, HIV/AIDS, peace and democracy, globalisation, employment and a decent work agenda, climate change and sustainable development, and strategies and instruments for Euro-African Youth Participation and Cooperation (AISA 2007). Similarly, the SARN has also organised seminars to champion the importance of human security to peace and security. The following is an examination of the relationships of the four selected regional CSOs with the SADC organisation.

The SADC Council of Non-governmental Organisations and SADC structures interface on human security

SADC-CNGO is the umbrella body of mother bodies of CSOs/NGOs of the 14 member states of SADC. Its office is located in Gaborone, Botswana. It was formed in 1998 to coordinate civil society engagement with SADC at the regional level and with member states at the national levels through national umbrella NGOs. SADC-CNGO expects to raise awareness through advocacy and campaigns, and place human security on the regional agenda of SADC and CSOs/NGOs. It also aims to influence policy, and exert pressure for, monitor SADC's implementation of, and adherence to, protocols and rule of law, especially as they relate to human security. Its main preoccupation is poverty alleviation, promotion of democracy and good governance, and resolution of internal conflicts (SADC-CNGO and ZCSD, 2007).

Notable among its achievements are the Memorandum of Understanding (MoU) with the SADC Secretariat, signed in 2003, that institutionalises and stipulates ways in which civil society can participate in SADC activities and structures; the Southern African Social Charter of 2003; and the Civil Society Guide of 2006 that spells out principles and strategic framework for interfacing with SADC. The MoU provides for "framework for cooperation between SADC and CNGO" on "eradicating poverty and creating employment opportunities...". (MoU 2003: 2)

It is in the 2000s that SADC-CNGO has interacted actively with the SADC structures. SADC-CNGO identified three ways through which it is supposed to interface with SADC structures as an observer, through consultation, and participation at meetings. However, these have not materialised well, hence SADC-CNGO's determination to fight for space. SADC-CNGO has managed to create space through which to interact with SADC structures including SADC civil society forums, dinners with SADC Ministers for policy dialogue and Regional Assembly to promote partnerships, coalitions and networks. Over time, SADC-CNGO has mobilised other regional CSOs through Civil Society Forums to build a regional network of NGOs to engage with SADC, after realising the limited impact of relying on its membership only. These include the Electoral Institute of Southern Africa (EISA), SATUCC and Fellowship of Christian Councils in Southern Africa (FOCCISA) to work towards a common stance in relating with SADC. For example, since the first forum in 2005, the SADC-CNGO has worked "towards unified and coordinated civil

society engagement through collaborative programme of action...." adopted through the SADC Civil Society Forum held every year, parallel to SADC Summit meetings.

Such annual forums serve as avenues to review progress of CSOs/NGOs' engagement with SADC on regional policy and development processes, table a programme of action for each year, and establish platforms for sharing information and articulating policies (SADC-CNGO with EISA 2006). This is particularly true of the first Civil Society Forum that focused on enabling NGOs to understand the SADC. The first and second Civil Society Forum of 2005 and 2006 debated CSOs-SADC interaction around four themes: SADC structures and programmes and their interface with CSOs; democratic governance and civil society; regional economic integration and civil society; and programme of action for civil society engagement (SADC-CNGO with EISA 2006: 5; SADC-CNGO 2008). The valuable role of the forums is summed up thus: "...the Forum is beginning to play a major role in regional integration and development by bringing citizens closer to regional processes..." (SADC-CNGO with EISA 2006: 6).

The third Civil Society Forum in 2007, in Lusaka, developed strategies to guarantee participation of civil society in regional development processes and formulated a plan of action in specific areas of engagement. The fourth Civil Society Forum held in August 2008 in Pretoria was co-hosted by SADC-CNGO, SATUCC and FOCCISA (as part of regional NGOs networking) (Interview, 25 September 2008). Such co-hosting symbolised that regional civil society had become more cohesive, prepared and better organised under the SADC-CNGO umbrella. The forum was targeted at impressing upon heads of state and government the importance of improved partnership with civil society and accelerating regional development, including implementation of the SADC Poverty and Development Declaration adopted in Mauritius in April 2008 (SADC-CNGO, 2008). Similarly, SADC-CNGO has utilised its Regional Assembly, which meets every two years, "to deliberate on organisational questions and regional policy challenges", the first of which was in 2006 (SADC-CNGO with EISA, 2006: 7). What is noteworthy is that whether the SADC-CNGO is accorded observer status or an opportunity for consultation or participation depends on the host country. For example, Lesotho, as the host of the second Civil Society Forum and the SADC Summit, proved more accommodative to the SADC-CNGO's participation with the SADC officials, especially, the SADC Council of Ministers and the SADC Executive Secretary (Interview 25 September 2008). Furthermore, the forums have served as learning experiences for the SADC-CNGO and other regional organisations, with the fourth one as the most successful in terms of cohesion among CSOs and their engagement with SADC structures.

In its effort to champion the needs of the people of the sub-region, SADC-CNGO has engaged in debates on, and pushed for resolving challenges in, democratic governance and economic development, with a focus on human rights, labour rights, electoral practices, rule of law, conflict management, peace building, gender equity, HIV/AIDS and poverty. More important, the debate has centred on the role of civil society in responding to these problems. The recent preoccupation of SADC-CNGO is how civil society can contribute effectively to poverty elimination and food security in the sub-region; the fight against xenophobia following the surge of violence in South Africa that targeted citizens of other SADC members in March 2008, and the crisis of democracy in Zimbabwe. In the case of the political crisis in Zimbabwe, the SADC-CNGOs, in conjunction with the SATUCC and FOCCISA, launched a solidarity campaign with the people of Zimbabwe to lobby the 2008 SADC Summit of Heads of State or Government to restore election outcomes and end political violence (SADC-CNGO 2008). In addition, the SADC-CNGO has hosted forums to debate two current crises: food insecurity in the sub-region and the world and migration, to raise awareness about constraints on migration of people (Interview, 25 June

2008). Therefore, it has pledged to remain "resilient in lobbying for removal of such obstacles" (SADC–CNGO with EISA 2006: 9), and push for a protocol on free movement of people within the sub-region.

The SADC–CNGO has utilised both workshops and non-workshop modes of interaction and engagement with SADC, especially, as it tries to work with the Organ, the Secretariat and the Summit (SADC–CNGO with EISA 2006). Although the "only door is the Directorate of Social and Human Development Programme" that is open to the SADC–CNGO to interact with SADC, the SADC–CNGO has managed to cultivate multiple avenues of engagement including the Council of Ministers, Executive Secretary, Integrated Meetings of Ministers, Sectoral Meetings on Education, Labour and Health, and the Organ (SADC–CNGO with EISA 2006; Interview, 25 June 2008). Thus, through a combination of workshops or forums; concerted pressure; "continually highlighting the key issues and monitoring progress" of enhancement of democratic governance and promotion of development; lobbying; networking; parallel summits; and adoption of innovative ways of interacting with SADC structures, such as presenting communiqués of the SADC Civil society Forums to the Chair of SADC and Council of Ministers, and dinners with Ministers, SADC–CNGO has been pro-active and systematic, and has made some strides in building a fruitful partnership. Indeed, the Executive Secretary of SADC and the Chair of the SADC Council of Ministers, have made known their preference for the SADC Civil Society Forum or SADC–CNGO to present recommendations and forward issues to be considered at the Summit, as the best way to interact with SADC (SADC–CNGO with EISA 2006:14).

The fact that the Minister of Local Government of Lesotho attended the first SADC–CNGO Regional Assembly in 2006, and both the Executive Secretary of SADC and Minister of Finance of Lesotho attended and presented papers at the second SADC Civil Society Forum in 2006 (SADC–CNGO with EISA 2006), confirms SADC's endorsement of this mode of collaboration. The SADC Executive Secretary felt comfortable enough to use the Forum to outline SADC's seven main priorities as peace, political stability and security; promotion of free movement of people and goods within the sub-region; empowerment of women; infrastructure development; food security; HIV/AIDS; and science and technology for research (SADC–CNGO with EISA 2006: 10). Moreover, attendance by both the SADC and member government officials is a good indicator of improved and fruitful interface between the two, and mutual commitment to working together for the betterment of the people of the sub-region. Nevertheless, CSOs' interaction with the SADC Secretariat allows them little room to influence policies as the Secretariat is an implementing body of decisions made by the Summit, the source of authoritative decision making power.

Another indicator of improved CSOs-SADC partnership is the participation of CSOs at the SADC International Consultative Conference on Poverty and Development on 8 April 2008 held in Mauritius (herein referred to as the Mauritius Conference). For example, SADC–CNGO presented a position paper as a means of influencing regional poverty policy, which was a collaborative work with SATUCC and FOCCISA as part of the regional networking. The Mauritius Conference was the first time that CSOs, including the SADC–CNGO and other CSOs directly participated and spoke freely with the heads of government and state (Interviews 18 and 25 September 2008; 20 and 25 November 2008). One of the recommendations to the SADC leaders by other CSOs¹ was that revenue from natural resources should be utilised to fight poverty. This

1 These include Somarelang, Botswana; Yongwe Nawe, Swaziland; Institute for Policy Interaction, Malawi; Cruzeiro do Sul, Mozambique; Legal Assistance Centre, Namibia; Caritas, Zambia; Economic Justice Network of Lesotho; Southern Africa Resource Watch; and Open Society for Southern Africa (Civil Society, 2008).

might provide a clue to possible future trend in the mode of participation involving member governments, regional structures and civil society, especially, if donors insist on this mode of consultation. Should such participation become the norm, it would transform the interface from the *ad hoc*, parallel cum observer to actual or direct participation as well as enable civil society to interact with the Summit, which makes decisions for the region.

What remains to be seen is whether, first, regional CSOs will participate in formulation of the Regional Poverty Observatory, which requires input from both CSOs and citizens and, second, resolutions of Mauritius Conference would be adhered to as they entail greater engagement of civil society. The resolutions, among others, include: SADC strengthening partnerships with the private sector and civil society to acquire financial and technical resources for poverty alleviation; establishing a Regional Poverty Observatory to monitor poverty eradication; developing capacity at SADC and member states' levels for effective implementation of poverty reduction projects; and fostering partnerships with CSOs and community leaders in poverty reduction programmes (SADC–CNGO, 2008: 3). Moreover, the fact that the Organ, which is mandated with human security matters, failed to attend the 2008 Mauritius Conference casts doubts on the SADC member countries' commitment and ability to successfully implement human security programmes (Interview, 25 September 2008).

The Southern African Trade Union Coordination Council – SADC interface

The SATUCC was formed in 1983 as a coalition of National Trade Union Federations of all SADC member countries, except the DRC and Madagascar. Its office is located in Gaborone, Botswana. The aims and objectives as stipulated in Article 2 require the SATUCC to, among others, ensure that trade unions become full partners in development activities of SADC; promote the International Labour Organisation's Conventions 87 and 98; promote trade union rights in SADC, workers' skills development through education and training, and just labour legislation; facilitate trade union participation in economic and social liberation of the sub-region; advance research on trade union rights and freedoms; cooperate with SADC governments and NGOs in rural development; and assist migrant workers (SATUCC Constitution, undated).

Thus, the primary role of SATUCC is to lobby and pressure employers to promote workers' interests and rights at the regional level, as part of its interest articulation and aggregation roles. In this regard, the human security issues SATUCC advances simultaneously at tripartite meetings are primarily three: Poverty, especially, as it affects workers as a result of low remuneration and unemployment; human rights of workers, for example, to agitate for their cause; and environmental safety at the workplace. However, SATUCC believes that its goals do not only promote workers' interests as they mirror those of the ordinary citizens of the SADC member states (Interview, SATUCC official, 8 July 2008).

Unlike the SADC–CNGOs, SATUCC has a relatively formalised interaction with SADC structures in the form of tripartite meeting held once a year involving the ministries of labour of SADC members, SATUCC representing workers, and employers. In addition, SATUCC interacts with SADC at two levels, the Directorate of Social and Human Development and Strategies and Special Programmes, and Integrated Committee of Ministers. However, with the re-structure of SADC, SATUCC relates with SADC through the Sectoral Committee that meets each year and the Sub-Committee of three (ministries of labour of SADC members, SATUCC and employers) at the Directorate of Social and Human Development. SATUCC relates with the Organ through the

SADC–CNGO, which interacts more with the Organ and Secretariat on human security issues.

To date, SATUCC has made successful strides in promoting the three interrelated human security issues of poverty, human rights and environmental safety in its interaction with SADC structures. First, SATUCC takes credit for successfully lobbying for the adoption of the Charter of Fundamental Social Rights in SADC (2003b) designed to promote workers' rights and interests. The Charter was ratified and signed by all SADC members, except Angola, in 2003 (Interview, SATUCC official, 8 July 2008). Of special significance is the Charter's recognition of the basic human and organizational rights as embodied in both regional and international instruments; facilitation of freedom of association and collective bargaining by workers; promotion of equal treatment of all workers regardless of gender or disability; acceptance of equal remuneration and just retirement benefits; provision of social protection, healthy and safe work environment as well as improved living conditions; promotion of industrial democracy; and skills development and training (SATUCC Constitution, undated).

Second, SATUCC has successfully lobbied SADC ministers of labour to formulate a Protocol on Facilitation of Movement of Persons, which has to be ratified and signed by two-thirds of SADC. The protocol for free movement of persons fell short of SATUCC's initial wish for free movement of labour within the sub-region. Moreover, SATUCC expressed the view that it was unfortunate that the Protocol now falls under the Organ as movement of persons is viewed more as a matter of state than human security. Third, it has also pressured the SADC governments to enhance employment creation and extended its lobbying efforts beyond workers' interests to the general problem of poverty. For example, in 2004 SATUCC lobbied at the Ouagadougou Extra Ordinary Summit of the African Union for Employment Creation and Poverty Reduction. (Interview, SATUCC official 8 July 2008; 18 September 2008).

Fourth, and perhaps more unique and novel, is its role as a 'think tank' to contribute to the policy debate and influence policy in two ways: by critiquing existing policies and providing alternative policy options to SADC. In these respects, SATUCC is engaged in policy research and provides funds for policy-oriented research. Of special importance are three of its recent publications, two monographs and a book.² The publications are a significant attempt by SATUCC to provide alternative policies for SADC. SATUCC proposes an alternative regional integration socio-economic development policy framework that is simultaneously holistic, people-driven, grassroots-led, human-rights-based and development-oriented (SATUCC 2005: 33; Kanyenze *et al.* 2006). Therefore, through research on concrete policy issues, SATUCC is fulfilling one of the objectives of SIPO, that of encouraging research and policy deliberations. Moreover, the three publications formed part of a position paper for civil society during the 2007 Maputo Preparatory Conference for the Mauritius Conference (Interview 18 September 2008).

In addition, through the publications, SATUCC makes valuable contributions to a number of policy debates within the region relating to regional economic development planning, policy and strategy, including Poverty Reduction Strategy Papers (PRSPs); SADC restructuring; external trade with emphasis on economic partnership agreements (EPAs), regional membership and integration; and political governance. Thus, SATUCC's researches criticise the RISDP for its neo-liberal orientation that gives primacy to the market to the detriment of workers and ordinary citizens, for being donor-dependent and SADC for signing free trade agreements with Western

2 The two monographs are 'SADC: Experiences with Poverty Reduction Strategy papers and National Development Processes and Trade Union Responses' (2007) and 'Alternative Socio-economic Development Policies for the SADC Region: A Trade Union Perspective' (2005) and a book, 'Alternatives to Neo-liberalism in Southern Africa (ANSA): The Search for Sustainable human development in Southern Africa' in Kanyenze *et al.* (2006)).

countries. It also analyses the shortfalls of PRSPs, especially, in terms of lack of political commitment to poverty reduction, limited participation by the poor, civil society and ministries, and market based approach to poverty reduction, especially, lack of pro-poor growth.

Furthermore, the publications also highlight the negative consequences of the restructuring of SADC, including the fact that it is "predominantly donor driven"; and lumps together diverse issues and segments those that are interrelated following the collapse of 21 sector units into four Directorates. It has also weakened stakeholder participation, especially, that of workers, as the tripartite sector, the Labour and Employment Sector, was replaced by the Integrated Committee of Ministers. Similarly, the publications are critical of SADC's inability to promote good governance due to failure to sanction erring states, such as Swaziland and Zimbabwe, which violate human and trade union rights. SATUCC concedes that it is not easy to change the neo-liberal orientation in the sub-region. Nevertheless, it has been able to sensitise and explain the three publications to workers, and key stakeholders through workshops held in every member state (Interview 18 September 2008).

Gender links – SADC interaction

Gender Links (GL), based in South Africa, was formed in 2001 to promote "gender equality through the use of the media". It is a non-member type of NGO. GL has a human rights approach to human security, that of women, especially as it relates to gender-based violence and economic health and food security. This was to be accomplished through research, training and advocacy for greater gender sensitivity in the media and editorial content; and communication skills for gender activists and women in decision making to influence the media content (GL undated). The ultimate aim is to promote gender equality in public and private sectors. It has since expanded its focus to gender and governance, and gender justice. Thus, through the media, governance and gender justice programmes at local, regional and international levels, GL aims to promote gender equality in, and through, the media and in all areas of governance; conduct effective campaigns to end gender violence and HIV/AIDS; and build capacity of both genders to fully engage in democratic processes that promote equality and justice. The GL's action plan is targeted at four areas: gender and the media; gender and governance; gender justice; and advisory services (GL undated).

The GL's regional agenda includes research on gender and governance (25 books and numerous research reports have been produced to date), 50% representation of women in decision-making positions, supply of information to SADC officials and interested organisations on the status of women in the sub-region, and lobbying and advocacy inside SADC meetings and by holding parallel meetings to SADC's. GL has made enormous strides in the four areas and its regional agenda, especially, in influencing policy on gender. For example, "GL has played a key role in placing the Sixteen Days of Activism campaign against gender violence on the regional agenda through strategic communications training for activists that included using IT (the cyber dialogues) and mainstream media" (GL undated; GL 2008:24). Similarly, as a result of lobbying and advocacy by GL and its networks, the SADC Declaration on Gender and Development was elevated into a Protocol; and the SADC Gender Policy and SADC Protocol on Gender and Development have been adopted by the Summit. It has also developed targets and indicators on gender violence to monitor progress of the Protocol (GL, 2008: 25). Moreover, GL has assisted the SADC Secretariat, UNDP in South Africa and the city of Johannesburg to develop gender policies and tools to mainstream gender in their work (GL undated). In the case of SADC, the

gender policy and resource kit are designed to enable each of the four Directorates and the Free Trade Area to analyse implications for gender (Interview 26 November 2008). Similarly, on gender and governance, GL has made progress in reviewing electoral laws to advance women's participation in all areas of government. Currently, GL's focus is on local government. Also, research has been undertaken in a number of countries to mainstream gender, lobby for more women in decision making positions, and push for broader gender justice relating to gender based violence and gender and HIV (Interview 26 November 2008).

The success of GL is partly due to the fact that SADC, through RISDP, has a twin policy that emphasises both a gender approach and women's empowerment. More important is the SADC Gender Unit, which is the main interaction point with the SADC Secretariat. The GL has a good working relationship and partnership with the SADC Gender Unit as a result of history. Gender activists were instrumental in lobbying for, and setting up of, the Gender Unit at the SADC Secretariat. The first Coordinator of the Gender Unit opened space for CSOs to participate in SADC activities. Also staff members at the SADC Gender Unit have continued to push the gender agenda at SADC Secretariat and ensure that the GL participates fully. For example, the Southern Africa Gender Protocol Alliance, of which the GL is the coordinator, worked with the SADC Secretariat to develop the protocol on Gender and Development as it formed part of the Expert Group set up by SADC to draft the Protocol. In addition, the SADC Gender Unit has facilitated the participation of GL in all SADC official and technical meetings on gender (Interview, 26 November 2008). GL, together with Media Watch Organisation and other networks, directly interacted with the Mauritius Conference, and produced a newspaper supplement for the Conference that highlighted the poverty and gender problem. GL attributes its participation at the Mauritius Conference to the SADC Secretariat, especially, gender activists in the Secretariat, and importance of donor's insistence that gender should be reflected in Conference outcomes and plans (Interview 26 November 2008).

Furthermore, GL has created strategic networks and partnerships with other CSOs that have proved beneficial and are endowed with a legitimate collective voice. These include, among others, the Gender and Media Southern Africa (GEMSA), of which it is a founder member and host of its secretariat, the Southern Africa Gender Protocol Alliance and the UN Expert Group on Gender and the Media, of which it is a member (GL undated). For example, in partnership with GEMSA, other networks and National Gender machineries, GL developed "National Action Plans to end gender violence in nine southern African states ... using the SADC Addendum on the Eradication of Violence against women and children as a framework". This is being extended to other member states and is being monitored through a monthly Gender Justice Barometer. Efforts are under way to formulate local action plans (GL 2008: 24-25; GL, undated). GL also works with the SADC-CNGO whenever gender is included on its agenda, which is not often (Interview, 26 November 2008). It has also built a thriving network and partnerships with local and national governments, academic institutions, inter-governmental organisations, donor agencies and gender advocacy groups in 14 SADC states. For example, in South Africa, GL is on the Presidential Working Group for Women and Office of Status of Women, and has a partnership with the City of Johannesburg (GL undated; interview 26 November 2008).

Moreover, GL is a more elaborate structure has contributed to its success in lobbying and inputting in the SADC gender agenda. GL has ten board members from six SADC countries and 15 staff from four African countries. This contrasts sharply with the SADC-CNGO and SATUCC, with one-manned secretariats. In 2008, GL expanded through the establishment of a francophone office in Mauritius and a regional advocacy office in Botswana (GL, undated; GL, 2008).

The Southern Africa Trust – SADC interface

The Southern Africa Trust is an independent, regional and non-profit organisation based in South Africa. It was formed in 2005 to support regional CSOs in southern Africa to engage effectively and widely, and influence public policy dialogue to advance the voices of the poor in poverty alleviation policies. Thus, the core focus of the Trust on human security is poverty eradication by influencing public policy through CSOs. This is because poverty is viewed as the most serious threat to human dignity, quality of life, and empowerment, and challenges good governance. The Trust's support for CSOs policy dialogue arises from the need for more integrated regional approaches and stronger engagement by CSOs and the private sector at both national and regional levels to achieve development goals. These include the Millennium Development Goals (MDGs) and PRSPs. These development challenges require new partnerships and advocacy to formulate and implement better public policy that reflect the voices of the poor for the promotion of pro-poor growth, democratic participation and governance, and social and economic justice (Interview, 19 December 2008).

The Trust's regional agenda is five fold: capacity building of regional CSOs to effectively influence policies to alleviate poverty alleviation; policy dialogue among regional CSOs, states and the private sector on poverty elimination; evidence-based advocacy so that the regional policy agenda favours evidence backed policy objectives identified by the poor and marginalised; creating an enabling regional environment for engagement between CSOs, states and the private sector through promotion of innovative practices and processes; and grant-making to CSOs that represent the interests of the poor in significant regional development processes, SADC structures for example. In this respect, the Trust has built strategic partnerships and networks with a variety of CSOs in southern Africa and beyond that promote public dialogue focused on poverty. These include research institutes; NGO networks; faith-based, popular and youth organisations; media; trade unions; and private businesses. In 2006, for example, it hosted a consultative dialogue of regional CSOs. The SADC–CNGO and GL are part of the partnership. It also collaborates with governments and intergovernmental agencies at national, regional and international levels (Interview, 19 December 2008).

The other human security issue articulated by the Trust at regional forums is the xenophobic attacks on African migrants in South Africa. In this regard, the Trust, jointly with the Foundation for Community Development (FDC) based in Maputo, and the Open Society Initiative for Southern Africa (OSISA) held a regional consultative meeting in 2008 to analyse causes and make recommendations for action.³ Researchers, human rights activists, CSOs, business, sub-regional organisations and donors attended.

Although no interface actually exists with SADC structures on human security except through facilitating CSOs to strengthen their engagement in development and implementation of policies targeted at poverty eradication with the SADC Secretariat, a typical illustration of the role of the Trust was at the Mauritius Conference. The Trust played a very instrumental role at the Mauritius Conference by supporting CSOs and preparing two papers on the poverty framework and poverty observatory tool. This was the first Summit where SADC decided to invite CSOs to participate, and held three parallel sessions with CSOs, and an audience with International Partner Countries. The CSOs participated freely with the Summit for the first time ever (Interview, 20 November 2008).

The Trust supported CSOs to prepare a strategy for engaging Heads of State and Government

3 Southern Africa Trust, FDC and OSISA (2008) *A Response to the Regional Human Security Impact of Attacks on Immigrants in South Africa*, 10 June 2008.

at the Mauritius Conference (Interview, 19 December 2008). First the Trust invited CSOs and chartered a plane to take CSOs to the Conference (Interview, 20 November 2008). Second it held a pre-conference meeting of CSOs in Mauritius to bring together their diverse views in a coordinated manner to develop a common strategy of engaging the Summit. All three sectors of civil society, NGOs, Labour and Faith based organisations, were very well represented at the consultative meeting which raised the political profile of the organisations. The Trust facilitated agreement among different organisations on the main themes. For example, the Trust supported CSOs to develop content such as cross-border trade and microfinance in preparation for their interaction with the SADC Summit. This enabled CSOs to successfully table their issues and present papers to the Summit of Heads of State and Government where they were accorded space. For example, the SADC–CNGO, SATUCC and FOCCISA jointly presented a paper. Some of the issues raised by CSOs were incorporated in the SADC Summit Declarations (Interview, 19 December 2008).

Challenges and problems of regional civil society organisation-SADC interface on human security

Although the SADC–CNGO, SATUCC, GL and Trust have different linkages with SADC structures, they face similar challenges in their engagement with SADC structures. A number of factors explain the not so well developed interface between CSOs and SADC structures, especially the Organ. The following are the principal challenges and problems: lack of clarity over the concept of human security and prioritisation of human security concerns; what structures or who to interact with, and how; misunderstanding of the role of civil society; and capacity and coordination shortcomings in the CSO sector.

The concept and prioritisation of human security concerns

The concept of human security is not clearly defined in the SADC context. Neither is there the prioritisation of which human security concerns must be addressed by the Organ, and specifically SIPO. The Organ concedes that it has a plethora of 'human security' problems including poverty, disaster/floods, HIV/AIDS, and global warming, with no prioritisation. The CCR (2005: 13) observes that "human security was being given less priority than that of military security". The fact that the Organ is dominated by military personnel gives rise, rightly or wrongly, to the conclusion that it accords military or state security more weight than human security. An official pointed out that the major preoccupations of the Organ, currently, are the tenuous situation in the DRC following the 2006 elections, the unsettled question of the electoral system in Lesotho, the standoff in Malawi between the ruling party and the opposition candidates, Zimbabwe's June presidential electoral practices and outcomes, and the 2008 elections in Angola (Interview, Organ official, 8 July 2008).

What SADC structures to interact with, and how?

There is the lack of clarity of what SADC structures civil society is expected to interact with. Most of the SADC-civil society relationships are with the Organ, which has no decision-making authority. However, although SIPO spells out specific areas of cooperation between SADC and

civil society, it does not provide an appropriate entry point for civil society engagement with the SADC structures, or implementation mechanisms, and policy responses through which civil society can supplement efforts of the Organ. This leaves civil society with no clear idea about which SADC departments to engage with (CCR 2005: 33). Neither the SADC Treaty nor SIPO, not even the MoU, specifies authorities, offices or departments that CSOs should relate to. Consequently, the SADC Civil Society Forums, especially, the first Civil Society Forum of 2005, have been designed to assist CSOs to familiarise themselves with SADC structures and programmes that allow for CSOs participation, and identify SADC officials or departments as contact points. Unfortunately, this gives the impression that SADC is merely paying lip service to CSOs' participation in fostering human security. The problem is compounded by the fact that some issues are beyond the CSOs. For example, "the defence sector has remained the domain of states despite SADC's pronouncements for participation of civil society in peace and security areas" (CCR 2005: 30). The problem also partly stems from the fact that the Organ has "no specific human security agenda, but rather a general one with no specific policy responses or measures that need implementation" (Interview, Organ official 08 July 2008). The CCR (2005: 8) puts the blame on SIPO's idealistic objectives, stating:

SIPO's objectives have remained ideals that they are practically impossible to implement as they lack clarity on modalities for civil society participation in SADC activities. Consequently, the majority of civil society have raised concern that SIPO has done little to improve their channels of engagement with the Secretariat.

The lack of clarity on what structures to interact with is compounded by the fact that the mode of contact with the SADC secretariat by CSOs is unspecified. Neither the SADC Treaty nor SIPO, not even the MoU, spells out ways in which the two will relate to each other, whether through meetings, workshops or conferences. The end results are two outcomes: frantic efforts by CSOs to search and identify specific means of contacting SADC; and the ad hoc, parallel and observer nature of civil society participation in SADC governance, peace and security issues. CSOs concede that they feel "excluded and marginalised from key SADC structures and processes" (AU Monitor, 2008: 1; Kubatana.net, 2008: 1), therefore, they have called on SADC to "institutionalise civil society involvement in key decision making processes aimed at national and regional development" (AU Monitor, 2008: 1-2). Since 2005, the SADC Civil Society Forums have been in operation, under the auspices of the SADC-CNGO, as instruments to search for various ways of engaging the SADC secretariat. Similarly, since 2005, CSOs have been organising parallel meetings under the SADC-CNGO to that of the SADC Summit (CCR, 2005: 36).

Another problem is the circumscribed or confined nature of CSOs/NGOs-SADC interaction. CSO/NGOs engagement with SADC is limited to the Organ, Council of Ministers and Gender Unit. The first direct participation in the Summit by the SADC-CNGO was at the Mauritius Conference. Similarly, the tripartite meetings do not grant SATUCC access to the Summit as there is no provision for such interaction. What SATUCC and other regional civil society have been able to do is interact with individual Heads of State and Government on an informal basis.

GL identifies three major problematic factors. These are SADC's recognition of SADC-CNGO as the only umbrella organisation to represent regional CSOs, as it does not always champion gender issues; the extent to which the Secretariat can take a stronger role to get member states to implement the Gender Policy and Protocol on Gender and Development, and submit annual progress reports to the Gender Unit, as only few members submit; and the status of the Gender Unit following the restructuring of SADC into directorates. The Southern African Protocol

Alliance held a meeting in August 2008 to analyse the SADC restructuring and its implications for the SADC Gender Unit (Interview, 26 November 2008).

One area where some misunderstanding seems to exist relates to the agreement governing the relationship between SADC-CSOs. This, in part, is due to the fact that the SADC–CNGO is yet to finalise a draft MoU on how to operationalise the 2003 MoU following the meeting with the Organ in December 2007, and the 2008 Strategic Planning Workshop, sponsored by GTZ, on how to operationalise the 2003 MoU (Interviews, 25 September 2008; 27 November 2008). The delay in operationalising the MoU might be interpreted as CSOs' inability to be proactive in facilitating effective interaction with SADC structures. The turnover of staff at the Organ, with new staff requiring time to acclimatise at the Organ, does not augur well for smooth relations between the two.

Misunderstanding of the role of civil society

There seems to be lukewarm appreciation by SADC structures of the contributions of CSOs and tolerance by SADC for civil society participation in issues of human security. Similarly, there is no mutual learning experience between CSOs. For example, there is little or no evidence to suggest that SADC, or even other CSOs/NGOs, including the SADC–CNGO, has taken into consideration the SATUCC's policy alternatives as contained in the mentioned publications. Generally, contributions made by civil society are viewed by SADC officials as not legitimate, not binding, more of a gentleman's agreement (Interview, Organ official 8 July 2008); they therefore, do not carry much weight. SADC–CNGO and SATUCC cited SADC structures' reluctance to work with them as the major stumbling block (Interviews, SADC–CNGO official; SATUCC official, 8 July 2008). The CCR (2005: 13) also acknowledges the reluctance by the SADC secretariat "to work with civil society groups".

In general, there seems to be mutual mistrust and misunderstanding, resulting in confrontational relations, between member states and SADC structures and CSOs/NGOs, which prevent a beneficial working relationship. The former views the latter as opponents rather than partners, primarily because member states are not receptive to criticisms from CSO/NGOs. The CSOs/NGOs are also unwilling to behave as extensions of the state in implementing the SADC agenda (Interview, Organ official, 8 July 2008). This, in itself, is a reflection of intolerance on the part of member states. CSOs' independence from member governments, donor dependence, and perceived 'hidden agendas', are some of the bases of suspicions, tensions, and mistrust with SADC structures (Interviews, Organ official, 8 July 2008; 25 September 2008). In addition, the general perception of NGOs as elite organisations and, therefore, unrepresentative of the mass of the SADC population denies them credibility to SADC structures.

Capacity and coordination shortcomings in the CSO sector

Limited cohesion and coordination among CSOs, including the four being studied, contribute to their reduced impact on matters of human security. Thus, the SADC–CNGO's collaborative works with EISA, SATUCC, FOCCISA, notwithstanding, its representation of the regional voice is limited given the fact that not all national NGOs are members of their respective mother bodies, which in turn constitute the membership of the SADC–CNGO; and its agenda does not always include gender issues. Similarly, the SADC–CNGO does not network with all regional CSOs. Therefore, its representativeness is not inclusive. This is in part due to the tendency for NGOs

to stick to areas of specialisation, as is the case with the SADC–CNGO, SATUCC and GL.

The governance structure and limited capacity of NGOs, especially at SADC–CNGO and SATUCC, with one official each at the secretariat translates into inadequate ability to, for example, prepare and present viewpoints and positions on human security issues to the SADC structures. An official of the SADC–CNGO succinctly summed up the challenges as inadequate capacity; inability of the SADC–CNGO to engage at the regional level due to its poor design arising from membership of umbrella national NGOs instead of regional networks of NGOs; non-functioning of SADC national committees which serve as conveyor belts of national agendas for the SADC–CNGO; and the need to create a SADC mass movement as a means to mobilise the SADC citizenry for collective engagement with SADC structures, in order to shed the elite image associated with the SADC–CNGO (Interview, 25 September 2008).

Policy recommendations

It is clear that a better partnership between SADC and regional civil society is an imperative. This is in order for CSOs to make inputs in policy making, monitor implementation of development programmes, integration and governance, as in the RISDP and SIPO, so as to pave the way for the realisation of human security goals. In this respect, multiple responses for improved interface are needed, especially, targeted at resolving the challenges, including:

- Debate on the nature of human security, threats to human security, and prioritisation of human security at the regional level should be organised to: first, develop consensus, common purpose, ownership, and a sense of appreciation by both regional CSOs, primarily SADC–CNGO, and SADC structures; second, outline the relationship between traditional and human security; and third, address the question of the appropriate agents for the promotion of human security in order to clarify the role of regional CSOs.
- Institutionalise the concept of human security by mainstreaming it in all activities of SADC structures and member states.
- Formalise an appropriate relationship between civil society and SADC structures. For example, clearly spell out the contact structures at SADC, the mode of relating to each other, and the status of such collaboration who at the Organ or Secretariat; through what means, e.g., meetings; when consultations should take place, e.g., annually or biannually; and for what purpose, e.g., participation or decision making, implementation, and monitoring; and on which issues, whether HIV/AIDS, poverty, conflict resolution or human rights.
- Depoliticise human security issues by making them developmental concerns and more transparent; and democratise policy making at SADC level by facilitating a working relationship with regional CSOs, especially, the SADC–CNGO.
- SADC and regional CSOs (i.e., SADC–CNGO) should draw lessons from workable arrangements in the Economic Commission of West African States (ECOWAS) and AU where CSOs/NGOs have been accorded observer status at official meetings (CCR, 2005: 8). SADC–CNGO and SATUCC are represented at the AU ECCOSOC Assembly (SADC–CNGO, 2008: 2; Interview, 18 September 2008).
- Mutual appreciation should be cultivated at all cost, through appraising and

appreciating each others' skills and capacities, as well as CSOs according due credit to the authority of SADC.

- The SADC and SADC-CNGO, preferably with the participation of all regional CSOs, should review and operationalise the existing provisions that stipulate CSOs-SADC relationship to directly address the challenges confronting the current relationship. These include the MoU, RISDP, SIPO and the founding Treaty of SADC. Such a review would aim at elevating the participation of CSOs by allowing them access to the Summit to pave the way for consultative dialogue that boosts democracy and realisation of human security goals.
- SADC structures and regional CSOs, especially, SADC-CNGO and SATUCC, should engage in self-retrospection to reorient themselves to human security concerns, move from a position of confrontation to partnership with SADC, and propose effective ways of engaging SADC structures and processes.
- Regional CSOs should improve their governance structures/secretariats, capacity and representativeness to be inclusive of all regional organisations (e.g. GL), especially the SADC-CNGO, which is the recognised link with SADC structures.

Conclusion

Human security has acquired prominence on the agenda of both regional CSOs and SADC, more so with the former as testified by awareness raising, lobbying, advocacy, and monitoring by the SADC-CNGO, SATUCC and GL. The interface between CSOs and SADC seems to be heading towards progressively improved collaboration. Regional CSOs have created space for changed and improved interface with the SADC and have exerted pressure as well as searched for ways to increase and qualitatively improve their input in the SADC decision making structures and programmes on human security issues. The debate on the nature and ways to enhance the collaborative relationship between the SADC and CSOs/NGOs remains a lively one. SADC-CNGO, SATUCC, GL and the Trust remain active in analysing the challenges and constraints faced in their efforts to interact with the SADC secretariat, and especially the Organ on matters of human security.

However, the current institutional framework for CSOs-SADC interaction, as provided for in the SADC Treaty, RISDP, SIPO, and MoU, should be improved upon. The unclear nature of the relationship between SADC structures and regional CSOs prevents a buoyant and complementary partnership. This is primarily because of lack of specified contact points with SADC structures or authorities, cautious acceptance of engagement with CSOs, and more significant limited access to the Summit with decision making power. Mutual distrust and suspicions, even confrontation, seem to be the general defining characteristic of the relationship. These mar the collaboration that would potentially benefit regional integration. Factors internal to the SADC-CNGO, including limited membership and representation, regional networking, inadequate capacity of secretariat and lack of mass mobilisation, compound its inability to coordinate a united voice of the region at the SADC level. The biggest challenge, therefore, remains that of finding a mutually acceptable way of engaging CSOs in general, and the SADC-CNGO in particular, with SADC structures for a fruitful partnership, and for regional CSOs to adopt a systematic, coordinated and cohesive stance in their relationship with SADC for the sake of promoting human security to better the lives of citizens of the sub-region.

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THE LEGAL ENVIRONMENT OF SADC – CIVIL SOCIETY INTERACTIONS IN PURSUANCE OF HUMAN SECURITY

BADALA TACHILISA BALULE

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. In this paper SADC refers to the institutions established under Article 9 of the SADC founding Treaty, as amended. 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” (Cilliers 2004: 44). And further 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”, hence the argument that it has become an important secondary actor. The latter argument is informed by the expanding global citizen action that has resulted in extending and deepening the practice of democracy. And, as has been observed by Eigen (1998: 85), civil society is increasingly becoming active “where government does not reach, and where the forces of the market leave us with unwanted results”. In southern Africa, civil society has been in the forefront particularly in exposing human rights violations, monitoring State based violence and promoting peace and accountable and transparent governance (Taylor 2003: 12).

This paper thus looks critically 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 analyses 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 recommendations regarding enhancing legal provisions that facilitate the role of civil society in the promotion of human security.

The paper is based on literature review and data obtained from SADC official documents. It also adopts a comparative approach by looking at some similar regional organisations with the aim of identifying what valuable lessons SADC can learn, in an effort to strength its interaction with civil society organisations in the pursuance of its objectives.

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 (Krause, 2004: 44). The broad vision of human security is linked to the definition of the concept by the United Nations Development Programme (UNDP) and the United Nations’ Commission on Human Security (CHS) which defines 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) 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.

The UNDP defines human security as encompassing the following elements: economic security; food security; health security; environmental security; personal security; community security and political security (UNDP 1994: 44).

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 (Krause 2004: 44).

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

The narrow concept of human security has been supported by some academic commentators (for example, Krause 2004: 44). They criticise the broad concept of human security on methodological and pragmatic grounds. Krause (2004: 44) 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 institutions of organised violence and evacuating force from political, economic and social life in the quest to establish legitimate and representative political institutions.

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 its implementing plan, the Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO), these two being the main instruments addressing SADC's peace and security agenda, do not make reference expressly 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
- 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 (van Schalkwyk 2005: 122).

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 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 (van Schalkwyk 2005: 123 and Taylor 2003: 13). Although not well articulated in its instruments, there is no doubt that human security forms part of SADC's greater integration agenda. Members of the region's civil society, in their role as secondary actors in influencing the agenda of states, have the potential to influence SADC to institutionalise the concept of human security in its 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.

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.

Article 23 of the 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:

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.

SADC shall cooperate 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 cooperation in order to foster closer relations among communities, associations and people of the Region.

For the purposes of this article, key stakeholders include:

- private sector;
- civil society;
- non-governmental organisations; and
- 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 wishing to engage directly in intergovernmental deliberations and through advocacy and mobilization work to influence its outcomes. In order to facilitate civil society's participation in their activities, current practice suggests that intergovernmental organisations may arguably do so in two ways – they could either grant them consultative or advisory status. 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 in effectively playing a part in 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 since resolved to call upon SADC to institute immediate measures to transform and create a concrete interface among all its structures in order to allow the effective participation of civil society (SADC Civil Society Forum, 2007).

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 two alternative ways in which SADC can proceed in order to ensure effective participation of civil society in its structures. First, the institution can 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. The objects of this organ include, among others, the promotion of 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. It is an advisory body to the AU, and its mandate in this regard is clearly spelt out in its Statute. ECOSOCC is not an attempt by the AU to organise civil society, rather, it provides a framework in which civil society can organise itself to work with the institution.

The second way in which SADC can establish concrete mechanisms of cooperation and collaboration with civil society, will be by way of granting consultative status to regional civil society organisations that are representative in the fields of their competence. This can be done in two ways. First, there could be an amendment to the SADC founding treaty inserting a provision that requires SADC to set up mechanisms for consultation with civil society. This is the approach adopted by the Economic Community of West African States (ECOWAS). In terms of Article 82 of the ECOWAS founding treaty that addresses ECOWAS-civil society relations, it requires the institution to set up a mechanism for consultation with civil society organisations. Secondly, SADC can adopt a resolution granting consultative status to regional civil society organisations. This is the approach that has been adopted by intergovernmental organisations such as the UN and the Council of Europe. 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.

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 SADC–CNGO. 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 the 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.

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. 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 as including government, private sector, civil society, non-governmental organisations, and workers' and employers' organisations.

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;
- 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 forums for consultations to provide input, at national level, for the formulation and monitoring of 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 for 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 (van Schalkwyk 2005: 142). member states have demonstrated different levels of commitment to the establishment of SNC's. Some

have established fully functional and effective SNCs while some have so far failed to do so. Furthermore, it is argued that the credibility of SNCs is compromised by the fact that its members in some member states, including those from the non-government sector, are appointed by the government.

Challenges affecting the functioning of civil society

In addition to the lack of clear modalities and mechanisms of collaboration between civil society and SADC, civil society in the region also faces varying challenges to its 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 an enabling environment for the operation of civil society organisations, especially a framework that facilitates government-civil society interaction. In addition, there is an inability to not only access SADC and its institutional decision-making processes but also its public policies as enacted by member states (SADC-CNGO 2007: 25).

The ability of civil society organisations to play their role depends, in part, on the legal framework within which they operate, and on 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. Unfortunately, it appears that some SADC member states are not receptive to the idea of collaboration with civil society organisations. Some of these states have even 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 (Muloongo, 2007). 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 could 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. 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 which 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 efficiently and effectively, especially, human rights and democracy oriented organisations. 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 of these organisations are established and protected under the law (Muloongo 2007). All SADC member states should be obliged to put

in place favourable legal and operating environments that will sustain a vibrant civil society and promote collaboration between government and civil society, if the objectives of Article 23 of SADC Treaty are to be fully realised.

There is no single right way to design a legal environment that will promote and sustain a vibrant civil society sector and promote effective collaboration between the government and civil society organisations. However, there are certain general principles or rules of good practice that can usefully guide the development of civil society laws (Council of Europe 2003). 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. 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, advocacy, and civic engagement.

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 those below.

- 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
- Foreign civil society organisations should be accorded 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.

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 those below

- Civil society 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 a regular basis, public reports on all their activities
- Civil society organisations should have their annual accounts audited by independent auditors.

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, 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 relationships 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
- that any public support by government to civil society should be governed by clear and objective criteria and should not be used as tools to co-opt civil society 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, and also to promote collaboration between government and civil society organisations, particularly those involved in human and democracy issues. 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 the incorporating of 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 that: "Freedom of information is a fundamental right and is the touchstone of all the freedoms on which the United Nations is consecrated" (Weeramantry 1995: 99). 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 (Bayne, 1994; 199). 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 itself, 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.

Conclusion

This paper has examined the legal environment that defines the interaction between SADC and civil society in the pursuance of the former's objectives, especially in the promotion of human security, and has made the findings below.

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 will interact with civil society at the intergovernmental level. Alternatively, SADC must adopt a resolution that will set up a framework for giving consultative status to civil society organisations in SADC institutions.

Civil society organisations, especially those engaged in human rights and governance matters in a number of SADC member states, further face challenges regarding their operating environments and lack of frameworks facilitating collaboration between them and governments. Some member states have in place laws and policies that limit the space of these civil society organisations. It is important for governments in all SADC member states to take seriously their respon-

sibility to create legal conditions that will enable all civil society organisations to operate freely, and to interact with them. 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 their attitudes towards civil society organisations. They should be more tolerant and start cooperating and collaborating with civil society in their endeavouring to improve the quality of life of citizens.

The effectiveness of civil society organisations in their envisaged partnership with SADC is further impeded by their inability to have access to the institution's decision-making processes. SADC should consider opening up some of its decision-making process to regional civil society organisations.

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POLITICS, DEFENCE AND SECURITY COOPERATION: PEACE SUPPORT OPERATIONS IN SADC

OVERVIEW: HISTORICAL CONFLICTS AND PEACE PROCESSES IN SOUTHERN AFRICA

MANUEL CORREIA DE BARROS

Introduction

This paper deals with conflicts and peace processes, particularly in southern Africa. It defines concepts, illustrates some episodes, and forms a preface to the following papers. Peacekeeping in the region has to be understood in the context of the history of conflicts, from the pre-colonial, anti-colonial, up to the post-colonial. Additionally, the international frameworks provided by the charters of the United Nations and the African Union provide the basis for SADC peace support operations. The paper considers two cases involving peace processes – in South Africa and Angola, which show that despite differences, political dialogue rather than imposition lead to successful resolution of conflict.

Conflicts are intrinsically a feature of human behaviour. There have been studies by scholars and philosophers, and their analyses have given birth to various theories that differ in focus and depth, depending on the realities of the day. The central issues in conflict studies are: what are the types of conflict; what interests are at stake; what are the costs and benefits? There are also questions about the errors made, the justifications for them; the role of propaganda, of silence; and the use of interposed countries in the dirty work.

