

STATE SOVEREIGNTY AND REGIONAL INTEGRATION IN SOUTHERN AFRICA, 1980-2015

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Abstract

This research is demarcated according to two modes, one conceptual – state sovereignty - and two - distant proximity – the ideal of regional integration. When these are juxtaposed in the state sovereignty-regional integration complex, they resemble a complex picture of what is under construction. The nation state currently exists, so it is an important variable. The research examines what happens to the nation state variable, in respect to its policy preferences, interests and ideational content as the process of regional integration evolves. Put differently, does the nation state remain indivisible or is it evolving as the process of regional integration deepens?

The research has found that the policy preferences and interests of states in Southern Africa converge and/or diverge not so much based on the SADC objectives and norms. The convergence and/or divergence of policy preferences among states in SADC is informed by the constant negotiation and engagement among states - yielding not so much a zero-sum regional integration arrangement nor is it leading to the demise of the nation state – but around a range of factors including: perceived economic gains and losses; persuasion and influence among state and non-state actors; political solidarity among state actors; external and internal political and economic pressures. The notion of state sovereignty is invoked by many states when all the factors above have yielded inadequate results for the particular state.

The research has found that a constructivist process of co-determination and co-constitution and solidarity, albeit very loose and not legally binding, is taking place in Southern Africa. This process, the research has found, is pointing to an intergovernmental regional integration arrangement wherein certain policy areas or competencies reside at the regional level and some at the nation state level. The process of inter-state action and behaviour, the dissertation has found, is underpinned by the interests, preferences and choices of states in their discursive relationship to one another in the process of regional integration.

Declaration

I hereby declare that this work is entirely mine, except in the sections where the acknowledgement of sources and references is made. The interviewees' responses to the research questions including their opinions and statements on the questions are also acknowledged in the work.

Mxolisi Norman Notshulwana

Acknowledgements

This research has its origins in an attempt to contribute to the difficult and arduous process of sustainable development in Southern Africa. The ideas and concepts conveyed in this research are intellectual contributions to the growing body of scholarship on regional integration. The primary intention of this research however, is to go beyond what is on offer in the current regional integration discourse. In this respect, this research has sought to contribute to the process of finding answers to the subject of regional integration in Southern Africa. Moreover, the research has sought to ask questions about the way we explain, understand, theorise and study regional integration.

Undertaking research of this magnitude is a lonely and long task. I have found encouragement and intellectual stimulation in the long and many discussions I have had with my supervisor, Professor Anthoni van Nieuwkerk. I am indebted to Professor Anthoni van Nieuwkerk for his hard, sharp and intellectually sound academic guidance and support. This research has also benefited a great deal, at least in its attempt to make a cogent argument, from a number of people who have been gracious with their time and accepted to be interviewed. The funding for this research was made possible by a scholarship grant from the Development Bank of Southern Africa (DBSA), for which I am gratified.

The project of writing and researching this dissertation has been a long journey. One of the challenges that I have had to endure has been to keep up with the changing character of the subject matter, as time moved. This has necessitated continued adjustments in the research questions and focus on the subject matter. Fortunately, the subject matter of regional integration in Africa is to a large degree under construction. It is here that this research makes a contribution by looking at the possibility of how to solve common problems in Southern Africa and seizing mutually beneficial opportunities towards deeper political and economic integration.

List of Acronyms and Abbreviations

ACP	African, Caribbean, and Pacific
AGOA	African Growth and Opportunities Act
ANC	African National Congress
AU	African Union
ATN	African Trade Network
BLS	Botswana, Lesotho and Swaziland
BLNS	Botswana, Lesotho, Namibia and Swaziland
CBI	Cross Border Initiative
CET	Common External Tariff
COMESA	Common Market of Eastern and Southern Africa
CONSAS	Constellation of Southern African States
COSATU	Congress of South African Trade Unions
CM	Common Market
CMA	Common Monetary Area
CU	Customs Union
CUTT	Customs Union Task Team
EAC	East African Community
ECCAS	Economic Community of central African States
ECOWAS	Economic Commission of West African States
EU	European Union
EPA	Economic Partnership Agreements
FDI	Foreign Direct Investment
FLS	Front Line States
FTA	Free Trade Agreement
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GNP	Gross National Product
HCT	High Commission Territories