There are a number of questions that are addressed in this paper with relation to studying conflict in the African context. These include: the differences and similarities of the conflicts in Africa, the role of colonisers on different phases of their presence; the use of Africa as terrain for struggle between Europeans; inventions that altered colonization; and the relations between Europeans and Africans, and gave birth to The Scramble for Africa; the conflicts against Africans; and the use of Africans as pawns in conflicts, for example – the Boer War, the Great War, the Gaza Kingdom struggle; and the end of colonialism and the negative roles of the great powers during the Cold War.

This paper looks at a failed peace process – Bicesse in Angola, 1991. After that the paper: analyses the characteristics of peace processes generally, especially those involving internal conflicts, their similarities and differences; discusses the decisive role of internal players; and discusses the examples of different but successful processes in South Africa and Angola. These are some of the aspects that are analysed in some depth.

Conflicts and war

Since the most remote times men fight against other men. Some people consider that violence is Man's normal face and that Peace doesn't really exist, since the periods seen as peaceful are, in fact, preparation periods for a future war. Perhaps an exaggeration, but it is a fact that in spite of the terrible suffering imposed [on] Humanity in the twentieth century, war is still seen as a normal way of solving differences among men. The violent conflict exists and everything makes us believe that it will continue to exist.

The conflicts that we shall analyse in this paper are those that involve actual or potential use of armaments by organised groups with political aims or, with other aims, and can by their actions place the security of a country and its population in danger. Included are cases of armed and organised militias that obey warlords, and cases of piracy, as currently manifest themselves off Somalia's coast. Excluded are the violent actions of individuals and small groups that are of criminal or quasi-exclusive criminal nature.

War has been analysed for many centuries. A well-known analysis is that of Sun Tzu, in the *Art of War*, which written in about 300 BC. It has influenced political and military leaders for many centuries. The work presented a complete philosophy of war, how to manage conflicts and win victories, and perhaps the best insight: "...to win without fighting [as it is] better to keep a nation intact than to destroy it. It is better to keep an army intact than to destroy it."¹ Unfortunately, it appears that either this advice has been ignored or humankind has not been aware of it.

The classic analyses of conflicts, or more concretely of war, have different approaches or focus, namely philosophical, political, economic, technological, demographic, legal, sociological and psychological, but nowadays they are multidisciplinary since war is "...an extremely complex social phenomenon that cannot be explained by any single factor or through any single approach".²

Theories about war have also evolved in accordance with changes in the international relations system, and their application by politicians to serve the interests of their countries, their masters, or their social classes. Conflicts receive different names according to the type of opponents. It is referred to as 'war' if the conflict is between groups of more or less equal forces and with an uncertain result; 'pacification', 'military expedition', 'intervention' or 'punishment', if launched by a powerful state against a weaker opponent; 'revolution', 'subversion' or 'insurrection', if initiated by victims of injustice or of discrimination within a country against the authors of that injustice or that discrimination; 'counter-subversion' or 'counter-insurrection', if it is an answer of the opponents to the previous situations. Thus we hear of "*The Troubles*", "*kale borroka*"³ or "*jihad*"⁴ which are three different terms, respectively used by the IRA, by ETA and by fundamentalist Islamic groups, but best known as 'terrorism'. The opponents of these have used 'counter-terrorism' against them. However, sometimes these last concepts are all included in a single one, namely 'civil war'.

In reality, wars happen as soon as the perception of those who are thinking of launching one indicates that obtainable benefits are greater than the costs, and if there is no other alternative to achieve the same objective. That is, when it is thought that negotiations, threats, or pressures have failed.

Humankind fights for very different reasons, but basically they are related to: improving or maintaining positions that serve our country's interests; preventing the consolidation of real or hypothetical threats; and defending the sovereignty of people, territory, and state. The decision to wage war is not restricted to one side; it involves at least two sides, one that attacks and the other that resists. Attack and defending are two sides of the same coin and essential for the beginning of war. War only happens when both opponents are convinced of their having the power and the means – human, material, and financial – that allow them to reach their objec-

1 Sun Tzu 2003: 68.

2 'War' in Encyclopædia Britannica Online. 2008

3 Basque for 'street fighting'

4 Arabic for 'struggle'

tives. Normally, opponents do not have the same needs. The chosen type of war defines what is necessary; the demands of the conventional are totally different from those of a guerrilla war.

The war party that defends its own home and has the total support of its people accepts more casualties than the one that attacks far away from its territory, and without convincing motives for the participation by its own People. A good example is Operation Restore Hope, the USA intervention in Somalia. This was a *"media-intensive military intervention – the invasion ... actually delayed by twenty-four hours so that film crews could get ashore in Somalia ahead of the troops – surely invited hubris. Perhaps the scale of intervention was inadequate for the security problems it encountered, but given the media coverage, the eighteen U.S. fatalities that were repeatedly displayed on television doomed the intervention. ... What had perhaps been planned as a great media coup ... became a media nightmare, and the U.S. forces were promptly pulled out"*.⁵ Sun Tzu explains this well when he says: *"What causes opponents to come of their own accord is the prospect of gain. What discourages opponents from coming is the prospect of harm"*.⁶

It is also true that often errors on the calculation of benefits and costs happen and so surprising results occur, like postponements, delays, multiplication of spending, and bigger human losses. Americans, when intervening in Vietnam, knew that the communist forces would resist, but they were totally wrong about the guerrilla capacity to fight for so long against the American forces. Similar errors were also made years later, in Iraq, namely on the need of more troops to consolidate an easy victory.

Moral justification of war is always a worry for those who launch it. If it is not a fair war, more or less convincing explanations must be found to justify to citizens why they must accept the sacrifice that is asked of them: firstly the use of their sons to fight for something really important to their homeland and future. And in democracies the government must also convince their own parliaments to authorise the corresponding financial effort and, sometimes, the intervention or participation.

Fair wars, in the UN definition, are only the ones that involve a country in self-defence against an armed attack, and those carried out against a country after being sanctioned by the Security Council. If neither of these cases applies, the aggressor state sometimes seeks reasons that try to justify the otherwise indefensible attack, thereby possibly distracting from its real objectives. For example, the supposed existence of weapons of mass destruction, and the alleged vague and woolly connection to Al-Qaeda were the primary reasons given by the US administration to justify its attack on Iraq in 2002.

But if propaganda is not enough silence can help. It is not by chance that photos or film of corpses or funerals of American soldiers in Iraq are published. It was also not by chance that the apartheid regime imposed a total silence about its reprisal operations on the anti-apartheid neighbouring countries, through rigorous internal censorship that diluted or banned television, radio and newspaper coverage.

The use of interposed countries, usually poorer, for the dirty work of fighting, can solve a great part of the problem of selling the idea of a war to a countries citizenry. In financial terms it can be more expensive, but the expense in human lives is naturally cheaper, because, in the eyes of the developed world, the lives of their own sons are perceived to be of greater worth than those of third world citizens. The same philosophy justifies 'surgical' aerial bombings since 'collateral damage' happens to defenceless civilian populations of the third world.

5 Collier 2007: 125

6 Sun Tzu, op. cit. : 105

It is not strange that war does not seem to be close to ending: "The international environment within which states and the people within them operate is regarded by many theorists as the major factor determining the occurrence and the nature of wars. War remains possible as long as individual states seek to ensure self-preservation and to promote their individual interests and – in the absence of a reliable international agency to control the actions of other states – rely on their own efforts."⁷

Conflicts in Africa

Pre-colonial conflicts

Africa has not been exempt from the conflicts that have characterised humankind elsewhere. People have moved to and from various locations in search of better land, grazing, water, other natural resources, and thereby come into contact with others. Contact with others gave rise to competition for livestock and also women. This competition for all these resources has been a source of conflicts amongst Africans for as far as history extends.

Contact with other people, initially with Arabs, led to trade, but also trafficking in slaves, which prompted powerful Africans to try their luck in that prosperous business. War was the simplest form of obtaining enough material for that human trafficking: the lives of the losers were saved so they could be sold as slaves. Later, the discovery and exploration of America by Europeans increased the need for labour, and slavery fed this need. Therefore the trans-Atlantic traffic surpassed the trans-Saharan traffic, since the needs of Brazil, Guyana, the Caribbean and North America were greater.

However, the needs for slaves were different in the two destinations: for the Arab world the slaves were destined mainly to enter domestic service and, for these, women were perceived to be more qualified. On the contrary for the Americas the need was mainly hard physical work in agriculture and mining. Under the trade conditions of the time, Europeans received slaves from African conquerors, and in exchange gave "*clothes to dress them, liquor to intoxicate them, and gunpowder to exterminate them*".⁸ These 'commercial exchanges', justified in some cases by conversion of slaves to Christianity so as to save the exploiters' souls, maintained and gave expression to the supposed 'civilization mission' of many Europeans in Africa.

Some changes that began in the nineteenth century changed the nature of European colonization of Africa, and in the relationships between Europeans and Africans. In particular the end of slavery, and the invention of the steam machine, the repeater rifle, and the telegraph all played significant parts in this change. The end of slavery altered the use of the African as a work instrument, since the masters stopped having obligations for their maintenance in good state. Instead, as 'free' workers they could be used in a new 'economic' way. Under such new regimes, alternative exploitative means were invented to substitute for the slavery regime, such as the '*contratado*' regime⁹ used in the Portuguese colonies.

The steam engine that was adapted for use on ships and trains allowed the profitable movement of great amounts of raw materials of lower value and larger volume, not viable in the era

7 'War' in Encyclopædia Britannica Online. 2008

8 *O Brasil e as Colónias Portuguesas* (Brazil and the Portuguese Colonies), Joaquim Oliveira Martins, Guimarães Editores, Lisbon, 1887, page 287

9 A regime that forced Africans to work wherever they were needed, even very far away. In Angola it was normal to send people to work on the coffee farms (the *roças*) in the S. Tomé Islands.

of animal traction and the sailing ship. The more economical and faster movement of troops was another great advantage of this invention, allowing the quicker solution of colonial 'problems', even at great distance and with a limited number of troops. The repeater rifle, and then the machine gun allowed Europeans to solve a disadvantage that continued to be unfavourable to them – numbers of soldiers compared to the men available to African peoples. Lastly, the telegraph allowed the quick arrival of information about alterations to the situation, so that even in far and difficult areas it was possible to reach a decision in, almost, real time.

These innovations completely altered the form of thinking and the politics of the European powers. The Conference of Berlin in 1884-85 defined new game rules for African colonization: the obligation to communicate annexation claims of new African territories, and the right given of 'effective occupation' of any area in a dispute. These new rules brought what was latter known as the 'Scramble for Africa' and to the complete alteration, in a period of less than 40 years, in the ownership of African territory: if in the 1870s the Africans controlled 90% of their territory, in 1912, with the exception of Liberia and Ethiopia, the whole of Africa was in the hands of European powers. And so it remained for about fifty years, until the end of World War II when decolonization began in the 1960s.

Colonial conflicts

Africa suffered different kinds of conflicts during the era of colonialism: first were the conflicts between colonial powers, with little free participation of Africans; secondly, conflicts launched by Europeans against Africans; thirdly, the conflicts arising from African liberation initiatives; and lastly, conflicts between Africans. Even in these latter conflicts, however, the participation by, interference in, or support from foreign powers was first from Europeans and later by the two superpowers, the USA and the Soviet Union.

An example of the first type (with little free participation of Africans) is the Boer War (1899-1901) between the British Empire and the Boer States (the Transvaal Republic and the Free State of Orange). The discovery of gold in Witwatersrand, in 1886, turned Transvaal into 'the richest spot on Earth' (in the last years of the 1890s it produced about a quarter of the world's gold production), and had totally transformed the life of the State and its inhabitants, until then almost exclusively dedicated to agriculture. The motive for war was there, and rapidly the parties found justification for it.

Begun as a conventional war, with an unfavourable balance of forces in the British favour, it changed two years later into a guerrilla war, led by 25,000 thousand Boer soldiers, against about 200,000 British troops. The British won, often through burnt land tactics and creating concentration camps, for some of the military as far away as Ceylon and Bermuda, and for more than 27,000 civilian Boers, mainly women and children. A great number lost their lives due to measles and typhoid epidemics; more than 20,000 Africans were placed in separate camps.

The African participation, on both sides, is evaluated at about 20,000 to 40,000 soldiers, sometimes unarmed, digging of trenches, as spies and messengers, and as food carriers for the surrounded cities, where they were victims of the unfair distribution (receiving less) from those who they were saving. This "... for Britain ... was the biggest, costliest, most humiliating war fought during the century of its imperial pre-eminence ... it involved over four times as many troops as the Crimean War and cost more than three times as much money."¹⁰ For the African population the "... full extent of losses ... will probably never be known."¹¹

10 'South African War', in Microsoft Encarta 2007

11 *Idem*

The same happened in the First World War of 1914 to 1918, "...when the death toll among British troops was added to that of the carriers, the official 'butchers' bill' in the East Africa campaign exceeded 100,000 souls. The true figure was undoubtedly much higher ... even 100,000 deaths is a sobering enough figure ... it is as if the entire African workforce employed at the time in the mines of South Africa had been wiped out. Yet the East Africa campaign remains, by and large, a forgotten theatre of war."¹²

As an example of the second type, a conflict carried out against Africans, we can cite what happened in the Gaza Kingdom in Mozambique, particularly with king Ngungunhana. He began his reign at the time of the Berlin Conference (1884-85), and decided, with good intelligence, that he needed to have good relationships with the Portuguese, and thus, soon after his ascent to the throne, he sent to the colonial authorities a goodwill embassy, with gifts, announcing his desire for said good relationships. The perceived desire of another power for domination of that territory convinced Portugal to take advantage of the good will of Ngungunhana and, soon, in 1885, sent to his court a resident, as a liaison officer, ambassador and political consultant. However, the British ultimatum of January 1890 forced the retreat of the Portuguese forces of all the territories in dispute in what is now Malawi and Zimbabwe, and with a threat of naval blockade and other armed actions if it was not accepted. The King and the Portuguese Government yielded to the ultimatum, but in face of the patriotic and nationalist wave of repudiation that began in Portugal, the colonial administration changed its behaviour, giving up the agreements and cooperation, and began to impose submission and full vassalage.

The increase of taxation and the violence against African populations led to great dissatisfaction and open rebellion in 1894, with the encirclement of Lourenço Marques (Maputo). In spite of the non-active participation of Ngungunhana's forces, the Portuguese attributed the attack to him and decided to punish him as an example. Lisbon gave instructions to the Governor that "nothing less than the total annihilation of Ngungunhana was a solution". After some military victories and the capture of the Kingdom's capital, Manjacaze, Ngungunhana, who had already decided to surrender to save his people, a fact that he had already communicated to his enemies, was violently attacked and trapped, in Chaimite, and his collaborators were summarily and brutally murdered. The resistance of Gaza would still last more than a dozen years, but it would end squashed by the violence and repression of the colonial authorities.

Anti-colonial and post-colonial conflicts

This section gives an account of major colonial and post-colonial conflicts in southern Africa. The end of the Second World War and the emergence of the two superpowers gave the final blow to the European empires in Africa. European powers such as Great Britain and France gave independence to their colonies, and ended colonial conflicts, on condition that they would maintain economic power in the former colonies. Through different methods, decolonization mostly occurred without great wars, with some exceptions, notably Kenya, Rhodesia, and Algeria.

The same cannot be said of Portugal's colonies, since it, due to its economic weakness, did not have the capacity, in face to the competition of its strongest economies, to maintain the economic power in its colonies without totally controlling political power. So the nationalists in its colonies did not have options other than armed liberation struggle. Those wars lasted more than a decade,¹³ and they forced Portugal to permanently maintain more than 100,000 soldiers in the three colonies,

¹² Paice 2002: 392

¹³ Angola since 1961, Guinea since 1963, and Mozambique since 1965, and all finished after the military coup of 25 April 1974

where it belatedly initiated reforms to improve the lives of African populations.

Although the objective of all the anti-colonial wars was independence, once this was attained, political visions varied widely. This fact, exacerbated by the political climate prevalent during the Cold War, led liberation movements to proliferate in each colony, with some being labelled pro-communist and others pro-capitalist. These labels were dependent on where the liberation movement obtained support from. The ideological positions of the different liberation movements were the source of post-colonial civil wars. This situation continued for the post-independence period, and was partly the cause of the civil wars that followed the colonist's exit. This strategic choice, for example, "positioned the US and the West squarely in opposition to Angola's national interests. This point of view was reinforced throughout the liberation war. ... The US was not ready to help a movement that included communist elements [and so] this American choice left MPLA with few choices but to turn to the former Soviet Union for assistance."¹⁴

It is the case of Angola, where it was not possible to reconcile the three liberation movements (FNLA, MPLA and UNITA), the (civil) war was prolonged for more than a decade and half. The negative attitude of the US Administration at Independence Day is symptomatic of this situation: "Predictably, American reaction to MPLA control of Luanda at independence was overtly hostile. But MPLA leader Agostinho Neto believed that, sooner rather than later, the United States would recognise his government to deepen mutually beneficial trade relations – especially in the oil industry – and to help solve the remaining problems affecting southern Africa, especially the transition to majority rule in Namibia, South Africa and Zimbabwe."¹⁵ The first two problems even without the help of western powers were solved partly with the sacrifice of the Angolan people, and determination of the Angolan Government.

Post-colonial conflicts took another turn such that in Mozambique in 1979, RENAMO was created and supported by the Rhodesian secret services in order to fight its ideological rival, the "pro-communist" FRELIMO liberation movement. Retrograde regimes such as Rhodesia and apartheid South Africa were not compatible with African independence. This led to the perpetuation of conflict within southern Africa. The formation of the Front Line States was the African answer to the attempts at colonial perpetuation. The turning point against the colonial conflicts was in 1987 and 1988, culminating in the events at Cuito Cuanavale, which was "the turning point for the liberation of our continent – and of my people – from the scourge of apartheid",¹⁶ as defined by Nelson Mandela. Soviet technology (MIG-23 fighters and AA missiles), greater Cuban engagement at the front line, and know-how (specially as jet pilots), and the Angolans' will to put an end to the enemy presence on its border, all together made possible the withdrawal of the South African Defence Force¹⁷ from Angolan territory, the implementation of UN Resolution 435, and the independence of Namibia.

Peace Processes

A lot is heard and can be read about the enormous amount of conflict in existence in Africa, and about the inability of the Africans to solve their own problems, but little or nothing is heard about their immense capacity to, in original and effective ways, solve conflicts. Too much is spoken about the failures and very little of the successes. Communication specialists explain that

14 Malaquias 2007: 17

15 *Idem*, page 20

16 As quoted by Piero Gleijeses, "Cuito Cuanavale revisited", in *The New York Times*, 11 July 2007

17 Also called the Defence Force

conflict, crime, horror and the illegal sells better than peace, justice, good and the legal.

A brief review of some of the peace processes will allow us to learn about, and thereby to define the essential or important points for future success in the process of resolving African conflicts.

The failed peace process in Angola, 1992

There are lessons from the failed peace process of Angola in 1992. The Bicesse Accord provided for the demobilization of the Popular Armed Forces for the Liberation of Angola, FAPLA (government troops) and the Armed Forces for the Liberation of Angola, FALA (UNITA troops). It was supposed to provide for the creation of a joint armed force, 50,000-strong (20,000 each from FAPLA and FALA, a 6,000 strong Air Force and a Navy with 4,000 men). The remaining men from both sides (an estimated total of about 200,000) would be demobilised. This accord was not totally implemented due to the unilateral resumption of war. At the political level, the elections should only have taken place after the creation of the Angolan Armed Forces (FAA), but the parties were not obliged to conclude demobilization and disarmament, which "was an error that helped pave the way for return to war, although it could not be said that it caused it."¹⁸ The truncating of the peace process interrupted the Demobilization, Disarmament and Reintegration (DDR) programme. Until the conducting of elections in September 2002, only 100,000 men of the government army, and a little over 20,000 men from UNITA had actually been demobilised and disarmed, but not reinserted into civilian life. The truth is that the elections were held with the existence of "not one, but three armies."¹⁹ This example shows that conflict resolution fails if not matched with effective political action.

Lessons from successful peace processes

The following accounts of two peace processes illustrate the critical importance of political dialogue in resolving conflicts. The two examples reveal that dialogue and avoidance of imposition tend to lead to desirable (peace) outcomes. As the end of apartheid in South Africa, and the final resolution of the Angolan conflict clearly show, convincing yields better results than imposing. In both cases, the opposing contenders were all engaged and actively participated in the peace processes.

The end of apartheid in South Africa partly reflects the role of Nelson Mandela, who despite spending 27 years in prison, with that suffering and humiliation, studied, learned the language, and understood the deep sentiments of his enemies, and in a masterly, but humane way explained and convinced them of the goodness of his cause, and of the common interest in building a new country, where the enemies of the past, exploited and exploited, could live in peace in a new society without winners nor losers. Unfortunately, even in Africa, Mandela – "the president of Humanity"²⁰ and "the indispensable man"²¹ – is the exception not the rule.

From 1990 to 1991 the legal apparatus of apartheid was abolished. Negotiations between the Government and the ANC began to pave the way for a peaceful transition of power. Political prisoners were released and exiles were allowed to return. The ANC brought an end to its armed struggle. Of course there were some problems between political parties, some violence, even murders happened, but finally the Government (represented by Frederick de Klerk) and the ANC (represented by Nelson Mandela) signed a Record of Understanding, agreeing that a constituent

18 Porto and Parsons: 19

19 Anstee 1992: 11

20 As described by Tony Benn, a British parliamentarian, at the unveiling ceremony of a bronze statue of Nelson Mandela, in London's Parliament Square.

21 Carlin 2008: 257

assembly would be created and a five-year Government of National Unity would be sworn in.

In 1993 the Interim Constitution was published and accepted, and 27 April 1994 was chosen to be the Election Day. At midnight of 26-27 April the new rainbow flag was hoisted, and for the first time the hymn, "Nkosi Sikelel' iAfrika", was sung as the country's national anthem. Twenty million South Africans cast their votes, and for the first time in their lives a great majority had the right to choose their leaders.

Convincing the oppressors of the rightness of the solution is almost as important as making it acceptable to the victims of those same oppressors. A process based on a Truth and Reconciliation Commission is an original way of solving a problem of the still living victims of centuries of discrimination, intolerance and genocide. Even president F.W. de Klerk was humble when he said: "I apologise in my capacity as leader of the NP to the millions who suffered wrenching disruption of forced removals; who suffered the shame of being arrested for pass law offences; who over the decades suffered the indignities and humiliation of racial discrimination." The obtained result proves the rightness of the process.

For a third example we return to Angola, in 2002, and for that we use a report of the UN Secretary-General on Angola. "Mr. Savimbi was killed in combat on 22 February 2002, however, and the Angolan Armed Forces (FAA) quickly established, in situ, contacts with their counterparts in UNITA with a view to achieving a cessation of hostilities and ending the war. On 13 March, the Government unveiled its 15-point Agenda for Peace, which included a cessation of all military offensives by FAA at midnight of the same date; establishment, in situ, of contacts between the field commanders of the two sides ... for a general ceasefire; demilitarization of UNITA troops and their reintegration; general amnesty... extension of State administration... elaboration of an emergency programme of humanitarian relief for the war-affected people; resettlement of displaced persons... The commanders of FAA and UNITA forces ... after two weeks of talks in Luena, Moxico Province, signed, on 4 April, a Memorandum of Understanding on the cessation of hostilities and the resolution of other remaining issues under the Lusaka Protocol."²²

The end of the war in Angola, a process conducted in an original and effective way, brought peace that for so long the people had desired and deserved. The process was based on four simple premises, which showed themselves fundamental to attaining the proposed objective. The death of Mr. Savimbi marked *the right moment*, promptly used by the Government and not refused by UNITA's generals; the for so long sacrifices and war weariness reinforced *the parties' will* to finish the process; *the existence of only two agendas, both Angolan*, for discussion and setting the rhythm, was determinant for process simplification and rapid concretization; and lastly, the fact of being *all victors*: the Angolans for achieving peace; the Government and the MPLA for finishing with the cause that obstructed real governance; and UNITA for winning a place to discuss its own ideas and impose his own options, through the electoral vote and by force of weapons no more.²³

As outlined above, the two cases of the peace processes in South Africa and Angola show that very different processes achieved good results. There is no miraculous formula to end wars, and what is good for one can be bad for another. Each process has its own timing, strengths, limitations, willingness, actors, and originality. Let's study all the implications and find the proper way of achieving a good result. However, what is apparent in both cases is that convincing is

22 'Report of the Secretary-General to the Security Council on Angola', UN Security Council, S/2002/834, 26.07.2002, page 1 and 2

23 de Barros 2007:15

always better than imposing. The way to go is to help the contenders to find the way out of a conflict, rather than ship the process and substitute it with the imposition of a 'solution'. The will of the contenders is essential to a good and durable solution.

Conclusions

If conflicts are inevitable, if mankind cannot free itself of wars as means of achieving goals, then we must be prepared for them, try to avoid them, use all peace weapons available, and find a solution with the least costs possible, even if that solution looks very difficult. (It is, perhaps, worth remembering that eighteen American casualties were sufficient to force the biggest world power to an inglorious retreat from the territory of a failed state without any capacity to defend its own interests – Somalia).

If it is not possible to avoid conflict, then it must be resolved as soon as possible, because the costs of war are always very heavy, even for very wealthy countries. It appears that the best solution always goes through a peace process. But positive results are not possible without the patriotism, collaboration, commitment, and realism of former enemies. Africa is an example for the world; the end of apartheid in South Africa and the end of civil war in Angola are outstanding examples of the capacity of Africans to solve their own conflicts, even if they looked irresolvable.

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PEACE AND SECURITY OPERATIONS IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY: INSTITUTIONAL AND OPERATIONAL FRAMEWORKS

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Introduction

This paper deals with the institutional and operational frameworks for peace support operations (PSO) in the Southern African Development Community. It critically assesses the capacity of the region to conduct peace support operations, identifies the legal, institutional, political, and functional realities on the ground, and proposes some reforms that could be implemented to improve performance.

The Southern African Development Community (SADC) is facing a range of transformation issues since its establishment in 1992. The organisation was originally conceived as a tool to promote regional cooperation among liberated states, to achieve economic liberation and reduce dependence (mainly infrastructural) on the apartheid regime in South Africa. Earlier, the political solidarity of the 'black block' (Ngoma, 2005) in its quest for self-determination, gave rise in mid-70s to the Front Line States (FLS), an informal mechanism for the exchange of information and coordination of strategies to fight apartheid. A military wing, in the form of the Inter-State Defence and Security Committee (ISDSC), was created to provide help for the liberation movements, and later continued assisting member states until the demise of apartheid and democratization of South Africa.

The winds of change in southern Africa from the early 1990s brought the need for policy, institutional and functional transformation of cooperation in the defence and security field. The FLS became *de facto* defunct in 1994, giving birth to the establishment of the Organ on Politics, Defence and Security Cooperation (OPDSC) (absorbing ISDSC) during the Extraordinary Summit of the Organ in Botswana in June 1996.

Meanwhile, during that period (and the late 1990s) the organization faced substantial challenges, with a range of intra-state conflicts (some with inter-state spillovers) emerging in the DRC and Lesotho, and intensified conflict in Angola. The regional response to these conflicts was generally bleak and controversial, thus reinforcing the need for institutionalization of a formal structure in which 'SADC countries would coordinate their policies and activities in the areas of politics, defence and security' (Summit Communiqué, 1996). Hence, the need for the restructuring of SADC in 2001.

The inauguration of the African Union (AU) and the institutionalization of the Peace and Security Council (PSC) brought to fruition the establishment of the African Standby Forces (ASF) in each of the five sub-regions, premised on the principle of subsidiarity deriving from the UN Charter, Chapter VII (Art. 52). The milestone set by PSC is that sub regions must be capable of deploying a brigade size force within 90 days by 2010 (PSC Protocol 2002). Such task is underway with the establishment of the SADC Brigade.

1 The reflections and opinions expressed in this paper were presented at the FOPRISA II Phase dealing with *Development of PSO in SADC* in his capacity as lecturer and CEEA – SADSEM Project Coordinator. Those, therefore, are not vinculative to other institutions where he collaborates.

Legal and Institutional frameworks for peace support operations

The security challenges for peace and stability that the region was facing at the time of its inception are much the same as now. Some emerged and became central due to the complexities of the international system at the end of the Cold War. A new range of challenges, such as terrorism, transnational crimes, proliferation of, and the ease of access to, weapons of mass destruction, are currently real. Although exogenous, these elements arising from the complexity in international relations combine with other "home-grown" challenges such as intra-state conflicts, poverty, inequality and marginalization (with sub-elements such as food security, unemployment, the high and increasing prevalence of HIV and AIDS). Coupled with governance, environmental, demographic and other issues,² southern Africa as a region is in search of human security.

The broadening of the security concept to include the non-conventional and non-traditional security threats is a recent development in Africa, and particularly in SADC. The humanization of security, centred on people rather than state regimes, represents a new dispensation of "freedom from want and fear", bringing new modes of security governance as envisaged by security sector reform or transformation. Therefore, SADC has included the wider concept of human security in its main policy documents. The extraordinary Summit in 1996 proposed that the Organ would 'promote the political, economic, social, and environmental dimensions of security' (Summit Communiqué 1996) although that specific provision became muted in the Protocol, proposing instead to 'enhance regional capacity in respect of disaster management and coordination of international humanitarian assistance' in Article 2.2(l) of the Protocol on Politics, Defence and Security (PPDSC, 2001).

By using a common security approach, in order to strengthen peaceful cooperation and enhance mutual security, in adopting the PPDSC, SADC has embarked on a collective security arrangement. Member states agree not only to peacefully develop their relationships, but also to introduce the possibility of the use of force, through the conduct of PSO in respect of intra- and inter-state conflicts, guided by the UN charter and a Security Council mandate.

Eventually, in 2004, a collective defence arrangement was inaugurated by the Mutual Defence Pact (MDP), in the event of an external aggression to one of its members.³ The pact has yet to enter into force, pending the necessary number of ratifications. As of August 2008, only Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Swaziland and South Africa had ratified. As a result of the SADC restructuring process adopted in 2001, the Strategic Indicative Plan of the Organ on Politics, Defence and Security Cooperation (SIPO) was approved to provide generic and strategic orientation for the implementation of the Protocol of the Organ, the MDP and other relevant policy documents related to security cooperation in the region. SIPO is meant to complement the Regional Indicative Strategic Development Plan (RISDP), which was also born from the restructuring process, and spells out the strategies for the economic agenda and material conditions for development to take off in the region. Thus the two indicative strategic plans are supposed to link the peace, security and political stability premises with the socioeconomic development agenda.

2 For a more comprehensive insight on the challenges in the region see Cawthra, Gavin (2007) – *Key security challenges for Southern African Community Security Cooperation*, FOPRISA Report 3.

3 For a more comprehensive insight of the salient features of the MDP see Sadiki Maeresera unpublished paper *Operationalising the Mutual Defence Pact*, presented at the November 2007 FOPRISA proceedings, in Durban, South Africa.

The Organ, which had been operating as an independent body since 1996, was "institutionalised" in 2001. Between its creation and formalization as a SADC structure a major rift arose between President Mugabe, the then chair of the Organ and President Mandela due fundamental differences on how the institution should function, but mostly perhaps by a clash of personalities in pursuing regional protagonism and leadership. This rivalry ultimately contributed to the lack of a common approach for intervention in the Lesotho and DRC conflicts in 1998. Meyns (2002) provides a good insight of those turbulent periods.

In order to fulfil its objectives the Organ operates in a troika format reporting to the SADC Summit, having a Ministerial Committee of the Organ (MCO), comprising the ministers responsible for foreign affairs, defence, public security and state security. The MCO is supported by two sub-committees: Inter-State Defence and Security Committee and the Inter-State Politics and Diplomacy Committee (PPDSC).

At the executive level, the SADC Secretariat provides secretarial services to the Organ, and is led by a Director, having under his responsibility the Directorate for Politics and Diplomacy, and the Directorate for Defence and Security. Its institutional organogram also cater for a Strategic Analysis Unit (where a situation room is to be located). There are other important components of the institutional machinery to cater for the Organ activities, particularly for the preparation of the PSO. These are the Regional Early Warning Centre (REWC), the Planning Element (Planelm) and the Regional Peacekeeping Training Centre (RPTC), (Organ Structure, 2005).

SADC operational frameworks and challenges to deploy peace support operations

The main operational determinants are institutional governance, the manner of functioning of the operational units for peacekeeping operations, and others such as the impact of HIV/AIDS.

The transformation from the OAU to AU in 2002 represented a major departure from the past at least in respect of the principle of non-intervention and non-interference in the internal matters of African states. This move was challenging the sacrosanct principle of sovereignty, which has often led to many atrocities and the indifference of the international community. The AU Constitutive Act (Article 4) makes provision for the "right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity" and the "right of member states to request intervention from the Union in order to restore peace and security". However, it is an apparent contradiction that remains to be resolved when the AUC makes provision of right to intervene and yet again the notion of non-interference is stated in the same article.

Nevertheless, these developments were in part a consequence of the failure of the UN humanitarian intervention in Somalia, the so called "Restore Hope" operation which ended abruptly after the killings of eighteen American soldiers in the streets of Mogadishu, in 1993. The international community was shocked with those events and Rwanda paid the price a year later with the horrendous Hutu/Tutsi genocide, compelling the continent to seek "African solutions to African problems". Consequently, the AU Summit in Durban (2002) also approved the creation of the Peace and Security Council (PSC), mirrored to perform the same functions as the UNSC. Article 13 refers to a multidisciplinary contingent (civilian and military) in the form of an African Standby Force (ASF) to enforce (h) and (j), ready for deployment at appropriate notice (PSC Protocol, 2002).

In May 2003 in Addis Ababa, the African Chiefs of Defence Staff (ACDS) adopted the "Policy

framework document for the establishment of the ASF and of the military staff command" (AU, 2003), recommending June 2010 as the benchmark for the full operationalization of five regional brigades (according to the continental geographic division in the Abuja Treaty), capable of managing complex peacekeeping operations and deployable within 90 days.⁴ After a period of preparation, the SADCBrig was launched on the 17th of August 2007, in Lusaka, Zambia. At that occasion, member states signed a MoU on the establishment of the SADCBrig and made pledges in manpower (MOU 2007).

The critical question for SADC may be posed: is the region prepared to engage in PSO? The next section highlights some contributions towards the amelioration of the readiness to intervene according the scenarios anticipated in Article 11 of the Protocol on PDSC.⁵

Institutional governance

Institutional governance is one of the main challenges the organization is facing, and will determine the degree success in the deepening of regional security cooperation. The reality is that there is no correlation between the institutional developments at regional level and the behaviour of member states in actively participating and implementing what has been agreed and approved in regional policy documents. There appears to be a lack of political will on the part of the member states, which dents the credibility of the Organ as a regional peacemaker.

Compounding this are the limited capacities of the member states to meet the SADC Organ's goals. Due to the heterogeneity of its members' level on economic and social development very few are capable of diverting their scarce resources to participate in the PSO. This is particularly true with regard to military capabilities, as some of member states do not have a conventional army, such as Mauritius.

In order to mitigate such difficulties the Organ should accept and introduce a variable geometry mechanism (a principle which SADC adopted in 2001 with the restructuring process meant for the developmental agenda) in participating in PSO or a kind of "coalition of the willing", meaning in practice that those who have better material conditions should contribute more and effectively lead the peace-making efforts, allowing notwithstanding, other countries to participate in accordance to their capabilities. In essence, participating countries should contribute in areas where they are most competent.

Another important aspect for rapid and timely deployment of PSO is the procedure leading to decisions leading towards interventions. The SADC sacrosanct principle of "consensus" ought to be reformulated to reflect other regional experiences (Adebajo 2008: 133). With 15 members involved, each one defending its own national interests, it makes it very difficult to reach a consensus. Considering that fact, PSC introduced a voting procedure of simple majority in procedural matters, and two-thirds in substantive issues (PSC Protocol 2002).

⁴ For a more comprehensive account on the developments of ASF see Kent and Malan (2003).

⁵ It is however often neglected the importance of other SADC legal cooperating agreements meant to build a secure peaceful environment in the region such as the Protocol on the control of firearms, ammunition and other related material as well as on combating illicit drugs. Another critical instrument for deepening regional social cohesion and sense of a community building is the full implementation of the Protocol on the Facilitation of Movement of Persons, which is not yet in place.

Regional Indicative Strategic Development Plan vs. Strategic Plan for the Organ on Politics, Defence and Security Cooperation

The RISDP and SIPO are not coordinated in implementation. There is need for *alignment* (or reconciliation) between the "two" SADC legs. RISDP and SIPO must go in tandem, as they complement each other, although the latter precedes the former, considering the timelines for their respective implementation (SIPO five years and RISDP fifteen years) and objectives. As it is SIPO that "is an enabling instrument for the implementation of the SADC developmental agenda embodied in the RISDP" (SIPO foreword, 2004).

However, that is very far from the reality. It appears that the conceptualisation of the RISDP and SIPO was uncoordinated. According to Macaringue (2008), 'SIPO was initiated when RISDP was almost accomplished, but the two drafting teams hardly shared experiences of the modalities and methodologies of accomplishing their work'. He further noted that SIPO did not follow the methods used to draft RISDP, since most of the aspects that related to threats, objectives and priorities had to be copied *verbatim* from the SADC Treaty, the Declaration on the OPDSC and its Protocol, as such imposition, combined with Article 10 that limited the SIPO drafting work to "in-house expertise", appeared to have influenced the contours of the end-product. Had technical outsourcing been applied in a similar way to what happened with RISDP, a different outcome would certainly have emerged.

The nature of the alignment (or reconciliation) required is, above all, *programmatic*, notwithstanding the *functional* and *institutional* implications. In terms of functional and institutional alignment, it is expected that the Ministerial Committee of the Organ (MCO) and the Council of Ministers responsible for the economic agenda (more specifically the ministers of finance) and substructures, need to do better coordination in setting up their respective activities. Another issue that needs to be addressed by member states is the funding of SIPO activities. There is some degree of uncertainty as to whether the Organ should be funded solely by SADC member states, or if donors can also be brought in. It has to be underscored that SIPO (and RISDP) milestones are too ambitious, requiring resources which countries may have neither the capacity nor the will to fund. That is particularly true with the financing of PSO.

The other problem involves the incongruence of planning and budgeting for the Organ. One aspect that requires fine tuning is the process leading to the planning and budgeting of the Organ structures, programmes and priorities, within the overall SADC budget. As João Ndlovu⁶ put it "there is reluctance for planners to disburse funds that were budgeted for [the] defence and security sector because they give preference to developmental issues" (Fisher and Ngoma, 2005:7).

However, the issue goes beyond disbursement of funds. It is, in our view, related to the appreciation of the relevance of the Organ activities and its Secretariat in particular. For the Directorate of the Organ to discharge its duties, one of the crucial priorities is the recruitment of staff. At present staff levels are inadequate. This issue seems finally being addressed, with the filling of new posts during the 2008/2009 financial year.

Lastly, if the alignment between RISDP and SIPO has to be dealt with expeditiously at regional level, so it must be at the national level. The member states' SADC National Committees (SNCs) should operate on the same 'wavelength' as the regional body. Evidence shows that in most countries there is a disjoint in dealing with social, economic and politi-

6 Former acting director of the OPDS, until late 2005.

cal/security matters, and those arising from the regional agenda, which is a reflection of the situation at the SADC Secretariat. For example, there is problematic implementation of the Protocol on the Facilitation of Movement of Persons, which besides security concerns, also involves economic and social consequences that need consideration. What is being suggested is that SNC's ought to be fully or partially involved in some of the Organ domain issues and *vice-versa*.

Functions and role of the SADC Executive Secretary

The SADC Executive Secretary (ES) does not have sufficient executive power and cannot provide strategic leadership. Considering the current political crises and challenges for stability that the region is going through (DRC, Zimbabwe, and Madagascar are the most crucial ones) the role played by the ES should be *extended* or *reinforced*, particularly in helping the chair of the Organ in the management of emerging crises. The role of the ES, rather than just managing the Secretariat,⁷ should also be strategic in high politics.

The activism of Tomaz Salomão (different from the previous, more technocrat and 'politically correct' Prega Ramsamy) in 'diplomatically shuttling' the region and the continent trying to bring solutions to the innumerable political debacles is outstanding. His first term is being markedly characterised by constant high level meetings, where politics and conflict resolution⁸ are at the central stage.

More recently, the region has been increasingly experiencing more political unrest. The unconstitutional ousting of president Ravalomanana in mid-March by former Antananarivo mayor, Andry Rajoelina, the failed attempt on the Lesotho prime minister's life (late April), the ever potentially volatile situation in Malawi and Swaziland, indicates a gloomy picture for regional stability, requiring appropriate leadership from the ES in support of the Troika of the Organ in particular.

Taking into account that at the SADC Summit held in Johannesburg, in August 2008, the Council of Ministers approved a second position of Deputy Executive Secretary in charge of the economic integration agenda. It is expected that the ES can then be relatively free to focus and act more on political or strategic matters.

Directorate of the Organ on Politics, Defence and Security Cooperation

The directorate of the Organ does not have the requisite prominence and clout to perform effectively. As stated above, given that there are serious political debacles resulting from the transition and consolidation of various democratic processes in the region (a trend seemingly to continue in the near future), the Organ should also consider the elevation of the Director of the OPDS to the level of Deputy Executive Secretary (as was done with the economic agenda, by the creation of a second post of Deputy Executive Secretary for Regional Integration at the 2008

7 The roles and functions of the Secretariat (not specifically of the Executive Secretary) are displayed in the art. 14 of the Amended Treaty, 2001.

8 Several SADC Extraordinary meetings, Troika of the Organ and MCO, have been convened in the past two years.

Summit in Johannesburg).⁹ The Directorate and its structures need to be properly reinforced, and thereby strengthening the capacity of the Secretariat.

Another issue of relevance for the Organ and the Directorate on PDS, is the establishment of a small Planning Element (Planelm) within the AU HQ, or at least a SADC liaison officer. This is a directive emanating from the AU in relation to RECs to enhance articulation of regional and continental efforts in the deployment to PSO's and to facilitate interaction with the AU and UN command structures (PSC Protocol, 2002).

Planning element

The Planning Element (Planelm) is a vital function of the SADC Brig, and it requires development. Its main responsibility is to provide, through multinational field exercises, the much needed interoperability of forces involved, as well the compatibility of equipment and military systems in use. Given the past prolonged different exposure to military doctrines (Lusophone, Francophone and Anglophone; Nato vs. Warsaw pact) this is of paramount importance. As Macaringue (2007: 121) noted SADC needs:

[an] urgent definition of operational requirements through a detailed needs analysis; examination of military existing capability; and creation of strategic policies, processes, procedures ... in support of the force development. Of great significance are concerted efforts in the areas of logistics support, training of personnel, standardization of equipment, determination of field operating procedures, and a myriad of other critical activities that allow the creation of a homogeneous, deployable, and effective military component.

Such is the complex task to be coordinated by the Planelm. The region has already conducted some joint exercises (Blue Hungwe in April 1997, Blue Crane in April 1999, Tulipe in May 1999, Blue Angel in August 2003 and Tokhghamo in June 2005), and currently there are in preparation a Map Exercise (MAPEX), a Command Post Exercise (CPX), and later in 2009 a Field Training Exercise (FTX).

Regional Early Warning Centre (REWC)

The establishment of the REWC is facing inordinate delays. Its task is to anticipate, prevent and manage potential conflicts or threats, conventional or non-conventional, including *inter alia*, terrorism, drug trafficking, and potential human disasters. This would be done in collaboration with the National Early Warning Centres located in member states, although there seems to be some divergence on the sources and participation of the civil society in that framework.

According to the latest information, the delays in the operationalization of the REWC is partly due to slow recruitment of officer positions, which prompted a temporary solution that member states should appoint staff on secondment. Another important component for its running is the acquisition of secure communication equipment and systems linking regional and national machineries. This is work in progress, and the foreseeable inauguration of this tool was scheduled to take place at the end of 2008. As of April 2009 the REWC was not yet operational.

9 For the new organisational set-up, see the paper by Elling Tjønneland in this volume.

Regional Peacekeeping Training Centre (RPTC)

The RPTC has been undermined by the political instability of the host country, Zimbabwe. Inaugurated in November 1995, the RPTC was designed to provide training for required peacekeeping activities. It soon became inoperant when the Danish government ceased financial support for its operations, following Zimbabwe's embarkation on its catastrophic 'land reform' programme, prompting a political debacle with the international community, particularly the EU. Later in 2002, the US also withdrew a US\$20 million financial pledge because they did not want it to benefit Zimbabwe. The region expressed political "solidarity" and the money was gone.

Currently, the RPTC is experiencing the same ostracism as the hosting country. Taking recognition of the RPTC importance to SADC Brig, the ISDSC recently recommended to the MCO the need for revamping and strengthening the mandate and scope of the RPTC, namely, "to assist in planning for SADC peacekeeping functions and for SADC PSO exercises; to implement SIPO objectives and the SADC development agenda related to Peace and Security".¹⁰

As a reflex of the complex problems the country is facing but also because of the extreme dependence of SADC on external partners, the RPTC is currently operating with three staff members, although provisions have been made to recruit more staff. The projected Organ's budget for 2008/09, accords to the RPTC a lion's share of the inter-departmental Organ budget component (SADC, 2008). This may be a good development, considering the work ahead for SADC Brig's full operationalization in June 2010.

Notwithstanding the relatively successful implementation of the Zimbabwe Global Political Agreement (GPA), which saw the formation of a Government of National Unity, between ZANU-PF, MDC-T and that of Mutambara in February 2009, allowing the return of some degree of normality, the fate of the RPTC and the ability to perform its mandate remain uncertain if member states do not assume a more proactive role in funding its activities. Individual countries are therefore encouraged to create or to boost (if available) their own centres for peacekeeping training facilities, or to make use of regional NGOs which provide training in PSO.

SADC Brigade

On the 17th August 2007, in Lusaka, Zambia, SADCBrig was officially launched, in the presence of the 14 SADC Heads of States and Government and respective military and police contingents. On that occasion a SADCBrig MoU was signed to guide operations and member states' contributions. The relevant provisions of the MoU are contained in Article 8 (contribution of state parties), Article 9 (main logistic depot), Article 10 (financial guidelines and finances) and Article 12 (command and control) (SADC, 2007). However, the civilian component, which is supposed to perform an important role (functions in Article 5) was not part of that symbolic act. There is some urgency on that matter considering the possible deployment of a SADC mission to reinforce the UN mission in DRC (MONUC), as per the decision of the extraordinary Summit on 9th November 2008 in South Africa (Summit Communiqué, 2008).

Funding any PSO initiative will be one of the main difficulties of the region. The funding mechanism envisaged in Article 10 brings ambiguity and uncertainty, when it proposes that funding SADCBrig will be done according to SADC financial guidelines. In that regard, SADC should

10 Others are: to promote regional cooperation in peace and security among SADC member states; to build capacity in conflict prevention and conflict management including PSO; to train peacekeeping practitioners and provide training, enabling all SADC member states to take part in PSO; to develop and deliver peacekeeping training in line with SADC, AU and UN standards.

have gone a step further in proposing other funding mechanisms, such as a SADC Peace Fund to be alimanted through various expedients such as a peace tax on regional citizens, or a tourism levy. Another avenue to explore is to increase member states' contributions to the SADC annual budget with a fixed percentage being channelled for PSO funding.

Furthermore, Article 10 is also silent on external sources of funding, such as an AU/EU Peace Facility Fund.

But that is not all, as logistics is another issue of concern. As Tsepe Motumi (2004: 252) indicated:

logistics in a military setting is primarily aimed at system/product support, and involves the supply and maintenance of equipment; the supply and sustenance of personnel; training, and the supply of training devices; computer resources and support; the provision of facilities; and the packaging, handling, storage, and transport of equipment and supplies.¹¹

That quotation indicates the importance of logistics. This is a very complex issue, due the shortage of capacity in the majority of SADC member states, ranging from lack of airlift capabilities to engineer units, to storage of essentials. SADC is yet to decide where the Main Logistic Depot (MLD) is going to be located but it is clear that it must be where there is infrastructure which allows easy and rapid access in case of a unit's deployment.

The command, control, communication and integrated systems (C3IS) is of great importance for the proper coordination of multinational forces. When deployed SADCBrig will be under the strategic direction of a Special Representative of the Organ (SRO) and a Force Commander, and each country will be required to designate a senior liaison officer to respond to the SADCBrig Force Commander.

Other issues affecting PSO

There is another range of issues that will affect the capacity of SADC in deploying its regional armed wing. Those are related to the impact of HIV/AIDS in the armed forces,¹² professionalization of the armed forces and countries with multiple memberships of RECs. These issues need to be further investigated elsewhere.

A brief assessment of SADC and Peace Support Operations: from preventive diplomacy to intervention

Unfortunately, the region's experience in preventive diplomacy and intervention has resulted in a poor record. A combination of factors such as bitter rivalries, lack of common and shared values, and lack of political will have adversely influenced the events in the cases of Lesotho, DRC, and most recently Zimbabwe, hence Hammerstad's (2003) question: 'Defending the state or protecting the people?'.¹³

Prior to and after the creation of the Organ, the region intervened in Lesotho (1994 and

11 Citation extracted from US department of defence, quoted in Blanchard 1991: 2-3.

12 This issue has been partially investigated in an ISS publication edited by Martin Rupiah titled *The Enemy Within: Southern African Militaries quarter-century battle with HIV and AIDS*, October 2006, ISS, Pretoria.

13 Hammerstad, Anne (2003) – *Defending the State or protecting the people? SADC Security integration at a crossroads*, Report n. 33, SAIIA, South Africa.

1998) and in DRC (1998), with many controversial and internal divisions. The salient feature is that none of them was under clear SADC mandate. This issue has been extensively discussed by Berman and Sams (2000), and also by Meyns (2002).

Another controversial regional stance in a conflict was during the long Angolan civil war. Luanda often complained and strongly accused other (SADC) countries of being directly and indirectly involved in providing support to the Union for the Total Independence of Angola (UNITA) movement, contrary to the many UN adopted resolutions designed to "isolate" Savimbi in order to bring him back to the negotiation table. As a result of concrete regional involvement, in 2000 for example, Zambia accused Angola of conducting attacks in its territory (Ngoma, 2005: 200). It is worth noting, with particular relevance, that the Luanda-Pretoria and Luanda-Kinshasa political and diplomatic past relations, were highly tense, a trend which is fortunately changing, confirming the underlying assumption that political relationships in Africa are mainly determined by the quality of interpersonal friendship among leaders.

Zimbabwe and DRC were and continue to be in the spotlight, representing two major "hot issues" that SADC leaders need to devote constant attention to. In the case of Zimbabwe, it was clear that all preventive measures prescribed in Article 11(3) of the Protocol on PDS, that is negotiation, conciliation, mediation, good offices, failed for a long period and proved very difficult to work.

The region started dealing with Zimbabwe in 2001, when the Organ created a task force, and later devoted several high level ordinary and extraordinary meetings thereto, but neither succeeded. Many regional and African leaders attempted to contribute (Kofi Annan, Jakaya Kikwete, Thabo Mbeki and the late President Levi Mwanawasa), but were deterred by the conservative norm of non-interference in the internal affairs of a sovereign member country, and the reluctance of a leader to give up power.

The Extraordinary Summit on 9 November 2008, was again a sign of a much anticipated "regional fatigue" on that matter. The leader of the MDC-T rejected the proposal of sharing the "instrument of fear", the Ministry of Home Affairs. Botswana¹⁴ and Zambia (during late President Mwanawasa's tenure in the chair) had strongly voiced their opposition to the situation in Zimbabwe.¹⁵ The recently elected President of South Africa, Jacob Zuma, is also at odds with Mugabe. The rest of the region kept silent.

Finally after another Extraordinary Summit held on the 27 January 2009 in Pretoria, regional leaders exerted pressure for the GPA to be put on track. On the 11th February, the Prime Minister and Deputy Prime Ministers were sworn in followed by the Ministers and Deputies on the 13 February, concluding the process of formation of the inclusive government (Summit Communiqué, 2009).

Turning to the conflict in the Great Lakes region, involving the DRC, the rebel movement of Gen. Nkunda, supported by Rwanda and Uganda continues to be another tough test for SADC. It is worth noting that the conflict in that region is multifaceted but there are two issues to consider. Firstly, Rwanda needs to address the political representation of the Hutu majority

14 Botswana fiercely criticised the events in Zimbabwe after the results of the presidential elections in March and June 2008. In a press release from the Cabinet, Botswana requested Zimbabwe to be suspended from participating in all meetings and structures, organs and councils of SADC. The Government later submitted a letter to the Executive Secretary indicating that it would not sit in meetings where Zimbabwe is participating until the political situation is comprehensively dealt with. At the beginning of November an extraordinary troika ministerial meeting of ISDSC held in Maputo, Zimbabwe accused Botswana of training subversive elements of MDC-T to destabilise the country.

15 In 2007, President Mwanawasa had compared the situation in Zimbabwe as a sinking Titanic.

(since the genocide, they do not have a strong political participation and representation), and secondly, it is the most densely populated country in Africa. As a reminder of the genocide in Rwanda, most Hutus are displaced between Burundi, Rwanda, Uganda and DRC. This situation, combined with ethnicity in territorial disputes, turns the great lakes into a very volatile region.

At the Extraordinary Summit in SA in November 08, SADC decided to intervene in the support of the DRC government. Later, in Brussels, during the SADC-EU Ministerial Troika meeting (11 November), the Angolan Foreign Affairs Deputy Minister Georges Chikotti announced that Angola (outgoing chair of the Organ) could send troops to Congo as part of the SADC expeditionary forces if such a decision was taken by the organization.¹⁶

It is worth recognising that although SADC was active in brokering peace in the DRC, the events leading to the controversial arrest of General Nkunda in Ugandan territory on 22 January 2009 was quite a surprise as an outcome. Signals that something was being prepared came early in January when the Chief of Staff of Congrès National pour le Défense du Peuple (CNDP) Bosco Ntaganda, announced that he had replaced Nkunda as leader of CNDP. A few days later Ntaganda and his staff joined the Forces Armées de la République Démocratique du Congo (FARDC) and the Uganda defence forces during the so called “*umoja wetu*” or “our unity” joint operation, which sealed Nkunda’s fate. General Nkunda continues under arrest somewhere in Rwanda, and despite calls for his extradition to the DRC his future remains unclear. The fighting in the Kivus has seen a decrease of intensity but still ongoing since there are rebels from FDLR (Hutu) and Mai-Mai.

Where SADC is seen to be having some degree of success in reverting to the *status quo*, and the opposite is true in the case of Madagascar. After President Marc Ravalomanana was unconstitutionally ousted from power and forced to leave for exile, Andry Rajoelina, a former mayor of Antananarivo sized power backed by military officers on the 17th of March 2009.

The international community reaction to the developments, particularly from the AU PSC in a meeting held on that very same day, was swift and unequivocal: the new president should not be recognised. SADC later added to the pressure when in an Extraordinary Summit held on the 30th March in Swaziland, it was decided to suspend Madagascar from the Community until the restoration of constitutional normalcy (Summit Communiqué, 2009).

Facing heavy external pressure (from SADC) and resistance from within the country, in late April Mr. Rajoelina was showing signals of giving up. It was no surprise seeing the President Ravalomanana at the inauguration ceremony of President Zuma at the beginning of May 2009, and there were reports on the media that Rajoelina was willing to give up control of the government. Although preventive diplomacy did not (once again) preclude the situation from deteriorating from the outset of the political turmoil, at least a concerted regional position and a strong pressure seem to be working.

Angola’s chairing of the Organ

The chair of the OPDSC has a critical role in leading the actions of SADC. The particular characteristics and nature of the chairing country’s internal politics and external relations has a significant effect on the performance of SADC. Angola’s chairing of the Organ exposed several limitations that may have a lasting effect on the effective achievement of SADC objectives.

Angola assumed the Organ chair from August 2007 to August 2008, and is currently in the

¹⁶ Jornal de Angola, November, 13th of 2008.

Troika as the outgoing chair. The country's tenure at the helm of the Organ has left many analysts with the impression that more could and should be done.

One of the flaws of the tenure was the political apathy in dealing with difficult regional issues such as the Zimbabwe and DRC situations. For example, Angola did not host any high level SADC meeting (either full Summit or Troika) to discuss the situation in Zimbabwe before, during or after the election 'events' of March and June 2008.

Another issue yet to be understood is why President José Eduardo dos Santos in his capacity as chair of the Organ did not attend the AU Summit in Sharm el Sheik in Egypt in July 2008, just two days after Mugabe won a much contested and controversial presidential election. The report of the Chair of the SADC Organ tabled at the AU Summit was of course one of the main issues on the agenda of the meeting.

It is no secret to anyone that countries who aspire to have an international visibility need international exposure and capacity to influence agenda-setting through proactive participation in multilateral networks. A more balanced 'inward' versus 'outward regional' policy needs to be properly crafted, although the post-war domestic challenges are high on the country's agenda.

Conclusions

SADC leadership needs to improve the institutional governance of its regional body, particularly the Organ and related security cooperative agreements, to underscore credibility and respect from its citizens. The political will of leaders to abide by their signed commitments is also detrimental to the deepening of the integration project.

The complexity of PSO will put the recently inaugurated SADCBrig under enormous difficulties if not properly planned, financed with well-defined structures of command and control. Logistics (the mammoth task), and the interoperability and compatibility of the different national armies and systems require proper consideration ahead of any peace support intervention. Unfortunately, the region has turned into a 'laboratory' where the application of the several envisaged remedies remain to be tested.

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PEACE SUPPORT OPERATIONS AND SADC: CASE STUDIES AND LESSONS

JOEL M. V. LUHANGA AND PAUL V. PHIRI

Introduction

The fundamental problem that humans face is that resources are limited and cannot satiate the various needs of individuals and societies. Resources can include water, timber, minerals, oil, etc. Where two or more communities have competing needs, this is bound to lead to conflict at any level, including death. Africa's diverse races and cultures are a blessing. Yet, when faced with resource constraints these ethnic differences can be used to trigger violent conflicts.

In southern Africa, conflicts have been successfully resolved in Angola, Mozambique and Lesotho, and to some limited success in the Democratic Republic of Congo (DRC). Lessons learnt in resolving violent conflict in these countries can be used to inform the Southern African Development Community (SADC) on how future conflicts can be managed using peace support operations (PSO).

The objective of this study is to produce a comprehensive analysis and recommendations for the implementation of all aspects of PSO in SADC. Conceptual and historical literature on UN peacekeeping and current issues in global collective security and peace support missions and literature on African and SADC peace support missions are used in the analysis.

The research was qualitative in nature, and focused at both conceptual and technical levels. Analysis of key policy documents and statements of the African Union (AU) and SADC (e.g. protocols and strategic plans) were carried out. Interviews with key decision makers and practitioners at national level were carried out. Interviews with key actors provided important supplementary information. The findings of the study will help policymakers to develop programmes and activities for training and other capacity-building initiatives for PSO in SADC.

The paper starts with a background to the theoretical premises of peacekeeping and mandates for United Nations (UN) peacekeeping missions. This is followed by four case studies from the SADC region, and recommendations for peace support operations that SADC might wish to consider.

The United Nations framework for peace and security

At the global level, the primary aims of the United Nations Organisation are set out at the beginning of its Charter. Article 1(1) states that one of its central purposes is to maintain international peace and security, and, to that end, to take effective collective measures for the prevention and removal of threats to the peace (Bellamy *et al.*, 2004). Decisions about when to intervene, how to intervene, and what resources to employ in a particular intervention are political, complex, multi-dimensional and contested. Specific measures for intervention by the UN are set out in Chapters VI and VII of the UN Charter. Chapter VI deals with measures that can be taken with consent of the belligerents. These measures include negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies. Chapter VII arrangements were originally designed to facilitate collective security activities, but are now also used to authorise use of force by peacekeepers.

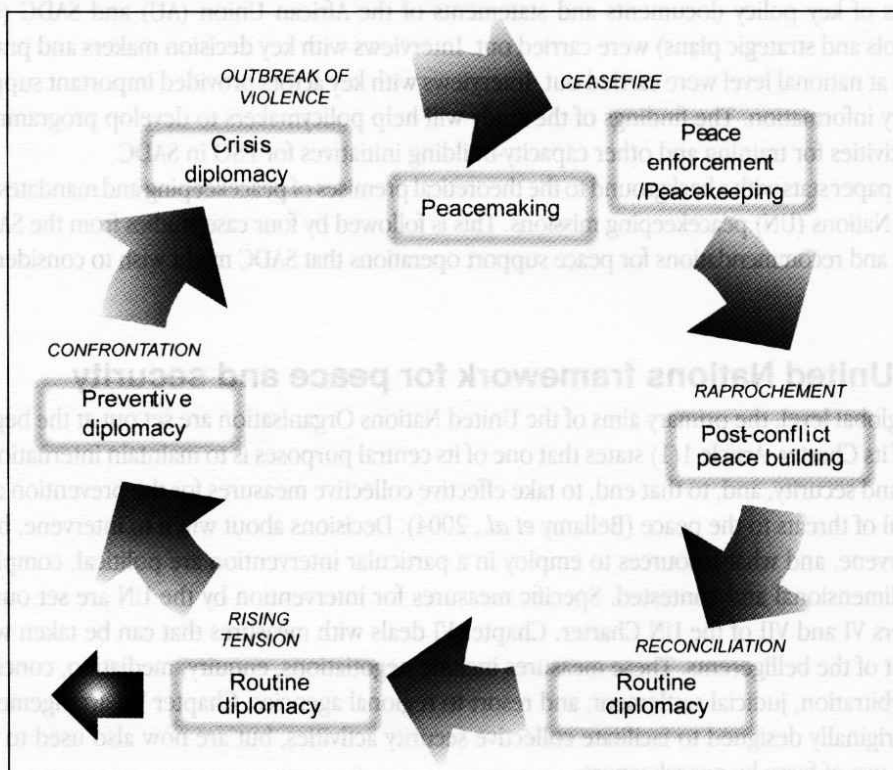
Chapter VIII, Articles 52, 53 and 54 of the UN Charter provide for cooperation between the

UN and regional organizations in the maintenance of international peace and security. This opportunity has been grossly neglected and under-utilised (Dodds *et al.*, 2005). Cawthra *et al.* (2007), observe that sub-regional organisations have acted more as building blocks for regional and global collective security than as stumbling blocks. As such, SADC is expected to act appropriately, through its declarations, treaties and protocols.

According to Bellamy (2004) when to intervene in a conflict is the role of the Security Council of the United Nations, a body whose permanent members have varied ideas about the way to maintain international peace and security. This question is further complicated by the fact that in the past, peacekeeping missions have been authorised by both the General Assembly and regional organizations. Recognising that efforts to make peace must begin with the individual, affected or unaffected, regional organizations must show initiative in resolving conflicts on the African continent. The challenge for SADC is to see the relationship with the UN and OAU as a holistic partnership in which all parties contribute in their own right. To place every problem at the foot of the UN because it is the world body responsible for peace and security, is not a positive attitude (Anyidoho, 1997).

Three types of violent conflicts are recognised: inter-state, intra-state, and political/ethnic warfare (Hampson *et al.* 2001). The general trend is that such conflicts are on the decline world wide. However, experience has shown that peace agreements in Africa are often fragile (for example in the Democratic Republic of Congo and Somalia). There is no need to be complacent about management of conflict at any one time. Figure 1 illustrates the life cycle of a conflict, consequences and possible management.

Figure 1: Cycle of violent conflict management



Source: Adapted from Pearson Peacekeeping Centre, Canada.

Durable peace or stable peace is achieved through routine diplomacy, tolerance, transparency and accountability amongst all parties or interest groups involved in the conflict. When peace becomes unstable and tensions rise, preventive diplomacy should be initiated. Whistle blowers such as NGOs and church groups need to do everything possible to prevent violent conflicts from occurring. Some analysts criticise romanticising peace support operations as these wait for an outbreak of war to occur, then a ceasefire and then an agreement which is acknowledged by the United Nations (UN) before a peace force moves in to contain the conflict (Neethling 1999). Crisis diplomacy is required as soon as an outbreak of violence is eminent, but much more important is routine and preventive diplomacy before an escalation to violent conflict. The interventions by former President of South Africa, Thabo Mbeki, in the Zimbabwe crisis may have prevented violent intrastate conflict, for example. There is also need for strategic coherence in how conflicts are prevented and managed in the SADC region.

The historic summit meetings by the fathers and founders of peace building in southern Africa, Julius Nyerere of Tanzania and Kenneth Kaunda of Zambia cascaded in the formation of a number of bilateral agreements. Cawthra *et al.* (2007) point out such institutions as the Southern African Development Coordination Conference (SADCC), the Preferential Trade Area (PTA), the Common Market for Eastern and Southern Africa (COMESA) and the current frameworks such as the Organ on Politics, Defence and Security Cooperation and the Mutual Defence Pact of SADC as a culmination of those consultations. These resulting institutions and frameworks fulfil the vision of the founders in principle. However, in practice, that vision is yet to mature to fruition because of disparities, mainly in economic and political levels of attainment. Suffice it to say that regional organizations have brought substantial benefits in increased stability and confidence and in conflict prevention.

Framework for analysis of case studies

SADC has various declarations, treaties and protocols. To understand peace support operations (PSOs) in southern Africa, we need to study events on a case-by-case basis. The following is the approach of the analysis: As far as possible, each case study will be reviewed in the context of background to the conflict, group of friends,¹ agreements of parties to the conflict, mandate for the mission, troop contributing countries, mission activities, termination of mission and lessons learnt. Recommendations for future action will then be deduced from the analysis.

In summary of the above, the lessons learnt by SADC from UN Peace Support Operations were derived from case studies more or less following the following framework:

- background to the problems that led to the UN mission
- involvement by 'group of friends' countries
- how agreements were arrived at
- operational mandate
- mission activities

1 Group of friends are, in most cases, the ones who lobby for a crisis to be resolved by the UN. They are the ones who usually lobby the United Nations to assist a country when it is facing problems. The reasons for their involvement can be business interests in the country, directly or indirectly, former colonial power attachment, or sometimes being in a region where they feel their interest can be interfered with.

- troop contributing countries
- termination of mission

Case 1: Democratic Republic of Congo

The UN Mission in Congo (ONUC) 1960 – 1964

The present day Democratic Republic of Congo became a colony of King Leopold of Belgium after the exploits of Henry Morton Stanley, who explored the country while looking for David Livingstone in 1867. After mismanagement, the use of forced labour and widespread killings during the reign of King Leopold II, the Congo free State came under the administration of the Belgian parliament as the Belgian Congo, which lasted until independence in 1960.

Realising that they could not maintain control of such a vast country, Belgium decided to relinquish control and Congo was granted independence on 30 June 1960. At the time of independence, the country was in a very unstable state. Regional tribal leaders held far more power than the central government, and with the departure of the Belgian administrators, there were few skilled bureaucrats left in the country (Meredith, 2005). Despite gaining political independence, the new country had few indigenous military officers, and therefore it kept many foreign officers while it trained its own military leadership. This brought resentment in the Army where local soldiers and junior officers saw little opportunity for advancement in an Army officered almost entirely by Belgians. Further discontent was caused by Prime Minister Lumumba's decision to raise the salary of all government employees, except the military. This led to a mutiny of soldiers against their white officers. Thousands of Europeans fled.

Belgium then sent troops to restore peace in the Congo without the agreement of the Congolese government (Weiss, 1967), a violation of the Congo's national sovereignty. According to Kanza (1979) the Belgians faced stiff resistance in the Luba areas in the north. This was led by a political party called the Association of the Luba people of Katanga (Balubakat). This group declared Katanga province as an independent state in January 1961 (Young, 1965).

The Belgian military intervention and the secession of Katanga forced the Congolese government to request United Nations (UN) military assistance to protect the national territory of the Congo against external aggression. Such was the genesis of the UN mission in the Congo.

Group of friends in Congo

A group of friends is usually very important as they assist in pressurising the United Nations to make a decision to intervene in a country to pacify a conflict situation. In the early 1960s many countries had interest in the Congo because of its vast mineral resources, particularly Britain, Canada, France, USA, Japan and Spain. Naturally, these became the group of friends.

Agreements

There was no formal agreement between the conflicting parties in the Congo for the UN Mission to be deployed. The Secretary General at the time, Dag Hammarskjöld addressed the Security Council at a meeting on the night of 13 July 1960, and requested the Council to act with speed on the Congo's request. A decision was made that very night to assist Congo.

Mandate

The acceptance by the UN of the Congo's request led to the creation of the United Nations Operation in the Congo (ONUC) with a mandate to ensure the withdrawal of Belgian forces, to assist the Congo government in maintaining law and order and to provide technical assistance. This involved Chapter VII of the UN charter, which was designed to enforce peace. Later, however with the situation changing on the ground, it was modified to include maintaining the territorial integrity and political independence of the Congo, preventing the occurrence of civil war, and securing the removal from Congo of all foreign military, paramilitary and advisory personnel not under the United Nations command and all mercenaries (Kyle, 2005). This meant that in implementing its mandate ONUC was authorised to use force if necessary.

Troop-contributing countries

The UN operation attracted the participation of many countries. The countries that contributed troops included Argentina, Austria, Brazil, Burma, Canada, Ceylon, Denmark, Ethiopia, Ghana, Guinea, India, Indonesia, Italy, Liberia, Malaya, Federation of Mali, Morocco, Netherlands, Nigeria, Norway, Pakistan, Philippines, Sudan, Sweden, Tunisia, United Arab Republic and Yugoslavia.

The mission activities

Initially the UN mission religiously adhered to the mandate to restore and maintain the political independence and territorial integrity of the Congo, maintain law and order throughout the country, and put into effect a wide- and long-range programme of training and technical assistance. The operation broadly leaned towards a chapter VI Charter of the UN. However, as the events unfolded, the atmosphere changed and moved to peace enforcement as per the mandate. The events which pushed this determination included the secession of South Kasai and Katanga. Then Prime Minister Patrice Lumumba became dissatisfied with the UN after his request to subdue the renegade provinces (Kasai and Katanga) was turned down. He went on to request military assistance from the Soviet Union which responded with an airlift of Congolese troops to invade Kasai. This action by Lumumba resulted in a bloody campaign which caused the death of hundreds of Baluba tribesmen and the flight of a quarter of a million of refugees from the area. What followed was political disintegration in the country (Cruise O'Brien, 1962).

Political disintegration occurred after the assassination of Patrice Lumumba. Due to these events the UN was mandated to protect the Congo from outside interference, particularly by evacuating foreign mercenaries and advisers from Katanga, and preventing clashes and civil strife, by force if necessary, as a last resort.

Termination of the mission

The termination of ONUC began in 1963 after Katanga had been integrated into the national territory of the Congo. The General Assembly authorised that a reduced number of troops stay for a further six months. The force was completely withdrawn by 30 June 1964.

Lessons

The lessons learnt from the UN mission in Congo (1960 -1964) are as follows:

- In arriving at an agreement to intervene, this scenario was significantly different from the practice of modern peacekeeping, where agreements generally involve all the conflicting parties but are usually mediated by the UN.

- The lesson for SADC as a regional grouping is to understand the importance of mandates and resolutions for peace support operations. These may not be hard and fast on the ground, and mandates can be adjusted to suit reality.
- Mission mandates can change depending on the interests of the superpowers.
- Involvement of superpowers and their interests in the natural resources countries complicates peace support missions.
- The presence of mercenaries and third parties in a conflict can complicate solutions to conflict problems.
- Contribution of troops to UN peacekeeping operations requires countries to have capacity and capabilities to conduct peacekeeping operations.
- The vastness of a country and numerous cultures are serious obstacles to UN peace support operations and require that adequate human, logistical and other resources be provided to increase chances of success.
- Peacekeeping and peace enforcement are different activities which require different strategies and capabilities for each to be successful.

Mission of the United Nations in the Democratic Republic of Congo (MONUC)

The background of the establishment of the mission of the United Nations in the Democratic Republic of Congo originated from the first and second Congo wars. The 1994 Rwandan genocide played a very significant part in these wars. The Hutus who had perpetrated the atrocities in Rwanda fled into Congo after their defeat. While in Congo they still nursed a desire to oust the Rwandan regime by carrying out raids. Rwanda grew increasingly concerned and started arming the ethnic Tutsi Banyamulenge of Eastern Zaire. With active support from Rwanda, Uganda and Angola, Laurent Kabila started a military campaign in December 1996 against Mobutu's government in Kinshasa. Kabila's forces ousted President Mobutu in May 1997 and renamed the country Democratic Republic of Congo. Kabila proclaimed was the president of the country and ordering a violent crackdown to restore order in an attempt to reorganise the nation.

Kabila encountered substantial problems with governing the country. Various political groups wanted to gain power; he had inherited a huge external debt; and his external backers were unwilling to leave, especially Rwandans. To ease some of these problems, Kabila dismissed his Rwandan Chief of Staff and ordered all Rwandan and Ugandan military forces to leave the country. The Banyamulenge of eastern Congo who had backed Kabila to come to power were not amused and rose against him. This scenario resulted in all those who had backed him to rise against him. According to Weiss (2000), this was the cause of the second Congo war. To remove the Rwandans from Congo soil it is alleged that President Kabila enlisted the aid of the Hutu militants in Eastern Congo and began to agitate public opinion against the Tutsi. This resulted in public lynching in the streets of Kinshasa.

The Rwandan government, in order to solicit support for its action against Congo alleged that Kabila was organising genocide against their Tutsi brethren in the Kivu Region. They even claimed that a substantial part of Eastern Congo was originally to have been Rwandan. According to Gondola (2002), Rwanda was only using the desire to protect the Banyamulenge as a smoke screen. A revolt began in the east. Rebels held the Inga hydroelectric station that provided power to Kinshasa and the port of Matadi through which most of Kinshasa's food passed. The

rebel offensive was halted quickly as Kabila's efforts at diplomacy bore fruit.

The first African countries to respond to Kabila's request for help were fellow members of the Southern African Development Community (SADC) Angola, Namibia, and Zimbabwe. While officially the SADC members are bound to a mutual defence treaty in the case of outside aggression, many member nations took a neutral stance to the conflict. In July, 1999 the Lusaka ceasefire agreement was signed. Under the agreement, forces from all sides under a joint military, commission would cooperate in tracking, disarming and documenting all armed groups in the Congo. However in the following months all sides accused the others of repeatedly breaking the ceasefire. The ceasefire and the tension which were frequently building up between the belligerents paved way for the establishment of a United Nations Organization Mission in Democratic Republic of Congo (MONUC)

Group of friends

While Angola, Namibia and Zimbabwe were already helping President Kabila militarily, the group of friends facilitated the establishment of MONUC. These countries included the USA, Canada, Australia, Japan, Belgium, France, Zambia, Tanzania, Angola and Namibia. The reason for them to agitate for peace in the Congo was that they had their national companies in the country which were involved with mining activities. As for the neighbouring countries, it was basically the fear of the conflict overflowing to their countries which prompted them to join the group of friends. Some wanted to safeguard their interests in natural resources that were being obtained from the DRC as raw materials for industries. It is interesting to note that at this point in time SADC countries took a very active part in the efforts to push for peace in the DRC.

Agreements

MONUC in the DR was primarily established as a result of the Lusaka agreement, which was signed on 17 July 1999, backed by UN Security Council resolution 1258 of August 6, 1999 which authorised the deployment of a maximum of 90 officers. Another agreement which was important to the conflict was the Pretoria agreement which was signed on 30 July 2002. Under this agreement, it was agreed that all foreign forces that were fighting in DRC had to withdraw. This was a very important agreement as it paved a way to de-conflict the situation.

Mandate

The mandate of the mission fell under a Chapter VII of the UN Charter, in which the UN Security Council authorised MONUC to take necessary action in the areas of deployment of its Infantry Battalions in order to protect UN personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence (MONUC, 1999–2006). Due to a deteriorating security situation endangering the peace process as a result of the withdrawal of 2000 Ugandan troops, a second mandate over the initial one was established. In this mandate, the same Chapter VII of the UN Charter was floated under Council Resolution 1493, which authorised the deployment of an interim emergency multinational force in Bunia with a task to secure the airport, protect internally displaced persons in camps and civilians in town, impose an arms embargo, and use all necessary means to fulfil its mandate in the Ituri district including North and South Kivu as it deemed it to be within its capabilities (MONUC, 1999–2006).

This was a very strange scenario whereby one mission had two mandates – a Chapter VII and another Chapter VII mandate, MONUC for the whole country and for the International Military expedition Force (IMEF) for the Ituri region. This is a true reflection of flexibility and a move

away from traditional peacekeeping to modern peacekeeping techniques. It also signified a more robust and resourceful UN in terms of decision making.

Troop-contributing countries

Participating troops in UN missions usually include military and police personnel. The countries which contributed troops in DR Congo for MONUC were: Algeria, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Burkina Faso, Canada, China, Czech Republic, Denmark, Egypt, France, Ghana, Guatemala, India, Indonesia, Ireland, Jordan, Kenya, Malawi, Malaysia, Mali, Morocco, Mozambique, Nepal, Niger, Nigeria, Pakistan, Paraguay, Peru, Poland, Romania, Russian Federation, Senegal, Serbia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom, Uruguay, Yemen and Zambia.

Some of these are still deployed. As at August 2008, MONUC strength was 1838 uniformed personnel, including 16668 troops, 670 Military Observers and 1051 Police. Four SADC countries were among the peacekeepers in DRC. These countries were Malawi, Zambia, Madagascar and South Africa. This gesture shows the commitment of SADC countries in the endeavours to bring peace to the region.

The mission activities (implementation)

The activities of MONUC in DRC generally follow the dictates of the mission's mandate. The following are the activities which are carried out to satisfy the mandate. These activities are ongoing as the mission has not yet been terminated.

- Phase I: A Liaison Force to determine the feasibility of the mission.
- Phase II: Establishment of MONUC; Chapter 7 mandate with 3400 troops and 500 military observers; involved with monitoring and verification of ceasefire and disengagement agreement.
- Phase III: Disarmament, demobilization, repatriation, reintegration and resettlement.
- Phase IV: Authorization of interim emergency multinational force in Bunia and robust mandate expansion
- Phase V: Military force restructuring, mandate re-conceptualization and clarification under Chapter VI to use preventative force.
- Phase VI: Post transition – continuation of tasks from Chapter VII expanded the mandate to include post transition challenges in security sector reform, effective governance, and requests for drawdown and a plan for exit strategy.

The activities clearly point to a situation whereby certain aspects were embarked on to quell situations which had developed.

Lessons

- Implications of a Chapter VII mandate have to be made clear at the outset, especially in a multi-ethnic society with a shallow understanding of the importance of peace.
- Monitoring and verification of the ceasefire agreements can be hazardous if done where there are breakdowns in the rule of law and violations of human rights.

- A careful study of the mission area and its activities is vital before any deployment of a peace mission
- Peacekeeping plans have to be as flexible as possible in order to accommodate changing situations. This calls for sound decision making.
- Peacekeeping plans can never be rigid but need to be flexible to accommodate changing situations.

Case 2: Mozambique

Mozambique is a country which is inhabited by Bantu-speaking people who migrated from the north through the Zambezi river valley and then gradually into the plateau and coastal areas of the country. These were farmers and ironworkers. The second group of importance in the history of Mozambique is that of Arabs who lived along the Indian Ocean Coast and were mostly traders in gold, ivory and slaves. After the Arabs, Mozambique was visited by the Portuguese. The Portuguese, as time went by, colonised the country (Zahoor, 2000). This they did by making their trading posts and forts as regular ports of call on their route to India. Later, traders and prospectors penetrated the interior regions seeking gold and slaves. Although Portuguese influence expanded, its power base was limited and only exercised through individual settlers who were granted extensive autonomy. The Portuguese policies were designed to benefit the white settlers and the Portuguese homeland. As a result, they paid little attention to the natives' national integration, economic infrastructure or the skills of the population.

After World War II, while many European nations were granting independence to their colonies, Portugal clung to the concept that Mozambique and other Portuguese possessions were overseas provinces of the mother country. As a result of this, many Portuguese nationals migrated to the country. This led to much resentment and the eventual establishment of anti-colonial groups. Several anti-colonial groups formed the front for the Liberation of Mozambique (FRELIMO) in 1962. This grouping initiated an armed campaign against the Portuguese colonial rule. Following the 1974 coup in Lisbon, Portuguese colonialism collapsed. In Mozambique, the military decision to withdraw occurred within the context of a decade of armed anti-colonial struggle, initially led by American educated Eduardo Mondlane who was assassinated in 1969. FRELIMO took complete control of the territory after a transition period as agreed in the Lusaka accord which recognised Mozambique's right to independence and the terms of power transfer. This led to Mozambique becoming independent on 25th June 1975. When independence was achieved, the leaders of FRELIMO's military campaign rapidly established a one-party state allied to the Soviet bloc and outlawed rival political activity. FRELIMO by acting in this manner, eliminated political pluralism, religious education institutions, and the role of traditional leaders (Mwakikagile, 2006).

The action of the ruling regime led by Samora Machel drew the wrath of the nation, and forced others to establish a resistance movement in 1975, called the Mozambican National Resistance (RENAMO). It was an anti-communist group (Canen, 1994). The new government gave shelter and support to South Africa's African National Congress (ANC) and Zimbabwe (ZANU) Liberation Movement. In retaliation for Mozambique's action, the Rhodesian Intelligence, South African Apartheid government and the United States started supporting RENAMO. RENAMO in its tactics attacked transport routes, schools and health clinics and as these activities were perpetrated, a civil war erupted in Mozambique.

In 1984, Mozambique negotiated an agreement with President Botha of South Africa at Nkomati in Mozambique (the Nkomati accord). In this accord, Mozambique was to expel the ANC operatives in exchange for South Africa to stop support for RENAMO. This agreement did not hold well as violations were the order of the day on each side. Samora Machel conceded the failure of socialism and championed the need for major political and economical reforms. As this status quo continued, in 1986 President Samora Machel died in an air crash in South African territory. Machel was replaced by Joaquim Chissano as President and continued the reforms as was wished by his predecessor. He even started peace talks with RENAMO.

As Apartheid was crumbling in South Africa and support for RENAMO was drying up from South Africa and America, the situation paved way for the first direct talks between the FRELIMO government and RENAMO. As a result of this, a new constitution was adopted in 1990 which provided for a multiparty political system, market-based economy, free elections and guaranteed democratic rights (Abrahamson, 1995). On 4th October 1992, after a devastating 14-year civil war, Mr. Joaquim Alberto Chissano, president of Mozambique and Mr. Afonso Dhlakama president of RENAMO signed a peace agreement in Rome. This was negotiated by the NGO called Community of Saint Egidio with the support of the United Nations. The war ended on 15 October 1992 as per the agreement and called for the United Nations' participation in its implementation.

Group of friends

The group of friends who pushed for the mission in Mozambique included, *inter alia*, Portugal, USA, Canada, United Kingdom, France, Italy and the Vatican. It is believed that without their effort the mission would otherwise not have taken shape. This could have meant a further protracted period of civil war in Mozambique. Neighbours like Zambia and Tanzania played a very big role in this grouping. Their involvement in the process suggests an old history of good neighbourliness in the SADC region.

Agreement

The agreement concerning the peace deal was signed in Rome (Rome Peace Agreement). It was signed by Mr Joaquim Chissano, President of the Republic of Mozambique and Mr. Afonso Dhlakama, president of RENAMO. The agreement established the principles and modalities for the achievement of peace in Mozambique. The agreement called for United Nations participation in monitoring the implementation of the agreement, in providing technical assistance for the general elections, and in monitoring those elections (Young, 1991). In addition to guaranteeing the implementation of the agreement, and the settlement of disputes, under the same UN arrangement it was agreed, in 1993, to establish a supervisory and monitoring commission. This was established and was composed of the Mozambique government, RENAMO, Italy (mediator state), France, Germany, Portugal, the United Kingdom and the United States (observer states at the Rome talks) and the Organization of African Unity (OAU). It should be appreciated from this arrangement that the parties involved in the peace talks did not want a degeneration of the conflict, hence the establishment of the commission. Other agreements signed by RENAMO and the government on 3rd September 1993 were:

- integrating into the state administration all areas that had been under RENAMO control
- to ensure impartiality of the national police. it was agreed to ask the United Nations to monitor all police activities, public or private, to monitor the rights and liberties of

citizens, and to provide technical support to the Police Commission established under the Rome agreement.

Mandate

The mandate for the United Nation Operation in Mozambique was structured within Chapter VI of the Charter of the United Nations (Juergensen 1994). Usually under this chapter, it is believed that there is consent between the conflicting parties to a peace deal, and the UN is only brought in as a broker using a peacekeeping force. ONUMOZ was established by Security Council Resolution 797 (1992) of 16 December 1992. The mandate of ONUMOZ was:

To monitor and verify the ceasefire, the separation and concentration of forces, the demobilization, and the collection, storage and destruction of weapons; monitor and verify the disbanding of private and irregular armed groups; the complete withdrawal of foreign forces, and to provide security in the transport corridors; all assistance in monitoring the entire electoral process; and to coordinate and monitor humanitarian assistance operations, in particular those relating to refugees, internally displaced persons, demobilised military personnel, and the affected local population.

The ONUMOZ mandate was carefully designed to meet what was agreed at the Rome Peace Agreement forum. It appears that most of the areas which were determined and anticipated to be sticky for the implementation of the agreement were properly covered. This was a very good example of mandate formulation. The SADC grouping can use this scenario as its template for mandate planning at its level.

Troop contributing countries

In the case of ONUMOZ, Botswana and Zambia were the only countries that contributed troops from the region. The rest were: Argentina, Australia, Bangladesh, Bolivia, Canada, Cape Verde, China, Czech Republic, Finland, Ghana, Guinea Bissau, Guyana, Hungary, India, Indonesia, Ireland, Italy, Japan, Jordan, Malaysia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Portugal, Russian federation, Spain, Sri Lanka, Switzerland, Togo and the United States.

The mix of countries really represented the international dimension, coupled with expertise from those countries Which had participated in similar missions elsewhere.

The mission activities (implementation)

ONUMOZ activities were quite many but the most notable ones were as follows:

- deployment of the military component to secure the corridors and main roads:
- assembly and demobilization of troops:
- monitoring ceasefire agreement:
- formation of the Mozambique force:
- electoral process:
- humanitarian programme

Although many problems came in the way of the peacekeepers, the activities conducted by them ensured the success of the mission. ONUMOZ is regarded highly in the history of the UN as it was very successful in bringing peace to Mozambique

Termination of the mission

The country's first multi party elections were held in October 1994. The government's party, FRELIMO, won the Parliamentary and Presidential elections. Its task successfully fulfilled, the mandate of ONUMOZ thus formally came to an end at midnight on 9 December 1994, following the inauguration of the President. However ONUMOZ continued to carry out residual functions until the mission was fully liquidated at the end of January 1995.

The termination of ONUMOZ after being successful was very remarkable especially to the SADC region. This was because peace in Mozambique meant peace to other countries of the region as well.

Lessons

Any peace support operation requires good planning for it to succeed. Commitment to peace through agreements by conflicting parties is very important for the follow-up UN mission. Integration of conflicting parties into a unified national force is one way of achieving a lasting peace.

Case 3: Angola

UNAVEM I

Angola became independent from Portugal in 1975. At this time, the guerrilla war had gone on for a period of 15 years. Soon after independence, however, a civil war began. The Portuguese had sought to establish a program of transition to independence at Alvor in Portugal with the warring parties. The agreement fell apart and the groups started to fight one another with support from other countries (Kapuscinski, 1975). The war featured conflict between two primary Angolan factions, the communist Movement for the Liberation of Angola (MPLA) and, the anti-communist, National Union for the Total Independence of Angola (UNITA). Apart from the two, there was yet another party, called the Front for the Liberation of Enclave of Cabinda (FLEC), which was basically an association of separatist militant groups fighting for the independence of Cabinda.

In addition to the two primary factions (UNITA and MPLA), the Soviet Union and the Eastern bloc supported the MPLA in fighting the National Liberation Front of Angola (FNLA). FNLA was an organization based in the Bakongo region of the north and was allied with the United States, the People's Republic of China and the Mobutu Government of Zaire. The United States, apartheid South Africa and several other African nations also supported Jonas Savimbi's UNITA, whose ethnic and regional base was in the Ovimbundu heartland of Central Angola.

The conflict, as it progressed, attracted the involvement of the Cubans as well. They initially operated behind the Soviets, while the French and Zaire backed FLEC. During the period 1975 and 1976 most of the foreign forces, except for Cuba withdrew from Angola. The surprising feature was that Cuba instead of a drawdown increased its troops from 5,500 to 11,000 in February of 1976 (Gleijesis, 2006). A lot of incidents took place between this period and the 1980s. These incidents included the Shaba invasions of the Congo, Cuban military intensification of operations, together with the MPLA and Dos Santos coming to power after the demise of Augustino Neto.

The 1980s saw SWAPO to the south increasing their activities in the fight for the independence of Namibia from South Africa, using Angola as its base. This forced South Africa to send

troops back into Angola and UNITA receiving massive aid from the Americans and them. As a result of this situation, the war intensified in Angola whereby in 1988 from 13 January to 23 March, South Africa and UNITA fought the MPLA at its base at Cuito Cuanavale in Cuando Cubango (Saney, 2006). This was interpreted to be the second largest battle in sub-Saharan Africa since World War II's El Alamein. The intensity of this battle forced both sides of the conflict to come to a negotiating table in New York and Geneva. According to Pazzanita (1991), this resulted in all the parties, through their proxies (Angola, Cuba and South Africa) signing the New York accord on December 22, 1988, whereby South Africa granted independence to Namibia, and the others ended the direct involvement of foreign troops in the civil war. In a swift reaction, the UN passed a resolution later that day creating the United Nations Angola Verification Mission (UNAVEM). The agreement provided for the implementation of a UN plan for the independence of Namibia, the withdrawal of Cuban troops from Angola and measures to achieve peace in the region (Glejessens, 2006).

Group of Friends

The group of friends for the Angola conflict was quite huge. The reasons for this could be the country's abundance of natural resources, which includes oil and diamonds. Among the many in the group of friends, the following were the most notable: USA, Germany, Canada, Japan, China (People's Republic), Norway, Denmark, Portugal and Argentina. It is interesting to note that Zambia and Tanzania, now SADC members were also among the group of friends.

Agreements

Two agreements were signed to ignite the establishment of UNAVEM I. The first one was the New York agreement that was signed by representatives from the governments of Angola, South Africa and Cuba. This agreement paved the way for the independence of Namibia, the ending of the direct involvement of foreign troops in the civil war, and implementation of the UN plan to bring peace in the region. The agreement resulted in the UN Security Council passing Resolution 435 (1978). The second agreement was the one that was entered into by Angola and Cuba to withdraw Cuba's 50,000 troops. This was a precondition for South Africa to grant independence to Namibia, and to stop supporting UNITA.

Mandate

The mandate of UNAVEM I was to verify the redeployment of Cuban troops northwards and their phased and total withdrawal from the territory of Angola, in accordance with the timetable agreed between the two governments, under Chapter VI of the UN Charter. The mission was established by Security Council Resolution (1988) of 20 December 1988 at the request of the governments of Angola and Cuba. The mandate fell under Chapter VII.

Mission activities

UNAVEM I became operational on 30 January 1989, when an advance party of 18 military observers arrived in Luanda to verify the departure of the first 450 Cuban soldiers. The figure of military observers later swelled. Military observer teams verified and recorded all movement of Cuban military personnel and equipment into and out of Angola, in particular in the ports of Cabinda, Lobito, Luanda and Nambe and Luanda airport. They also confirmed Cuban redeployment in accordance with the agreed plan, northwards from all locations south of the adjusted 13th parallel. The withdrawal was completed by 25 May 1991. Because of the demonstration of full cooperation amongst the parties, UNAVEM I was a very successful operation.

Termination of the Mission

UNAVEM I was terminated on 25 May 1991, a period of one month before the scheduled time.

Lessons

Most missions usually have problems in completion. The UN in this context was very successful in what it had planned to do in a country of conflict, because of the positive attitudes of the leadership of the parties involved at that time.

UNAVEM II

UNAVEM II basically had its roots to the period just after the end of UNAVEM I when foreign troops were withdrawn from Angola. Political changes abroad and military victories at home allowed the Government of Angola to transition to a nominally democratic one. To the south, Namibia's declaration of independence eliminated the south-western front of combat as South African forces withdrew to the east. The MPLA abolished the one party system, rejected a Marxist-Leninist style of government, and defined Angola as a democratic state based on the rule of law. The international community took advantage of the developments, seeing a window of opportunity to end the long standing conflict between the Angolan Government and UNITA. A series of talks were initiated in 1990 between the Government of Angola and UNITA, mediated by Portugal, and observed by the United States and the Soviet Union. The negotiations eventually resulted in peace accords known as "Bicesse accords" (Pazzanita, 1991). The accords were signed by president Dos Santos and Savimbi in Portugal on 31 May 1991. Through these accords UNAVEM II was to be established.

Group of friends

The group of friends for UNAVEM II was similar to the one in UNAVEM I. The only addition was Cuba, as an interested party in matters relating to Angola.

Agreements

The Bicesse accords, as already mentioned, were signed on 31 May, 1991 by President Dos Santos and Jonas Savimbi in Lisbon, Portugal. The accords included four documents: a cease-fire agreement, fundamental principles for the establishment of peace in Angola, concepts for resolving the issues still pending between the government and UNITA, and the protocol of ESTORIL. At the request of the Government of Angola, it was agreed that the UN was to participate in the implementation of the peace accords through Security Council decisions.