IFI	International Financial Institutions
IMF	International Monetary Fund
INGO	International Non-Governmental Organisation
IOC	Indian Ocean Community
MDC	Maputo Development Corridor
MIGA	Multilateral Investment Guarantee Agency
MISA	Media Institute of Southern Africa
MU	Monetary Union
NAFTA	North American Free Trade Area
NGO	Non-Governmental Organisation
NIPA	National Investment Promotion Agencies
NRA	New Regionalist Approach
OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
OPDSC	Organ on Politics, Defence and Security Cooperation
RISDP	Regional Indicative Strategic development Plan
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCC	Southern African Development Co-ordinating Conference
SAP	Structural Adjustment Programmes
SATCC	Southern African Transport and Communications Commission
SIPO	Strategic Indicative Plan of the Organ on Politics Defence and Security Cooperation
SIPO II	Revised Strategic Indicative Plan of the Organ on Politics Defence and Security Cooperation
PTA	Preferential Trade Area

CHAPTER 1

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Amongst a range of possible options for regional integration in Southern Africa is the incremental intergovernmental development cooperation along sectoral lines, the unfettered state driven and linear development approach, as well as the supranational regional institutional arrangement (Krapohl & Muntschick, 2009). All these approaches to regional integration offer different permutations in relation to historical context, the nature of politics, the character and the type of institutions, and the political economy of development of the countries in the region (Krapohl & Muntschick, 2009). The challenge for the Southern African region is how to create a binding and overarching institutional, political and economic arrangement that will incrementally link and accelerate balanced regional development. This research examines the development of an institutional, political and economic arrangement that is anchored on a minimum programme of incremental, limited, pragmatic, focused and scalable projects that will bring significant changes to the economies of all member states in Southern Africa (Tralac, 2014).

The research examines the rationale for the choice for an incremental approach to regional integration in Southern Africa. In this way, the research examines whether incremental intergovernmental cooperation that aims to cumulatively link the region - building on the reality of national economies – can yield maximum results. This approach to regional development is concerned more with the development impact than with the achievement of a Free Trade Area (FTA) or a Customs Union (CU) (Ohlson & Stedman, 1994). A key research focus of the dissertation is the examination of the role of the nation state in the institutionalisation process of regional integration. Explicitly, the research

examines what happens to state sovereignty as the process of regional integration deepens.

1.2 Background to the Study

The significance of regional integration in Southern Africa derives from both economic and non-economic factors to provide the region's citizens with opportunities for political participation, socio-economic development, trade, investments, and access to markets for the development of the region (Achola & Msimuko, 1987; Ake, 1981). However, the rationale for regional integration in Southern Africa is often viewed as difficult, as most national markets are small and inadequate to sustain large-scale economic operations (Maasdorp & Whiteside, 1992). In spite of this, regional integration "is essential for catalysing Southern Africa's human and physical development" and in the realisation of the prime objectives of accelerated and shared economic growth as well as reducing poverty (RISDP, 2002: 82).

Regional integration has a fairly long history in virtually all parts of sub-Saharan Africa (SSA). The first generation of regional integration schemes was motivated partly by the vision of African unity, but also as a means "for providing sufficient scale for import substitution industrialisation policies" (Ake, 1981: 146). These policies did not address the challenges of regional development for the same reasons underlying the national import substitution industrialisation policies: "national markets were too small and too poor, high input costs adversely affected transformation of exports, causing foreign exchange shortages and overvalued currencies, domestic monopolies and trade protection contributed to rent-seeking and 'nationalistic' lobbies" (Mistry, 1996: 83).

As countries progressively switched from import-substitution industrialisation to export-substitution industrialisation in the early 1980s, "the second generation of regional integration schemes in SSA became characterised by open regionalism" (Ake, 1981: 146-147). This culminated into renewed political commitment to sub-regional integration from

government and private operators throughout the SSA as well as from the international donor community and the development finance institutions (DFIs). Thus, regional integration is not a simple phenomenon or “easy enough” but often has quite divergent political, economic and social justifications and objectives (Ake, 1981:160). At the Arusha Conference in July 1979, a strategy was initiated by the leaders of the Frontline States to launch the Southern African Development Co-ordination Conference (SADCC).

In April 1980, Botswana, Angola, Lesotho, Malawi, Mozambique, Tanzania, Swaziland, Zambia and Zimbabwe met at Summit level and “declared their commitment to pursue policies aimed at economic liberation on the basis of a sustainable integrated development of their economies” (le Pere & Tjonneland, 2005: 5). Whilst these regional initiatives were happening in Southern Africa, a great deal of similar movements was also happening in the rest of Africa (Ake, 1981). In this regard, the initiatives in Southern Africa were seen as reinforcing a groundswell of development approaches spawned by the Organisation of African Unity (OAU). The Lusaka Declaration, entitled “Southern Africa: Towards Economic Liberation” was adopted at the aforementioned Summit. The aims of the SADCC included:

To mobilise and coordinate development assistance; and facilitate regional cooperation through joint development projects; to reduce dependence on apartheid South Africa; and achieve and secure international co-operation within the parameters and framework of the strategy for economic liberation (Mandaza & Tostensen, 1994: 17-28).