Mandate

The mandate given to UNAVEM II was established by Security Council Resolution 696 (1991) of 30 May 1991 under Chapter VII of the UN Charter. This was to verify the arrangements by the Angolan parties for the monitoring of the ceasefire, and for the monitoring of the Angolan Police during the ceasefire period. On 24th October 1992, the mandate was enlarged to include observation and verification of the presidential and legislative elections in Angola through Resolution 747 (1992). After renewed fighting in October 1992 between the Government of Angola and UNITA forces, UNAVEM's mandate was adjusted in order to help the two sides reach an agreement on modalities for completing the peace process, and at the same time to broker and help implement ceasefires at the national and local levels through Resolutions 803 (1993) of 20 January 1993, 811 (1993) of 12 March 1993, and 834 (1993) of 1st June 1993.

UNAVEM II was authorised to verify the initial stages of the peace agreement in connection

with the peace agreement signing on 20 November 1994 by the Government of Angola and UNITA. The adjustments of the initial mandate and the others that followed, indicates that the situation in Angola, in terms of security and the agreements, was deteriorating. This situation gives an example of how the UN can be flexible in the way it makes its decisions to adapt to the changing scenarios.

Troop contributing countries

The countries which contributed troops to this mission were as follows: Algeria, Argentina, Brazil, Canada, Colombia, Congo, Czechoslovakia, Egypt, Guinea Bissau, Hungary, India, Ireland, Jordan, Malaysia, Morocco, Netherlands, Nigeria, Norway, Senegal, Singapore, Spain, Sweden, Yugoslavia and Zimbabwe, the only SADC country. It can be inferred from the long list of troop contributing countries that each time a mandate was adjusted, more troops became necessary.

The Mission activities (implementation)

The implementation/activities included verification of the ceasefire, observation of the electoral process, further efforts to restore the peace, and activities leading to the Lusaka protocol. The verification of the ceasefire phase went on well, although with a few problems where observance of provisions was affected by antagonism and misunderstandings as well as by logistical problems, especially in the administration of troop assembly areas. This resulted in delays to achieve certain activities in the timetable. These delays undermined confidence and trust between the parties.

The observation of the electoral process involved the creation of an Electoral Division that was mainly the concern of military police observers and the civilian staff. The Division was responsible, as a UN 'department', to observe and verify the elections. As this was being done, the Police got involved with the verification of the local police's neutrality. The electoral process went quite well, but after the results were announced, UNITA rejected the results and fighting broke out again. During this period, UNAVEM worked to maintain the ceasefire, patrolling troubled spots and used its offices to foster dialogue between the parties. The problems continued, and in order to reverse the situation after a lot of international intervention, the Government of Angola and UNITA started talks that culminated into the Lusaka protocol.

Lessons

- Logistical difficulties in peace support operations that lead to delayed deployment after an agreement can undermine trust and restraint among conflicting parties.
- Changing situations can necessitate adjustments of the mandate.

MONUA (United Nations Observer Mission in Angola)

The United Nations Angola Verification Mission (UNAVEM III) was established to assist the government of Angola and UNITA in restoring peace and achieving national reconciliation, based on the peace accords of 31 May 1991 and the Lusaka Protocol of 1994. (UNAVEM I, 1988; UNAVEM II, 1991). The United Nations Mission of Observers in Angola (MONUA) was established on 30 June 1997 and ended on 26 February 1999. The mandate of MONUA was to assist the Angolan parties in consolidating peace and national reconciliation, through enhancing confidence-building measures. (p.141)

With the completion of many tasks by UNAVEM III and when its scheduled life span had ended, it was terminated. In order to continue with the peace process activities in Angola, the

UN decided to establish its successor in the name of United Nations Observer Mission in Angola (MONUA). It was established to help in the consolidation of peace and national reconciliation, to enhance confidence building, and to create an environment conducive to long term stability, democratic development and rehabilitation of the country.

Agreements

MONUA came about from the Lusaka protocol and Bicesse accords in order to continue the activities which were began during the UNAVEM III period so that there would no vacuum after UNAVEM III was terminated.

Mandate

The mandate of MONUA was established by Security Council Resolution 118 (1997) of 30th June 1997 under Chapter VII of the UN Charter. Its overall mandate has already been described above.

The mandate had specified aspects to be addressed in the areas of politics, police matters, human rights, military and humanitarian matters. An attempt was made to consolidate gains obtained during the UNAVEM III period. The mandate was extended with the hope that things would improve. UNITA however, kept on violating the agreement. The Government of Angola was completely frustrated. Eventually pessimism crept in, and the Government of Angola made a decision to terminate MONUA.

Termination of the mission

The security situation in Angola continued to deteriorate. This was justified from the fact that due to non-adherence to the dictates of the agreements, the peace process had collapsed and the country was in a state of war. MONUA in this situation had no option but to continue to reduce its presence and proceed with an orderly repatriation of its personnel and property. The developments indicated that the parties wanted to test their fortunes on the battlefield. With such a scenario MONUA, was not able to carry out its mandate as the security situation had worsened. This meant that conditions for a meaningful UN peacekeeping role had ceased to exist.

Troop contributing countries

The troop contributing countries for MONUA were generally the ones that took part in UNAVEM III. The reason for the force mix was basically to justify the international commitment to assist in an attempt to bring peace to Angola.

The mission activities (implementation)

MONUA activities were mainly to focus on the three major pending tasks which were: demilitarization of UNITA Forces, normalization of state administration throughout the national territory, and the transformation of the UNITA radio. It was also experienced as the operation went on, that there was continued existence of UNITA militants, and as such the need to stabilise the political situation presented serious challenges to national reconciliation and reconstruction. In noticing this, the UN, with the support of the three observer states (Portugal, the Soviet Union and the USA) continued to play a pivotal role in helping the two signatories to the Lusaka protocol overcome their deep-rooted mutual mistrust.

Situations kept changing during the MONUA period. It was also noted that the Angolan government did not support the extension of MONUA beyond its current mandate which was to expire on 26th February 1999. On 27 January 1999, the Angolan government informed the

UN that in its view a continued multi-disciplinary presence of the organization in Angola was not necessary. On 26th February 1999 the Security Council adopted resolution 1229 (1999) and endorsed the liquidation of MONUA.

Lessons

A UN charter mandate should be matched with the force deployed. Where the security situation deteriorates due to non-adherence to the dictates of agreements, the UN should be mandated to use all means to put the peace process back on track, rather than for such a global and dependable body to show any sign of failure.

Case 4: Military Intervention in Lesotho

Background

The military intervention in Lesotho took place from 22 September 1998 in an effort to deal with the deteriorating security situation. The operation primarily resulted from the dissatisfaction of the opposition parties who were demanding that King Letsie III use his powers to dismantle the parliament as they had believed that it had been fraudulently elected. De Coning (n.d.) reports that in the light of this situation, mutinous members of the Lesotho Defence Force (LDF) seized arms and ammunition and expelled or imprisoned their commanding officers, hijacked government vehicles, closed the broadcasting station and had the prime minister and other ministries virtually held hostage. The Lesotho police lost control of the situation and neighbouring countries such as South Africa thought that a military coup had taken place.

Agreements

There was formal agreement which was entered in to merit the operation in Lesotho. The only agreements which appear to have been binding for the operation were the status of force agreements between Lesotho and South Africa, and Lesotho and Botswana. This scenario created a problem in that a SADC force was not, in this context, available, and as such a situation made the operation difficult to be categorised as one conducted under the SADC mandate.

Mandate

The mandate for the operation was not very clear. The reason for this could be that it was really not clear as to who had authorised it to be carried out. The main objectives of the military intervention were to neutralise and disarm the mutinous elements from the Royal Lesotho Defence Force (RLDF). The primary objective was to pre-empt a military coup by the mutinous soldiers in Lesotho. The order of events in this context is very surprising as it can be seen that the mention of the UN, or AU, or even SADC itself, is not heard anywhere as far as a mandate was concerned.

Troop-contributing countries

The countries who contributed troops were South Africa and Botswana. South Africa contributed 600 troops while Botswana contributed 200 troops.

Mission activities (implementation)

The mission activities of operation were not many. As a combined force, they were to intervene

militarily in Lesotho to prevent further anarchy and to create a stable environment for the restoration of law and order. In this regard, the forces, whilst in the mission area, were involved with locating and identifying destabilisers and their resources, disarming and containing them where necessary, and striking where applicable with the necessary force to eliminate the threat.

It is however surprising that despite these activities being carried out in the operational area, widespread arson, and violence occurred in Lesotho while the task force troops were there. This leaves people to question if the force was really effective and also if it really was prepared to meet the challenges of the operation.

Termination of the mission

The so-called 'Boleas operation' troops pulled out of Lesotho in May 1999 which was exactly seven months after the commencement of the operation. It is commented superficially that the operation got terminated after it had satisfactorily met its "mandate".

Lessons

Peace support operations should have clear mandates from the UN and regional bodies.

Summary of the case studies

Countries in SADC have and still continue to experience violent conflicts arising from internal disagreements. In accordance with the provisions of the SADC Treaty, member States agreed to cooperate in the area of politics, diplomacy, international relations, peace and security (Article 11). The Protocol on Politics, Defence and Security Cooperation (Article 11) further defines the scope of cooperation within the confines of the UN Charter on the use of force. In spite of political will by SADC, almost all peace support missions have been carried out under the auspices of the United Nations, with minimal contribution of mission force or funding from SADC member states. This begs the question on how SADC countries are fully prepared to commit resources to regional security.

Whilst SADC has the capacity, political will, and opportunity to address certain conflicts, such as was the case in Lesotho, other conflicts such as in Angola, Mozambique and DRC were primarily addressed by the UN. These four countries of SADC were selected as case studies in order to provide an historic overview of the experience of SADC in managing peace and conflict. Lessons drawn out will provide a basis for policy recommendations to inform current SADC practice regarding PSO.

Table 1 is used as a summary analysis:

Conclusion and recommendations

Each case of peace building is different, depending on conflict scenario, history, level of violence and resources available (Batchelor *et al.*, 2004). Peacekeeping operations are sometimes initiated and led by individual states, acting either unilaterally or as pivotal states acting in tandem with others. Regional hegemonic powers lead peacekeeping forces in order to press their own claims to economic benefits or access to natural resources, or to support the socio-political ambitions of allies. It can also be argued that regional hegemonic powers may have a good understanding of the dynamics of the conflict they are trying to manage. Other interventions are carried out by unilateral interveners and pivotal states that may be former colonial powers.

Table 1. Comparative analysis of PSO in four SADC countries

Country experiencing conflict	Mandate for Peacekeeping (UN, AU, SADC or other)	Neighbouring States	Countries Contributing Peacekeepers	Outcome
Lesotho (Political power and economic disparities)	SADC(1998): Status of Forces Agreement between Lesotho and South Africa, and Lesotho and Botswana	South Africa	South Africa and Botswana, both being SADC countries	Peace after mutineers were disabled, and reorganisation of the national assembly
Angola (Civil war over diamonds)	Portugal (Unliterary 1961-1975) UN (1994-2002)	Namibia, Zambia, Democratic Republic of Congo	23 countries from around the globe three SADC Zimbabwe. Tanzania, Zambia	Peace after death of UNITA leader and demobilization
Mozambique (Civil war between factions on ideology)	UN (1992 - 1995)	Malawi, South Africa, Swaziland, Tanzania, Zimbabwe, Zambia	39 Countries from all over the world including Botswana and Zambia from SADC	Peace after demobilization, deployment of police component and vocational training for militants
DRC (Civil war over diamonds and other minerals)	1996-98 SADC (Angola and South Africa) and UN	Uganda, Tanzania, Rwanda, Burundi, Zambia, Angola, Sudan, Central African Republic, Republic of the Congo	56 countries from Western Europe, Eastern Europe, Asia, North America, South America and including Malawi, South Africa, Madagascar and Zambia from SADC	Partial peace after reformation of the security sector, disarmament, demobilisation and reintegration/rehabilitation of former combatants into society, training and integration of armed forces into brigades for securing elections and the formation of a DRC national defence force.

In Table 1, it is observed that peacekeepers in the case studies were not necessarily members of neighbouring states. In all by cases (except Lesotho), peacekeepers mobilised by the UN came from all continents. In very rare cases do peacekeepers come from a contiguous state. Some would argue that if a conflict occurred in or between two SADC countries, then SADC should be the first to respond. If they fail to resolve the conflict, they should call on the OAU to assist, and so on until the UN is called on in the last instance. However, the reality is very different as can be seen in the cases above. SADC has had limited success in mobilising peacekeepers, even when fully mandated to do so through Chapter VIII of the Charter.

Lessons from the case studies

Wherever possible, the UN and regional organizations should support the creation of liberal democracies as the best route to stable peace. From the four case studies we learn the lessons following.

- Peace support operations have been partly shaped by the nature of conflict and global economic and political context. Whatever the case, the outcome of a peace support operation is an attempt to enforce a political agreement between warring parties. The SADC or UN mandate for intervention needs to be carefully designed to meet what has been formally agreed. It is inevitable that the PSO approach may combine robust military forces capable of limited peace enforcement tasks should a ceasefire breakdown, as happened in Lesotho. The PSO concept insists that it is possible to use force in a peacekeeping mission without losing impartiality. However, it is also important that a strong civilian component be included, as was the case in Mozambique.
- Military intervention is contingent upon substantial external assistance, as has been shown in DRC.
- The question of SADC and its relationship with the OAU and the UN need to be considered. For example, should SADC inform the OAU of its intentions prior to undertaking PSO? If SADC is going to undertake enforcement operations, as was the case most recently in Lesotho and the DRC, is it going to seek prior authorization from the UN Security Council as required under Chapter VIII of the UN Charter?

Recommendations

- The SADC response to peacekeeping appears to be triggered once the UN has come in to help when in fact the UN should be channelling peacekeepers through the regional body. *After having seen and analyzed early warnings of conflict, the Troika needs to be proactive in its response to peace support operations.* For example, the Troika could institute a decision-making process that would *approve a mission under SADC auspices in a timely manner* and consequently, quicken the process of intervention in order to save lives and property. Such a decision-making process could be facilitated through the Interstate Defence and Security Committee (ISDSC) meeting of Defence Ministers, for instance (which was the level at which the DRC Mission was approved) or through the SADC Organ on Politics, Defence and Security at the Foreign Minister level, or SADC Summit level.
- SADC needs to develop charters for governing the conduct of its peace support missions. This would not by any means usurp the powers of United Nations' resolutions, *but SADC needs to have a regional voice when such resolutions regarding peace missions and contribution of forces are made for its region.*
- Currently the full brunt of the cost of PSO is borne by the UN. SADC needs to take its own initiative in deciding how SADC Missions should be financed. *The feasibility of a regional fund for PSO funded by SADC governments and private institutions and individuals need to be explored.* This would ensure that the region would be in a state of readiness to deal with any conflict wherever it may arise.

- Where donor financing is accepted, principles should be laid down to govern the relationship between the donors and the SADC mission to ensure that *SADC clarifies the kind of missions to be mandated*, whether it be peacekeeping, military observers, civilian observers, human rights monitoring missions, peace enforcement, enforcement or military interventions
- While as it is a fact that one... "cannot make peace and war with the same people on the same territory at the same time" (Tharour *et al.*, 2001), *SADC needs to learn from the UN example of taking a strong position when parties in a conflict appear not to honour agreements*. A passive approach to conflict resolution may signal weakness on the part of the SADC institution and, thus give strength to aggressors to perpetuate conflict.
- Conflicts that have their roots in differences in ideologies cannot be quelled by force alone, but by a counter ideology. The composition of personnel for PSO should, apart from armed forces, include "*a strong civilian component of civil administration, humanitarian elements and civilian policing*" (Bellamy *et al.*, 2004: p6).

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OPERATIONS DE PAIX ET ACTION HUMANITAIRE DANS LA SADC

ASSINDIE SANZONG MUNGALA ET LOKASOLA N'KOY BOSENGE

English abstract

This paper explores the dimensions of peace support operations and humanitarian actions in the Southern African Development Community. Citing the devastating effects of long periods of social-political crises and civil wars in Angola, Mozambique, the Democratic Republic of Congo and Zimbabwe, the authors point out that it is imperative that there should be complementarity between the processes of consolidation of post-conflict peace and national reconciliation, with the provision of humanitarian assistance. Then they also argue that natural disasters such as drought and floods in Tanzania, Zambia, Namibia, Malawi, and Botswana, also pose threats to human security by disturbing precarious food balances and exposing populations to epidemics. The authors point out that SADC does not have an established tradition of supporting peace and humanitarian actions. They make three principal recommendations: that member states should develop good governance; there should be continuation of international humanitarian aid; and that SADC needs to reorientate its policies and strategies to emphasise humanitarian concerns rather than just political and military issues.

Introduction

Au cours d'une allocution prononcée en juillet 2001 à l'occasion du 37ème sommet de l'Organisation de l'Union Africaine qui se tenait à Lusaka en Zambie, le Secrétaire Général des Nations Unies Kofi Annan faisait remarquer en substance que des conflits persistants et crises de bonne gouvernance déplorés un peu partout dans le continent amenuisaient sans cesse les espoirs de l'avènement de la paix et prospérité en Afrique.

En effet, aux précaires espérances d'une amorce du processus de développement au profit de l'amélioration des conditions de vie des populations africaines engendrées par la vague des indépendances au début des années 60 succéda dans la décennie suivante véritable traversée du désert pour l'Afrique subsaharienne. Il s'y développa malheureusement une mouvance généralisée des crises sociopolitiques et guerres civiles qui eut pour épicerie l'Afrique Centrale et Australe où il fut enregistré des évanouissements des autorités étatiques et perturbations de précaires équilibres économiques, une situation qui n'était pas sans entraîner de profondes atteintes à la sécurité humaine en termes de déplacements des populations, de faim, de malnutrition et des épidémies.

C'est au regard de cette série de vulnérabilité sécuritaire assez critique qu'offre actuellement la sous-région de la SADC qu'avaient été déployées dans un passé récent ou que sont encore menées des opérations de paix, dont l'action humanitaire est par définition une composante principale.

Ceci étant dit, il y a lieu de se soumettre à un certain nombre de questionnements sur la nécessité d'une complémentarité entre l'action humanitaire et les opérations de paix menées dans l'actuelle dynamique de consolidation post-conflit de la paix dans la sous-région de la SADC.

Pour ce faire, il nous a été donné de penser qu'il était plus indiqué de commencer tout d'abord par circonscrire l'évolution dans le temps du concept Action humanitaire, avant de plancher sur la problématique humanitaire actuelle de la SADC. Il s'agissait de disposer d'un recul suffisant pour une meilleure évaluation aussi bien des réalités humanitaires spécifiques des Etats que de la problématique humanitaire globale de la communauté.

L'économie de cette démarche méthodologique a pour intérêt de faciliter à la fois une bonne évaluation de la question humanitaire à travers le monde et sa projection au niveau de la SADC. La présente étude devrait nous permettre de proposer des approches de solutions afférentes à toutes ces situations humanitaires prévalant présentement dans la sous-région. Un examen des effets des déplacements internes et externes des populations du fait des violences intercommunautaires et conflits armés, des flux migratoires mal contrôlés, de la faim, des épidémies et des catastrophes naturelles comme les inondations, la sécheresse etc., devrait permettre la formulation des recommandations de nature à améliorer la gouvernance sécuritaire actuelle de la SADC.

Genèse du droit humanitaire

Après la deuxième guerre mondiale se forgea le concept du « *Droit international* » qui se référerait au corpus des règles appelées traditionnellement « *Droit de la guerre* ». L'idée de protéger l'homme contre les atrocités de la guerre et l'arbitraire est très ancienne. Témoin des souffrances des blessés à Solferino, Henry Dunant pensa à la constitution d'une société de secours dans chaque pays pour prêter main forte au service de santé de l'armée, en cas de guerre et l'acceptation par les Etats d'un principe conventionnel sacré devant assurer une protection juridique aux hôpitaux militaires et au personnel sanitaire.

Avec la création en 1864 du « *Comité International de la Croix-Rouge* », en sigle CICR, marqua la première étape dans la codification du Droit International Humanitaire. Le Droit humanitaire, qui sous-tend l'« *Action humanitaire* », avait pour finalité de sauvegarder des militaires hors de combat et les personnes qui ne participent pas aux hostilités d'une part, il fixe les droits et devoirs des belligérants dans la conduite des opérations et limite le choix des moyens de nuire. L'intervention humanitaire est limitée sur l'action d'urgence qui ne s'attaque qu'aux effets de la crise et non à ses causes.

Evolution historique du concept

L'action humanitaire est aujourd'hui fondamentalement associée au droit d'ingérence humanitaire. Elle se concrétise par le principe autorisant à la communauté internationale l'intrusion dans des affaires internes d'un Etat pour protéger des populations contre des abus de leurs gouvernants. Cependant, il faudrait noter que cette vision supranationale de l'action l'humanitaire n'est pas tellement une innovation du 21ème siècle comme on serait tenté de le penser.

Autrefois justifiées par l'absolue nécessité de libérer et protéger des populations indigènes contre les affres de certains potentats locaux,¹ les sanglantes pénétrations des conquistadors et religieux espagnols en Amérique Latine du 15ème siècle ne furent pas présentées par leurs auteurs comme des actions humanitaires procédant d'un droit d'ingérence humanitaire. C'est dans cette même logique de droit d'ingérence humanitaire que nous pourrions situer ces ex-

1 Don Fray Bartolomé de Las Casas, Mouton, Paris, 1974.

péditions parfois très meurtrières qui permirent aux colonisateurs Européens de neutraliser, dans la mouvance internationale post-Conférence de Berlin, des structures étatiques traditionnelles qui existaient en Afrique de l'Ouest, Centrale et Australe.

Action humanitaire dans l'optique d'Henri Dunant

Cependant, il semble intéressant de relever ici que toutes ces atteintes profondes à la dignité humaine et à l'intégrité de la personne humaine perpétrées par-ci, par-là en Amérique et en Afrique au nom de l'émancipation des populations indigènes et de la diffusion de la civilisation qu'une certaine opinion de l'époque s'employait à présenter comme procédant de l'action humanitaire n'entraient pas du tout dans le cadre d'une action bien concertée par des Etats.

C'est seulement au 17^{ème} que l'histoire retiendra l'accomplissement en Occident de la toute première action humanitaire structurellement organisée au plan international. Bouleversé par la souffrance humaine qu'il vivait en visitant le champ de bataille à l'issue des affrontements très sanglants qui opposèrent des troupes franco-piémontaises à l'Armée autrichienne, 24 juin 1859 à Solferino, en Italie, Henri Dunant prit l'initiative de soigner avec l'aide des femmes du village les blessés indépendamment de leur nationalité. Cette expérience traumatisante amena l'humaniste suisse à publier en 1862 « *Un souvenir de Solferino* » où il projetait notamment des approches d'une prise en charge neutre des prisonniers de guerre et populations civiles exposées aux affres de la guerre le sort des personnes vulnérables présentes en zones de conflits.

C'est sur base de toutes ces idées de haute portée humaniste d'Henri Dunant que naquit dans l'Europe de l'époque l'embryon d'une dynamique humanitaire internationale matérialisée par la tenue d'une Conférence diplomatique et la signature en août 1864 de la toute première Convention de Genève : un texte qui posait les jalons de l'actuelle action humanitaire internationale.² Dès lors, furent développés en Occident des schèmes de l'action humanitaire fondés sur le Droit humanitaire international dont procède le concept du droit d'ingérence humanitaire. L'action humanitaire repose sur une série cohérente de pratiques et de principes qui, présentés comme nécessaires et moraux, constituant une idéologie.

Cependant, il nous semble intéressant de souligner ici que, bien que fondamentalement inspirée par les idées humanistes d'Henri Dunant, cette nouvelle mouvance internationale de l'action humanitaire s'écarta beaucoup de la vision éminemment morale de l'action humanitaire du fondateur de la Croix Rouge.

Quelques années plus tard et dans la logique de la défunte Société des Nations, l'action humanitaire devait se fonder essentiellement sur des traités et mécanismes qui engageaient les Etats à l'observance des « *obligations d'intérêt international* »³ pour la protection des minorités dans des pays comme la Turquie, l'Iraq, la Serbie-Croatie-Slovénie. Elles ne pouvaient être modifiées sans l'assentiment du Conseil de la SDN, et il était express comme qui était opposable à toute loi, règlement et action officielle des Etats.

A partir de la fin de la Deuxième Guerre Mondiale et la création des Nations Unies, suite à la multiplication des foyers d'instabilité justifiés par la Guerre Froide et occasionnant dans la plupart des cas des violences intercommunautaires et guerres civiles avec leurs corollaires que sont les déplacements des populations, des famines, des épidémies etc., il se produisit une remontée en surface du concept de droit d'ingérence qui légitimait des interventions armées destinées à

2 Lire notamment la lettre de Roger Durand publiée par le quotidien la *Tribune de Genève* en avril 2006.

3 Article 44 du Traité de Lausanne du 24 juillet 1923, *Société des Nations - Recueil des Traittés*, vol. 28, 1924.

protéger des populations civiles sans l'accord du pays hôte. Ici, l'ingérence est perçue comme droit d'accès non négocié aux victimes.

Cette situation amena le CICR à rappeler à plusieurs occasions aux Nations Unies leurs devoirs de toujours éviter une militarisation extrême de l'action humanitaire et de toujours favoriser une humanisation de ses opérations militaires. A l'occasion du lancement de la première opération de maintien de la paix des Nations Unies au Sinaï et Gaza en 1956, le CICR interpella la responsabilité des Nations Unies par rapport aux exigences de l'application des Conventions de Genève. « Une des résolutions de la XXème Conférence internationale de la Croix-Rouge tenue à Vienne en 1965 recommandait aux Nations Unies de toujours s'assurer que les troupes mises à sa disposition par les Etats membres observent les règles des Conventions de Genève, en enjoignant aux responsables de prendre toutes les mesures nécessaires pour prévenir et réprimer les infractions éventuelles aux dites Conventions ».⁴

Le CICR a concentré pendant une cinquantaine d'années son action sur des approches destinées à encourager les Etats à apaiser les souffrances des personnes vulnérables présentes dans des zones de conflit. Il apparut au fil des années le nouveau concept de droit d'ingérence humanitaire sous-tendant le déploiement de ces opérations de paix de la deuxième génération illustrant de plus en plus d'une politique de deux poids et deux mesures.

En tant que part entière du droit international public, le droit international humanitaire ou droit humanitaire régit les questions de protection des populations civiles présentes dans des zones de conflit. En dépit de la constitution à partir de 1970 des Organisations Non Gouvernementales, à l'instar de l'organisation « Médecins Sans Frontières » qui contestait le rôle humanitaire des Etats et se donnaient missions de secourir les blessés et les malades à travers toutes les zones de tension à travers le monde. L'action humanitaire internationale a longtemps été à la traîne des considérations politiciennes.

Bien plus, le principe de légitimation d'une action militaire destinée à protéger des populations civiles même contre l'avis du pays hôte a laissé libre cours à certains abus causés sous le label des « guerres préventives » que des puissances militairement nanties se réservent le droit de mener contre des « Etats voyous », entendez des Etats militairement faibles ou dont les richesses stratégiques attirent la convoitise des nations plus puissantes.

Action humanitaire ou desseins mercantilistes?

Tous ces faits à la limite des actes d'un film de Western ont fait fi du traditionnel cadre légal des Nations Unies qui se multiplient depuis bientôt une décennie sur l'échiquier stratégique internationale. Il y a lieu de se demander si le concept de droit d'ingérence humanitaire très prisé en Occident n'a pas tout simplement déjà été battu en brèche par celui du droit d'ingérence économique. Autrement, comment comprendre l'actuelle nette propension de la communauté internationale à n'appliquer le droit d'ingérence humanitaire qu'à des coins du monde où gisent d'importantes réserves des matières premières ? Cette question paraît être l'une des leçons sur la fragilité du concept.

A observer de plus près, il est important de souligner que l'histoire militaire récente de l'Afrique démontre à suffisance que la carte de déploiement des opérations de paix et missions humanitaires de la communauté internationale tendait à se recouper carrément avec la carte

⁴ L'Assemblée générale des Nations Unies a institué les Mécanismes A Cette Fin Dans Sa Résolution 24 (1) Du 12 Février 1946 (598/9, vol. I, p. 402).

des gisements de matières premières. Dès lors, il y a lieu de se demander si le concept du droit d'ingérence humanitaire n'a pas déjà été supplanté par les exigences du droit d'ingérence économique inhérentes à la mondialisation. Il s'agit là d'un constat des signes qui assujettissent le droit dans sa nature humanitaire.

Harman Daniel et Bigo Didier soutiennent que « ... *démocratie et pacification resteraient les deux faits marquants de ces années qui feraient une période historique commencée avec l'après-guerre, si ce n'est l'entre deux guerres, et ouvriraient une nouvelle période plus humaine où les valeurs essentielles de l'Occident s'universalisaient effectivement...* ».⁵ Les deux auteurs se révèlent plus explicites lorsqu'ils soulignent que le démantèlement des fondements autocratiques en Europe de l'Est et dans le Tiers-monde consécutivement à la propagation du libéralisme grâce aux vertus de l'économie du marché et du fulgurant essor des moyens de communication, eurent pour conséquence logique l'universalisation de l'idéale démocratique occidentale au détriment du marxisme, et contraignirent tous les acteurs des relations internationales à s'aligner par rapport à cette nouvelle donne démocratique internationale.⁶

Dans le même ordre d'idées, présentant la politique africaine des Etats-Unis de l'époque devant le Sous-Comité Afrique du Comité des Relations Internationales de la Chambre, le 15 juin 2000, l'Ambassadeur Richard Hoolbrooke, H. déclarait, nous citons : « ... *Les Etats-Unis ont intérêt à maintenir la stabilité régionale et à éviter un autre génocide ou un massacre de masse en Afrique Centrale. ... La crise au Congo est potentiellement contagieuse : si on laisse le conflit s'envenimer, il sera encore plus difficile de réaliser les efforts nécessaires afin de résoudre les conflits et promouvoir la stabilité dans la région : en Angola, au Burundi, au Rwanda, en Ouganda et au Soudan...* ».⁷

Cependant, d'autres ont émis des points opposés. Dans son « *Afrique des Grands Lacs* », Chrétien, J. rapporte que la fascination de l'Occident pour le cœur du continent noir coïncida avec la révolution industrielle au 20^{ème} siècle et que cette donne motiva la dynamique de la colonisation de l'Afrique subsaharienne en guise d'approches de sécurisation des nouvelles sources des matières premières dont le bassin du fleuve Congo fut l'épicentre,⁸ comme le souligne si bien l'historien Congolais Elikia Mbokolo.⁹

Dans « *Les Nouveaux Prédateurs, Politique des Puissances en Afrique Centrale* », Braeckman, C. fait observer que « ... *les matières premières tirées d'Afrique Centrale ont toujours été essentielles au développement des industries de pointe de l'Occident : au XIX^{ème} siècle le caoutchouc extrait des forêts équatoriales entre dans la fabrication des pneus, durant la première guerre mondiale, le cuivre est utilisé pour produire les munitions et nul n'ignore plus que c'est l'uranium extrait de Shinkolobwe au Katanga qui permet aux Américains de fabriquer la première bombe atomique, devançant de peu les Allemands qui, dans un entrepôt situé en Belgique occupée, s'étaient emparés d'un stock d'uranium. De nos jours encore, nous y revenons, les ressources naturelles du Congo (cobalt, colombo-tantalite etc.) sont essentielles au développement d'ordinateur et à la conquête de l'espace...* ».

Dans la même logique, Petras, J. et Veltmeyer, H. soulignent sans ambages que la mondialisation n'est qu'une nouvelle approche pour la soumission des peuples au capitalisme et

5 Harman Daniel et Bigo Didier, *Approches Polémologiques, Conflits et Violence Politique dans le Monde au Tournant des années Quatre-vingt-dix*, Fondations pour les Etudes de Défenses Nationales, Paris, 1991, p. 31.

6 Harman Daniel et Bigo Didier, Op.cit, p. 33.

7 Yahoo.com, 2003.

8 Les axes de progression des explorateurs européens comme Stanley, De Brazza Livingstone avaient tous tendance à converger vers le bassin du fleuve Congo.

9 Lire Elikia Mbokolo, *L'Afrique au XX^{ème} Siècle, le Continent convoité*, Etudes Vivantes, Paris, 1980.

aux lois impitoyables de l'économie du marché surexploités. Durand A., affirme que, tout en se réclamant constamment des valeurs humanistes de la *communauté universelle des enfants de Dieu* qui fondaient autrefois notre civilisation judéo-chrétienne, *le néolibéralisme ne cesse d'entrer en contradiction avec lui-même en créant plutôt des inégalités à travers le monde par l'exploitation des pays pauvres par de plus nantis.* Cette vision assez critique des relations internationales actuelles est également partagée par Sarkozy, N. qui stigmatisait récemment le fait que l'actuel développement par l'Occident d'une « *économie de la rente* » était de nature à déboucher tôt ou tard à la « *révolte des pays pauvres* ». ¹⁰

Au regard de toute ce qui a été dit ci-dessus, il transparait une évidence indéniable des relations internationales actuelles : c'est que la plupart des intervention militaires menées récemment en Afrique et en Asie au nom de *la liberté des peuples, de l'idéal démocratique et de l'avènement d'un nouvel ordre mondial* ont été motivés plus par des considérations mercantilistes qu'un réel souci de protection des populations locales pour des raisons humanitaires. Le concept de droit d'ingérence humanitaire ne pourrait être qu'un subterfuge pour voiler certains desseins mercantilistes des Etats nantis *vis-à-vis* des Etats faibles.

Profil de la question humanitaire dans la SADC

Sortant d'une longue période de crises sociopolitiques et guerres civiles, quatre pays de la SADC, en l'occurrence l'Angola, le Mozambique, la RDC et le Zimbabwe traversent encore ; et cela, à des degrés divers et avec des profils de la menace différents, une période de restructuration post-conflit de la paix où les questions humanitaires se posent avec beaucoup d'acuité. Les deux anciennes colonies portugaises se trouvent dans une période charnière entre le démantèlement des séquelles de longues et meurtrières conflits armés ayant causé de profondes perturbations des équilibres économiques et sociales de la vie nationale.

En plus de cet aspect politique et sécuritaire assorti d'une incidence socioéconomique très fâcheuse, dans des pays comme la Tanzanie, la Zambie, la Namibie, le Malawi et le Botswana la question humanitaire s'est également posée ces dernières années à la SADC en termes de vagues de sécheresse et des inondations qui perturbent de précaires équilibres alimentaires internes et exposent des populations à de meurtrières épidémies.

Angola et Mozambique

En dépit des substantiels efforts des gouvernants visant la consolidation de la paix propice à une normalisation socioéconomique, la situation humanitaire continue toujours à demeurer assez critique dans certains pays de la SADC, notamment en Angola, où il y est toujours déploré l'existence de plusieurs millions de personnes vulnérables exposées à la faim, au déficit d'approvisionnement en eau potable, et l'absence des infrastructures sanitaires ; une situation qui accroît les risques d'épidémies comme la malaria et le choléra.

Selon l'UNICEF, 43% de la population angolaise n'a pas accès à l'eau potable, 31% ne disposent pas d'installations sanitaires, 260 des 1000 enfants qui naissent en Angola n'atteignent pas l'âge de cinq ans. ¹¹

Un problème fondamental est que l'isolement géographique de certains villages situés dans

10 Discours du Président Sarkozy devant l'Assemblée Générale des Nations Unies en septembre 2007.

11 Situation d'urgence / UNICEF/HQ07-1719/ Nesbitt dans www.unicef.org

l'arrière-pays suite aux délabrements des infrastructures de communication terrestre et aérienne cause de gros problèmes d'accessibilité des populations à l'aide humanitaire. Pis encore, l'Angola et le Mozambique font partie des Etats de la planète les plus exposés aux affres de l'existence des champs de mines terrestres. Les sols angolais et mozambicain renferment encore des nombreux champs de mines hérités de la guerre civile et ne faisant pas l'objet d'une signalisation. Le comble est que ces engins de la mort pourront encore longtemps continuer à faire des milliers de victimes au sein de la population civile.

La présence de ces champs de mines constitue un handicap majeur à la reprise du travail de la terre indispensable à la réduction de la pauvreté et un important facteur d'atteintes à la sécurité humaine. Une étude menée par *African Relance* montrait que la présence des champs de mines dans ces deux pays avait causé une réduction de la production agricole de l'ordre de 25%.¹² La destruction des infrastructures socioéconomiques et une longue interruption du système éducatif du fait de la guerre, en plus des déplacements massifs des populations qui fuyaient les hostilités, se sont soldées par de profondes perturbations de la vie nationale bien illustrées par l'analphabétisme élevé et la naissance de nombreuses bidonvilles entravant les efforts des pouvoirs publics et des humanitaires à requalifier les conditions existentielles des populations.

L'urgence humanitaire actuelle en Angola et au Mozambique est de restaurer les voies de communication pour faciliter le travail des humanitaires et de remettre en état des infrastructures de santé primaire et d'approvisionnement en eau potable.

RDC

Décrivant la situation qui prévalait dans la partie orientale de la RDC à la veille de la cessation des hostilités et de l'amorce du processus de paix en cours, Devey Muray parle « ... des régions ravagées notamment à l'Est, des déplacements massifs des populations, des exactions de toutes sortes, des viols en pagaille, des milliers des combattants à démobiliser et un pillage organisé des ressources minières par les groupes rebelles et leurs appuis étrangers ... ».¹³

Plus explicite, le Secrétaire Général des Nations Unies rapportait la présence sur le sol congolais de plusieurs groupes armés étrangers dont les ADF, le *West Nile Bank Front*, l'UNITA, le *Front de Libération de l'Enclave du Cabinda*, les FDD, le FNL et des rebelles Hutus rwandais composés des ex-FAR et autres Interhamwes se réclamant des FDLR et de l'ALIR.¹⁴

Un problème fondamental en ce jour est que le processus de paix en cours n'a pas apporté beaucoup de solutions en termes de restauration de la paix et d'amélioration des conditions de vie des populations à l'Est du pays. Bien au contraire, la carte de vulnérabilité sécuritaire de cette partie du territoire congolais s'est même empirée avec la consolidation des sanctuaires de tous ces groupes armés étrangers auxquels se sont ajoutés des pasteurs nomades communément appelés « *Mbororo* » dans le contrôle des portions entières du territoire congolais. Tout en entravant la consolidation de la paix, tous ces paramètres d'insécurité résiduelle posent fondamentalement une multiplicité des problèmes humanitaires et handicapent sensiblement le travail des humanitaires.¹⁵

12 Article publié par *African Relance* dans www.un.org, 2008

13 *Afrique Magazine* No 245, avril 2006, p.54.

14 Rapport du Secrétaire Général des Nations Unies No S-2001-1072 adressé au Conseil de Sécurité.

15 MSF, République démocratique du Congo. Rien de nouveau en Ituri: la violence continue. Août 2005, 23p. [Http://www.msf.ch](http://www.msf.ch)

De 1996 à 2003 puis en 2008, les populations civiles prises en otage par des forces négatives sont constamment victimes des enlèvements, tortures et viols perpétrés aussi bien par les membres de tous ces groupes armés étrangers que de certaines milices locales. Des affrontements à répétition entre les troupes gouvernementales et toutes ces forces négatives se soldent chaque fois par des déplacements massifs des populations civiles se retrouvant exposés aux affres des intempéries et inaccessibles à l'aide humanitaire. Cette situation s'est aggravée avec la rébellion du Général rebelle Laurent Nkunda dans l'Est de la RDC.

Pour toutes ces raisons ci-haut évoquées, des milliers d'enfants congolais ayant survécu aux combats vivent encore séparés de leurs parents. Prises en otage par des groupes armés et milices locales qui foisonnent au Kivu et dans l'Ituri, des populations civiles y sont privées de l'assistance humanitaire et exposées ainsi aux hauts risques d'épidémies de malaria, de choléra et de fièvre hémorragique. La faim, le manque d'eau potable et d'assistance sanitaire entraînent la hausse de la mortalité. Selon une récente évaluation faite par OXFAM, 1200 personnes meurent chaque jour en RDC suite aux causes directes et indirectes du conflit.¹⁶

Zimbabwe

De prime abord, s'agissant du Zimbabwe, nous voudrions commencer par souligner que l'actuel état de dégradation avancée des conditions de vie de la population zimbabwéenne nous semble tirer son origine d'une combinaison des perturbations des équilibres sociopolitiques internes et des calamités climatologiques, lesquelles ont engendré de profonds dérèglements du secteur agricole, et par conséquent, par le marasme économique et son inévitable corollaire qu'est la paupérisation extrême des populations.

Le comble pour ce pays est qu'à ce tableau socioéconomique particulièrement sombre consécutif aux profondes limitations des pouvoirs public zimbabwéens en matière de production agricole, de scolarité, d'approvisionnement en eau, des soins de santé etc. s'ajoute un des taux de prévalence du VIH/Sida les plus élevés du continent.

Comme si ce tableau déjà très sombre ne suffisait pas, vint s'ajouter le choléra. Pis encore, la maladie l'épidémie eut tendance à se reprendre dans certains pays voisins comme l'Afrique du Sud, au Botswana et Mozambique. Il y a lieu de ici saluer les interventions de plusieurs organisations humanitaires internationales comme UNICEF, OIM, OXFAM-GB, Médecins du Monde, CICR, ACF, MSF – Espagne, Hollande et Luxembourg, Plan International, GOAL, Save the Children-UK et tant d'autres) qui ont contribué à la stabilisation et réduction de la propagation de cette épidémie.

Zambie, Malawi, Namibie, Tanzanie et Botswana

La Zambie, le Malawi, la Namibie, la Tanzanie et le Botswana sont avec le Mozambique et le Zimbabwe, les pays de la SADC les plus touchés par des sécheresses et inondations résultant des perturbations écologiques causées par des changements climatiques. Le problème est que le gros des populations de ces pays de la SADC est constitué d'agriculteurs dont le travail de la terre dépend essentiellement des précipitations pluviales.

Dans ces conditions, il devient clair que les carences ou excès des pluies constituent des problèmes réels de sécurité humaine pour des pays qui pouvaient compter sur la culture de

16 www.oxfam.org, Oct.2008

la terre et l'élevage pour combler leurs déficits alimentaires. Dès lors, les enjeux et défis aussi bien de la gouvernance étatique que de l'action humanitaire pour ces pays consistent à gérer de façon optimale les incidences des effets néfastes des perturbations environnementales sur l'agriculture, l'élevage et les fragiles écosystèmes naturels, afin de préserver surtout les infrastructures de production de petits exploitants.

Evaluation de l'action humanitaire dans la SADC.

Au regard de la succincte du profil de la question humanitaire au sein de la SADC tel que dégagé ci-dessus, nous pouvons maintenant procéder à une évaluation des approches de parade usitées au sein de la SADC en guise de management de la problématique humanitaire dans le cadre de développement des opérations de paix au sein de la communauté.

Pour ce faire, nous voudrions avant toute chose commencer par relever ici que, hormis les interventions en ordre dispersé de certains pays de la communauté dans les conflits en RDC¹⁷ et au Lesotho¹⁸ en 1998, la SADC n'a pas encore une tradition bien installée dans le domaine des opérations de paix et de l'action humanitaire. Dans le même ordre d'idées, nous voudrions faire remarquer que, sans minimiser l'ampleur de la situation en RDC, il y a tout de même lieu de constater que la question humanitaire ne se pose pas outre mesure au sein de la SADC depuis que les hostilités avaient pris fin en Angola et au Mozambique et que ces deux pays se sont bien engagés sur la voie de la normalisation de la vie politique et de la reconstruction nationale.

Néanmoins, s'agissant d'une exploration des pistes de solutions indiquées pour l'abordage de la problématique, nous estimons que la démarche la plus indiquée consisterait à commencer par scruter les différents processus de consolidation post-conflit de la paix menés au sein de la communauté afin d'y dégager des termes de référence pouvant nous aider à circonscrire les contours de l'action humanitaire qui y avait été menée. Ce n'est que sur base d'un tel tableau que nous pourrions à juste titre procéder à l'évaluation de ce qui avait été fait, de tirer des leçons et d'élaborer des recommandations susceptibles d'aider au perfectionnement de la gouvernance sécuritaire de la SADC, plus précisément en ce qui concerne les opérations de paix et l'action humanitaire.

Une furtive rétrospective historique sur les processus de la consolidation post-conflit de la paix menés au Mozambique, en Angola et en RDC permet tant soit peu de définir les contours du travail humanitaire accompli au sein de la communauté australe. C'est ainsi que nous avons pu noter que la plupart des crises humanitaires déplorées au sein de la SADC ont résulté plus des conflits armés engendrés par la mauvaise gouvernance ou la course au pouvoir que des conséquences des catastrophes naturelles comme les inondations, les épidémies, la sécheresse, les tremblements de terre etc.

En outre, il a été constaté que l'action humanitaire au sein de la SADC a plus été l'apanage de seuls organismes internationaux comme le PAM, l'UNICEF, le HCR, OCHA, OMS etc. qu'une affaire des pouvoirs publics locaux trop marginalisés.

Dans la même logique, il y a lieu de noter aussi que les chantiers les plus récurrents de l'action humanitaire au sein de la SADC sont :

- la lutte contre la malnutrition infantile

17 Angola, Zimbabwe et Namibie.

18 Afrique du Sud et Botswana.

- l'approvisionnement en eau potable
- la scolarisation des enfants
- la sensibilisation et la prise en charge sanitaire
- les programmes de vaccination
- la fourniture des suppléments de vitamine et des vermifuges
- et la sensibilisation aux dangers des mines.

L'intervention des pouvoirs publics s'est souvent limitée au niveau des programmes VIH/Sida essentiellement financés par la communauté internationale.

Pistes de solutions à la question humanitaire dans la SADC

En confrontant toute l'économie de l'évaluation du profil de la question humanitaire dans la communauté ci-dessus dégagée aux instruments et mécanismes de paix actuels de la SADC, il apparaît que la problématique de l'accomplissement de l'action humanitaire dans la sous-région porte sur les trois vecteurs suivants :

- la bonne gouvernance au niveau interne des états
- le maintien de l'aide humanitaire internationale
- la requalification de la politique sécuritaire de la SADC.

La bonne gouvernance au niveau interne des Etats

Etant donné que les crises humanitaires déplorées au sein de la communauté ont essentiellement résulté de la mauvaise gouvernance et des luttes fratricides pour le pouvoir au plan interne des Etats, en plus des calamités naturelles et épidémies ; il est tout à fait normal que la bonne gouvernance constitue la première approche de résolution de l'actuelle équation humanitaire de la SADC.

En effet, étant donné que toutes ces contradictions sociopolitiques à la base des conflits armés ne sont que des conséquences logiques des contradictions sociales qui ont toujours miné les rangs des élites africaines et entravé l'implantation d'un jeu politique sain, il est à penser que seule la bonne gouvernance est sensée permettre à la fois la consolidation de la démocratie et une pratique de la justice redistributive sensée réduire fractures sociales et autres causes des frustrations génératrices de la violence et guerres civiles dont ont résulté la plupart des crises humanitaires déplorées dans la SADC.

Le maintien de l'aide humanitaire internationale

L'actuelle crise financière internationale étant de nature à amener un bon nombre de donateurs à revoir à la baisse leurs interventions notamment en faveur de l'Afrique, il y a lieu de craindre que cette conjoncture critique ne débouche à moyen terme à un net tarissement de l'assistance humanitaire en faveur du continent, et plus particulièrement des pays de la SADC.

Eu égard à cette menace plus qu'imminente, il serait souhaitable que soient envisagées dès à

présent, tant au niveau des gouvernements que des sociétés civiles locales, des actions de lobbying visant à drainer le peu de flux financiers qui seraient encore disponibles au niveau de la communauté internationale vers des programmes de lutte contre la malnutrition, le VIH/Sida, la sécheresse et les inondations dans le continent, plus particulièrement dans les pays de la SADC.

Dans le même ordre d'idées, il y a également lieu d'agir maintenant pour sécuriser des sources de financement de certaines structures sous-régionales d'appui à la lutte contre la sécheresse et les inondations comme l'« *Unité Régionale de Télédétection* » de la SADC, les en sigle « SDAC-RRSU, les « *Comités Régionaux d'Evaluation de la Vulnérabilité* », en sigle RVAC, et les « *Comités Nationaux d'Evaluation de la Vulnérabilité* », en sigle NVAC, lesquelles ont vocation de protéger certaines précaires équilibres alimentaires locales par des approches scientifiques de la lutte contre les sécheresses et les inondations.

La requalification de la politique sécuritaire de la SADC

En procédant à une analyse de fons des instruments et mécanismes de paix de la SADC, il y a lieu de noter que les stratégies de paix de la communauté se sont jusqu'à présent limitées à cibler les seuls contours politiques et militaires des conflits armés ayant survécu dans la sous-région, éludant ainsi quelque peu les racines profondes de toutes ces meurtrières luttes fratricides qui sont plus sociales et culturelles que politico-militaires. La plupart des crises humanitaires déplorées au sein de la SADC ont résulté des conflits armés engendrés par des contradictions de souche sociales et culturelles (historicité, ethnicité, nationalité etc.) dont les manifestations militaires ne sont que des conséquences logiques.

Ainsi dit, il s'imposerait la nécessité d'une requalification de l'actuelle politique sécuritaire de la SADC dans le sens d'une élaboration des approches de solutions basées sur des schèmes associant des solutions politiques et militaires à des approches plus sociologiques ; c'est-à-dire celles qui mettent l'accent aussi bien sur la bonne gouvernance que sur la promotion de la culture de la paix par la diffusion des idéaux de non-violence, d'acceptation de la différence et du dialogue constructif entre les différentes communautés humaines. Il s'agit-là de tabler un peu plus sur le paradigme de la sécurité humaine qui veut que la gouvernance sécuritaire cerne la menace bien au-delà de ses contours militaires.¹⁹

C'est ainsi qu'au plan strictement militaire, les garants de la gouvernance sécuritaire de la SADC devraient mener de substantiels efforts visant une redéfinition fondamentale de certains instruments et mécanismes comme l'OPDSC, le SIPO, le Pacte de défense mutuelle etc.), notamment en y accordant une importance requise à l'implication de la société civile.

Le raisonnement est également valable concernant les Brigades de la SADC dont l'action devrait transcender les considérations purement militaires pour intégrer dans leurs programmes de formation et plans d'actions une dimension humanitaire, notamment le concept de « *soldat de la paix* » qui veut que le militaire maîtrise aussi bien le maniement du fusil contre l'ennemi que les techniques de base de l'action humanitaire en faveur des populations civiles présentes en zones de conflits.

19 Ken Booth, 'A Security Regime in Southern Africa: Theoretical Considerations'. *Southern African Perspectives*, No 30. CSA, p. 4.

Conclusion

L'économie de la présente étude est cet éclairage qu'elle nous donne sur un certain nombre de concepts qui, au fil des années, ont pu se donner un sens et déboucher à la notion d'« *Action humanitaire* », laquelle repose désormais sur un ensemble cohérent de pratiques et de principes qui, vécus comme nécessaires et moraux, constituent finalement toute une idéologie. A l'action humanitaire est annexé la notion d'« *Ingérence humanitaire* » comme droit d'accès non négocié aux populations civiles victimes de la violence, conflits armés et crises humanitaires y afférentes.

Par ailleurs, l'universalité des droits de l'homme est un produit sans lequel il n'y a pas d'action humanitaire légitime. C'est ainsi que les interventions militaires de certains Etats de la SADC ont illustré le droit d'ingérence au Lesotho et République Démocratique du Congo et relevé d'offres de secours à caractère humanitaire impartial et non pas comme un acte hostile.

Deux résolutions de l'Assemblée générale des Nations Unies 43/131 du 1988 et n°45/100 de 1990) autorisent de couloirs d'urgence aux victimes des catastrophes naturelles et situations d'urgence. L'argumentation de l'Action Humanitaire ne saurait en Afrique ignorer comment de mai 1967 à février 1970, la guerre du Biafra a constitué le creuset de l'humanitaire contemporain. Cette guerre donna naissance en Afrique à l'émergence d'une solidarité internationale d'un nouveau genre, plus dirigeante, plus « interpellative ». Elle donna naissance à une nouvelle génération des militants humanitaires. Au sein de la SADC, les interventions dans un pays membre exprimaient les nouvelles relations militaires expriment la conséquence d'une démarche politico-militaires.

Les opérations de paix et l'action humanitaire dans le monde tendent à devenir une affaire « *de gros sous* » plus qu'une action visant à maîtriser des mouvements des populations et à atténuer leurs souffrances, à assainir les environnements problèmes politiques, et à permettre l'avènement d'un système politique démocratique avec des dirigeants élus du peuple à travers des élections réellement démocratiques et transparentes, ainsi que l'instauration des forces de défense républicaines et dotées d'une conception humanitaire de leur mission.

Les dirigeants Africains devaient être attachés à des valeurs d'unité, de progrès et de paix. Le recours au chapitre VII pour lancer une intervention militaire devant être l'exception, car, le droit à l'ingérence, dépourvu d'existence légale, demeure un concept flou quant aux acteurs susceptibles d'y recourir (Etats, organisations régionales et internationales-ONG).

Les crises humanitaires déplorées dans la SADC ont généralement découlé de la mauvaise gouvernance et des calamités naturelles (épidémies, sécheresses et inondations etc.).

C'est ainsi qu'il est urgent et impérieux que les stratégies de paix de la SADC et de l'Union Africaine soient repensées et adaptées aussi bien aux menaces d'ordre militaire qu'aux contours sociologiques de toutes les crises humanitaires qui sont actuellement déplorées dans la sous-région, y comprises celles qui sont engendrées par des calamités naturelles, lesquelles ne sont finalement que des résultantes des contradictions historiques, culturelles et sociales qui émaillent les gouvernances souvent problématiques des Etats africains.

Dès lors, il devient évident que seule la bonne gouvernance des Etats africains pourrait permettre au continent de se défaire des carcans de la pauvreté et de la misère, et par ricochet, d'être à mesure de juguler avec dignité et capacités les crises humanitaires de souches humaines ou naturelles qui pourront encore longtemps joncher leur chemin vers le développement et les mieux-être de leurs populations.

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SADC TRAINING NEEDS FOR PEACE SUPPORT OPERATIONS: THE CASE FOR A GREATER ROLE FOR THE REGIONAL PEACEKEEPING TRAINING CENTRE

M.C. CHIRWA AND C.A.D. NAMANGALE

Introduction

SADC member states face the challenge of how to distribute limited resources, in terms of type of training and education required, for peacekeeping operations without a clear understanding of what exactly SADC peacekeeping forces should be composed of, and are expected to do. Any deployment of such contingent forces without proper education and training will be catastrophic. The difficulty of achieving such an understanding is often underestimated because of differences in the understanding of peacekeeping among member states. In this case, clearly defining peacekeeping is fundamental for the need to have a training establishment such as the Regional Peacekeeping Training Centre (RPTC) for the SADC region.

This study presents a descriptive, narrative form, rather than an empirical report, because the purpose is to capture some of experiences of the RPTC for the purpose of constructing and communicating what the Centre is, what it has done, and its possible future wider role for peace support operations in the Southern African Development Community (SADC) region. According to Cawthra, du Pisani, and Omari (2007), regions or sub-regions can be defined in many different ways – through geographical position, trade or through internal or external recognition. They, however, argue that “the division of the world into regions is not as clear as the UN charter might have envisaged, and is further complicated by the development of sub-regional organisations, especially in Africa where the regional organisation, the AU, is shadowed by a number of sub-regional organisations and one of them is [the] SADC region”. Even with different awareness of security threats, differences in security structures, and other challenges facing member states individually, and collectively, the relationship of SADC to the RPTC has been unclear. The latest indications, however, show that the Centre falls under the director of the Organ on Politics, Defence and Security Cooperation in the SADC secretariat (Oosthuizen, 2006:297).

The main focus of the paper seeks to put emphasis on training needs and education for the SADC military, police and civilian personnel before they are deployed for peace support operations. The ultimate aim of the research was to promote guidance concerning PSO training in the SADC region for all member states to benefit from the RPTC. The secondary purpose of the research was to determine the extent to which the RPTC, staff colleges, academic institutions, donors and non-governmental organizations provide training and education to the SADC security sector relevant to peace support operations. The result of the study suggests that there are shortcomings between what is needed and what is available to run Peace Support Operations at the RPTC effectively and efficiently. In addition, the study includes policy recommendations aimed at widening the scope of the RPTC and strengthening the capacity in training and education for the PSO.

Conceptualising peace support operations in SADC

Given the much-publicised literature on peacekeeping there have been recent attempts in the 21st century to think conceptually about its changing roles in global politics. According to Belamy, Williams, and Griffin (2007) "In the past, most scholars identified peacekeeping as providing a mechanism for resolving conflict without direct intervention; secondly it mobilised international society to make a commitment to the maintenance of peace, and finally it has been conceived as a diplomatic key, opening the way to further negotiation for a peaceful resolution of conflicts". Long gone is the thinking that led to experiences in Somalia, Rwanda and Srebrenica. Hence, the peace-support operations concept came into being. SADC's inclusion of peace support operation training is visible at the RPTC and this is a very welcome idea although it has been accorded very little support by member states until recently.

The acceptance by member states that the RPTC should fall under the director of politics and security department in the secretariat has been welcome, although it has taken them a long time to recognise the importance of the RPTC. There is a broad agreement in the SADC region, as well as internationally, that traditional peacekeeping and managing transition operations can play important roles in either encouraging dialogue between states or assisting with the implementation of a peace accord. Oosthuizen (2006) states that, "...it is an expected norm that SADC has to coordinate the participation of members in regional and international peace support capacity of national defence forces, promote the joint training of civilian police for such missions, promote, the interoperability of military equipment to be used in such operations and conduct joint multinational exercises in the region and globally".

The issue, however for SADC, is one of training and capability of the personnel and perhaps willingness of such training to be shared among member states. In the course of conducting training, "...national, regional and at all levels, the training materials, courses, and mission doctrines have to be standardised in the region in line with UN doctrines" (Oosthuizen, 2006:299). The uses of peace support operation forces will naturally vary with the environment, size and stability of the region, but the symbolic function of peacekeeping forces in SADC is very important in underlining the existence of collective security within the region and globally, Oosthuizen (2006:300) further states that many questions about SADC and Peace Support remain. For example, "...who will assume command of specific SADC Standby Forces (SSF) missions, and to whom will the various components report? What steps will be taken to ensure that all members properly train and prepare their standby contingents? Obviously, command of standby forces remains an issue. The appropriate *modus operandi* would be to allow rotational command by member states at a given time. This would ensure commitment by each member state, and would lead to enhancement of collective security. To avoid inconsistencies, the RPTC needs to develop a regional training doctrine to cover tactical, operational, and strategic levels. This doctrine should be adopted at member state level.

Funding for training can always be an issue both at national and regional level. Member states have often relied on the United Nations and other donors to provide money and equipment for training and operations. Member states should be committed to using their own resources for national training, and be able to contribute to a regional peacekeeping fund. The advantage of the region raising its own funds is that it will develop a training agenda that is not influenced by external actors. When much training is taken at national level, the RPTC will concentrate at the strategic level. However, the problems with respect to the current location of the Centre in Zimbabwe are: political turmoil being experienced, capacity constraints, and the divergent interests of member states. These have led many to raise questions on the location of the RPTC

and its possible future wider role. The 21st century has witnessed the changing conduct of peacekeeping, especially seen by the large retreat from "the traditional wider peacekeeping." Unlike before, peacekeeping duties in the future are likely going to be subcontracted to regional organizations and alliances, and are going to take the lead in such areas as conflict prevention, elections and human rights monitoring, and military security (Bellamy, Williams, and Griffin, 2007). SADC as a regional community has to have well educated and trained personnel for such duties, hence the need for total commitment by member states for the RPTC.

Although conceptually sound, peace support operations have run into difficulty in practice, in spite of much training. The main issue is that the peace support operations concept is not universally applied or endorsed. However, since the end of the Cold War, the UN has entered into a variety of relationships with regional Organisations in Africa like the Economic Community of West African States (ECOWAS) in matters of international peace and security. In Africa ECOWAS has the most sophisticated security management system, and the most experienced in terms of peacekeeping. The name of the security arm is the ECOWAS Cease-fire Monitoring Group (ECOMOG) (Cawthra, *et al.*, 2007). The UN and regional peacekeeping forces have engaged in joint activities in Sierra Leone and Liberia. In others, the UN has delegated the use of force to particular regional organisation under chapter VII of the UN Charter, as in Sierra Leone (1997) under ECOWAS. Most regional organisations developed an increasing awareness of their potential role in this field by incorporating peacekeeping activities within their formal remit. SADC created its Organ on Politics, Defence and Security in 1996 (Bellamy, *et al.*, 2007). The regions are responsible for the training and readiness of their committed forces, with a view to being able to conduct peace support operations in a multi-national environment. SADC should also be responsible for the growth and continued improvement of the operating readiness of its peace support operations forces in the region.

Methodology of research and data limitations

This was a qualitative interpretative case study the research endeavouring to present a holistic description of training needs for peace support operations in the SADC region as stated in the terms of reference. The study took place between February and December 2008. The interest of the researchers was to investigate the relevant peace support operations training needs for SADC as the focus of the entire research. The researchers were engaged in primary data collection sources from written documents, and past records such as conference reports, meetings and workshops conducted by the security sector. The documents were carefully reviewed for correct data. The researchers scrutinised whether the documents were authentic (Leedy and Ormrod, 2005). The other primary sources included elite-individual interviews to respondents identified in the SADC security sector. The military and police officers, particularly officers that have trained at the RPTC and those who were involved in peace support operations exercises organised by the SADC security, sector were interviewed. Open-ended, semi-structured questions on peace support operations training needs were used, and some extracts were drawn from SADC security sector reports. The respondents were allowed to comment on training needs, and how this may have affected peace support operations in the region (SADC 2008). Secondary sources included textbooks, which have been cited in the introduction and in the conceptual framework paragraphs. From the introduction and background, the paper intended to highlight a theoretical understanding of peacekeeping operations in general, and such kind of data has provided useful sources from which some research questions have been answered

(Saunders *et al.* 2000). Most of the research questions have been answered using a combination of secondary and primary data, and the availability of both has enabled the researchers to capture most of the responses.

The analysis and interpretation of the data involved exploring the main purpose of the study, and its secondary objectives, while linking the conceptual framework throughout the investigation of the research.

The Researchers interviewed a limited number of stakeholders in the SADC member countries. Most member states did not respond to the questionnaire sent to them. The greater part of the research was conducted in Malawi in collaboration with the Peace Support Training unit of the Malawi Defence Force, which frequently provides training to the region. Fundamental was the absence of feedback from the RPTC in Zimbabwe.

What is the Regional Peacekeeping Training Centre and what is its mandate?

The very notion of the need to establish the SADC Regional Peacekeeping Centre (RPTC) was mooted in 1995, following a peacekeeping seminar and peacekeeping course for Battalion Commanders that was held at Zimbabwe Staff College as a joint venture between Zimbabwe and the United Kingdom. The pooling together of participants from SADC countries and other regions within Africa, brought to light the realization of the need for well coordinated peace support training which hitherto was being conducted exclusively by individual countries (SADC, 1998).

Such a development, it was thought quite correctly, would bring the much needed harmonisation in training standards, whilst also ensuring that SADC's aspiration of collective security as envisaged in the SADC Protocol and Mutual Defence Pact,¹ is fulfilled. Zimbabwe was later assigned by the SADC Interstate Defence and Security Committee (ISDSC) to coordinate peace support training in the region during its 18th Session of the ISDSC Meeting in Lilongwe, Malawi in October 1996. In 1999, a purpose-built facility was opened to provide a permanent home for the institution, and that was followed by the recommendation to mainstream the RPTC under the SADC Secretariat, which was later endorsed by the Summit in Grand Baie, Mauritius in 2004 (SADC, 2004).²

According to the RPTC Brief Information Paper (2004),³ the organisation falls directly under SADC Secretariat (Directorate of Politics, Defence and Security Cooperation) in line with the Host Agreement signed in May 2005 and its subsequent official handover on 5th August 2005. Its main role is, therefore, to create a peaceful and secure environment through the opening of training by coordinating with cooperating partners, the African Union (AU) and the United Nations (UN), through SADC, so that specialised courses are developed to fill the training gaps. The nobility of the RPTC idea cannot therefore be argued against if one considers that it is an essential tool towards conflict prevention and management. What can be argued, however, is whether all the training needs are fully met by the RPTC as an institution in its present status. Indeed, political and security threats are many, and coupled with other challenges such as the overlapping membership issue, do tend to have an impact directly or indirectly on such arrange-

1 The SADC Mutual Defence Pact (signed on 24 July 2003 at the 2003 SADC summit): a tool for ensuring collective security in the region.

2 The Regional Peacekeeping Training Centre: Peace for a Common Future, 'Brief Information', Harare, Zimbabwe and 2004 Summit proceedings.

3 *Ibid.* p.2

ments (Oosthuizen, 2006).⁴ It is therefore important to restate the vision, mission and objectives of the RPTC, which should provide a foundation for a critical analysis as the paper seeks to identify the actual training needs. These are further set out in the RPTC Brief Information Paper (2004)⁵ as follows:

Vision

The vision of the RPTC is to be a reputable and responsive Centre of Excellence in training, research and development of capacities and expertise in Peace Support Operations (PSO).

Mission statement

The mission of the RPTC is to study the theory and practice of PSO and to coordinate peace support training in the SADC Region as mandated by the Organ on Politics, Defence and Security Cooperation.

Objectives

The RPTC objectives are in line with the core objectives of the strategic plan for the Organ (SIPO) which aims at creating a peaceful and politically stable and secure environment. SIPO exists:

- To promote regional cooperation in peace and security among SADC member states.
- To built capacity in conflict prevention and conflict management including PSO.
- To train peacekeeping practitioners and provide training enabling all SADC member states to take part in PSO.
- To assist planning for SADC peacekeeping formations and for SADC PSO exercises.
- To develop and deliver peacekeeping training in line with SADC, AU and UN standards.
- To implement the objectives of the SIPO and SADC Development Agenda related to peace and security.

The RPTC is, therefore, the hub of all PSO training needs. The question of how far states are prepared to give it full capacity will still be determined by their national priorities. This paper, therefore, focuses on training needs for PSO in relation to SADC structures, its policy frameworks and institutions to determine the training gaps and the way forward.

Organizational structure

The structure of the RPTC as approved by the SADC Ministerial Committee of the Organ (MCO) has the posts of Commandant, Deputy Commandant, three Training Officers (Civilian, Military and Police), Administration and Finance Officer, Research Officer, Information and Technology Officer and a Librarian.⁶ In line with the Agreement between the Government of Zimbabwe and the SADC, there are additional junior ranks support staff totalling 33 and their recruitment is done in accordance with SADC Rules and Procedures.

4 See Oosthuizen, G. (2006). *The Southern African Development Community: The organization, its policies and prospects*, Institute for Global Dialogue, Midrand, South Africa p284

5 See RPTC: Brief Information, Harare, Zimbabwe.

6 See *ibid*, RPTC Brief Information

The conclusive observation of this paper is that the RPTC shall remain the training hub for SADC, and as such it is important to also evaluate whether it has the capacity to handle all the PSO needs for the Region.

What are the other institutions in the region that also conduct PSO training? Are there mechanisms for the RPTC to evaluate that training? Is the RPTC able to know which courses are run by such institutions?

Several investigations revealed that there is no collaboration between RPTC academic institutions or military colleges in the region, except for the RPTC's relationship with Zimbabwe Defence Staff College, and few notable academic institutions in Zimbabwe. The training that is conducted in institutions outside Zimbabwe has therefore no direct linkage to PPTC since these are done exclusively on their own terms, and no initiatives have been taken so far to harmonise or standardise them in terms of accreditation or otherwise.

Examination of the policy framework

According to the vision of SADC as stipulated in the Regional Indicative Strategic Development Plan (RISDP), the future being envisaged is the one that brings the countries to a common future, a future that will ensure economic well-being, improvement of the standards of living and quality of life, freedom and social justice, and peace and security for the peoples of southern Africa. Together with the Strategic Indicative Plan of the Organ (SIPO),⁷ the two documents may form the basis for broad guidelines for achieving the long term goals, whilst ensuring direction for the development of the organisation's policies and projects. The SIPO, which was approved in August 2003 by the Summit and was officially launched in August 2004, seeks to provide a five-year strategic plan for implementing the protocol of the Organ on politics, defence and security. Politics, defence, state security and public security are its four main sectors (Oosthuizen, 2006:125)

A quick analysis of SIPO shows that it lacks the accompanying implementation frameworks, although the implementation workshops identifying specific priority areas are being done on a bi-annual basis. It is common knowledge that the first five-year activity span stipulated in the SIPO guidelines is almost elapsing; this should raise questions about how useful the implementation frameworks shall be in terms of synchronisation of timings. It must be noted, however, that the activities of the SADC Brigade, which can be said to be generally in line with the AU Roadmap, shall continue to test the spirit of SIPO in terms of regional collective security. This should in turn reflect on the activities of the RPTC in terms of how valuable the institution has been in contributing to the cause.

Article 13 of the SADCBrig MOU will certainly be put to test when examining the commitment of the state parties in terms of their responses through pledges and participation.⁸ This should help result in deeper analysis by examining the levels of commitment that states relate to, and view, the RPTC under its present status. The next question is whether the RPTC has any levels of cooperation with staff colleges and academic institutions in the region.

It is important to start by looking at the question of how the MOU should be operationalised, because this gives it an indication of how issues regarding implementation will be carried out.

7 Ibid, p. 125; See SADC MOU on the establishment and maintenance of SADC BRIG, Article 19. See Strategic Indicative Plan of the Organ, 2003, SADC Secretariat; See Gavin Cawthra's article 'Key Challenges.

8 Challenges for SADC Security Co-operation FOPRISA Annual Conference Proceedings 2006 p. 95. SADCBrig MOU signed on 17 August 2007

The authors made the following observations on this question.

- That any multinational SADCBrig Exercises, such as the Map Exercise (MAPEX) in Angola, Command Post Exercise (CPX) in Mozambique, and the Field Training Exercises (FTX) in South Africa⁹ in 2009 must provide a perfect platform to fine tune any aspects of the MOU that would have required re-alignment with reality perspectives.
- That the issue of training (in-country) needs close liaison to be established between the Planning Element (in Botswana), and standardisation efforts by THE RPTC (in Zimbabwe). Indeed, there is a need for a proper synchronisation which may affect the existing MOU arrangements.
- That the region consists of landlocked countries, littoral and island states which may have their own priority risk areas. How does the region rank these threats and the manner in which they must be tackled?

Having made the above observations, the authors discerned the points below that can help in the operationalization of the MOU.

- That despite obvious uncertainties and implications, the date of operationalization of the SADCBrig MOU should remain the date that it was agreed to enter into force at the date of its adoption, 2005. The issue of the MOU should be looked into holistically as part of several mechanisms leading towards the operationalization of the AU Standby Force. Since it is stated that SADC Brigade can be deployed with a mandate from the SADC Summit, the AU or the UN, it is imperative that any arrangements be consistent with the operationalization of each structure set.
- Recognising that different nations have different legal systems, legal experts need to be consulted at every stage of the decision-making process in order to avert possible contesting issues of the spirit of the SADCBrig MOU and those of national interests.
- That any decisions to expand the management structure of the RPTC should naturally lead to re-examination of the present location of the institution in Zimbabwe, and consequent adjustments due to the changes will need to be made.

Training needs analysis: the issues

There are quite a wide range of courses that the RPTC conducts and there are also various PSO courses and seminars that staff colleges and other academic institutions in the region run. While the focus of such training in SADC countries may only be to satisfy the national goals, the RPTC seeks to breach that gap in the spirit of collective good, and that linkage needs to be exploited further. The RPTC has, over the years, conducted observer, staff and command courses, while some staff colleges and academic institutions have to include PSO as part of core modules in their training and educational packages.

In the context of policy, the RPTC needs to be guided on what percentage of training effort it should devote to other mother organisations such as AU and UN, recognising that some of the mandates emanate directly from these. In training the Brigade, it will be equally important to

9 See Proceedings of SADC Ministerial Committee of the Organ held in Durban from 16th to July 2008

determine what percentage of specific training needs should relate to the 'generic' support of training needs. The ability to determine likely priority missions will certainly go a long way in deciding the courses that need to be conducted, in what order, and at what levels.

The issue of all the components (the military, police and civilian) getting involved, should also be taken into consideration, and if possible, determine percentages of involvement in the context of the mandate and/or training required, whether it be peacekeeping, peace building, gender, human rights or child protection endeavours etc. The general observation is that most courses have been hugely military oriented¹⁰ and hence running counter to the spirit of an all inclusive endeavour in multi-dimensional setting.

The other question that also needs to be addressed is the one on the levels of training that the RPTC should offer *vis-à-vis* those that national peacekeeping centres conduct. Should these be at the strategic, operational or tactical level? So far there has been no coordination and no efforts to bring them into the structure for standardisation purposes. It follows, therefore, that the RPTC assumes the role of offering courses at the tactical and operational levels. Occasionally, exercises or seminars must be held to test the theories taught at strategic levels. The researchers feel that operational and tactical levels should be covered at national peacekeeping centres or bilaterally.

Funding challenges

Since its inception in 1995, the RPTC has received considerable support in terms of funding from the UK and Denmark. Denmark signed an MOU with Zimbabwe in 1997, and such financial assistance saw the RPTC being funded up to 2001. The SADC Secretariat has since taken over the funding responsibility. Since there are no specific number of courses that the RPTC is mandated to run per year, it is difficult to predict and come up with a standard budget since the courses are almost run on *ad hoc* basis. When sponsorship from Denmark ceased, almost all activities of the RPTC stopped and SADC itself could not get all its members to contribute and fund the institution adequately (Oosthuizen, 2006:183).

SADC has, in general, been experiencing financial constraints in trying to fund all its programmes, and it can be concluded that RPTC funding is nowhere near its desired mark. Should the organ decide to give the RPTC a wider responsibility as the custodian of all SADC PSO training needs, the issue of funding will certainly need a critical re-look. Giving the RPTC a wider responsibility as advocated by the authors will mean more activities, increased staff, increased resources and hence increased expenditure.

The spirit of contribution by member states, which should be encouraged, but did not seem to yield instant results in 2002 when the RPTC needed a bail out, should be re-emphasised and re-ignited through re-affirmation by the highest political decision-making body, the Summit. Ideally, the International Cooperating Partners (ICP's) could then be engaged to assist by augmenting such efforts.

Recommendations

The overall analysis of this paper is that there are substantial training needs for PSO, which

10 See Report on Independent Study Commissioned by the Directorate of SADC Organ on Politics, Defence and Security, 25 Feb 2008.

require enhancing the capacity of the RPTC to reflect the multi-dimensional nature of the institution, while acknowledging its centrality as a centre for such activities. It is therefore the broad recommendation of this paper that the SADC RPTC should be given greater responsibilities with carefully set mechanisms to provide enduring support that would be consistent with the following specific recommendations, as stated in the independent study on SADC RPTC in (2008:)

- The new concepts of peace operations in global politics have complex mandates that cover political, security, development and human rights dimensions. In order for the SADC region to manage these new multi-dimensional operations it must develop, educate and train competencies of its expected personnel in the RPTC as an integrated force composed of military, police, immigration and other necessary civilian components. Such kind of operations must be supported by a number of civilian components that consist of functional specialists selected to address elements of the SADC SIPO and SADCBRIG policy frameworks.
- The training at this integrated centre should cover the following:
 - elementary peace support.
 - mission oriented peace support operations.
 - peace support training specific to the area of operation.
 - higher level planning and advanced training.
- Member states contributing troops should provide the necessary training to their military personnel before sending them to SADC missions. Personnel who participate in peacekeeping operations surely need to use competencies which they do not necessarily acquire in the course of their usual military, police, and civilian training. These basic competencies for peacekeeping training are the same for all peacekeeping operations.
- The current management structure of the RPTC comprising of military, police and civilian components be expanded to embrace the whole spectrum of multi-dimensional nature of the training needs for the whole region. The expansion should be gradual and phased in, with short to medium term undertakings.
- That the whole expansion process should be fully funded in line with all the PSO activities envisaged, recognising that funding is very important for the success of any mission or undertaking.
- That the RPTC be given the mandate to coordinate, monitor and evaluate the courses being conducted by the states and institutions in the region so that it may concentrate on the gaps identified and hence leverage and maximise on the region's capacities without duplicating the effort.
- That the core functions of the RPTC should focus on strategic dimensions of PSO for all components while charging it with the responsibility of monitoring tactical and operational level of training in member states, and of planning all major exercises in close liaison with the Planning Element of SADC Brigade in Gaborone, Botswana.
- That SADC RPTC should be given responsibility to coordinate all exercises with AU and UN while an independent statutory oversight body should be identified to ensure

that RPTC activities conform to the aspirations of SADC with regard to its PSO training needs.

- That because of the widening of the RPTC scope, issues of new location for the institution and possibilities of having satellite locations within or outside Zimbabwe, should be fully explored.
- That several functions be realigned in view of this strategic change, and that a redefining of the relationship with other partners and actors such as academic institutions, African Peace Support Training Association (APSTA), International Association of Peacekeeping Training Centres (IAPTC) should be done. Whereas the Policy and Research Department's capacity should be developed, services may be outsourced as necessary.
- That the SADCBrig MOU should be entered into force on the date that was agreed by three quarters of all members of the Summit, which is the date of its adoption.

Conclusion

This paper has sought to highlight the PSO training needs for the SADC Region in line with the SIPO. In the process it has reconfirmed and identified the RPTC as the fulcrum for the attainment of such training goals. The paper is therefore strongly recommending that the mandate and scope of the RPTC be dutifully expanded to embrace the multi-dimensional aspect of the PSO needs. With such a recommendation, it is hoped that the RPTC can be given a much greater responsibility than its current mandate. Obviously, with such an ambitious new programme, the establishment of a new management structure and its relevant activities calls for unqualified support in terms of political will from the SADC Summit and its subordinate structures, to ensure that these are adequately supported.

As a result of the study it was established that there are clear and fundamental gaps between the capabilities that need to be attained and the current capacity of the RPTC. The areas of concern revealed by the research range from lack of political will, financial resources, equipment, standardization of language, and lack of training.

This will entail that SADC will be required to overstretch its financial muscle, but with the realisation that it will be worth the effort in the long term since PSO has firmly emerged to be an intrinsic and meaningful tool in modern conflict management.

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SADC AND PEACEKEEPING: SYNTHESIS AND CHALLENGES

GAVIN CAWTHRA

Introduction

This paper reflects on the implications of the previous papers on peacekeeping operations in relation to the Southern African Development Community (SADC), and identifies key issues and challenges raised in these papers as well as other pertinent issues not dealt with in the research. It does not aim to be comprehensive, but focuses on some essential challenges as SADC aims to develop its peacekeeping capabilities.

As Barros (2008) notes in this research, peacekeeping in African needs to be seen in the context of a history of conflict stretching back for centuries, and involving, in particular, colonial wars and wars of resistance to apartheid and colonialism. It also needs to be seen in the context of the powers of the UN, as set out in its charter, which include Chapter VI measures (investigation, arbitration, mediation, sanctions, embargos, demonstrations of force, blockades) and Chapter VII measures, involving the use of force authorised by the UN Security Council (Barros 2008). Similar powers are invoked by the Peace and Security Council (PSC) of the African Union (AU), including peacemaking, peace support operations and intervention, peace-building and post-conflict reconstruction, humanitarian action and disaster management (Barros, *ibid.*).

It is useful to explain some of these concepts. Historically, 'peacekeeping' has referred to actions carried out by lightly armed forces deployed on the basis of the consent of the contesting parties, impartiality, and the virtual non-use of force (except in self-defence or in 'defence of the mandate'). Traditionally, this involved the interposition of UN forces in ceasefire contexts, usually with a mandate of little more than monitoring. As Barros notes, the first peacekeeping operations were cease-fire observations, such as in Kashmir and Palestine in 1948, and later after the Suez crisis of 1956.

As the Cold War started to come to a close these principles, although they remained valid, started to come under pressure, and in the 1990s the term 'peace operations' gained currency, to reflect the more complex multi-dimensional nature of peacekeeping countries like Cambodia, Namibia and Mozambique. Such operations included a wide range of activities including election monitoring, supervising the return of refugees, disarmament, demobilisation and reintegration of combatants, promoting reconciliation and reconstruction, and carrying out development tasks (Barros 2008: 19).

The term 'peace support operations' was adopted by the African Union, European Countries and the North Atlantic Treaty Organisation (NATO) to reflect a wide gamut of activities aimed at securing peace, from preventive diplomacy through to peace enforcement (where principles of consent, impartiality and non-use of force are all but abandoned) (De Coning *et al.* 2008: 1).

In the most recent expression of UN doctrine, the term 'peacekeeping operations' has been restored (UNDPKO 2008). However, as Cardoso has pointed out in this research project, there remain other closely related concepts, some of which form part of this research, and which overlap with peacekeeping operations. The most important of these are:

- *Peacemaking*, which deals with a range of activities, primarily diplomatic, to address conflicts. Many of the techniques available are set out in Chapter VI of the UN Charter

and include preventive diplomacy, fact-finding, mediation and arbitration. Typically it is aimed at achieving a ceasefire or a more comprehensive peace agreement.

- *Peacekeeping* is defined by the UN Department of Peacekeeping Operations as any 'technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers' (UNDPKO 2008: 18). It must be noted, as per the discussion above, that the original narrow focus on military forces observing cease-fires has been vastly expanded, so that peacekeeping operations today can involve military, police and civilian components working together to carry out a variety of complex tasks, including the disarmament, demobilisation and reintegration of combatants (DDR), refugee repatriation, transitional justice, election monitoring or even the running of elections, the protection of civilians and peace building tasks.
- *Peace enforcement* involves coercion, including the use of military force. Although the UN Security Council should authorise such action, it is often difficult for the UN itself to carry out such activities, which are then devolved to regional organisations like NATO or to 'coalitions of the willing'.
- *Peace building* (often called post-conflict peace building, although it may sometimes begin before the conflict has been completely resolved (see below) involves 'measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development' (UNDPKO 2008: 18). This is a long-term process that can involve the reconstruction of social and political institutions as well as conflict resolution initiatives.

These categories, as noted above, are often rather vague and overlap. The situation is compounded by the fact that not all operations in the southern African region have been carried out under the UN or even with a UN Security Council mandate, as noted in the paper by Luhanga and Phiri (2008), which deals with the South African and Botswana military intervention in Lesotho in September 1998. This operation, carried out the behest of the Lesotho government, had no UN mandate, was only belatedly described as a peacekeeping operation by the South African government, and consisted largely of peace enforcement or stabilisation forces (Luhanga and Phiri 2008). Similarly, when the 'allied forces' of Angola, Namibia and Zimbabwe militarily intervened in the Democratic Republic of the Congo (DRC) in 1987, this was described by the parties concerned as a peacekeeping operation and yet there was no UN mandate, and really only a retrospective SADC mandate, and the activities involved in the war.

We now turn to some of the key issues identified in this research and arising from the wider challenges of peacekeeping, peacemaking, peace enforcement, and peace building that are relevant to SADC.

The issues below will be examined.

- The relationship between the UN, the African Union, other international organisations such as the EU, international powers, and Africa's Regional Economic Communities (RECs), especially SADC, in relation to peacekeeping.
- SADC's decision-making for peacekeeping.
- National decision making.

- Issues related to the use of force: peace enforcement, 'stabilising' operations and the tension between Chapter VI and Chapter VII mandates.
- The increasingly important civilian dimensions of peacekeeping and civil-military coordination.
- Peace building and the southern African debate on 'developmental peacekeeping'.
- Issues arising from the concepts of humanitarian intervention and the responsibility to protect civilians.
- Training.

Relationships between the UN, the AU and SADC

As Fisher has argued in previous FOPRISA research (Fisher 2007), the nature of the relationship between SADC and the AU regarding peace support operations might appear self-evident (SADC being a REC to which security tasks are devolved by the AU) but in reality is complex and requires some clarification. The AU's Peace and Security Council (PSC) in effect replicates some of the functions of the UN Security Council, and together with other conflict-resolution mechanisms, such as the Continental Early Warning System (CEWS) and the Panel of the Wise (which is the body responsible for mediation-type activities), provides a comprehensive framework for dealing with security challenges, including peace support at a continental level. Importantly, the AU also gives itself the right to intervene in member states in extreme cases, such as genocide or widespread violations of human rights (Fisher 2007: 10).

However, a strong role is foreseen for RECs, particularly with regard to early warning and the African Standby Force (ASF). Rather than a structure based at AU headquarters in Addis Abba, Ethiopia, the ASF is designed as five self-standing sub-regional brigades more-or-less coinciding with the AU's division of the continent into five sub-regions. The 'more-or-less' is quite important, as the regional brigades are linked in three cases to RECs which do not exactly coincide with the sub-regional divisions. SADC, for example, includes Angola, the DRC and Tanzania which technically fall outside of the southern African sub-region. In the other two cases, North Africa where the REC (the Arab Maghreb Union) exists in name only, and East Africa where there is an overlap between various RECs (SADC, the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD), the brigades do not fall under the RECs but under autonomous coordinating structures. All this makes the devolution of decision-making, force preparation and training by the AU to the sub-regional brigades rather complex. Although a memorandum of understanding governing relations between the different levels was agreed in Kampala, Uganda in September 2007, key issues will need to be worked out in practice regarding decision-making, mandates and command and control.

The situation is further complicated by the role of other regional actors from outside the region, such as the EU, which is an active player in the DRC and Darfur, and answers to its own internal decision-making processes and criteria, although SADC and the EU do meet at ministerial and other levels. Then, how do RECs and the AU relate to the UN Security Council, which should be the ultimate authority for peacekeeping operations? In terms of the UN Charter, while regional organisations (by implication the AU, although nothing is said of sub-regional organisations like RECs) are empowered to carry out actions including the use of force, this should be on the basis of authorisation by the Security Council. In practice, however, a number

of regional operations have taken place without such explicit authorisation – including the South African/Botswana intervention in Lesotho in 1998. There are of course, advantages and disadvantages to the use of regional or local forces: they can possibly (not necessarily) deploy more quickly because of proximity, they may know the local languages and terrain and be acclimatised, and they may be more acceptable. On the other hand, local forces may be seen as being instruments of governments that have strategic or other interests in the conflict, and carry a political baggage in the form of a history of conflict in the region – as is the case with Ethiopia's deployment in Somalia. While some regional organisations, like the EU, are well-resourced, this is not the case for those in developing countries, like SADC, and some have argued that if the trend of devolving peacekeeping to regional organisations continue this could lead to a two-tier system, i.e. peacekeeping for the rich and the poor, or a kind of global peacekeeping apartheid (International Peace Academy 2003: 2).

Apart from the issue of authorisation, a practice has emerged of cooperation between the AU and the UN on certain peacekeeping operations. In Burundi, the African Union Mission in Burundi (AMIB) deployed there in 2003, with 3,000 troops from South Africa, Ethiopia and Mozambique, and were later incorporated into the UN Peace Operation in Burundi (ONUB) (Murithi 2008: 74-76). In Darfur, a joint operation has been devised, with AU and UN forces working side by side. The experience of the Darfur operation has been mixed and several observers have pointed out the need to ensure greater clarity regarding who is in charge – the UN or the AU – especially with regard to command and control. It has also been recommended that the mission planning process carried by the UNDPKO should include consultations with regional organisations as well as troop contributing countries (Aboagye 2007).

South Africa used its tenure as a non-permanent member of the UN Security Council and especially its presidency (March 2007 to April 2008) to press for closer links between the council and the AU on security and conflict issues. As a result of this initiative, a report was prepared by the UN Secretary-General in April 2008, many of the recommendations of which were adopted in Security Council Resolution 1809 of 2008. Amongst the recommendations were:

Clarifying the nature of the partnership; improving coordination and consultation mechanisms; strengthening and improving the delivery for capacity-building for peacekeeping and peace support operations with regional organisations; enhancing the financing of regional organisations when they undertake peacekeeping under a UN mandate... (van Nieuwkerk 2008: 4)

Since then, there has been some progress in dealing with the practicalities of AU-UN cooperation on peacekeeping missions: the UN has established a team to assist the AU setting up the ASF with the support of the DPKO, for example.

SADCBRIG plans to deploy on missions authorised by the UN, the AU or SADC (or all three). But this begs the question of how the lines of authority are exercised: it is not merely the mandate, but questions of, amongst others, the selection of forces, the appointment of the mission commander and other leadership, the critical issue of funding, reporting structures and the like. To take the issue of funding alone, the UN has a complex but functional system of funding peacekeeping operations, whereby it reimburses countries contributing troops and other resources according to certain formulae: SADC and the AU have much more ad hoc approaches to reimbursement and indeed in most cases are unable to mobilise many funds at all. This means that countries carry out peacekeeping obligations under very different conditions: and they are less likely to volunteer for missions under SADC or the AU, where they stand less chance of being reimbursed for the considerable expenditures involved: even though the Memorandum of Understanding establishing the SADCBRIG states that 'SADC shall reimburse each contributing

Member State' for personnel, equipment and consumables (SADC 2007: Article 11) it is not clear where the money will come from, as it is supposed to be generated according to usual SADC financial procedures: Cardoso makes a case for the establishment of a special peace fund, along the lines of the AU's one (Cardoso 2008).

Overall, whatever capacities are delivered at SADC and AU level, the UN will always retain primary responsibility for dealing with 'breaches of and threats to the peace' (to use the language of the UN Charter) and this is recognised by SADC and AU leadership. For this reason alone, progress in expediting the arrangements between different levels needs to be speeded up. Another issue that needs attention is that of other regional organisations. For example, the EU has set up a standby force for possible deployment in the DRC, which is sorely needed as the situation in Nord Kivu deteriorates, but it appears unable to reach a decision to deploy it. At the same time, SADC has decided to despatch a military fact-finding mission to the area, with the possibility of deploying a peacekeeping force, but as things stand SADCBRIG does not have the operational capacity to do this.

SADC's decision making for peacekeeping

While coordination between the different levels of peacekeeping decision making – global, regional and sub-regional – is imperative, it is also important that the processes within SADC for decisions, and the management of peace support operations, are clear. Barros (2008) in his paper for this research has identified the principal structures of SADC responsible for authorising, deploying, managing and commanding a peacekeeping mission. In principle, the chain is fairly clear: the SADC Summit as the supreme decision-making body of SADC, should authorise peace missions (with the approval of the UN Security Council). In practice, its functions are devolved to the Organ on Politics, Defence and Security Cooperation (OPDSC) which functions through a heads-of-state level Troika and two main ministerial committees, the Interstate Defence and Security Committee (ISDSC) and the Interstate Politics and Diplomacy Committee (IPDC). In their paper, Luhanga and Phiri (2009) argue that decision-making in this regard might take place at Summit level, or through the OPDSC or the ISDSC. The decision to intervene in the DRC in 1997 by the SADC 'allies' was in fact taken at the level of the ISDSC and only later approved by the SADC Summit. This should not happen in future if policy is followed, however, as the Memorandum of Understanding establishing SADCBRIG makes it clear that 'the SADCBRIG shall only be deployed on authority of the SADC Summit' (SADC 2007: Article 7).

Reaching a decision to take action might also not be that easy, because of the principle of consensus on which SADC operates. Cardoso argues, in this research, that SADC might consider revisiting this principle, just as the AU has introduced a procedure on the Peace and Security Council of majority voting on procedural issues with a two-thirds majority required for substantive issues (Cardoso 2008). Whatever the case, it is unlikely that during actual deployments all SADC countries will be equally ready or able to contribute: each is likely to contribute according to its capabilities and interests, in effect leading to 'coalitions of the willing'.

Once deployment takes place, a Special Representative, a force commander, a commissioner of police, and a head of the civilian component will need to be appointed, but it is not entirely clear to whom they will report on a daily basis, especially in the case of a mandate coming not merely from SADC but also from the AU or the UN. The Memorandum of Understanding establishing SADCBRIG does say however that the brigade 'shall be subject to the standard command and control arrangements of the AU and UN operations' and that the 'command structure shall

be harmonised to enable it to interact with the AU and UN command arrangements in the field' (SADC 2007: Article 12 (1) and (4)).

Cardoso makes a number of other suggestions for improving SADC decision making on PSOs. He argues, as do many other analysts (see for example Macaringue and Magano 2007) that there is an urgent requirement to harmonise the implementation guidelines on security set out in the Strategic Indicative Plan for the Organ (SIPO) with the developmental framework contained in the Regional Indicative Strategic Development Plan (RIDSP). He also makes the case for establishing the post of Deputy Executive Secretary for politics and security, in the same way as a deputy was established for economic integration at the SADC Summit in Johannesburg in August 2008 (Cardoso 2008)—certainly, other regional organisations, such as the Economic Community of West African States have made such appointments. Another key issue is that of developing the capacity of SADC's early warning system, based on the putative Regional Early Warning Centre (REWC) in Gaborone, which apparently is not yet fully operational, which should be providing key information for making decisions.

National decision making

While SADC member countries have identified forces that should be at the disposal of SADC-BRIG, and many countries in the region have deployed on UN peace missions (albeit usually in small numbers) and there have been at least two operations authorised by SADC—in the DRC and Lesotho—for which military forces have been provided, the actual processes of deploying forces vary from country to country, and in many cases are not very transparent or consultative. When Zimbabwe and Namibia deployed in the DRC in 1987 as part of the 'allied' effort to support the Kabila government, for example, both countries did so on executive instruction without any authorisation from, or discussion in, their parliament. This had the virtue of ensuring rapid deployment, but it meant that there was little popular 'buy in' to the process initially and little public understanding of the reasons for the action.

South Africa has developed the most comprehensive framework for decision-making for peacekeeping operations, as set out in the *White Paper on South African Participation in Peace Missions*, which is currently being revised by the Department of Defence and the Department of Foreign Affairs. This provides for an elaborate process of intra-governmental and parliamentary (and hence public) consultation against a set of criteria for intervention, and involving an interplay between the Departments of Foreign Affairs and Defence, the Office of the President, South African missions abroad, cabinet, parliament and its specialised committees and the National Office for the Coordination of Peacekeeping Missions (NCOPM). In practice, however, this has not always been observed (in part because it might be too time-consuming) and certainly was not followed when South Africa went into Burundi, although it was when the deployment to MONUC in the DRC took place.

It would clearly facilitate deployments if reasonably comparable processes of decision making could be established to facilitate national contributions to SADC, AU or UN missions. Again, this is a pressing issue given the current situation in Nord Kivu in the DRC. During the SADC-EU Ministerial Troika meeting on 11 November 2008, the deputy foreign minister of Angola, Georges Chikotti, announced that Angola would send troops to the DRC, under SADC's aegis. But on what basis was this decision taken and under whose authority will they be deployed?

The issue of national decision making becomes especially relevant when a country chairs the OPDSC, or participates in the Troika system, on a rotational basis. The chair plays a critical role

in leading SADC actions, and yet the chairs are often constrained by institutional shortcomings, national interests or lack of interest or alliances (see Cardoso 2008, for an analysis of Angola's role as chair of the Organ in 2007-2008).

Issues related to the use of force

There is an increasing tendency for the UN to give peacekeeping missions powers under Chapter VII of the UN Charter, which provides for the use of force in certain circumstances. This does not mean, of course, a peace enforcement operation where a strategic decision is taken to act in a situation where consent is lacking: rather that force may have to be used on a tactical basis to deal with, for example, criminal elements, militias and 'spoilers'. Such is the case of the mandate for MONUC, which authorises – indeed obliges – the UN forces to protect civilians in imminent danger, even if this requires the use of military violence. Moreover, there is an increasing tendency to deploy peacekeeping forces for 'stabilisation' operations, where they will be obliged to use violence to bring about peace, as opposed to the historically traditional operations where ceasefires were in place: Afghanistan is a case in point. It is more likely in the African context, especially when deployed on SADC or AU mandates that SADC forces will be obliged to engage in stabilisation operations. In particular, the Memorandum of Understanding establishing SADC BRIG provides for the brigade to be able to carry out 'intervention in a State Party in respect of grave circumstances ... or to restore peace and security' (SADC 2007: Article 4(c)) implying the capacity to project considerable force.

This creates all sorts of challenges for force preparation, training and equipment, command and control, accountability and public relations. In reality, it seems that SADC BRIG is not appropriately trained and equipped to deploy force in a systematic manner: this is reflected by the fact that it has prioritised building up its capacity for Chapter VI-style operations, that is, traditional peacekeeping, and will only be later be able to have the capacity to respond to complex emergencies (in theory by the end of June 2010). This will include the capacity to manage multidimensional operations including those where 'spoilers' are at work, all the way through to genocide situations (Fisher 2007: 14). It is likely, however, that circumstances will dictate that a stabilisation response is required: this is indeed the requirement in Nord Kivu in the DRC at present. Given SADC BRIG's lack of preparedness for this over the next few years, this may result in the use of 'coalitions of the willing', as in the 'allied' actions in the DRC after 1987. Whatever the case, it is clear that more attention needs to be paid to the implications of stabilisation operations, particularly as such circumstances often cannot be envisaged at the planning phase, requiring a certain flexibility and the ability to 'up the ante'.

Peace building and 'developmental peacekeeping'

Mungala and Bosenge (2008), in this research series, have detailed the processes of national reconciliation followed in Mozambique, South Africa, Namibia, Zimbabwe and the DRC following the end of conflict in each country. They analyse the different approaches adopted in each country, and examine the continuing challenges, especially in the DRC, and go on to examine the roles that SADC can play. This forms an important, although of course not the only, component of post-conflict peace building.

Related to this has been the introduction in the debate in southern Africa, especially in South Africa, of the concept of 'developmental peacekeeping'. This had been defined as 'a post-con-

flict reconstruction intervention which aims to achieve a sustainable level of human security through a combination of interventions...'. Two features are put forward as distinguishing it from conventional approaches to peacekeeping: a focus on human security and the merging of peacekeeping and peace building (and if necessary peace enforcement!) which are collapsed into one process (Madlala-Routledge and Liebenberg 2004: 128). While the term has been widely promoted by the South African government, however, it seems to mean little more than bringing forward peace building processes so that they take place at the same time as peacekeeping operations. If adopted, this will have the effect of further enhancing the importance of the civilian components of peace missions (see below) and requiring the management of more complex multi-functional activities and a variety of actors in the context of a peacekeeping operation.

Whatever the case, it is clear that SADC will be called upon to carry out reconciliation and peace building activities, either during a peacekeeping operation or afterwards. This is not a task that SADCBRIG alone will be able to carry out, requiring the intervention of a variety of government departments (for example, foreign affairs, justice, home affairs, finance) and thus increasing pressures for coordination – a 'whole of government' approach will be needed, integrating defence, diplomacy and development. This brings us to the issue of managing the civilian components of peace missions.

Civilian dimensions of peacekeeping

While peace building is primarily a civilian initiative, even in a conventional peacekeeping mission civilian components are involved. SADCBRIG itself does not merely comprise military units (although they are dominant), it also entails earmarked civilian police personnel as well as civilians in other government departments. The mechanics of managing the deployment and operations of civilians are quite different to those of military personnel: rather than whole units, individuals are involved, who are not generally subject to the same provisions of command and control (clearly with the exception of the police).

As noted above, as the nature of peacekeeping changes to incorporate more peace building elements, the relative importance of the civilian components will increase. Yet the focus of SADCBRIG has tended to be on the military aspects: much less attention has been paid to the management of the police and civilian components. When the brigade was launched in Lusaka in August 2007, for example, the civilian component was not part of the process. Similarly, although several South African government departments are involved in the DRC, there is little effective coordination between them.

Humanitarian intervention and the responsibility to protect

Mungala and Bosenge (2008) in this volume have explored some of the dimensions of humanitarian operations in the SADC region. They point out that humanitarian problems such as lack of access to water and health facilities, disease, poverty and starvation are compounded in Angola and Mozambique by the presence of minefields left over from the wars, which make agriculture difficult, and reducing agricultural output by a quarter (Mungala and Bosenge 2008). In the DRC, especially in the east, there is extensive internal displacement and rape and pillage by combatants, and former combatants is rife. This is exacerbated by the presence of thousands of combatants from foreign armed groups and the rebellion led by General Laurent Nkunda. According to a recent assessment by OXFAM, every day 1,200 people continue to die in the DRC

as a direct or indirect result of conflict – and this was before the recent upsurge of violence in Nord Kivu (Mungala and Bosenge 2008).

As is well known, doctrines of humanitarianism have also spawned the concept of humanitarian intervention – the right of the international community to intervene in states in cases of dire human suffering. This principle is upheld by the AU and SADC, although it is regarded as rather exceptional, and requires extreme circumstances such as genocide.

The International Commission on Intervention and State Sovereignty (ICISS), established by the Canadian Government, was the first to popularise the notion that issues of sovereignty should be seen not from the perspective of states considering intervention (a 'right to protect', but from the point of view of the people in need of protection, to which the international community had an obligation (a 'responsibility to protect' (R2P)). It does, of course, remain the responsibility of the state to protect its citizens, but if it is unable or unwilling to meet this obligation, then the international community is required to take action, even at the expense of violating sovereignty (Golaszinski and Steinhilber 2005: 3).

Both the AU and SADC have this principle written into their charters (even if the language is not used) asserting the right of the organisations to intervene in extreme circumstances (war crimes, genocide or crimes against humanity), or to restore peace and security. It remains to be seen, however, whether this marks a departure from the principle of non-interference in internal affairs, which is also written into the charters (Cardoso 2008), and which had characterised the decision making of the two bodies for so many years, and how the two principles might be reconciled in practice. It is no secret that developing countries tend to be less keen on intervention than those of the developed North – R2P is seen as a potentially dangerous doctrine by many countries in the global South as it provides a basis for intervention by strong powers and may constitute a further erosion of the already weak sovereignty that many developing countries adhere to. There is also the question of hidden agendas: in this research, Mungala and Bosenge argue that there is an overlap between places where raw materials are found and those where humanitarian missions have been carried out. Therefore 'it is appropriate to question whether the concept of the right of humanitarian intervention has already been supplanted by the exigencies of the right of economic intervention that are inherent in globalisation' (Mungala and Bosenge 2008).

Both SADC and the AU have shown a reluctance to be drawn publicly on issues of human rights, or to criticise member states on this basis, leading many to question whether the political will will be there for intervention, and how the criteria for intervention will be decided (although some progress has been made – see for example Locke 2002: 88). Moreover, the issue of capacity will arise: even if SADC has the will to intervene, will it have the capacity? The current crisis in the DRC, where egregious violations of human rights are taking place on a significant scale in Nord Kivu, is a case in point. Given SADC's capacity constraints, it seems more likely that the EU or the UN will be in a better position to carry out any humanitarian intervention. Indeed, most humanitarian interventions in the region have not been carried out by SADC, but by international organisations. At any rate, much more needs to be done to develop techniques, tactics and procedures to integrate humanitarian and protection procedures into peacekeeping (De Coning, Detzel and Hojem 2008: 5), and as Mungala and Bosenge (2008) argue, to ensure that 'military personnel have basic humanitarian skills to help civilian populations in conflict zones, as well as being able to handle guns'.

Training

Training, as Chirwa and Namangale (2008) argue in this research, is a critical success factor for peacekeeping, especially in relatively resource-poor environments such as SADC. This should also entail, they argue, a clear understanding amongst contributing states, of the concepts and issues involved in peacekeeping. The authors focus on the Regional Peacekeeping Training Centre (RPTC) in Harare, as this has been identified by SADC as the primary locus of training for peacekeeping in the region, and as they point out, has been placed under the direct authority of SADC directorate for politics, defence and security cooperation in the SADC secretariat (Chirwa and Namangale 2008).

The RPTC was established in the mid-1990s and in 1999 a purpose-built facility was constructed for its use in Harare. The aim of the centre is to promote regional cooperation in peace and security, build capacity for conflict prevention and management and peace support operations, train peacekeepers, and assist in planning for peace missions. It has carried out extensive activities to these ends but has suffered from the withdrawal of donor funds. Chirwa and Namangale argue that the centre needs to recognise that it is not just training for SADC operations, but also AU and UN ones, that training should be directed not just at military components but also police and civilian ones, and that it should carry out training mainly at the tactical and operational levels. This can be supplemented at the strategic level by other courses, seminars and the like held at academic institutions (Chirwa and Namangale 2008). In fact, this does happen through university-based structures such as the Southern African Defence and Security Management (SADSEM) Network, which offer programmes pitched at the strategic level in university environments. Further training is also carried out by NGOs such as the African Centre for the Constructive Resolution of Disputes (ACCORD), which mostly deals with the civilian dimension of training and preparation. In addition, SADC organises regular joint training exercises, most recently Blue Angel (August 2003) and Tokhgamu (June 2005) and a map exercise, a command post exercise and field training exercise are planned for 2009 (Cardoso 2008: 8).

Much training, of course, takes place at national levels. In South Africa this has been stepped up a gear with the establishment, with UK support, of a dedicated peacekeeping training centre at Thaba Tshwane outside Pretoria, which is also being made available to the wider region. Chirwa and Namangale (2008) argue that the RPTC should coordinate, monitor and evaluate courses being run in various SADC states, and by various institutions in the region, to ensure compatibility and meet training gaps, as well as coordinate training exercises with the AU and UN, broaden its scope to deal with the whole spectrum of multi-dimensional peace operations, and also extend its location beyond Harare, given its wider tasks. This point is also made by Cardoso (2008).

Conclusion

This paper has examined some of the issues that have been identified in the research carried out under the auspices of FOPRISA, as well as some other pressing challenges facing SADC with regard to the wide range of peace support tasks it is increasingly being required to carry out. While SADC BRIG is key to the success of this, there are many other actors involved, and it is clear that initiatives at national, sub-regional, continental and global levels will need to be harmonised if SADC is to successfully carry out the increasingly complex multidimensional tasks required, involving military, police and civilian actors.

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CHINESE INVESTMENT IN SADC: A GLOBAL PERSPECTIVE?

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Introduction

Chinese outward foreign direct investment (FDI) has increased substantially in recent years. Though this has generated considerable interest in the motivations and drivers of Chinese investment abroad, there have been few systematic empirical studies of these questions. This paper performs an econometric analysis of the host country determinants of Chinese outward FDI in the period 2003-2006. The focus is, in particular, on institutional and natural resource-related determinants, and their interaction. We find that Chinese outward FDI is attracted to large markets, and to countries with a combination of substantial natural resources and poor institutions. Disaggregation shows that the former effect is related to OECD countries, whereas the latter interaction effect holds for non-OECD countries.

Interest in Chinese foreign direct investment

Is Chinese outward FDI primarily drawn to poorly-governed countries with abundant natural resources? In recent years, the Chinese financial presence globally has increased substantially, in terms of loans provided, investments made, and other types of flows. In particular, there has been a marked rise in outward Chinese FDI in recent years. This has spurred discussion and analyses of the motivation and implications of an increased Chinese presence, not least in developing economies. On the one hand, increased Chinese investment may be good for host countries, since more companies vie for locations and markets, and potentially expand opportunities for technology transfer. On the other hand, however, concerns have been voiced that Chinese investment or financial dispositions more generally have contributed to propping up bad regimes in host countries, and have been conducted with a view to exploiting their natural resources. To borrow a headline from *The Economist*, is China simply "a ravenous dragon" or is there more to Chinese investment than this?²

Though Chinese outward FDI has generated considerable interest, concern and controversy, few empirical studies have been conducted to test the motives behind or consequences of the presence of Chinese multinationals in other countries. There is by now a large econometric literature on the host country determinants of FDI in general, which, if anything, suggests that FDI is attracted to countries with good institutions. Since FDI in general is dominated by flows from developed countries, it is an open question whether these results generalise to Chinese outward FDI. Moreover, there is an emerging literature on FDI flows from emerging economies, which suggests that these flows may differ from those of developed economies. Most studies of FDI related to China have focused on China as a location for FDI from other countries, rather than as a source of FDI. To date Buckley *et al.* (2007) and Cheng and Ma (2007) are the only econometric studies of the determinants of Chinese outward FDI which we are aware of.

1 The authors thank Line Tøndel for valuable comments and advice.

2 *The Economist*, March 15th 2008, Special Report p. 3.

Buckley *et al.* (2007) is the only one that includes institutional variables, and they find that FDI is attracted to countries with high political risk, but that there is no significant effect of natural resources on Chinese outward FDI.

This paper presents new econometric results on the host country determinants of Chinese outward FDI, which significantly improve on previous studies. A main problem with the study of Buckley *et al.* (2007) is that their data on FDI captures approved investment for the period 1992-2001, rather than actual investment. Approved investments only cover a part of total FDI (around half in 2005 up from one tenth in late 1990s), and approval rules vary according to the type and size of outward investments.³ The results are, therefore, potentially biased, as investment that is publicly approved may be of a character different from investment decisions that are less visible. For instance, even if investment is made to get access to natural resources, it is not obvious that a government would want to reveal this strategy through the pattern of approved flows.

We use newer data on actual Chinese FDI flows, and therefore provide more reliable results on the impact of host country institutions and resources on Chinese investment. Though Cheng and Ma (2007) use data on actual FDI, they omit institutions and natural resources as explanatory variables. Moreover, the Buckley *et al.* (2007) study has looked at institutions and natural resources in isolation, and did not explore whether the two have a joint influence on Chinese FDI. By contrast, this study tests and finds of significant importance an effect of institutions and resources interacting, suggesting that Chinese investment is more attracted to a country with natural resources, the worse the institutional environment of that country.

The paper is structured as follows. The second section provides a descriptive overview of Chinese FDI, reviews relevant theory and empirical evidence, and presents the hypotheses to be tested. The third section presents the empirical strategy and the data. The results are presented and discussed in the fourth section. The fifth section concludes.

Chinese outward FDI: theory, hypotheses and patterns

FDI from China has increased considerably in recent years, and China is the source of FDI in a great number of host economies. According to data from UNCTAD used in this study, 142 countries received investment from China in the period 2003-2006. Table 1 presents the 15 largest host economies for Chinese FDI, as well as the total flows for the four years for which comprehensive data is available. As the bottom row of the table shows, total FDI from China has increased more than six times in current terms in the period 2003-2006. One explanation for the huge increase is related to government policies. The 'go global' campaign by the Government was since 2003, bolstered by less strict approval procedures for financial investments and financial incentives to invest abroad in strategically important sectors and assets (Deng, 2009; Cheng and Ma, 2007).

The far right column shows that the bulk of the investment, more than 80%, goes to offshore financial centres such as the Cayman Islands and the British Virgin Islands, and to Hong Kong. However, a number of other countries receive substantial amounts in absolute terms, this includes both OECD and non-OECD countries.

3 While total outward investments from China in 2005 were US\$12.2 billion (see Table 1 below), approved investments by the Ministry of Commerce was only US\$6.9 billion (see <http://english.mofcom.gov.cn/article/statistic/foreigninvestment/200607/20060702705397.html>). According to Cheng and Ma (2007:3) the discrepancies were higher before 2003.

Table 1. Largest 15 host countries of Chinese outward FDI, 2003-2006, current US\$ and shares

	2003	2004	2005	2006	Total 2003-2006	Share 2003-2006
Cayman Islands	806.61	1286.13	5162.75	7832.72	15088.21	0.39
Hong Kong, China	1148.98	2628.39	3419.7	6930.96	14128.03	0.37
British Virgin Islands	209.68	385.52	1226.08	538.11	2359.39	0.06
Korea, Republic of	153.92	40.23	588.82	27.32	810.29	0.02
Russian Federation	30.62	77.31	203.33	452.11	763.37	0.02
United States	65.05	119.93	231.82	198.34	615.14	0.02
Australia	30.39	124.95	193.07	87.6	436.01	0.01
Sudan		146.7	91.13	50.79	288.62	0.01
Germany	25.06	27.5	128.74	76.72	258.02	0.01
Algeria	2.47	11.21	84.87	98.93	197.48	0.01
Singapore	-3.21	47.98	20.33	132.15	197.25	0.01
Nigeria	24.4	45.52	53.3	67.79	191.01	0.00
Mongolia	4.43	40.16	52.34	82.39	179.32	0.00
Indonesia	26.8	61.96	11.84	56.94	157.54	0.00
Kazakhstan	2.94	2.31	94.93	46	146.18	0.00
Total (all countries)	2854.64	5498.01	12261.17	17633.97	38247.79	1.00

Source: Calculations based on data from UNCTAD

From a cursory inspection of the largest recipient countries, countries that are tax havens, geographically close to China, that are endowed with natural resources in the form of petroleum, or that represent large markets, appear to attract Chinese investment. Table 2 breaks Chinese FDI into host regions, where the dominant flows are to Latin American and the Caribbean, and to Asia, again reflecting tax haven status or geographical vicinity. Interestingly, though receiving a small share of the total, Africa is host to more Chinese FDI than Europe, North America or Oceania.

Table 2. Regional shares of Chinese outward FDI, 2003-2006⁴

	2003	2004	2005	2006	Total 2003-2006
Africa	0.03	0.06	0.03	0.03	0.03
Asia	0.53	0.55	0.37	0.44	0.44
Europe	0.05	0.03	0.03	0.03	0.03
Latin America and the Caribbean	0.36	0.32	0.53	0.48	0.46
North America	0.02	0.02	0.03	0.01	0.02
Oceania	0.01	0.02	0.02	0.01	0.01

Source: Calculations based on data from UNCTAD

China plays an increasingly important financial role in Africa through FDI, trade and aid – often in combination. Chinese FDI stocks in Africa have increased from US\$44 million in 1990 to

4 Country classifications according to United Nations Statistics Division.

2.6 billion in 2006 (Besada *et al.* 2008). In 2006, Chinese FDI flows to Africa constituted around US\$520 million (or 1.4% of total FDI flows to Africa). China is the third largest trading partner with Africa (accounting for around 10% of African exports and imports), but is expected to be the most important one before 2010. The lion's share of FDI and trade with Africa are in mineral resources. Nearly one out of ten dollars of ODA funding to Africa stems from China.

Within the Southern African Development Community (SADC), Zambia, South Africa and Madagascar have the largest stocks of Chinese investments. During the period 2003-2006, South Africa, Zambia, Mozambique, Congo and Angola have received the highest flows of FDI from China.

Table 3: Chinese outward FDI to SADC countries, current US\$ millions, 2003-2006

	2003	2004	2005	2006	Total 2003-2006	Share 2003-2006
Angola	0.19	0.18	0.47	22.39	23.23	0.00
Botswana	0.8	0.27	3.69	2.76	7.52	0.00
DRC	0.06	11.91	5.07	36.73	53.77	0.00
Lesotho		0.03	0.6		0.63	0.00
Madagascar	0.68	13.64	0.14	1.17	15.63	0.00
Malawi	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Mauritius	10.27	0.44	2.04	16.59	29.34	0.00
Mozambique		0.66	2.88		3.54	0.00
Namibia	0.62		0.18	0.85	1.65	0.00
Seychelles			0.05	0.06	0.11	0.00
South Africa	8.86	17.81	47.47	40.74	114.88	0.00
Swaziland	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Tanzania		1.62	0.96	12.54	15.12	0.00
Zambia	5.53	2.23	10.09	87.44	105.29	0.00
Zimbabwe	0.03	0.71	1.47	3.42	5.63	0.00
Total SADC	27.04	49.5	75.11	224.69	376.34	0.01
Total						
(all countries)	2854.64	5498.01	12261.17	17633.97	38247.79	1.00

The econometric analyses performed in this paper will provide more systematic evidence on which factors influence Chinese FDI. As data for all relevant variables is not available for the three largest destinations of Chinese FDI, the results generated will be representative for other types of destinations.

Theories and evidence on Chinese outward FDI

Given the increasing financial presence of China abroad, a number of studies have been published in recent years on Chinese FDI. Most of these present theoretical arguments and/or simple descriptive data on Chinese investment. The only study to perform a more rigorous

econometric analysis of Chinese FDI is that of Buckley *et al.* (2007).⁵ They find that more Chinese investment goes to countries with large GDP, poor institutions (proxied by an index of political risk), high inflation, high exports and imports, and cultural proximity to China. Natural resources, patents, exchange rates, distance from China and total FDI to GDP, were found to be insignificant.

Some of these results are consistent with and some contrary to those reached in the empirical literature on global FDI flows. Of particular interest here is the result that Chinese investment is attracted by poor institutions, which is the opposite of what has been found for FDI generally. Findings such as these have been used to underpin arguments that Chinese investment, and FDI from emerging economies more generally, reflect different motives or conditions than FDI from developed economies, and require different theoretical arguments. Though some theoretical arguments have been advanced on this point, more rigorous analysis is needed in this area. Moreover, the apparent attraction of Chinese investment to countries with poor institutions can result from different theoretical mechanisms, and their relative merit needs to be tested empirically. One possibility is that the association between Chinese FDI and institutions is related to natural resources, which is the focus of the empirical analysis performed below.

Hypotheses

Using newer and more comprehensive FDI data than previous studies, we test an expanded empirical model on the impact of institutions and natural resources on Chinese outward FDI. Since previous studies have argued and found that Chinese FDI is attracted by a poor institutional environment, we retest the impact of host country institutions on Chinese FDI. Hence, the first hypothesis to be tested is:

Hypothesis 1: Chinese FDI is attracted by countries with poor institutions

Though Buckley *et al.* (2007) did not find an impact of natural resources on Chinese FDI, it is possible that this is due to the use of a poor proxy for resources. They used the share of ores and metals exports in total merchandise exports as their measure of host country natural resources. This is problematic since we would expect that petroleum would be a key resource for China, which is not included in the ores and metals measure. Moreover, in studies of the economic impact of natural resources it is common to use resource exports as a share of GDP or GNI, not merchandise exports. Using a proxy for natural resources that captures these elements, the second hypothesis to be tested is:

Hypothesis 2: Chinese FDI is attracted by countries with large natural resources

If Chinese FDI is found to be attracted to countries with poor institutions, it is possible that this average result masks differences between host countries related to their natural resource wealth. In particular, it is conceivable that Chinese companies would be more attracted to

5 Cheng and Ma (2007) find that market size (GDP in host country), geographical difference, cultural difference (common language), and whether the recipient country is landlocked or not are all significant variables for explaining FDI inflows from China. However, as noted above this study does not include institutional variables and uses few control variables; therefore we use the Buckley *et al.* (2007) analysis as a reference point in the following.

countries with poor governance, the greater the potential reward in terms of access to natural resources. Or conversely, natural resources may be more attractive to Chinese investment in countries where governance is poor. In other words, it is possible that there is a significant interaction effect between institutions and resources, where the marginal effect of each variable on Chinese FDI depends on the level of the other variable. Consistent with this argument, we formulate a third hypothesis:

Hypothesis 3: The effect of natural resources on Chinese FDI is larger the worse the institutions of a country

Our empirical specification will thus include variables that simultaneously test the three hypotheses, i.e. both individual variables of institutions and resources, and their interaction. If support is found for hypothesis 3, one way to interpret this is that Chinese investment abroad is made to exploit countries with large natural resources and poor institutions. This would be particularly harmful, since Chinese investment would then play straight into key dysfunctions of resource rich countries, whereby poor institutions lead to a detrimental impact of natural resources on economic development, what has been termed the "resource curse".

Data and methodology

Consistent with the theory and hypotheses formulated above, our empirical specification includes institutions and natural resources as well as their interaction as explanatory variables. More precisely, the main estimated equation is:

$$\text{Chinese outward FDI}_i = \alpha + \beta_1 \text{Institutions}_i + \beta_2 \text{Natural resources}_i + \beta_3 (\text{Institutions}_i * \text{Natural resources}_i) + \gamma \text{Controls}_i + \varepsilon_i \quad (1)$$

Table 4 presents the proxies used for the various variables, and the sources of data. Our dependent variable is Chinese outward FDI flows, for which UNCTAD has data for the years 2003-2006 for 142 host countries. This data captures Chinese FDI more comprehensively than earlier data used in previous studies such as Buckley *et al.* (2007), which only captured approved flows. The data for our dependent variable is in millions of constant 2000 US\$.

The main institutional variable in our analysis is the Rule of Law index from the World Bank Institute (WBI) Governance Indicators (Kaufmann *et al.* 2008). The WBI indicators have the advantage that they have greater coverage of countries than other indices like those from the PRS groups used in previous studies. The Rule of Law index measures "the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence". These issues can be expected to be of particular importance to foreign investors. In addition, rule of law institutions have proved particularly important to avoid rent-seeking problems in resource rich countries (Mehlum *et al.*, 2006; Kolstad, forthcoming), so if Chinese investment is found to be attracted to resource rich countries with weak rule of law institutions, this may be particularly problematic. However, we have also rerun our estimations with other institutional variables, to check for robustness and dimensions of institutional quality that Chinese investment appears to emphasise. Beyond the other WBI indicators, these include

Table 4: Main variables

Variable	Explanation	Source
Chinese outward FDI	Annual inflow of Chinese FDI	UNCTAD
GDP	Host country GDP	World Bank World Development Indicators 2008
Trade	Total import and exports as share of GDP	World Bank World Development Indicators 2008
Inflation	Inflation rate	World Bank World Development Indicators 2008
Distance	Distance between capital of host country and China	CEPII, http://www.cepii.fr/
Institutions	Rule of law	World Bank Institute (WBI) Governance Indicators, from Quality of Government Institute
Natural resources	Fuels, ores and metals exports as share of GDP	World Bank World Development Indicators 2008

indices from Freedom House, Transparency International, and Polity IV.

As our proxy for natural resources, we use the share of fuels plus ores and metals exports in GDP. By using exports shares of a set of primary products, we thus follow the seminal study of Sachs and Warner (1995) on the impact of resources on growth, and a number of other studies of the economic consequences of natural resources. Our proxy differs somewhat from that used by Buckley *et al.* (2007), which is the ratio of ore and metal exports to total merchandise exports. By excluding fuels and, hence, petroleum, it is possible that their proxy fails to capture resources of importance to Chinese investment. We test this by also disaggregating our natural resource index into fuels and ores/metals exports, respectively. Some recent work has suggested that instead of export shares, studies of natural resources should use indices of resource endowments (e.g. how much is in the ground) (Brunnschweiler and Bulte, 2008; Lederman and Maloney, 2008). However, consistent with the arguments of Kolstad and Wiig (2008), what would be attractive to investors are natural resource rents rather than what is in the ground, which makes export shares a better proxy than resource endowments.

As reflected by the above specification, our estimation is based on the interaction of the institutional and natural resource variables. A concern that naturally arises in included interacted variables is that they will be highly correlated with the individual variables from which they arise, and hence cause multicollinearity problems. This turns out not to be a problem for our main estimations, however.

We add a number of control variables that have been found to be of importance in previous studies of host country determinants of FDI flows (Chakrabarti, 2001; Blonigen, 2005). The main control variables are GDP, trade, inflation, and distance between the host economy and China. GDP is found to be robustly associated with FDI in a number of studies, and is commonly argued to reflect market size in host economies and hence market-seeking motives of investors.

Trade, measured as the sum of imports and exports as a percentage of GDP, is similarly found to be a robust determinant of FDI across a number of studies. Inflation is commonly used as a measure of macroeconomic stability in host countries, though results on this variable are more mixed. Since the costs of investing in more distant locations is greater, we also include the geographical distance from the capital of the host country to Beijing, as an explanatory variable, in line with Buckley *et al.* (2007). The expectation is for the coefficients of GDP and trade to be positive, and to be negative for inflation and distance. We also test the robustness of our main results by adding a number of additional control variables, such as exchange rates, interest rates, total FDI, economic growth, educational levels and infrastructure, all from the World Bank World Development Indicators, but none of these proved significant.

Since there is data for our dependent variable only for four years, there is too little variation over time in the variables included in the analysis to reasonably employ panel estimation techniques. We therefore perform OLS estimations using the average of Chinese outward FDI to the host countries for the period 2003-2006 as our dependent variable. This is also consistent with other studies of FDI flows, which smooth FDI flows by using period averages. To address endogeneity or reverse causality problems, we lag the explanatory variables, using their average for the period 2000-2002. The next section presents the results of our estimations.

Table 5. OLS regression results, dependent variable Chinese outward FDI 2003-2006

	Regression 1	Regression 2	OECD	Non- OECD
GDP	1.24e-11*** (2.50e-12)	1.15e-11*** (2.68e-12)	1.08e-11* (5.63e-12)	6.96e-11 (4.87e-11)
Trade	-0.007 (0.069)	-0.010 (0.073)	-0.237 (0.308)	0.068 (0.048)
Inflation	0.102 (0.166)	0.087 (0.144)	0.832 (0.824)	0.105 (0.157)
Distance	-0.002 (0.001)	-0.002 (0.001)	-0.008 (0.009)	-0.001* (0.001)
Institutions	-2.046 (3.364)	2.106 (3.560)	42.263 (34.331)	-1.898 (3.364)
Natural Resources	25.841 (20.682)	29.906 (18.911)	3655.282 (2584.299)	33.085** (14.760)
Institutions* Nat. Resources		-46.473** (21.263)	-1960.285 (1386.431)	-42.514** (20.382)
Constant	21.923 (15.976)	21.625 (15.944)	13.258 (71.861)	4.339 (7.724)
Obs	104	104	25	79
R-sq	0.236	0.263	0.388	0.261

White standard errors in parentheses, *** indicates significance at the 1% level, ** at 5%, * at 10%.

Understanding Chinese foreign direct investment

Table 5 presents the main results from our econometric analysis, where the annual average of Chinese outward FDI flows for the period 2003-2006 are regressed on annual averages of the control variables. The first two columns of the table show estimation results for the full sample of 104 countries for which data is available, while in the last two columns the sample is split into OECD and non-OECD countries.

In the first regression, the interaction effect between institutions and natural resources is not included. The results show that the only variable to be significantly associated with Chinese outward FDI is host country GDP. In other words, Chinese outward FDI is attracted to countries with large markets. None of the other explanatory variables are significant. In particular, this estimation finds no effect of host country natural resources or institutional level on the inflow of Chinese FDI.

The second regression shows, however, that excluding the interaction between resources and institutions is too restrictive an empirical model. When adding the interaction between institutions and natural resources, we get a significant and negative coefficient for this term, while results otherwise are qualitatively unchanged. In other words, rejecting the influence of institutions and natural resources on Chinese investments based on the first regression would be premature. In fact, what the significance of the interaction effect tells us is that the effect of natural resources on Chinese outward FDI depends on the institutions of the host country. Recall that the institutional index runs from -2.5 to 2.5. For countries with bad institutions (index negative) natural resources attract Chinese investment. For countries with good institutions (index positive) Chinese investment is discouraged by natural resources. And the worse institutions in the host country, the more is Chinese investment attracted by natural resources. Conversely, the effect of institutions also depends on the natural resources. For given resources, a worse institutional environment attracts more Chinese FDI. In sum, Chinese outward FDI is attracted to countries with large natural resources and poor institutions.

A range of robustness tests, shows this result to be a resilient one. A significant and negative interaction effect remains even if additional control variables are added, such as exchange rates, interest rates, total FDI, economic growth, educational levels and infrastructure (mobile phones).⁶ Moreover, the result is robust to the inclusion of other institutional variables, such as all other WBI governance variables, the average of Freedom House political rights and civil liberties index and their freedom of press index, and the Polity IV democracy index.⁷ None of these other control or institutional variables proved significant. We also tested whether the interaction of these other institutional variables with natural resources lead to similar results. Interestingly, the results hold for indices reflecting institutional effectiveness in some sense, i.e. WBI governance indices of control of corruption, political stability, government effectiveness, and regulatory quality. However, natural resources were insignificant when interacted with indices reflecting democracy, i.e. WBI voice and accountability, the Freedom House average or the Polity IV democracy index. Replacing the broad natural resource index with narrower indices of fuel exports in GDP or ores and metals exports in GDP, shows that the interacted term is significant only for fuel exports, which suggests that petroleum is the resource of influence for Chinese FDI.

The results from the full sample thus suggest two main sets of determinants of Chinese outward foreign direct investment: market size, and natural resources coupled with poor in-

⁶ Attempts to use other proxies for infrastructure resulted in multicollinearity problems.

⁷ Addition of Transparency International's Corruption Perceptions Index resulted in multicollinearity problems.

stitutions. Splitting the sample into OECD- and non-OECD countries reveals that these sets of determinants are associated with different kinds of host countries. The third column of Table 5 presents results when rerunning the main estimation for OECD countries only, of which there are 25 in our sample. The only significant variable is GDP, which suggests that Chinese FDI into rich countries is driven by market size. The fourth column of the table presents results for non-OECD countries, and shows that GDP is not a significant determinant of Chinese FDI to these countries, but that distance from China deters investment in these countries, which was not a significant variable in the full sample. More interestingly, given our focus, natural resources and institutions appear to be determinants of FDI mainly to non-OECD countries.⁸ In fact, both the individual natural resource term and the interacted term are significant for non-OECD countries. The positive coefficient of resources suggests that Chinese FDI is attracted to countries with natural resources. The negative interaction effect indicates that the degree of that attraction depends on institutions, and that the attraction of resources is greater the worse the institutional environment. The effect of natural resources on Chinese FDI is also economically significant, for a country whose institutional score is -1.5 (which is about the score of Angola), the total coefficient of natural resources is approximately 97, which means that an increase of natural resource exports in GDP of ten percentage points brings an additional Chinese investment of almost ten million US\$ (in constant 2000 dollars).

In sum, we find that Chinese outward FDI is attracted to large markets, and countries with large natural resources and poor institutions. The former is related to advanced markets, whereas the latter is the case for non-OECD countries. Our result for GDP is consistent with that of Buckley *et al.* (2007). However, we do not find an unconditional effect of institutions on Chinese FDI as they did, nor are natural resource insignificant as in their study. Instead, our results suggest that the effect of institutions is inherently related to natural resources; the weaker the institutions the more is Chinese outward FDI attracted by natural resources. The differences in results from previous studies may reflect the use of newer and better data, or that previous studies have a more restrictive empirical model which did not include interaction effects.⁹

Our results do lend some support to the idea that determinants of Chinese FDI differ from that of other countries. Re-running our estimations using total FDI inflows as a dependent variable,¹⁰ there is no significant direct effect of natural resources on FDI, nor is the interaction between natural resources and institutions significant. This also holds for the sub-sample of non-OECD host countries. In contrast to Chinese FDI, total FDI is attracted to countries with good institutions. Moreover, the coefficient of GDP is larger for total FDI, suggesting that this is a weightier determinant of total FDI than Chinese FDI.

Conclusion

The results of this paper show that institutions and natural resources have an interactive effect on Chinese outward FDI. The worse the institutional environment of a host country, the more is Chinese FDI attracted by the country's natural resources. These results add significantly to our understanding of Chinese FDI, since previous studies have not included these types of interac-

8 Due to multicollinearity problems, it is hard to completely rule out that institutions and resources matter in OECD countries.

9 Buckley *et al.* (2007) also use ores and metals exports to proxy natural resources, which our results suggest is not the relevant type of natural resource to include in the analysis.

10 Sample includes 102 of the original 104 countries for which we have FDI data.

tion effects, and therefore failed to capture an important relation between resource riches and institutions. Our findings are consistent with the idea that Chinese FDI is conducted to exploit countries with poor institutions and substantial natural resources. However, the results may also be consistent with other interpretations, and more work is needed on the motives and conditions that would result in the empirical results demonstrated here.

Though these results should be confirmed through further analysis, the findings have policy implications on an international level and for regional organisations such as SADC.¹¹ If Chinese investment is part of resource curse problems of countries with abundant resources, this needs to be addressed as part of a drive to mitigate the resource curse. In countries with poor institutions, a problem is that those in power benefit from dysfunctional arrangements related to natural resource rents. Given their vested interests, it is unlikely that governments of resource rich countries themselves will address potentially detrimental practices of multinational companies. Action at a higher, regional or international level, is therefore needed to discipline companies that act in an untoward manner. These include means to make unethical practices more costly, for instance by excluding corporations whose conduct is questionable, from market opportunities in other countries. But is the SADC framework ready for this role?

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11 It might also have an impact on the level and composition of FDI to SADC. An integration scheme like SADC represents an extension of the market, which in theory leads to increasing FDI, horizontal FDI in particular. However, according to the results above for non-OECD countries the increase in FDI will not stem from increased Chinese investments in SADC, but from other sources. At the same time, a reduction of internal tariff barriers will reduce horizontal FDI and increase vertical FDI among member countries. As these intra-regional FDI flows are small, their effects are not significant.

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DOES AID FOR TRADE TO SADC COUNTRIES FACILITATE POVERTY REDUCTION?¹

ARNE WIIG

For poor developing countries it is not a case of aid or trade, nor of more aid or more trade, it is a case of more effective aid and a better composition of trade. Aid can support the costs of economic structuring and trade facilitation to improve the composition of trade. Trade can then promote growth.

(Morrissey, 2006, page 86)

Introduction

Given that the motivation for aid is poverty reduction, I argue that Aid for Trade (AfT) measures need to demonstrate that they are effective and have a potential impact on poverty. The debate about aid for trade measures lacks a focus on the poverty dimension of trade. Trade is an indirect instrument for poverty reduction and, in SADC, increasing trade has a low impact on poverty. From a donor perspective, support to sectors such as agriculture, where the poor are located, is therefore more effective than to sectors or activities in which the poor are hardly involved.

While the overall motivation for providing AfT is poverty reduction, I argue that such aid should only be given if there are market failures, for example in coordination and public goods. AfT is particularly important for countries that already have market access, but face supply constraints that restrict their utilisation of this (as is mainly the case for SADC countries). In this case, aid and trade might serve as complementary activities.

I present new data of AfT to SADC countries. The main finding is that, so far, AfT has played only a minor role for SADC countries, and its role has not changed significantly during recent years – at least not in terms of disbursement. The disbursement ratio of AfT is low (around 50%). We do not find any robust relationship between disbursement of AfT among individual SADC countries and documented needs. There is accordingly scope for major improvement in the effectiveness of AfT.

Background

Since the Doha Ministerial Declaration in 2001, the total commitment for AfT has increased tremendously.² G-7 countries have pledged to double AfT by 2010. Multilateral donors have also scaled up their activities. These include the Integrated Framework for Trade Related Assistance (IF), the IMF's Trade Integration Mechanism (TIM) and the World Bank.³ The scaling up

1 Special thanks to Masato Hayashikawa, OECD, for providing me with updated figures of AfT data to SADC countries based on the OECD Creditor Reporting System (CRS). I would also like to thank Ivar Kolstad and Line Tøndel for comments and advice during this study.

2 22% from 2002 to 2005, 11% in 2006, and a further 8% in 2007. Based on CRS figures.

3 The World Bank has completed an overview and assessment of its aid for trade activities <http://www.globalpolicy>.

has been linked to the Doha outcome, but the delivery of AfT is generally presumed to be the responsibility of aid and finance ministries and international agencies – not the WTO. During 2002-05, every second US dollar committed to AfT went to Asia (support to infrastructure constituted the main part), while Africa received 30% (OECD, 2007a). There were no sub-Saharan African (SSA) countries among the top ten receivers of AfT. Tanzania was in this period the largest receiver within SADC, but still received a seventh of the amount directed to Vietnam.

Although there is some evidence that trade, growth and poverty reduction are correlated in SADC countries, trade has so far not played the catalytic role in SSA countries that it has in east Asian countries. The Asian experience was based on the use of a deliberate industrial policy combined with an increasing opening up of international markets and trade. A main challenge for SADC is to enable member countries to reap the benefits from liberalisation by removing trading costs, facilitating infrastructural development, improving institutions and reducing tariff and non-tariff barriers. Complementary reforms are necessary in order to reap the gains from trade and AfT might play an important catalytic role in facilitating these complementary reforms.

There is a convergence between the trade and development agendas (Suwa-Eisenmann, 2007). Rather than being a substitute for trade, the new convergence idea is that aid can be used as a complement to trade. There are different institutions and motivations behind the trade and development agendas, and aid and trade have consequently been geared towards a different group of countries. However, the discrepancies between the key motivations for providing aid and increasing trade might impede the effectiveness of AfT. Whereas the key motivation for providing aid is poverty reduction, this plays only a minor role in the trade agenda. Poverty can be seen as a public bad, and a reduction of world poverty requires financial support. Poverty reduction is also a key ingredient of what we normally characterise as development. In light of this, I argue that the legitimacy of AfT depends on whether increasing trade leads either directly or indirectly to poverty reduction. In the Suwa-Eisenmann (2007) review of the relationship between aid and trade, it is, however, remarkable that the poverty issue is not discussed at all. In a review of current AfT programmes, the OECD reports that few donors have a link to poverty in their AfT programmes (OECD, 2007b).

Two vital conditions need to be in place in order to put countries on the trade route to development. First of all, trade should generate *pro-poor economic growth* in the long run and welfare gains for the poor in the short run through its impact on the prices and wages of what the poor produce (and the prices of their consumption goods). The second condition for a successful trade route to development is that there be a *potential to increase trade* constrained by market failures. I argue that there is such a potential partly because of high prevailing trading costs within SADC while, at the same time, most SADC countries have market access to developed countries.⁴

This paper is structured according to the two criteria of success referred to above. In the following section, I discuss conditions in which trade reduces poverty. If trade takes place in sectors where the poor are numerous or it has a large impact on the income of the poor, it will naturally be more likely to have an impact on poverty. In the subsequent section, I discuss market failure motivations for providing AfT, such as coordination failures. Such failures might impede infrastructural development and increase the costs of logistics (trading costs). Through an analysis of AfT flows and their motivation, the next section analyses whether AfT can gener-

org/soecon/bwi-wto/wbank/2006/06tradeevaluation.pdf.

4 Tøndel and Wiig (2007) provide a more comprehensive analysis of the potential for increasing trade in SADC.

ate pro-poor growth in SADC. The analysis highlights the motivations of poverty reduction and reducing trading costs. This section provides new data on global AfT during 2006 and 2007 and detailed data on the disbursement of AfT to SADC countries. The key question addressed is whether AfT is effective in the sense that those countries most in need of AfT do get higher support than other countries. The final section concludes.

What type of trade can lead to poverty reduction?

Trade influences poverty indirectly through economic growth, and directly through prices and wages. First, we explore the growth channel, and then we proceed to analyse the impacts on prices and wages in the short run.⁵ The types of sector that expand and income distribution in the country play an important role in how trade reduces poverty through economic growth. Generally, if more trade leads to higher agricultural production, rising wages for the unskilled and/or increasing employment, the poor are likely to gain from this process. These are two different but complementary approaches to analysing the poverty impact of trade reform.

Trade, inequality and economic growth

Trade and liberalisation of trade, both unilateral and multilateral, are thought to influence poverty through their *effect on economic growth in the long run* and on *wages and prices* (and therefore household welfare) in the short run.

Economic growth can be achieved through the accumulation of physical and human capital and technological change. *Institutions, international trade and geography* are referred to as the deeper determinants of growth that drives physical and human capital accumulation and technological change. Without the accumulation of capital or technological change, trade is unlikely to influence economic growth.

Openness promotes competition in domestic markets. Competition increases the pressure on firms to be innovative and provides consumers with a wider choice, ideally at lower prices. To exploit their comparative advantage, firms need to bring in new skills and technologies. Integration eases the transfer of technology between firms. Trade expands the market for domestic firms and thereby the return on infrastructural investments characterised by high fixed costs (roads, telephones, ports and so forth).

It is, however, hard to map out the exact relationships between trade and growth due to the interdependencies of all these variables and the income level. Both good institutions and higher trade volumes are associated with growth and higher income levels. *A major challenge in the literature is to disentangle the impact of trade on growth from that of institutions* (see Tøndel and Wiig, 2007).

Even though trade is found to increase growth, the impact on poverty is not a one-to-one relationship, as growth may increase *inequality*. The structure of the growth and its initial distribution are important for poverty reduction. Ravallion and Chen (2004) and Ravallion (2006) show that growth in agriculture in China had an impact on poverty four times higher than growth in the secondary sectors. The higher the initial inequality in a country, the less the

5 See Winters *et al.* (2004) for a general review of the literature and Tøndel and Wiig (2007) for a review based on the SADC experience. Dollar and Kraay (2002; 2004) perform cross country analysis of the relationship between trade and poverty.

gains from growth tend to reach the poor (Ravallion, 2001). Among the growing economies, the median decline in poverty (US\$1 a day) is 10% in countries where inequality also declined, and only 1% for countries where growth was accompanied by rising inequality. Ravallion (2004) also finds that a 1% increase in mean income results, on average, in a fall of 2.5% in the proportion of people in absolute poverty (the poverty elasticity is equal to -2.5). Inequality increases about half the time (between countries) and there are gainers and losers at all income intervals within countries. Individual country experience varies around the average growth elasticity of poverty, and the poverty elasticity ranges from -4.3 to -0.6, depending on how the growth process performs. Anderson *et al.* (2006) claim that SSA has an even higher poverty elasticity (that means trade-induced growth will have a larger impact on poverty reduction in SSA) than in many other countries, partly because agriculture plays such an important role in SSA. Removing the strict assumptions applied in Anderson's analysis (full employment), Polanski (2006) finds that trade liberalisation has a significantly lower impact on poverty in SSA.

Empirical evidence from SADC on the trade-growth-poverty nexus: positive but small, partly due to increasing inequality

Within SADC the overall empirical evidence fits the picture of more trade being associated with lower levels of poverty. Lesotho, Malawi, Mozambique and Swaziland experienced both increasing trade and a reduction in poverty during 1990-2001. Zimbabwe and Zambia experienced an increase in the poverty rate and a decrease in trade over the same period. So the evidence from these countries also supports the notion that more trade is positively associated with poverty reduction while less trade is associated with higher levels of poverty. Madagascar, South Africa and Botswana show diverging experiences in trade and poverty. Both poverty and trade, as a percentage of GDP, have decreased for Botswana and Tanzania while for South Africa and Madagascar the increase in trade has not been associated with poverty reduction (see Tøndel and Wiig (2007) for an overview).

When we consider the trade-inequality relationship, there is a tendency for increasing trade to be associated with rising inequality – a factor that offsets some of the gains in poverty reduction via trade-induced growth. The risk of increasing inequality is a factor that should be recognised by governments and donor communities when designing a policy for increasing trade.

Trade, prices and household welfare

In addition to its impact on economic growth, trade can also have more *direct impacts* on poverty through its effect on the *wages* of the unskilled in developing countries. It might also lower (raise) the *prices of consumption goods* and raise (lower) the *prices of goods produced* by the poor. Trade affects the prices that the poor face both as producers and as consumers. If the (consumption) prices of the goods they consume fall and the (production) prices of the goods they produce increase, trade will have a positive effect on poverty. If increasing trade leads to both increasing (decreasing) consumer and producer prices, the total effect depends on the net budget share of the consumed and produced goods. As SADC countries are net exporters of agricultural products, they will accordingly gain from an increase in the price of agricultural products (for instance, the removal of subsidies on cotton and sugar in developed countries), a

general price increase of agricultural commodities or from a reduction in the domestic taxation of agriculture. Whether the poor will gain depends on their net position (whether their production is higher than their consumption of the good) and the potential impact on wages.⁶

It is also well documented that the earnings-side impacts dominate the consumption-side effects of trade reform. The importance of factor market effects is due to the fact that households tend to be much more specialised with regard to income sources than they are with regard to consumption. Income normally comes from a few sources while the consumption pattern is more diversified. It is also easier to switch consumption patterns than production patterns.

According to factor endowment theories of international trade, liberalisation will be pro-poor both in the short and long runs. In the short run, poverty will be reduced because the wages of unskilled labour will tend to increase. This happens because countries will tend to export commodities that use abundant (and therefore relatively cheap) production factors intensively in the production process. This will drive up the demand for, and, therefore, the price of the abundant factor. In the long run, when both capital and labour are mobile across sectors, this effect will be reinforced by the reallocation of capital into labour-intensive sectors. When a higher share of the capital stock is used in the labour-intensive sectors, the scarcity of labour will increase even more, and so will the wages of unskilled labour. These results are modified if input markets are inflexible.

If unskilled labour, machinery or farm technology is less mobile and is 'attached' to a specific sector (or crop), a reduction in protection for that sector will lead to a fall in income for workers (farmers) who are not able to relocate. However, an increase in the export activity of a sector would be beneficial to the workers (farmers) attached to that sector.

In order to reap the gain from a trade reform, the poor must be able to move out of the contracting sectors and into the expanding ones. The way the labour market is organised is vital for the impact of trade reform on poverty (see for instance Harrison, 2006).

Empirical evidence on the trade-price-welfare nexus: complementary policies needed

Entrepreneurs involved in international trade are generally richer than those who are not (Bigsten and Soderbom, 2005; Wiig and Seleka, 2008), but it is unclear whether they are richer due to trade or because being rich plays an important role in whether you are trading or not. Being rich provides capabilities for trading. The impact of increasing trade on poverty might therefore reflect a self-selection of traders rather than that trade by itself leads households out of poverty.

Normally, poor entrepreneurs do not have enough assets to participate in international trade. Participating in international trade requires a number of assets that the poor lack, such as human capital, networks, or social capital, information and credit. There is thus an entry cost of trade that might impede the poor from participating in international or domestic trade transactions. If, for instance, local markets are not well developed, a farmer faces a risk when switching from subsistence farming to cash crop production. This risk restrains him from adjusting to new market opportunities. Similarly, the removal of trade barriers has a limited impact on trade patterns and poverty when there is unemployment, as the effect of trade on unskilled wages is lower than when there is full employment (Polanski, 2006).

⁶ All SADC countries from which we have data are net exporters of agricultural raw materials and food (WDI, 2008). This includes Madagascar, Malawi, Mauritius, South Africa, Tanzania, Zambia and Zimbabwe.

A low impact of trade on poverty can also partly be explained by an inefficient transmission mechanism. If a change in border prices does not transmit to the producer due to large domestic transport costs or other obstacles to doing business, the producer will not gain from potential trading opportunities.

The transmission mechanism diminishes with distance from the border and is lower in rural areas than in urban areas. That means people living in urban areas may notice the impact of liberalisation while in rural areas business is as usual.

Many studies find that a trade reform works best if complementary reforms are introduced simultaneously (see for instance Balat and Porto, 2006). These policies would include extension services, infrastructure, irrigation, access to credit, and education and health services. Arndt (2006) finds that in Mozambique, one third of rural households will be unaffected by Doha as international price changes will not transmit into changes in domestic prices. He concludes by underlining that complementary reforms are needed in order to transmit price changes to rural areas and improve supply constraints.

The overall conclusion of this section is that increasing trade does not automatically translate into poverty reduction. The impact of trade on poverty increases when:

- trade occurs in sectors where the poor are intensively involved (e.g. agriculture)
- income distribution is not too skewed
- the labour market is flexible
- the transmission mechanisms are working well (trade costs are low)
- producers respond to the potential market opportunities

Motivation and measures of aid for trade

After a discussion of market failure motivations for providing Aft, we give a brief overview and assessment of current policy measures regarding Aft.

Theoretical motivations for aid for trade

In a non-distorted economy, the potential for exports is highest in sectors with comparative advantages. If the firms know the cost structures and there are no market failures (e.g., public goods, externalities and information asymmetries) or government failures (e.g., macroeconomic instability, distorting government regulations or taxes, or corruption), there may be no reason for the government or donor agencies to get involved. If there are market failures or government failures, the focus should be on removing these failures.

Gains from liberalization are a public good: compensation

To achieve the potential gains from global liberalisation, there is a need for tariff reduction. Participation in WTO negotiations, the implementation of WTO rules (for instance, rules on veterinary standards) and the reduction of MFN tariff rates have some of the characteristics of a *public good* (Stiglitz and Charlton, 2006). Trade policy reform has positive external effects that

are not appropriately internalised by member countries, for instance on technology, human skills and the quality of institutions in a country and on other countries. Thus, benefits from liberalisation are not sufficiently internalised by individual countries, leading to underinvestment in trade reform. AFT increases the incentives for developing countries to participate in and enhance the world trading system. AFT might also enhance the possibilities of achieving free trade areas within (and across) regional groupings.

The policy consequence of the public good perspective is an increase in AFT. The world's (or the regional) welfare gain from liberalisation provides room for increasing aid and aid should be used for (i) integrating developing countries into the WTO and regional organisations, and (ii) compensating those who lose from liberalisation at the multilateral or regional level. The first principle is acknowledged in AFT and is covered under the umbrella *aid to trade development* while regarding the second principle, there is so far no common agreement. Countries are as yet not being compensated for their loss from liberalisation.

From a 'public good' perspective, those countries bearing the costs but achieving only minor gains should be compensated. As has been pointed out both in empirical studies and in predictions of Doha effects, trade liberalisation has *adjustment costs*. Adjustment costs are related to preference erosion, tax erosion and the loss of jobs in some parts of the economy. For SADC countries, at least for those that are net exporters of agricultural production, it is less likely that they will lose from multilateral liberalisation (see Tøndel and Wiig 2007; Wiig and Seleka 2008). However, a loss of tax revenue from international trade might be particularly harmful for some SADC countries where tariffs constitute a significant and reliable source of government revenue. It takes a long time to develop an ordinary taxation system (based on taxing firms' profits and households' income). Also, SADC countries with preferences will lose their preference margins and trade-related aid may compensate for this.⁷

Government and market failures

In addition to the (international) public good argument, another motivation for AFT is that of *government and market failures*. Market access is a necessary but not a sufficient condition for export growth. Government and market failures make it difficult to reap the benefits of freer trade. Investment in potential new export products requires a 'good' investment climate characterised by a flexible labour market, a competitive product market, a low tax burden, non-arbitrary regulations and licensing procedures, and a lack of corruption. The absence of these qualities is frequently pointed to as instances of government failure, restricting investment opportunities. Foreign aid agencies lack the power to counter these government failures apart from underlining the *important role that good governance* plays for business activities. The situation is different for market failures such as *information asymmetries* in export markets and external effects (spillover impacts or increasing returns to scale in production). But here also donor agencies might lack the leverage to exert influence on these failures.

The successful development of East Asian countries indicates that what is exported may have a *spillover impact* on overall economic growth and that in order to produce goods with spillover impacts, government targeting and infrastructural investment play an important role. That said, spillover impacts do not arise only from exports and these spillover impacts are in many

⁷ Trade preferences were originally given as an aid mechanism (trade as aid), while the argument has now been turned on its head (aid for lost trade). See Hoekman and Prowse (2005).

cases related to specific activities across sectors (learning spill overs). Promoting knowledge, learning and, technology transfers are important for facilitating these spill overs. One technological spillover is related to infrastructure, which here is analysed as a coordination failure.

There are also *information externalities* in exports and production in general. For new products, technological success partly depends on the number of other investors making similar investments. The Desh company (of Bangladesh) was the first exporter of clothing from Bangladesh and paid the burden of entry into a new market. Based on its experience, other clothing companies were established in Bangladesh that were able to penetrate new markets at lower cost. Without any entrepreneur taking the risk of producing new products, a country will not move up the quality ladder. Early entrants may therefore provide valuable information spillovers for the rest of the economy. This externality provides a rationale for government (or foreign aid) support in order to produce new goods that may improve productivity. Within SADC, Lesotho and Mauritius have probably played a similar role in initiating the production of clothing products for export to the American market. The promotion of technology transfer, adoption of technology and support for standardisation are some relevant Aft elements that reduce these asymmetries.

The other point is related to *coordination failures* induced by scale economies. The competitiveness of domestic industries can often be promoted through large investments in infrastructure and the like. Poor roads, port facilities and telecommunications are among the factors that impede exports from developing countries. To overcome these barriers, large investments are needed. While profitable for the country as a whole, these investments will normally not be profitable for any single investor. Hence, coordinated action is needed. When these barriers occur at a regional level, no single country has incentives to provide the good and regionally coordinated action is the appropriate solution. Coordinated efforts to improve infrastructure are important in addressing the cost side of export procedures. So far, donors have paid little attention to regional public goods.⁸

In SADC there are a number of landlocked countries and these countries face high trading costs (see Table 3 below). Landlocked countries depend not only on their own performance, but also on the infrastructural quality and customs operations of the transit country. Harmonisation of procedures and documentation requirements would therefore be of even greater benefit to landlocked SADC countries. This can be achieved through harmonisation across countries, simplification of documents and setting up agencies to assist firms preparing products for export. A regional institution such as SADC can play an important role in addressing the trading costs of landlocked countries.

Policy measures of aid for trade

Comparing Aft with other aid initiatives, more emphasis is put on private sector development and a reduction in market failure, while traditionally aid has been targeted on the public sector or directly towards the poor. However, here there is also a 'convergence' which is evident from the categorisation of Aft described below.

There are three main categories of Aft (see Figure 1 for an overview and a specification of

8 According to Arce and Sonaler (2002), much of the focus in the public goods literature has been on either the national or the global level, not on the regional level. So far, there is a lack of data providing information about disbursement of Aft by SADC as a regional institution – we only have data on disbursement by member countries.

sectors). The first is *trade policy and regulation* (this includes support to trade policy and administrative management, trade facilitation, support to regional or multilateral trade agreements, trade-related adjustment and training support). Trade policy and regulation constituted only 3% of total AFT commitments in 2007. The second and largest category is economic *infrastructural support* (to transport, communications and energy). Infrastructural support constituted 54% of total AFT commitments in 2007. The third category is *building productive capacity*, which includes sectoral support to business support services, banking, agriculture, forestry, fishing, mineral resources and tourism. Building productive capacity constituted 43% of total AFT in 2007.⁹

At the total level, the composition of commitments of AFT was relative stable during the period 2002-2007, but for Africa the share committed to infrastructure increased from 51% in the period 2002-05 to 62% in 2007.

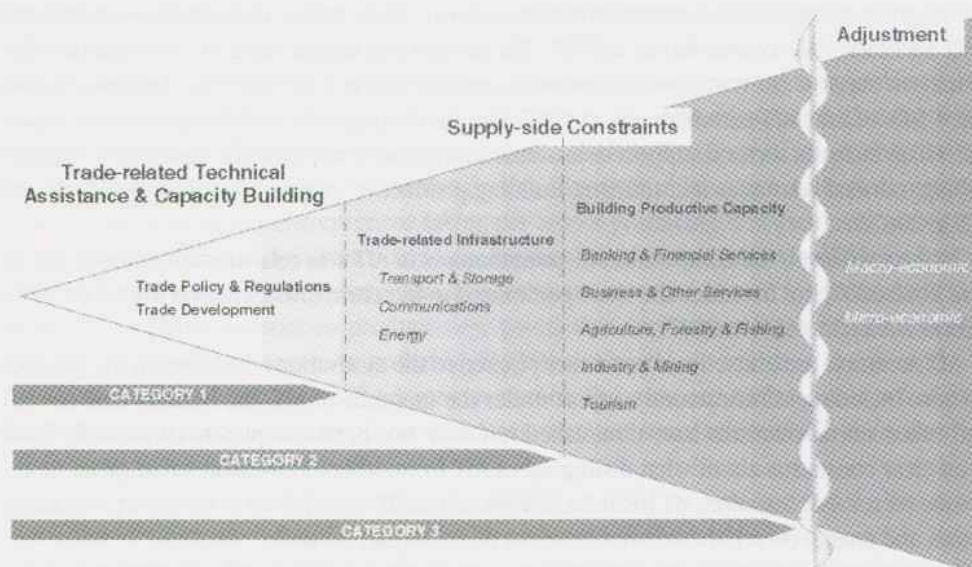
AFT measures are blurred and not directly linked to the motivations discussed in the previous section. Including infrastructural support under the umbrella of AFT, the borders between AFT and other aid mechanisms have diminished but have not been completely eliminated. There is no clear consensus about what distinguishes AFT from other aid measures that promote the private sector. For instance, AFT includes all infrastructural investments in transport, communication and energy even if they do not have any direct impact on trade.

Investments in transport are, for instance, termed AFT independently of whether the infrastructure is used for marketing the goods abroad or not. The same confusion applies to sectoral support. All support to sectors such as banking, business, agriculture, industry and tourism are termed productive capacity building even if the support is not directly linked to trade. What about compensation for adjustment costs related to trade liberalisation? Should it be characterised as AFT? Above, I argued that it should, but there is no consensus on this and, so far, these figures have not been included in the OECD's estimates of AFT. The OECD is in the process of using 'budget support' as a proxy for adjustment costs. If so, AFT measures will be ratcheted up. In most cases, such budget support has no close link with trade. Numerous other problems also arise with drawing clear lines between AFT and other aid initiatives. There are unclear boundaries between different aid categories and their motivations, and it is accordingly difficult to assess both the effectiveness and the efficiency of the different AFT initiatives.

The blurred categories of AFT policy measures are not directly linked to the motivation for AFT. Hence, there is a risk of further de-emphasising the focus on poverty reduction as the key motivation for providing aid. No reference is made to poverty reduction in current measures of AFT. It is also noticeable from Figure 1 that current initiatives (at least supply-side capacity building policies) focus on sectors (five sectors) rather than market failure. These policy measures do not directly relate to the market or government failure arguments discussed above. Externalities can, for instance, occur across sectors, which makes a sectoral approach less efficient. Targeting a specific sector requires that the policy maker is able to identify a country's comparative advantage. Such identification is difficult, particularly if existing trading patterns are distorted due to government interventions such as trade restrictions or because of other market failures.¹⁰ In the following section we will explore in more detail the relationship between AFT to SADC and its motivation.

9 There is also a category of adjustment costs, which is not included in this article. The OECD is in the process of collecting data on this, but it is controversial whether this item should be included within AFT and which measure one should apply.

10 On the other hand, a sectoral approach makes it easier to support sectors in which the poor are located. But since the selection of a sector is not based on where the poor are located but on whether it is a 'productive' sector, the sectoral approach will only randomly target the poor (agriculture is an exception).

Figure 1: Key categories of aid for trade

Source: OECD, 2006

Can aid for trade generate pro-poor trade in SADC?

Low-income countries within SADC already have market access to the EU through the Everything but Arms (EBA) initiative, while the African Growth and Opportunity Act (AGOA) provides preferences in the US. So market access to developed countries is probably not the key problem – at least not for those SADC countries that fall within the group of LDCs that are favourably treated in preferential arrangements. Although market access to developed countries and various sanitary standards represent obstacles to increasing SADC trade, there are internal measures – not only tariff barriers but also other trading costs – that impede trade. While tariffs are discussed in Tøndel and Wiig (2007), a comprehensive review of trading costs is given by Tøndel (2008).

Tøndel (2008) finds that SSA countries, including SADC and landlocked countries in particular, comprise the most costly region to export from measured in both money and time. The cost of trade increases as the quality of physical infrastructure, human capital and institutions deteriorates, while exports as a percentage of GDP are higher when the time needed to export is lower. Thus, exports increase as the time needed for exporting decreases. There are accordingly internal trade barriers in addition to domestic tariffs, such as transportation costs, business obstacles to trade (inadequate infrastructure, lack of credit) and a low quality labour force, that serve as binding constraints on increasing trade. Without addressing these obstacles and trading costs, removing tariff barriers will probably have a minor impact on trade patterns as the transmission mechanism is not changed (see Tøndel and Wiig, 2007; Tøndel, 2008). On the other hand, the prevailing existence of obstacles indicates that there might be room for increasing trade through a reduction in trading costs and AFT measures can play a role in enabling this to occur.

Even if the cost of transport is relatively high in SADC, however, reducing the time needed to prepare documents and harmonise procedures might matter relatively more in terms of improving export performance. For agricultural products and products that are produced within a

global supply chain network (clothing for instance), time matters for their exports.

There has been a shift over the last decade such that fresh and processed fruit and vegetables, fish, meat, nuts and spices account for more than 50% of total agro-food exports from developing countries. Traditional commodities such as coffee, tea, cocoa, sugar, cotton and tobacco have declined in terms of export share. This implies that proper facilities for storage and packing are of increasing importance, as is the time aspect of exporting. If countries wish to meet the growing demand for these products and thus reap their share of revenues, trade facilitation measures have to be addressed (Tøndel, 2008). Measures to improve the sanitary standards of agricultural products are also important for increasing agricultural exports (Wiig and Kolstad, 2005).

Timely delivery is also important for manufactured goods. A rising share of world trade is so-called 'vertical' specialisation, i.e. specialisation in the production of intermediate products.¹¹ When the production of final goods can be fragmented into several stages of production, we should find that some stages are capital intensive but others are labour intensive. A reduction in tariff barriers and technological innovation (lower costs of communication, information and transportation) encourage multinational companies to locate capital-intensive stages of production at home but labour-intensive stages of production in low-wage countries. A product (say clothing) can be broken up into separate intermediate products (or tasks) whereby each task (say design and assembly) can be produced across multiple firms, countries and times. Each firm participating in the supply chain specialises in tasks in which they produce most efficiently, and information technology is the glue that holds the different parts of the supply chain together.

In this new global economy there are additional gains from specialisation as firms take advantage of differences in the cost of labour and skills across countries to allocate tasks in time and space. Vertical specialisation and global outsourcing of intermediate products represent a growing export opportunity for developing countries, including SADC countries, but taking part in this trade requires the liberalisation of services and infrastructural development. Penetrating existing global supply chains based on vertical specialisation requires, for instance, timely delivery of high quality products. A concerted effort by SADC in many sectors at the same time may be necessary in order to participate in global outsourcing systems (Wiig *et al.*, 2007).

There is an obvious poverty impact to be gained by reducing trading costs and improving the transmission mechanism of agricultural products within SADC (the poor are mainly in agriculture in SADC), as elaborated in Wiig and Seleka (2008), and concerted efforts should be taken to achieve this. There is not a similar obvious impact to be gained by removing trading costs within manufacturing unless such trade generates increasing employment of the poor, thereby raising the wages of unskilled labour, unless a reduction in trading costs in manufacturing does not prevent other sectors from reaping the benefits (it is a non-excludable good). If the reduction of trading costs is not a public good but restricted to particular sectors, from a poverty perspective the focus should be on the sectors where the poor are numerous.

From a donor perspective, support to the agricultural sector, improvement of sanitary standards in agriculture and measures that ease the transmission mechanism in agriculture should accordingly be more important than manufacturing support or the improvement of standards in sectors where the poor are hardly involved.

11 Vertical specialisation occurs when (a) goods are produced in multiple, sequential stages; (b) two or more countries provide value added in the production process; and (c) at least one country uses imported inputs in its stage of production process and some of the resulting output is exported (confer Hummels *et al.* 2001).

Aid for trade to SADC

Against the background of the key categories of AfT policies and the validity of the applied measures discussed above, we will in this subsection provide a descriptive overview of the development of AfT to SADC countries.

Total *commitments* of AfT constituted on average US\$21 billion per year during the period 2002-2005, or 34% of total sector-allocated ODA (OECD 2007a:9). Total commitments increased by 11% in 2006 and 8% in 2007.¹² Asia is still the region with the highest commitment (42%), while 37% of total AfT was committed to Africa (up from 30% during 2002-2005). Africa is the region that has experienced the highest increase in AfT commitments (a 23% increase in 2007). Commitments to least developed countries increased by 30% in 2007. SADC countries have not experienced a similar increase in commitments (by only 1.1% in 2006 and 5.1% in 2007).

A recent global overview of AfT *commitment* to individual countries and group of countries is given by ECA (2009). A weakness with this study is that it does not cover actual disbursement – neither does it include more recent data for 2007 and updated AfT data for 2006. Disbursement figures are the (only) relevant data to use for statistical analysis, particularly when disbursement figures generally are low, while at the same time vary across countries. Table 1 below provides information about AfT to individual SADC countries sorted by *disbursement* in 2007.

In 2007, Madagascar was the SADC country that received the largest amount of AfT (approximately 170 million US\$ or 26% of AfT to SADC). Mozambique was the second largest recipient of AfT (after being the most important one during the period 2002-2006). In addition to these countries, AfT plays or has played a significant role during recent years for Zambia, South Africa and Tanzania. In terms of AfT per capita, Namibia was the highest recipient of AfT in 2007 (see Table 3).

A descriptive overview

There has been a decline (-8%) in the disbursement of AfT within SADC from 2006 to 2007. The disbursement ratio is also extremely low and declining. Total disbursement for all SADC countries in 2007 as a share of commitments for the same year was only 47%, and this figure would be significantly lower if we excluded Madagascar, which received high AfT and had a high disbursement rate.

Currently, the AfT aid channel only plays a minor role for SADC countries. From Table 2, specifying the AfT flows within SADC, the disbursement of AfT constituted 14% (US\$645 million) of total sector-allocable ODA to SADC countries in 2007. The distribution of disbursement of AfT mirrors the worldwide total commitments of AfT in 2007 referred to above. About 55% (US\$353 million) is used for productive capacity building in SADC and 41% for infrastructure, which is similar to worldwide figures. Commitments to infrastructure constituted 61% of AfT in 2007 for SADC (as compared to 54% worldwide), but infrastructure constituted only 41% of disbursement. SADC experienced a low disbursement ratio of infrastructure, particularly in transport and storage.

12 Commitment figures for 2002 – 2005 are based on OECD (2007b). Later figures for commitments and all disbursement figures presented in this report are compiled on the basis of unpublished data provided by OECD. Total disbursement figures of aid for trade for all receiving countries are yet not available, although we have compiled figures for individual SADC countries.

Motivation and effectiveness of aid for trade

finally, we have explored whether the disbursement of aft reflects some of the main objectives or 'needs' in SADC in terms of poverty and problems with trade logistics. In line with Alesina and Dollar (2000), I use aid per capita as our dependent variable and GDP per capita as a measure of poverty. In order to measure trade logistics, I apply a new index developed by the Bank on logistic performance (LPI).¹³

The LPI measures performance along the logistics supply chain within a country and LPI is the simple average of the country scores (on a scale from 1 to 5, where 5 reflects that the country scores high on logistical quality) in seven key dimensions:

- efficiency and effectiveness of the clearance process by customs and other border control agencies
- quality of transport and IT infrastructure for logistics
- ease and affordability of arranging shipments
- competence in the local logistics industry (e.g., transport operators, customs brokers)
- ability to track and trace shipments
- domestic logistics costs (e.g., local transportation, terminal handling, warehousing)
- timeliness of shipments in reaching destination

Tanzania is the SADC country that scores lowest on the LPI while South Africa scores the highest (best).

As we only have disbursement figures of Aft for two years and only for the SADC countries, it is premature to undertake a comprehensive statistical analysis. I have therefore purified the poverty motivation and the motivation to reduce the logistical problems SADC countries face by undertaking a simple regression analysis between the supply of Aft to individual SADC countries and the demand. Demand is measured by needs in term of poverty (Model 1) or logistical problems (Models 2a and 2b). The only difference between models 2a and 2b is the Aft measure applied. Both motivations are simultaneously analysed in Model 3. I have only controlled for whether the country is landlocked (Model 4), as are many SADC countries, which may therefore face different logistical problems than their non-landlocked counterparts. One should be very cautious in drawing too strong conclusions based on so few observations and control variables.

The correlation between Aft per capita and poverty is 0.37. In contrast to what we would have expected, lower income countries within SADC receive *less* Aft per capita than richer countries. The relationship is not strong (the regression coefficient is 0.0006). The relationship between poverty and Aft is significant in models 1 and 3 (significance levels are given in brackets).

We have also analysed whether the countries within SADC that face the largest problems with logistics do receive higher Aft or whether Aft is mainly tailored to the countries that have

13 The Logistics Performance Index is based on a survey of operators on the ground worldwide (global freight forwarders and express carriers), providing feedback on the logistics 'friendliness' of the countries in which they operate and those with which they trade. Feedback from operators is supplemented by objective data on the performance of key components of the logistics chain in the home country.
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTTRANSPORT/EXTTLF/0,,contentMDK:21514122~menuPK:3875957~pagePK:210058~piPK:210062~theSitePK:515434,00.html>

Table1: Aid for trade flows. SADC CRS Proxies ODA: USD thousands, 2006 constant prices

Country		SADC countries		Commitments			Disbursements	
CRS purpose codes				2002-05 average	2006	2007	2006	2007
TRADE POLICY AND REGULATIONS and TRADE-RELATED ADJUSTMENT								
33110	Trade Policy and administrative management			7,080	13,988	11,034	10,161	9,929
33120	Trade facilitation			1,582	1,977	1,674	2,649	2,219
33130	Regional trade agreements (RTAs)			254	2,046	2,633	2,123	2,143
33140	Multilateral trade negotiations			226	0	0	274	0
33150	TRADE-RELATED ADJUSTMENT			0	0	508	0	13,135
33181	Trade education/training			972	273	159	287	308
	sub-total			10,115	18,284	16,006	15,495	27,735
ECONOMIC INFRASTRUCTURE								
21010 to 21081	Transport and storage			488,944	403,754	690,225	278,083	193,247
22010 to 22040	Communications			33,432	33,389	19,530	30,958	14,145
23010 to 23082	Energy supply and generation			140,511	99,103	127,047	62,035	57,269
	sub-total			662,887	536,246	836,803	371,076	264,661
BUILDING PRODUCTIVE CAPACITY (Includes trade development activities)								
25010	Business and other services			121,433	14,242	49,953	63,962	42,431
24010 to 24081	Banking and financial services			104,918	44,897	85,700	23,829	10,042
31110 to 31195	Agriculture			206,103	420,357	280,580	166,387	230,777
31210 to 31291	Forestry			18,809	4,329	9,397	6,178	11,426
31310 to 31391	Fishing			34,557	23,646	14,964	24,979	17,429
32110 to 32182	Industry			26,804	158,501	54,461	14,975	24,080
32210 to 32268	Mineral resources and mining			90,163	54,844	7,586	11,679	9,790
33210	Tourism			6,594	21,313	7,413	2,676	7,021
	sub-total			609,381	74,2130	510,052	314,663	352,996
TOTAL AID-for-TRADE				1,282,382	1,296,660	1,362,861	701,233	645,391
TOTAL SECTOR ALLOCABLE ODA				5,944,977	6,381,352	7,558,151	4,543,396	4,695,873

Source: Compiled based on OECD, Creditor Reporting System.

Table 2. Aid for trade. Needs as measured by trading costs, logistic performance index and poverty

		Costs to exports US\$ per container	Logistic performance index	GDP /capita (2007)	Aft per capita	Disbursement Policy and Reg 2007 (1)	Disbursement Infrastructure 2007(2)
Angola		1,850	2.48	1,069	0.6	918	2,476
Botswana	landlocked	2,328	—	4,423	6.1	69	59
Congo, DR	landlocked	2,307	—	90	0.8	12	29,033
Lesotho	landlocked	1,188	2.30	527	0.5	164	436
Madagascar		1,182	2.24	237	8.9	157	91,983
Malawi	landlocked	1,623	2.42	144	3.5	1,074	8,788
Mauritius		728	2.13	4,522	9.0	144	59
Mozambique		1,155	2.29	330	6.9	7,046	80,865
Namibia		1,539	2.16	2,166	9.5	117	3,300
Seyshelles		1,839	—	7,004	6.7	0	0
South Africa		1,087	3.53	3,562	1.0	1,605	4,591
Swaziland	landlocked	1,798	—	1,400	-0.8	0	-1,369
Tanzania		1,212	2.08	334	1.6	14,602	37,885
Zambia	landlocked	2,098	2.37	371	4.6	1,713	6,101
Zimbabwe	landlocked	1,879	2.29	428	1.1	113	454

Sources: *The Doing Business Database*; <http://www.doingbusiness.org> (2007 figures apart from Seyshelles where we only had 2008 figures) <http://info.worldbank.org/etools/tradesurvey/mode1a.asp?countryID=150>; WDI 2008; OECD

the best facilities for promoting trade. Those countries that face higher logistical problems (as measured with LPI) receive higher Aft per capita. The correlation coefficient is -0.41 in Model 2a. This is a good sign. However, this relationship is not significant. LPI is significant in Model 3, but this relationship stems from our applied measure of Aft. As trade policy and regulation and economic infrastructure are mainly tailored to deal with logistic problems, but sector support is not, we have analysed the correlation between LPI and these figures (the sum of the last two columns in Table 3).¹⁴ Again, we find that countries with higher logistical problems receive more Aft per capita (the correlation coefficient is -0.27), but LPI is not significant (see Model 2b).

Table 3: Aft disbursement and motivation. Results based on a simple regression analysis for SADC countries

Dependent:					
Total aid for trade disbursement per capita (2007)					
	Model 1	Model 2a	Model 2b	Model 3	Model 4
GDP per capita	0.0006 (0.056)			0.001 (0.025)	0.008 (0.24)
LPI		-3.80 (0.2)	-0.001 (0.41)	-5.44 (0.001)	-5.18 (0.003)
Landlocked					-2.1 (0.41)
Constant	2.88 (0.024)	13.38 (0.08)	0.004 (0.24)	15.8 (0.001)	16.4 (0.005)
Explained variation	0.14	0.17	0.07	0.37	0.44
Observations	15	11	11	11	11

* In Model 2b we have used disbursement to policy and regulation and to infrastructure only.

One might expect that there is a larger need for Aft to landlocked countries as they face high costs of exporting due to natural conditions. However, we do not find any evidence for this. There is a tendency for landlocked countries to receive less Aft, but the relationship is not significant in any of the models. Aft does not seem to cover the specific problems faced by landlocked countries.

With the limitations of the above analysis in mind, we can conclude that Aft is not effective (in reaching its target). The tendency is for richer SADC countries to receive higher Aft. Although it appears that those SADC countries that face higher logistical problems receive most, the relationship between logistical problems and Aft disappears when applying an appropriate measure of Aft (reflecting Aft that deals directly with logistics). The robustness of the initial positive finding that Aft is tailored to SADC countries which face the largest logistical problems is further weakened by applying an alternative World Bank measure of trading costs. When done, the correlation is turned on its head. Higher trading costs (as measured by costs to ex-

¹⁴ The final category of Aft is Support to productive capacity, and data for this category can be derived by subtracting the two last columns in Table 3 from total disbursement figures for 2007 in Table 1.

ports) generate less Aft.¹⁵ The lack of robustness may reflect a lack of validity in our measures, but at the same time it is more likely that it reflects the lack of a clear relationship between the motivation for providing Aft and actual disbursement figures.

In the overview by the OECD (2007b) of recent evaluations of trade related assistance (trade policy and regulations and trade development, but not aid to infrastructure), some similar conclusions are drawn.

The main conclusion from this study is that there are two preconditions for success:

- the existence of a favourable domestic business environment
- political will to use trade as an engine for development.

Other factors, such as adequate governance, market access and international competitiveness, also greatly influence effectiveness and impact. Accordingly, Aft should be targeted on countries that are most able to utilise it – a factor that might shed some light on the low level of Aft to SADC countries.

The study emphasises that trade-related assistance programmes should be implemented after a review of initial internal (through a needs assessment) and external conditions in the potential country to support. Up to now, there has been a lack of such assessment and trade-related assistance has been fragmented, with insufficient synergies with broader development assistance programmes and weak linkages to poverty reduction – a conclusion that is supported in our study of SADC.

However, the study mentions Mozambique as one of the few developing countries committed to making openness to trade an integral part of its strategy for sustaining rapid economic growth and alleviating poverty. Aft has accordingly been instrumental in helping Mozambique mainstream trade and other trade-related measures effectively and include indicators in its medium-term poverty reduction strategy. Aft has also helped Mozambique to stimulate public and private dialogues and partnerships, addressing supply-side constraints and integrating it into the multilateral trading system.

Since before the slogan of Aft was coined, the International Trade Centre has been dealing with policies to help developing countries to increase trade, partly based on the perspective of overcoming market failures. Similarly, export promotion agencies in developing countries have been put in place for some of the same reasons. Experiences from these activities are mixed, but give important insights into targeting exports from developing countries. Lederman *et al.* (2006) found that some characteristics are particularly important for export promotion agencies (EPA) in developing countries. They are more efficient when the export promotion activities are shared with other activities such as investment promotion and export financing. Their onshore export support services (exporter training, technical assistance, capacity building, including regulatory compliance, information on trade finance, logistics, customs, packaging, pricing) are more important than country image, marketing and market research activities. Finally, the presence of EPAs' offices in foreign markets does not appear to help exports from developing countries. They also find that for the median agency, \$1 of export promotion creates \$300 of exports. For every \$1 in the EPA budget there is an additional \$490 dollars of exports in Latin America, \$227 in Asia and \$137 in SSA. These figures are quite impressive and are supported by

15 To the extent that a large share of Aft is devoted to port facilities, it might reflect the situation that landlocked countries do not receive as much Aft as their trading costs reveal. Note that a country such as Mauritius scores low on LPI (high logistical problems) but generally scores high on business indicators such as 'Ease of doing business' and low on 'Trading across border' (see Tøndel 2008 for a discussion of trade costs in SADC).

others. Rose (2005) found that for each additional consulate abroad, exports increased by six to ten percent. There is, however, a lack of evidence that the poor reap any of these benefits, which represents a key challenge for future AfT activities.

Conclusion

There is no evidence that trade liberalisation alone – even if it is comprehensive trade reform – will be able to achieve the Millennium Development Goal of halving poverty rates. There are high trade costs in SADC that constrain reactions to price signals from trade liberalisation. Export responses are slow. At the same time, poverty is so widespread in most SADC countries that what can be achieved from trade liberalisation alone will be modest.

A reduction in trading costs and the time needed for exports in SADC is vital for promoting trade that also favours the poor. Improvement of infrastructure in sectors such as agriculture and a reduction in transport costs are important to increasing trade. Coordinated efforts among SADC countries should be made to undertake these investments. AfT measures should be applied explicitly to dealing with market imperfections with the main purpose of improving the welfare of the poor.

At the global level, there is currently a lack of focus on the motivation for AfT and how it can be measured. With this lack of focus, the risk arises that foreign aid may be unnecessarily spent on groups or tasks that do not need such support. Given the high population within SADC that is poor, it is therefore important that not only donors but also regional organisations like SADC tailor their aid programmes towards reaching the poor in their AfT programmes.

AfT can support complementary reforms in the SADC countries and thereby increase the impact of increasing trade on poverty reduction. While one of the weaknesses of past initiatives for promoting trade liberalisation is the lack of investment in complementary initiatives (see, for instance, the evaluation of past AfT initiatives by the World Bank (2006)), one problem with the argument for complementarities is finding the right mix of complementary investments (in telecommunications, roads, port facilities, energy, and also in human capital) and governance conditions that facilitates trade and exploits complementarities. These investments will vary across countries and sectors and require in-depth, case-specific competence, including competence on governance issues.

Believing that increasing trade by means of AfT is *the* solution to poverty reduction is misplaced. When discussing the scale of a future AfT programme, the importance of other policies, such as safety nets for the poor, education and a pro-poor industrial policy, must not be forgotten. Increasing AfT will necessarily have alternative costs and there is a risk that AfT might reduce other more targeted poverty measures.

Like other types of foreign aid, without proper *needs assessment and implementing capacity* AfT may lead to an inefficient use of aid funds. There is no close relationship between the disbursement of AfT and the needs that the SADC countries face. There is also a large problem of low disbursement ratios within SADC countries that should be addressed.

Donor agencies and SADC should enhance the positive effects of their trade-related assistance by creating synergies with broader development assistance and poverty reduction programmes. Needs assessments can help identify the mitigating measures or complementary activities required to protect the poor. Furthermore, trade-related assistance could target sectors or activities in which poor people are strongly represented and remove market failures in trade.

The discrepancy between what AfT should do (fighting poverty and reducing imperfections

in trading) and what it actually does indicates that there is a need for further research on the donors' motivations for providing AfT and what specific aid initiative is needed for that purpose. This needs more country-specific analysis.

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ECONOMIC HARMONISATION, FINANCE AND INVESTMENT: SADC INTEGRATION EFFORTS AND CROSS- BORDER INVESTMENTS

TOWARDS INVESTMENT PROMOTION IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

OSWALD MASHINDANO, FESTO MARO AND MONICA HANGI

Introduction

The Southern African Development Community (SADC) comprises 15¹ countries, with a total population of approximately 215 million people. This big market provides the opportunity for the countries of southern African region to attract and promote investments as well as exchange goods and services which are produced in their countries. Indeed, investment promotion is among the driving forces towards regional development. Over time, SADC as a group of member countries has been making efforts to create conditions necessary for promoting both domestic and foreign investments.

Thus, in its 2003 Regional Indicative Strategic Development Plan (RISDP), SADC defined the policy objectives and strategies (SADC 2004; Mashindano *et al.* 2007). These include:

- working towards economic stability and convergence through prudent fiscal and monetary policies
- putting in place a framework for cooperation in the area of finance
- promoting the development of sound investment policies and mobilising savings
- attracting investment flows and technology transfer.

To achieve these policy objectives, SADC has spelt out strategies which include pursuit of macroeconomic convergence through coordination of policy with respect to direct and indirect taxation, liberalisation of current and capital account transactions, reform of payments systems, resource mobilisation through development finance institutions, and other financial entities and harmonisation of investment codes and incentives. To translate these strategies into concrete action, the Finance and Investment Protocol (FIP) has been developed and adopted by SADC member States. The process to develop FIP commenced in 1998 through the bottom-up approach and it entailed development of specific memoranda of understanding (MOUs) focusing on the areas of fiscal and monetary policies, financial markets, central banks, investment, taxation, development finance and non banking regulators. Various technical committees were formed to develop MOU in defined sub-sectors in the areas listed above. The committees were also tasked with the implementation of the MOUs after their adoption. In this regard, MOUs on all the themes have been prepared and adopted. However, as we shall see later, ratification and accession process have not yet been accomplished (SADC 2008).

The MOU on Macroeconomic Stability and Convergence is an aspect of the broader FIP, the objectives of which include providing a framework for cooperation in the area of finance, promoting the development of sound investment policies and encouraging savings, facilitating and stimulating investment flows and technology transfer and innovation. As pointed out earlier, it

1 Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

intends to achieve these objectives mainly through coordination and harmonisation of both financial and investment policies of SADC member states. Part of the FIP dealing with investment provides for investment incentives, investment protection and administration of investment incentives; and it explains the rationales for cooperation on investment.

It should further be noted that this protocol serves to give legal and practical effect to the commitments that SADC member states made through the SADC Treaty and the RISDP. The Treaty, being the primary document for all SADC goals, has laid out a number of areas in which member states are to develop and enhance regional development and integration on the basis of balance, equity and mutual benefit and in the areas of trade, industry, finance, investment and mining. The RISDP, on the other hand, stems from the objective of regional integration that the treaty seeks to achieve. As a result, the RISDP seeks, among others, to remove barriers that prevent economic relationships between countries in the region and to harmonise the regulatory and legal environments across member states. Elimination of investment constraints and, therefore, promoting investment in the region hence lie at the heart of the SADC integration process. Its roots are embedded in the belief that SADC region could provide potential investment source and destination for its member states through creation of free trade area. SADC is a regional integration arrangement of developing countries that would like to experience, through the dynamics of regional integration, growth and development, allowing them to catch up with the developed world.

Generally, the economic performance of the region has made an impressive improvement, judging from the growth in output and per capita income of the member states (ECA 2007). The status of economic performance of the SADC member countries is summarised as follows:

- With exception of Zimbabwe, all member countries have recorded positive economic growth over the period of ten years. The average growth for all the member countries in year 2007/08 is five percent.
- In 2007, the average real GDP grew at an approximate rate of five percent. Angola achieved the highest annual GDP growth rate of 20.7 percent. Other high performers include Tanzania, Mozambique and DRC with 7.4, 7.0 and 7.0 per cent respectively. Zimbabwe recorded the lowest growth of -17.6 percent.
- The general inflation rate in the region is moving in the right direction (average of seven percent)² which is consistent with the sub-Saharan Africa and SADC macroeconomic target of achieving a single digit by 2008. The high inflation rates have been attributed to persistent high and volatile oil prices.
- The growth driver for the whole region is trade. Drivers of overall SADC export performance include minerals, e.g., diamonds from Botswana, Tourism and manufactured goods and an increased oil production in Angola.
- Trade balance and current accounts: Botswana, South Africa and Mauritius have achieved current account surpluses for most of the period under review.
- In terms of the external debts by the member countries, the region has achieved progress in the reduction of external debt. By 2006 and 2007, the external debt was on average 45 and 39 per cent of GDP respectively.

2 Excluding Zimbabwe's Inflation rate which is recorded to be more than 4,000 per cent by early 2008.

Table 1: Economic Performance of the SADC Member States (2006 – 2007)

	2006					2007				
	Average Annual Inflation	Fiscal Balance/GDP ratio	Debt/GDP ratio	CAB/GDP ratio	GDP Growth Rate	Average Annual Inflation	Fiscal Balance/GDP ratio	Debt/GDP ratio	CAB/GDP ratio	GDP Growth Rate
Angola	10.0	-8.1	25.5	16.7	22.6	8.3	-2.1	26.1	23.7	20.7
Botswana	11.6	8.1	3.8	20.9	0.1	6.3	0.0	6.5	13	4.4
DRC	8	-1.7	0.6	-0.07	7.0	6.0	-1.3	0.5	-0.07	7.0
Lesotho	6.0	-2.6	51.8	-13.6	2.7	6.0	-3.1	53.4	-13.3	2.8
Madagascar	10.8	37.5*	29.3	-8.65	4.9	9.8	-5.6*	29.3	-8.75	6.5
Malawi	9.8	-0.9	152	-5	8.3	6.4	-0.7	145	-6.0	5.6
Mauritius	8.9	-5.3	68.8	-9.5	5	6.2	-4.3	62.8	-7	5.3
Mozambique	13.3	-1.1	52.8	11.69	8.0	6.0	-4.3	4.5	10.78	7.0
Namibia	2.9	-1.05	31.4	18.3	3.9	4.0	-0.29	7.3	17.8	3.8
South Africa	4.1	-0.4	33.8	-5.7	4.5	5.1	-0.4	31.6	-5.3	4.5
Swaziland	5.8	-2.1	17.2	3.7	2.8	8.2	2.6	25.8	-3.0	1.0
Tanzania	5.3	-11.5	68.3	7.2	7.1	8.2	-9.6	63.1	8.1	7.4
Zambia	8.2	-2.8	16.5	-1.3	6.2	9.0	-1.7	4.8	-10.2	6.2
Zimbabwe	>3000	-23.7	76.2	-7.9	-2.0	>3000	-17.6	26.6	-4.8	-17.6

* Madagascar figure is inclusive of grants

Source: Economic Commission for Africa, 2007

- HIV/AIDS as a cross-cutting issue: The average prevalence rate is about 18 percent. Botswana and Swaziland have the highest rates with life expectancy reduced to almost 50 per cent. Madagascar has the lowest rates.

These gains can further be sustained by the increase in regional cooperation and increase in investment as well as exchange of goods and services, but can be thwarted by the prevalence of low investments in the region, and existence of investment obstacles in the member countries. The assumption put forward is that, with the elimination of barriers to investment and business, the cross-border investments can be stimulated, thus facilitating the integration and growth processes within the SADC member countries.

The SADC member countries therefore need to facilitate and stimulate investment flows and technology transfer and innovation into the region by creating an attractive environment for capital inflows. A conducive investment atmosphere entails investment protection, corporate responsibility, sourcing of requisite skills, promotion of local and regional entrepreneurs and optimal use of the available natural resources. It also covers environmental measures, right to regulate, harmonisation of policies and laws, and adherence to international conventions and practices and regional cooperation and investment.

Research problem

The SADC countries adopted the FIP in order to provide a framework for regional cooperation in the area of finance, and promote or stimulate investment flows through elimination of all the constraints to investment in the SADC region.

However, the FIP has not been successful in terms of its implementation mainly because it has not been ratified by 11 out of 14 member states. Although some SADC member states have taken steps to open up their economies to foreign investment, in other SADC countries governments have adopted policies that are less favourable to foreign investment (ESRF 2007).

In general, investment efforts in SADC are not coordinated despite the fact that various commendable measures have been taken by individual members which are meant to create an enabling environment for investment. The ongoing measures are not guided by the FIP. They are based primarily on individual socio-economic imperatives of the respective countries which sometimes tend to conflict and compete because they do not take in to account the interest of other member states. Investment opportunities in SADC are therefore disoriented. The region could have benefited more with a fully ratification of the FIP and removal of other related constraints.

Objectives of the study and research questions

The overall objective of this paper is to present a synopsis of the progress made in the implementation of the SADC FIP, make an overview of the investment trends in SADC, and investigate the determinants of business and investment in the region.

This study intends to answer a number of research questions: what has been the impact of the SADC FIP; what is the current investment pattern in the SADC region; what are the investment barriers in the region and to what extent do they hamper investment promotion initiatives in the region?

Specifically, the study aims at:

- undertaking a review and/or situation analysis of the progress made towards implementation of the SADC FIP
- presenting the current investment trends in the SADC region
- identifying the major *determinants* and/or drivers of investment in the SADC region.

Significance of the study

This research is intended to fill the knowledge gap on the existing obstacles to investment in the SADC region and propose measures to eliminate them. Likewise, information generated by this study on the process and progress made in the implementation of the SADC FIP will inform the public and, especially, policy drivers on the strength, weaknesses as well as strategic actions required to improve the entire FIP process.

Another important component of this study is that it will act as an advocacy tool by business communities within individual countries to persuade their governments to fully support the interventions geared towards elimination of barriers to investment and create an attractive environment for investment.

Method, data and analysis

This study is mainly based on desk review where a range of literature on investment, business and/or enterprise development and competitiveness was reviewed and analysed.³ In addition, review of the FIP and the RISDP were undertaken to set the background to the analysis of the constraints limiting investment promotion in the SADC region.

This study has mainly employed secondary data for the analysis. Several authoritative institutions and official publications were identified as important sources of secondary data for the study. Official publications included various UNCTAD reports, and the Regional Trade Facilitation Programme (RTFP) reports.

The study employs a comparative and trend analysis using the information on capital (investment) flow, existing investment opportunities, and constraints to investment in the SADC.

Organization of the report

After this introductory section, the next one looks at the theoretical frame and reviews the relevant literature. The scope, goals and objectives of the SADC RISDP is presented after that, where an assessment of the status of the SADC FIP is also undertaken to establish the progress made towards its implementation. The next section then makes an analysis of the key drivers of

3 To achieve the objectives of the study, the authors intended to carryout interviews to gauge the perception of the business communities (enterprises that handle day-to-day investment and business activities, and non state actors) on challenges and opportunities associated with investments in the region. However, the perception survey was undertaken in Tanzania alone since researchers could not interview and administer questionnaires to 90 per cent of the business firms sampled in Namibia, South Africa and Botswana because November – December was booked for completion of financial reports. Researchers were therefore advised to undertake the interviews in January 2009. This analysis has not therefore utilised the primary data.

investment in the SADC region and establishes the current investment status in the region. The final section presents the major conclusion and recommendations.

Review of literature

This chapter offers a brief overview of theory and the available literature on capital flow and investment issues that seem to affect most of the developing countries. Relevant literature and case studies undertaken by scholars, investment analysts, governments, and international organizations form the basis of this review.

Investment refers to the commitment of productive resources with the objective of producing output and obtaining the highest feasible net gains in the future. It entails the process of accelerating capital formation.

A commonly used definition of investment promotion is "activities that disseminate information about, or attempt to create an image of the investment site and provide investment services for the prospective investors" (Wells and Wint 2000). These are intended to fill in information gaps or correct perception gaps that may hinder investment flows. Therefore, any investment promotion strategy must be geared towards the following: (a) image-building activities promoting the region as a favourable investment destination; (b) investment-generating activities through direct targeting of firms by promotion of specific sectors and industries, and personal selling and establishing direct contacts with prospective investors; (c) investment-service activities tailored to prospective and current investors' needs; and (d) raising the realization ratio (i.e. percentage of the investment approvals translated into actual flows).

The literature on factors determining investment is very extensive and has a long history rooted in economics. In the early stages, researchers and policymakers were more reliant on the international trade theory and classical location theory, based on the framework of perfect competition. It turned out that both the classical theory and the early neoclassical trade theory could not produce insights into determinants of investments due to the assumption of internationally immobile factors (Hirsch, 1976). Although there were attempts to replace the assumption of factor immobility with goods immobility through the Heckscher-Ohlin framework, and its integration into the factor price equalization theorem by Samuelson (1948), these attempts were only successful in determining portfolio investment.⁴ These models only suggested that government policies and regulations (e.g. tariffs) are the possible determinants of investment.

According to Kabelwa (2005) who has surveyed a number of investment related literature, Hymer (1960) is the landmark to the modern theory of investment. Hymer's analysis is based on the application of industrial organization theory to international production, rather than the portfolio theory of capital movements. Hymer observed that, given the better understanding of the local business environment by the local investors, it is very difficult for the foreign investors to compete with the local investors because of their local strengths. For a foreign investor to succeed, he needs to have some advantages that outweigh the disadvantages of operating in a foreign environment, and these advantages should not be accessible to local investors due to market imperfections. Hymer identified these advantages as scale economies, access to distribution networks, knowledge and skills, and imperfections in input markets (Kabelwa 2005). In brief, the Hymer study implies that it is very difficult to formulate the theory of investment

⁴ The explanation of international capital movements relied exclusively upon the neoclassical financial theory of portfolio flows.

using the assumption of perfect knowledge and perfect competition. Following Hymer's contribution, the subsequent development of the theory of investment determinants took several directions. Two of them are reproduced as follows:

First, studies emerged within the industrial organization approach, which extended the Hymer's "Monopolistic Advantage Theory". Most of these studies focused on one of the two basic Hymer's ideas. On firm-specific advantages, Caves (1971) in Kabelwa (2005) focused on the horizontal investment.⁵ According to Caves (1971), most investments are horizontal. He argues that the main catalyst of this investment is product differentiation. The crucial advantages behind product differentiation include technological intensity (ability to develop new products and improve the existing ones) and advanced marketing (advertising and the skills developed to serve markets).

Second, the ownership, location, and internalization (OLI) framework, originally advanced by Dunning (1980) in Kabelwa (2005) is a further contribution to the theory of investment. Dunning argues that there is no single theory that can explain investment. Therefore, he proposes an eclectic approach, which synthesises earlier theories of investment and come out with three conditions which should exist simultaneously in order for investment to take place: O – ownership; L – location; and I – internalization.

What competitive attribute does a firm have? Firms engage in international production essentially because of the perceived existence of ownership-specific advantages. Ownership-specific advantages are firm specific in the sense that the firm has control over them. They include patents, know-how, labour skills and other forms of superior production technology, control over markets and trade monopolies, scale advantages, and managerial capabilities. Therefore, ownership-specific advantages significantly enhance firms' competitiveness.

There is evidence in the literature that validates the claim that investment is the most critical factor for the growth process and hence improved welfare of the people (see World Bank 2004; Wangwe *et al.* 2005; Utz 2007). One of the most important factors in the development miracles of the east Asian economies was rapid capital accumulation, a process sustained by a combination of market-oriented policies and institutions.⁶ Domestic revenue is obviously the desirable and most sustainable source of capital accumulation. Indeed, two ways to finance development projects from internal sources, which most less developed countries (LDCs) have been depending upon, include government revenue generation and savings accumulation.⁷ However, most LDCs' revenue yield has been the lowest revenue yield even among comparable countries in the developing countries as well as the transition countries. In terms of domestic savings and investment, most of the LDCs have yet to break away from the vicious circle of low savings and low investment. In 2006, only one third of LDCs had gross domestic savings rates above 15 per cent of GDP (UNCTAD 2008b). Fifteen LDCs had negative domestic savings. In contrast, South Korea considered its 2001 gross domestic savings rate of 29.9 per cent of GDP, the lowest since 1983, a disaster. Note that domestic savings and revenue yield are two important variables for capital formation and, therefore, significant determinants of investment capacity. While domestic savings have a direct relationship with investment through borrowing, revenues are indirectly related to investment, e.g., through infrastructure development.

5 The vertical investment view is that multinationals arise to take advantage of international factor-price differences.

6 Quibria 2002 in URT (2003).

7 Although improved government revenue is a necessary condition for investment, it may not be a sufficient one because sound revenue management may not be a priority for some governments. Some government revenues are allocated for recurrent expenditure.

Despite the low revenue and low savings in SADC, it should be noted that the region has a great investment potential which has not been exploited, largely due to capital deficiency. Yet, development in SADC requires implementation of investment projects and programmes. Investment must therefore be promoted if economic growth and development in SADC are priority targets. The question is what kind of investment is most beneficial and what are the most cost-effective and socially harmonious (enabling environment) ways to stimulate investment and attract serious investors (and/or capital investments) in the region? This is the research question which puts the current study into context.

The enabling environment and investment incentives are the necessary driving forces and motivation towards investment growth and attraction of capital. They include factors like investment policy, well-developed infrastructure, skilled labour, readily-available marketing channels, climatic conditions, peace and security, the friendly and productive nature and natural resources such as forest and water bodies, etc. In other words, the enabling environment constitutes the incentives, which ensures and/or fulfils investors' motives and aspirations, and therefore attainment of investors' objectives.

The two-sector model of economic growth developed by W. Arthur Lewis (1915-1991) is a classical economic model that calls for capital accumulation as a prerequisite for economic growth and therefore development in LDCs. Likewise, an economic development theory by Rostow (1960) demonstrates on how LDCs can invent an exit valve out of poverty. The basic proposition is that all countries are located in one of a hierarchy of developmental stages.

These two prominent scholars, who are also among the pioneers of development theories, have demonstrated that LDCs are characterised by low equilibrium trap due to capital deficiency and, therefore, low investment as well as growth. They need more development capital for investment if they are to break the vicious cycle of poverty.

Linda *et al.* (2003) argue that, in addition to macroeconomic stability, the government strategy for growth requires a great deal of public and private resources. Public expenditures, foreign aid, domestic and foreign investment (including that of the diaspora) will be needed to foster the vigorous development of the private sector.

An Investment Climate Assessment (ICA) carried out by the World Bank in Tanzania (World Bank 2004), concludes that, there is a need for reform in several areas if investment promotion is to succeed. These included reducing the burden that taxes and tax administration impose on enterprises, improving access to credit especially for micro and small enterprises, reducing corruption, maintaining macroeconomic stability, increasing ties to the international economy, improving the performance of the power sector, and improving enterprise productivity. At the SADC regional level such reforms are likely to face snags if the process towards implementation of the regional FIP stagnates.

ESRF (2005) investigated the status of implementation of the SADC Macro Economic Convergence (MEC), taking Tanzania as a case study. The findings show that efforts to attract foreign direct investment to SADC have not been easy since most SADC countries are rated in the high-risk category, either because of conflicts within the respective countries or in the neighbouring countries. In particular, the economic outlook has suffered from the scars of long military conflicts in Angola and the DRC. In addition, the diverse investment framework in member countries has been an impediment. However, the end of the civil war in Angola, the ongoing efforts to resolve the disputes in DRC, and the implementation of the reform agendas in member countries has ushered in a period of optimism.

In this context it may be observed that some SADC countries that have created an enabling environment in terms of putting in place laws and regulations and provisions for supporting

mechanisms to ensure the viability and competitiveness of investments have succeeded in attracting substantial investments. Nevertheless, more needs to be done in terms of the remaining member countries to follow suit by creating an enabling environment for promoting investments in the region, on top of concluding the FIP process.

Another study by ESRF (2007) which made an assessment on the extent at which the SADC integration efforts have been impacting on cross border investments in the region reveals even more enriching findings. It has been observed in this report that various constraints affect various investors differently depending on the investor's objectives. Since there is a diversity of investors, the objectives are also diverse. For example, market-seeking investors will be concerned more about factors impeding market enlargement than investors looking for natural resources such as minerals, who will obviously be concerned more about factors related to their interests, such as concession laws, and environmental regulations.

Investment conditions in each SADC member state are not similar (ESRF 2007). Since harmonization of investment conditions in the SADC region is still a far cry, generally each member state pursues measures it deems necessary to entice investments in its own territory taking into consideration the conditions prevailing therein. The FIP is, therefore, almost redundant. Constraints considered to be of concern to investors in the SADC are the following: size of the market; macroeconomic instability; business environment; finance; and inadequacy of infrastructure.

The aim of Kabelwa (2005) was to examine how different investment promotion policies have impacted on FDI and local private investment in the east African countries. This was through the analysis of the three main categories of investment promotion policy, namely overall economic policy; national investment policy; and international investment policy. With *overall economic policy*, whereas economic growth has proved to be a key factor for local investment growth, stabilization variables such as inflation, exchange rate and the level of external debt relative to exports were found to play an important role in the improvement of the investment climate for foreign investors. With national investment policies, the EA countries need to review their national investment policies, which provide for incentive packages and other regulations and tailor them in order to encourage more local and foreign investment. It is unquestionable that these incentives have been too generous and, therefore, imposing heavy costs to the economic development of these countries.

Lessons from theory and existing literature

In a nutshell, the preceding theoretical discussion, as well as a review of existing literature, has clearly revealed that development is almost a human right, i.e., it is morally illegal to deliberately deny others the chance to develop. To be able to develop one will need to strategically implement strategies through a well-designed set of programmes and projects. This entails capital investment. Thus development must be financed – there is no development without capital investment. Capital accumulation and investment promotion are therefore inevitable if the SADC region is to accelerate economic growth and improve the quality of life of its people.

The way forward for SADC is to raise the level of investment through capital accumulation and mobilization by attracting investors and, therefore, investment in the region. A long list of constraints has been identified in the literature. They range from policy to structural constraints. Labour laws, market enhancement, technology, the legal framework, and the quality of labour are examples of the most conspicuous impediments which require harmonization. Currently,

each member state pursues measures it deems necessary to entice investments in its own territory taking into consideration the conditions prevailing in the respective state.

Regional Indicative Strategic Development Plan and the Protocol on Finance and Investment

This section looks at the progress in the implementation of the SADC Protocol on finance and investment and the possibility of the attainment of a sound economic integration in SADC, as agreed upon by the member states. The section presents the scope, goals and objectives of the SADC Regional Indicative Strategic Development Plan (RISDP). The progress relating to FIP is reviewed based on recent developments and trends in implementation.

The RISDP is an implementation tool of the SADC priority agenda formulated in 2004 in order to provide the SADC member states with a comprehensive integration and therefore, development menu on social and economic policies over the coming 15 years (SADC 2004a). The plan is designed to provide strategic guidance and/or direction in implementing the SADC programmes, projects and activities. In terms of its scope, RISDP links up strategic objectives and priorities with policies and strategies that ought to be implemented for realization of specified integration and development goals of SADC. In addition to priority and/or strategic interventions, RISDP has presented a financing mechanism where various sources of funding and strategies for resource mobilization are also presented.

Most of the past SADC policies, strategies and programmes were not properly coordinated because they were designed independently by individual sector coordinating units before they were grouped into clusters under various Directorates. Thus, inter-sectoral linkages and harmony tended to be weak. The RISDP has subsequently identified and strengthened the sectoral linkages with a view to improve efficiency and delivery of the SADC Programme of Action (SPA). It should further be noted that in view of the need to monitor and evaluate (measure) progress, the plan sets targets that indicate major milestones towards the attainment of the set goals.

RISDP goals and objectives

The ultimate objective of the RISDP is to deepen the integration agenda of SADC with a view to accelerate poverty reduction and attainment of other economic and non-economic development goals (SADC 2004a). According to the RISDP, SADC is committed to deepening the integration processes amongst its members as part of the strategy to achieve development and economic growth, alleviate poverty, and enhance the standard and quality of life of the people of the region.

The MOU on Macroeconomic Convergence adopted in 2001, calls on member state governments to facilitate deepening integration processes by ensuring sound macroeconomic management in their respective countries.

Other SADC milestones reflected in the RISDP and which are also critical in ensuring successful deepening of the integration process include: the Free Trade Area (FTA) by 2008; the Customs Union by 2010; the Common Market by 2015; and, Monetary Union by 2016 (See also Senaoana 2005). These targets are pursued through the FIP.

Review of the Finance and Investment Protocol

The Finance and Investment Protocol (FIP) is an instrument for coordinating and harmonising the financial and investment policies of SADC member states. Since its inception, SADC has adopted more than 25 protocols. The FIP is one of the three protocols that have not yet entered into force. The others are the Protocols on Forestry and the Facilitation of Free Movement of Persons.

The FIP was signed by all SADC member states. However, only three members (South Africa, Botswana and Mozambique) out of the two-thirds required, have ratified it. According to the progress report on community building status of signature, ratification and accession to legal instruments (SADC 2008), none of the SADC member countries have acceded to the FIP.

FIP is therefore still under preparation. None of the associated programmes, projects and activities has subsequently been implemented. It appears each member state is interested in the potential benefits that can be internalised before ratification. The FIP has number of weaknesses which has tended to crowd out majority of the member countries. For example, the protocol has broad targets which can hardly be fast tracked (SADC 2004b). Other weaknesses of the FIP according to the study on FIP (SADC 2004b) include:

- extremely broad objectives with little or no indication of how these will be achieved
- unclear targets, timing and decision making structures
- there are no enforcement mechanisms to ensure that unilateral behaviour at member state level is sanctioned
- where desirable aspirations are expressed, these are bound by the limits of existing national legislation
- provisions for the establishment of a Development Finance Network, and a Project Preparation Fund should be reconsidered. As currently drafted, these are potentially bureaucratic and costly, and would do little to avoid the major risks of development finance (i.e., misallocation of funds).

One pertinent issue that has not reportedly been dealt with comprehensively by the FIP is the question of investment opportunities. Firms invest where and when there are opportunities in the form of natural and other resources, a local or regional market, and possibilities of producing at least cost. SADC member states can therefore attract investment by investing in exploration for unknown natural resources, and creating conditions for increasing the size of the domestic and regional market and for minimising transaction costs. The FIP does not provide for extending the frontier of known natural resources. It talks about increasing the size of the regional, but not the domestic, market.

Two undesirable features of the current investment incentives that need to be dealt with are their complexity and discretionary nature, which are believed to be discouraging investors in the region. In some countries, the different schemes under which similar incentives can be assessed create complications, as do the multiplicity of implementing agencies, lack of automatism in accessing incentives, the time it takes to access incentives and delays in processing tax refunds. The criteria for granting incentives are in some cases unclear. As a result, government agencies sometimes use their discretion to award incentives. It is therefore unclear how the protocol has impacted on a favourable investment climate. Most of the investment progress made so far in the SADC region appears the result of other initiatives.

Situation analysis and determinants of investment in SADC

The above assessment reveals that the objectives and agenda of the FIP have not been achieved following a delayed process to ratify the protocol. Each member state has been taking own initiatives to promote investment in their countries. Since the inception of the FIP in 2003, almost all the member states have introduced new measures promoting inward FDI (ESRF 2007). Some of these measures are related to: domestic investment rate; payments and clearing systems; currency convertibility; legal and regulatory framework for dual and cross listing on the regional stock exchanges; exchange controls; and sectoral liberalization (also see ESRF 2007).

A notable volume of capital flows have subsequently been recorded following individual country's measures. This section looks at the status of investment flows in the SADC region since the inception of FIP in 2003. Thereafter, the study attempts to identify and analyze the key drivers to investment in the SADC region. This analysis is intended to inform the future SADC initiatives and/or measures aiming at facilitating the FIP implementation as well as investment promotion in the region.

Investment pattern and overall performance

The global trend of FDI has continued to rise since 2003 reaching a total of US\$1,833 billion in 2007 (UNCTAD, 2008). This is US\$433 billion higher than the previous peak of US\$1,400 billion in 2000. Despite adding to some risks and uncertainties on the future FDI inflows, the financial and credit crisis which is currently sweeping the global economy did not make any significant impact on the volume of FDI inflows in 2007.

Table 2: FDI Flow by Economic Group and Region (2005 -2007) (Billions US\$ and Percentages)

Region	FDI Inflows			FDI Outflows		
	2005	2006	2007	2005	2006	2007
World	959	1411	1833	881	1323	1997
Developed Economies	611	941	1248	749	1087	1692
Developing Economies	316	413	500	118	212	253
• Africa	29	46	53	2	8	6
• Latin America and the Caribbean	76	93	126	36	63	52
• West Asia	43	64	71	12	23	44
• South, East and South-East Asia and Oceania	168	210	249	67	118	151
Transition Economies	31	57	86	14	24	51
<i>Percentage Share in World FDI Flows</i>						
Developed Economies	63.8	66.7	68.1	85.0	82.2	84.8
Developing Economies	33.0	29.3	27.3	13.3	16.0	12.7
• Africa	3.1	3.2	2.9	0.3	0.6	0.3
• Latin America and the Caribbean	8.0	6.6	6.9	4.1	4.8	2.6
• West Asia	4.4	4.5	3.9	1.4	1.8	2.2
• South, East and South-East Asia and Oceania	17.5	14.9	13.6	7.6	8.9	7.5
Transition Economies (South East Europe and CIS)	3.2	4.1	4.7	1.6	1.8	2.6

Source: UNCTAD 2008: 36

The total volume of FDI inflows declined to around US\$590 billion in 2003 from the 2000 peak of US\$1,400 billion. The upward trend recorded between 2003 and 2007 was recorded by developed countries, developing countries as well as the transition economies. However, as can be depicted from Table 2, outside developed economies and among developing economies, south, east, south-east Asia, and Oceania remained the largest regional recipients. Note that, FDI outflows show almost the same pattern as inflows (see Table 2).

The continued increase in the volume of FDI flows 2003 to 2007 was the outcome of a number of factors, chief of which was the overall high economic growth rate and strong economic performance in most parts around the world. This trend was also influenced by the cross-border mergers and acquisitions (M & A) which have been expanding in scope across countries and sectors. Likewise, the growth and stable economic health of most transnational corporations (TNCs) has contributed significantly towards a continuous increase in FDI flows globally.

Overall investment trend in the SADC region

A multiple of measures to stimulate economic growth through investment promotion have been initiated and implemented by individual SADC member states. In the wake of ending of the war in Angola for example, one of the priorities of the government's economic policy has been the recovery and re-starting of the national productive sector. Among the policy instruments used to stimulate productive investment in Angola are tax and financial incentives. The tax benefits granted are the following:

- exemption from transfer tax on the acquisition of fixed assets integrated into the investment project and destined exclusively for the use thereof;
- 50% reduction, for five years, in the industrial tax rate commencing at the start of the financial year immediately following the year of commencement of exploitation of the investment effected;
- exemption from duties on raw materials and equipment used exclusively in the investment project;
- doubling of the rate of amortization and reintegration relating to assets forming part of the investment project, commencing in the year immediately following the initial phase.

Financial incentives granted are the following:

- bonus on interest rate
- employment subsidy
- subsidy on operation, subsidy on installation or subsidy on transfer

Mozambique has a law known as Investment Act 3/93 of 24 June, as approved by the National Assembly to govern the business process that may involve national and foreign private investments. This Act provides tax or other guarantees and incentives. The general incentives established under the Tax Benefit Code include the following:

- import duty exemption on equipment classified under class K of Customs Tariffs;
- new buildings enjoy tax benefits too in the form of depreciation and accelerated reincorporation;

- investments made to update and introduce new advanced technologies also benefit from an income tax rebate, up to a maximum of 15% of the tax base;
- tax benefits on the costs used to provide workers with professional training, 5% on the value.⁸

The outcomes of such measures on investment are varied. Statistics for the SADC region clearly show that between 2004 and 2007 FDI flows in the region have been fluctuating, despite the fact that overall FDI inflows during the period under review has taken an upward trend. The annual average inflows rose from of US\$4783 million in 2002-2004 to US\$7191 million in 2005 before making a drastic decline to US\$2084 million in 2006. In 2007 FDI inflows registered the highest value of US\$9718 million. Unlike FDI inflows, the value of FDI outflows reveals a different pattern. The annual values during this period are US\$602 million, US\$1212 million, US\$6988 million and US\$4176 million respectively.

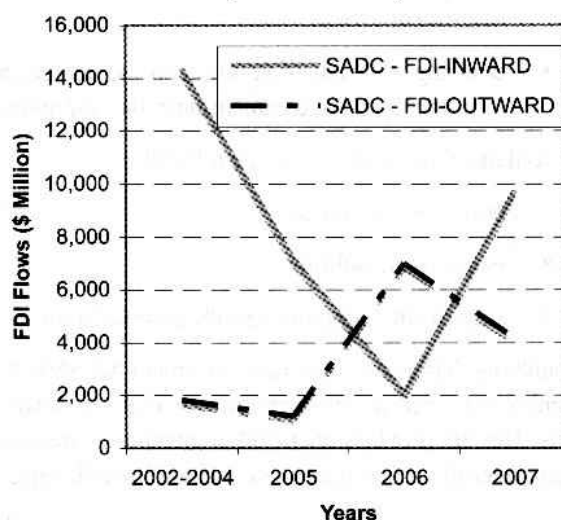
Although the FDI volumes appear to be significant as a share of Africa, they are very insignificant when compared to the total FDI in developing countries and particularly the global FDI flows. On average, the share of SADC FDI inflows to total African inflows is 20 percent, which falls to 13 per cent and one per cent against the developing countries and global totals respectively. The annual average shares for FDI outflows are 70 percent, 2 per cent and 0.3 per cent respectively. FDI stocks (both inward and outward) during the period 1990 to 2007 also portray a similar pattern.

It appears that, a combination of the large natural resource base and the status of institutions (e.g., rule of law and other governance indicators) explain significantly the increasing trend of FDI inflows in the SADC between 2004 and 2007.

On the other hand, FDI outflows which have comparatively been declining reflects the degree of global market competition in the destination countries, and the fact that SADC members are constrained by capital.

The 2007 increase in FDI inflows is to a larger extent, the reflection of the TNCs response to the growing markets as well as continued rise in global commodity prices. This positive trend also suggests the emergence of the opportunities for FDI in SADC countries as commodity prices have firmed dramatically, and investor confidence has increased. In addition, the international community has created various market access initiatives over the years (e.g., the Generalised System of Preferences (GSP); Everything but Arms (EBA); and the Africa Growth and Opportunity Act

Figure 1: Foreign Direct Investment Flows in SADC (US\$ Billion)



⁸ See also the tax and financial measures taken by other member countries (SADC 2009)

Table 3: Foreign Direct Investment Flows (Millions of dollars)

Economy	Year of Investment							
	2002-2004		2005		2006		2007	
	Inflows	Outflows	Inflows	Outflows	Inflows	Outflows	Inflows	Outflows
Angola	0.00	87.50	-1304	219	-38	191	-1500	331
Botswana	1,212.50	210.20	281	56	489	51	495	51
DRC	290.10	-1.90	-76	-	-116	-	720	-
Lesotho	121.90	0.21	57	-	92	-	106	-
Madagascar	156.6	0.00	86	-	294	-	997	-
Malawi	10.50	0.00	27	1	30	1	55	1
Mauritius	108.60	34.50	42	48	105	10	339	58
Mozambique	928.70	0.42	108	-	154	-	427	-
Namibia	556.50	-38.10	348	-13	387	-12	697	-3
South Africa	2,289.60	1,518.30	6644	930	-527	6725	5692	3727
Swaziland	89.40	-9.40	-50	-24	36	2	37	3
Tanzania	1,426.50	0.00	568	-6	522	20	600	5
Zambia	493.00	0.00	357	-	616	-	984	-
Zimbabwe	38.40	3.40	103	1	40	-	69	-
SADC	14,348.2	1,805.13	7191	1212	2084	6988	9718	4176
Share of Africa	32.2	-	24.4	53.1	4.6	89.3	18.3	69.0
Share of Developing Countries	45.8	-	2.3	1.0	0.5	3.3	1.9	1.6
Share of World	2.7	-	0.8	0.1	0.1	0.5	0.5	0.2

Source: UNCTAD (2005) in ESRF (2007) and UNCTAD (2008)

Note: The figure for 2002-2004 is annual average

(AGO)), which help these countries to attract FDIs in various sectors.

As can be depicted from Figure 2, the trend in FDI stocks in the SADC region is the mirror image of the FDI flows. The outward stocks have generally revealed an upward trend though far below the inward stocks. As pointed out earlier, this is because of the capital deficiency experienced by most SADC member countries. Similarly, the inward stocks have been rising overtime, reflecting the general increasing trend of the FDI inflow.

Figure 2: Foreign Direct Investment Stocks: 1990, 2000 and 2007

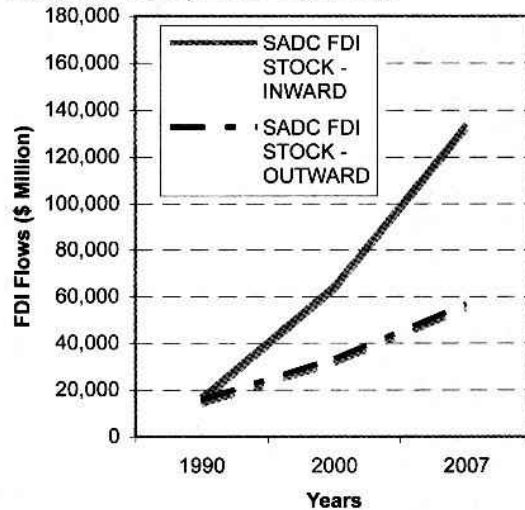


Table 4: Foreign Direct Investment Stock – 1990, 2000 and 2007 (Millions of dollars)

Economy	Year of Investment					
	1990		2000		2007	
	Inward	Outward	Inward	Outward	Inward	Outward
Angola	1,024	1	7,978	2	12,207	793
Botswana	1,309	447	1,827	517	1300	809
DRC	546	–	617	–	1512	–
Lesotho	83	–	330	2	735	2
Madagascar	107	1	141	10	1,830	6
Malawi	228	–	358	8	590	20
Mauritius	168	1	683	132	1,249	285
Mozambique	25	2	1,249	–	3,216	1
Namibia	2,047	80	1,276	45	3,822	11
South Africa	9,207	15,004	43,462	32,333	93,474	54,562
Swaziland	336	38	536	87	889	72
Tanzania	388	–	2,778	–	5,942	–
Zambia	1,022	–	2,332	–	5,375	–
Zimbabwe	277	80	1,238	234	1,492	245
SADC	16,767	15,654	64,805	33,370	133,633	56,806
Share of Africa	28.4	79.0	42.5	75.6	34.0	76.1
Share of Developing Countries	3.2	1.1	3.7	3.9	3.1	2.6
Share of World	0.9	0.9	1.1	0.5	0.9	0.4

Source: UNCTAD (2008)

Investment trend of individual SADC member countries

With exception of Angola, South Africa and Zimbabwe (FDI inflows), and Botswana and Zimbabwe (FDI outflows), SADC member countries generally had their total FDI inflows and outflows increasing between 2005 and 2007 (Table 3). South Africa, Tanzania, Zambia and DRC tend to attract more FDI inflows into their countries compared to other members. In terms of FDI outflows South Africa and Angola again have higher stocks abroad than other member countries.

Inward and outward FDI stocks for the SADC individual members from 1990 to 2007 presented in Table 4. Except for Botswana, the inward FDI stocks in all other SADC member countries have been increasing. Overall, the FDI outward stocks also show an increasing trend except for four member countries, namely Madagascar, Mozambique, Namibia and Swaziland, where outward FDI stocks between 1990 and 2007 have decreased.

Intra-SADC cross-border investment is not balanced. In some countries, FDI inflows from SADC member countries has tended to outweigh the outflows to SADC, whereas in others FDI outflows dominate the inflows. For example, Botswana and Zimbabwe invested in four countries but received FDI from South Africa only. Apart from Angola and DRC, other SADC member countries received FDI, but had insignificant or zero FDI outflows to the region.

South Africa has come out as a potential investor followed by Botswana. They invested in 11 and five SADC member countries respectively. In 2007, South Africa had a total of US\$54,562 million in stocks abroad, which is equivalent to 96 per cent of the total SADC outward FDI stocks, whereas Botswana has outward FDI stocks worthy US\$809 million which can be translated to 1.4 per cent of the total SADC outward FDI stocks. In terms of outward FDI, South Africa is dominant in most of the SADC member countries, such as Swaziland where it represents more than 70 per cent of the net inward flow of FDI (ERB 2007). Between 1990 and 2001, 35 per cent of FDI flows in Mozambique were from South Africa. The dominant South African direct investment in SADC include cellular communications and mining activities.

Countries, such as Angola, Botswana, Tanzania and South Africa, endowed with strategic natural resources, (oil, gas, and minerals) tended to attract substantial amounts of investment. The services sector, including banking and telecommunication, transport, and storage, also continued to attract FDI.

Investment drivers in the SADC region

Whereas the last section makes a synopsis of the current investment trend, looking at the global, regional and national levels, and compared the investment in SADC with the whole of Africa, developing countries and the world at large, this section identifies and discusses the most important factors that have influenced investment pattern in the region.

As pointed out earlier, the analysis is based on a literature review, but mainly the opinion survey administered under the coordination of the Global Competitiveness Programme of the World Economic Forum to the chief executive officers (CEOs) and top executives of the sampled firms in selected countries. During the survey in 2006, respondents were presented with 14 different factors and asked to rank them from 1 (the most challenging) to 5 (the least challenging). Thus, at least five out of 14 factors were identified by each respondent.

Figure 4.3 presents the findings for the five most problematic factors to business and investment. As pointed out earlier, investors are affected by different variables differently depending on many factors such as location, the plant scale (technological scale) and the type of products and/or services offered. For example, while crime and theft may be the most serious obstacle in DRC and

Angola due to persistent war, strife, disasters, and other disturbances in the respective countries, the same may not be one of the most problematic constraints in other SADC countries.

Access to financing

In almost 13 per cent of enterprises, CEOs in the SADC countries rated *access to financing* as a major or very severe constraint on enterprise performance and growth – considerably more than rated any other obstacle as a major constraint. Access to financing was rated number one by 13 per cent of the CEOs. Although access to financing is on average rated as a major constraint in the SADC region, businesses and investors are more concerned about financing in Lesotho (21.4 percent), Zambia (16.7 percent), South Africa (15.6 percent), Tanzania (15.2 percent) and Madagascar (15.1 percent). In other words, more enterprises rated financing as a serious problem in Lesotho and Zambia than in any of the other SADC countries.

Countries with well-developed financial systems (banks, stock markets and bond markets) tend to grow faster than countries with less well-developed systems and causation appear to run from financial sector development to growth not from growth to financial sector development (World Bank 2004). Although many countries in the SADC have made considerable strides in developing their banking sector in recent years, privatising several state-owned banks and allowing foreign banks to enter their markets, enterprises continue to report that access to finance and high interest rates are serious problems.

As noted, the formal financial services are generally unwilling to serve entrepreneurs at affordable cost. For most lenders, investment activities are considered risky. Thus, generally, interest rates on loans are relatively high.

Inefficient government bureaucracy

The second major constraint to investment and business in the SADC region according to the ranking by the CEOs is *inefficient government bureaucracy*. Overall, this variable was ranked second by 11 per cent of interviewed CEOs and top executives of various enterprises in the 12 out of 14 SADC countries. Government bureaucracy ranks even higher in some individual countries. For example, in three countries government bureaucracy was rated number one by 22.5 per cent (Mauritius), 13.5 per cent (Angola), and 14.6 per cent (Botswana).

The issue of government bureaucracy has increasingly gained attention in the debate about economic growth and development. Government bureaucracy is an important component of governance which is identified as one of the missing links in economic development. Elements of governance include: the management of a country's resources for development, the actions of both central and local government and other players such as employers' associations, trade unions, civil society, and institutional and implementation aspects of policy. The current socio-political scenario requires governance to be articulated in a broader sense. It has to go beyond the most popular issue of corruption to encompass the overall effectiveness of the government in managing its role, functions and responsibilities.

Inadequate supply of infrastructure

The findings of perception/opinion survey further show that *inadequate supply of infrastruc-*

ture is the third most important factor in influencing investment in the SADC region. It is rated third by ten per cent of the respondents. Although the overall SADC region ranks it third, the poorly developed infrastructure is ranked first in two (Malawi and Tanzania) out of twelve SADC countries where the survey was conducted. It was ranked first by 12.1 per cent and 15.8 per cent of the sampled CEOs and top Executives in Malawi and Tanzania respectively.

The cost of doing business in most of the SADC countries such as Tanzania, Zambia and Mozambique, has been due to poorly developed infrastructure namely, the road network, power, telecommunication, the banking system, etc. With the exception of a few countries such as South Africa, Botswana, Mauritius and Zimbabwe, the stock of infrastructure in SADC is inadequate to propel rapid development. Infrastructure affects growth through its impact on enterprise productivity, cost of doing business, market access and profitability.

Although reforms have recently made some positive impact in the medium term, infrastructure has been seen as a serious problem in most SADC countries in recent years. For example, a study by the World Bank (2004) reported that "Tanzania is uncompetitive even compared to other Sub-Saharan African countries, because of unreliable and high-cost electricity, poor roads, high transportation costs, poor communications, and a largely agrarian labour force lacking the skills, training, or work experience required by modern, private enterprises".

On average, declaration of imports, assessment of classification of goods and import duty payable, physical verification of goods where applicable, payment of dutiable value, and release of goods from the customs area takes an average of seven days at Dar es Salaam International Airport, two weeks at Dar es Salaam port, and one day at other major import entry points. Consequently, it costs US\$6,500 to transport a 14 foot container load of cargo from Dar es Salaam to Kampala, which is double the cost for transporting similar cargo from New Jersey to Dar es Salaam, a journey that takes an average of 19 days.

The transport infrastructure within Malawi creates a barrier to ensuring comprehensive product availability. Currently all of the products are transported by road throughout the country, which is expensive due to haulage costs and transportation surtaxes and labour intensive, insecure and unreliable according to the study by the Regional Trade Facilitation Programme (RTFP 2007).

Inadequately educated workforce

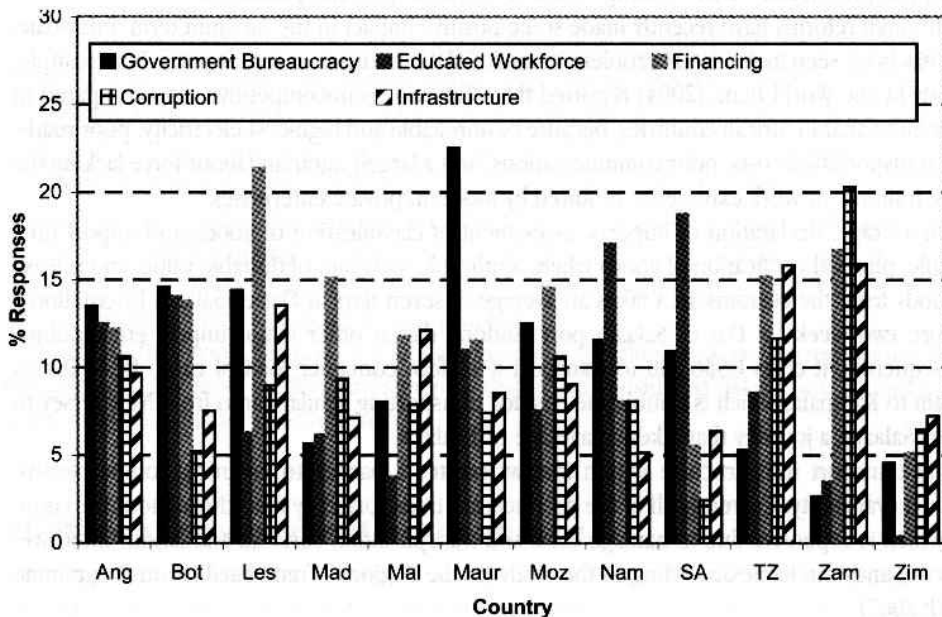
Lack of educated and skilled labour force is another determinant of business and investment in the SADC region according to the opinion survey carried out in 12 SADC member countries. The findings indicate that *inadequately educated workforce* was rated fourth by nine per cent of the respondents. Namibia and South Africa ranked this determinant number one with 17.1 per cent and 18.8 per cent of the sampled CEOs and top executives identifying it respectively.

Having a supply of workers with sufficient education and technological know-how is vital for productivity. As can be seen from the findings, enterprises in the SADC rated education and the availability of skilled workers as a major obstacle to operations and growth and, therefore, investment promotion in the region. Persistent lack of technical and specialised skills was identified by many respondents as one of the binding constraints to businesses and investment in the SADC. Many of the SADC countries (Angola, Botswana, Mauritius, Namibia, and South Africa) do not have adequate technical or specialised skills to meet the prevailing demand. This is a disincentive to investors. Workers in manufacturing enterprises in Tanzania for example tend to have less formal education than workers in Botswana, Swaziland and Zimbabwe.

Corruption

Overall, corruption takes the fifth position in terms of its severity in affecting business and investment in the region. Nearly ten per cent of the interviewed CEOs and top executives ranked corruption number five. However, Zambia rated corruption number one, while Madagascar ranked it number two culprit. Indeed, corruption the SADC countries need to make more progress toward good governance, the rule of law, and particularly corruption in order to lower investment risks and provide greater assurance to investors.

Figure 3: The most problematic factors for business and investment in SADC



The Heritage Foundation ranked Angola 139 out of 161 countries surveyed on its 2006 Index of Economic Freedom, and described Angola as “mostly un-free area” (ESRF 2007). Corruption in the DRC is considered among the main business constraints. The DRC was rated as the 13th most corrupt country out of 156 nations on Transparency International’s 2005 Corruption Perception Index. In a study that rated nearly 200 countries on six different measures, Tanzania ranked above the average for low-income countries on five of these measures (World Bank 2004). It ranked in the 39th percentile overall for ‘rule of law’, the 38th for ‘voice and accountability’, the 36th for political stability and government effectiveness and the 34th for regulatory quality. However, on one dimension, corruption, Tanzania performed poorly. It ranked lower than the average for low-income countries and in the 16th percentile overall. Corruption was higher in Tanzania in 2002 (16th percentile) than it was in Uganda (19th percentile), China (42nd percentile), or India (50 percentile).

Other determinants

- *Crime and Theft.* About seven per cent of the interviewed CEOs and top executives ranked crime and theft the 6th most problematic determinant of business prosperity and investment promotion in the SADC region. South Africa (15.4 percent) and Zambia (14.2 percent) rated crime and theft number three problem in their respective countries.
- *Poor Work Ethics.* Poor work ethics was rated number seven during the CEOs and top executives' opinion survey; with overall seven per cent of the respondents rating it number 7. It is indeed an obstacle to business and investment particularly in Botswana and Namibia where 13.1 per cent and 12.8 per cent of the respondent rated it fourth and second problem respectively.
- *Tax Rates.* Higher tax rates have also been mentioned to be an obstacle to investment. It was overall rated eighth impediment in the SADC region, and especially in Zambia (12.7 percent), Tanzania (11.5 percent) and Malawi (11.1 percent).
- *Labour Regulation.* Although overall SADC rank is ninth, it is a serious problem in some SADC member countries such as South Africa (18.3 percent) and Mauritius (13.5 percent).
- *Inflation and Foreign Currency Regulations.* Overall, inflation and foreign currency regulations rank tenth and 11th respectively. They are more serious problems to business and investment in Zimbabwe following the political and economic instability currently being experienced in Zimbabwe. The two factors were rated first and second by 25.1 per cent and 24.2 per cent of the interviewed CEOs and top executives of various enterprises respectively.
- *Policy Instability, Tax Regulations, and Government Instability.* These are ranking 12th, 13th and 14th respectively. Political instability was rated third in Zimbabwe (18.5 percent), while tax regulation was highly rated in Tanzania (9.2 percent) and Malawi (9.9 percent).

Conclusions

This study was intended to present a synopsis of the progress made in the implementation of the SADC FIP, make an overview of the investment trends in the SADC, and investigate on the determinants of business and investment in the region. The achievement we witness today in terms of the SADC cross-border investment is the outcome of the parallel initiatives by SADC countries, such as individual countries measures to promote and attract investment in their countries. In terms of FDI outflows, again South Africa and Angola have higher stocks abroad than other member countries.

Intra-SADC cross border investment is not balanced. In some countries, FDI inflows from SADC member countries have tended to outweigh the outflows to SADC, whereas in others FDI outflows dominate the inflows.

In SADC business and investment has been influenced by a range of factors. The most critical determinants are: *access to financing; inefficient government bureaucracy; inadequate sup-*

ply of infrastructure; inadequately educated workforce; and corruption. Other determinants include crime and theft; poor work ethics in; tax rates; labour regulation; inflation; foreign currency regulations; policy instability, tax regulations, and government instability.

SADC has an important role to play to create the necessary conditions for investment. SADC needs to finalise the process of ratification and, therefore, accession of the protocol by ensuring that the remaining 11 member countries also ratify the agreement. SADC needs to urgently attend to the few weak areas of the FIP which have been identified. However, since the process towards implementation of the FIP has been slow, the challenge for SADC is to make a strategic intervention to enable coordination and harmonization of financial as well as investment policies of member states

As a group of countries, SADC needs to raise the level of investment through capital accumulation and mobilization by attracting investors to the region. Currently, each member state pursues measures it deems necessary to entice investments in its own territory. A range of constraints revealed by the literature and the opinion survey by the CEOs and top executives affect different countries differently. Their intensity across the SADC member states is also varied. SADC needs to encourage member countries to take effective actions and resolve specific impediments looming in their respective countries. A strong private sector in the SADC is needed to promote investment in the region. The desired private sector in SADC is one which is diversified, competitive, dynamic and inclusive with the capacity to create jobs and generate high growth.

SADC member states need to learn the lessons that persistent civil strife and political turmoil and upheavals discourage investment as all or part of the region is rated in the high-risk category. In particular, the regional economic outlook has suffered from the scars of long military conflicts in e.g., Angola, the DRC and political uncertainty in Zimbabwe.

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