The above also included that member states should pursue policies that are enshrined in the SADCC Programme of Action (Amin, Chitala & Mandaza, 1987). The key defining features of the SADCC Programme of Action were its emphasis on sectoral cooperation. This is argued to have been geared towards enhancing a sense of ownership of the organisation (Amin, Chitala, & Mandaza, 1987). The reason for the formation of SADCC is contested in literature with some researchers locating its genesis from “intense lobbying by Botswana” of other Frontline States (Angola, Botswana, Lesotho, Malawi,

Mozambique, Swaziland Tanzania and Zambia) to form the regional block (Amin, Chitala & Mandaza, 1987:8). On the other hand, Leys (1994: 23) argue that, "there was strong encouragement from Western countries" who wished to draw the region closer to the West and away from the 'communist threat.' The structure of the SADCC Programme of Action reflected "a loose regional grouping with emphasis on national priorities as the starting point in any cooperative effort" (Amin, Chitala, Mandaza, 1987: 10). The position was reiterated by former Vice-President of Botswana:

The baseline for SADCC's growth in the coming years will remain the perceived interests of our member states, their own measure of what must be done, and their own order of priorities. We now have a good programme of cooperative actions underway which will when implemented, further integrate our national economies" (Amin, Chitala, Mandaza, 1987: 10).

In 1992, the SADCC was transformed into the Southern African Development Community (SADC). The emphasis was on moving away from coordinated development towards development regionalism. This had the effect of transforming what was a loose coalition based on specific programmes to an organisation with a formal and legal status. The SADC Treaty is explicit in its elaboration of the priorities of the new body including: the achievement of economic and human development through integration, harmonising and endorsing complementarity between regional and national programmes as well as the development of common political and democratic values to enable the region to promote and defend regional peace and security (SADC Treaty, 1992).

In this sense, regional development, security and unity featured high on SADC's agenda. Against this history, SADC's country membership is currently standing at fifteen member states from the original founders, nine member states. The membership of SADC is as follows with the year that each country joined the body indicated in the brackets: Angola (1980), Botswana (1980), the Democratic Republic of Congo (2005), Lesotho (1980), Madagascar (2005), Malawi (1980), Mauritius (1995), Mozambique (1980), Namibia (1990), Seychelles (1998), South Africa (1994), Swaziland (1980), Tanzania (1980),

Zambia (1980), Zimbabwe (1980). The SADC is a major regional body in Africa. SADC's objectives or Common Agenda as outlined in the 1992 Treaty revolved around:

Promoting development, poverty reduction and economic growth through regional integration; Consolidating, defending and maintaining democracy, peace, security and stability; Promoting common political values and institutions which are democratic, legitimate and effective; Strengthening the links among the people of the region; and Mobilisation of regional and international private and public resources for the development of the region (SADC Treaty, 1992).

The SADC Common Agenda gave the new organisation a stronger focus to broaden the scope and dimension of regional integration in Southern Africa. This dissertation examines the process of regional integration with an awareness that states in the region are at different levels of development. Given this, the investigation of the process of regional integration in Southern Africa is attentive to both an understanding of the position of states in relation to each other as well as their perceived interests in terms of benefits in the process of regional integration. The dissertation therefore, examines how states re-define or re-shape sovereignty in relation to their policy preferences in the process of regional integration. The changing character or the evolving nature of state sovereignty is examined as the institutionalisation of the process of regional integration deepens.

1.3 Research Problem

The process of regional integration in Southern Africa is aimed at achieving regional development through progressive harmonisation of state policy competencies towards a normative regional ideal (RISDP, 2003). The SADC process of regional integration involves steps that will result in the convergence of [some] areas of state policy competencies into regional competencies or regional agency (RISDP, 2003). The approach to regional integration in Southern Africa – *intergovernmentalism* - is important for understanding how the ultimate outcome of integration in Southern Africa may evolve. Equally important, is the understanding of the role of the fifteen constitutive member states of SADC – whose sovereignty is relatively new – in the process of intergovernmental integration.

Given the above, this research examines the extent to which the institutionalisation of the process of regional integration in Southern Africa changes or influences the choices, interests and preferences of states. Inversely, the research examines how the states in Southern Africa shape the regional integration outcome in the region (Mandaza, 1993; Mhone, 1993; Shaw, 1998). By examining the extent to which state(s) sovereignty evolves in its attempt to define mutually constitutive regional integration outcome, the research pursues mutually reinforcing research purposes: one theoretical and the other empirical.

1.4 Purpose Statement

The purpose of this research is to explore regional integration in Southern Africa from what is provided in the SADC strategic and constitutive provision. This research purpose argues that “regions” are social constructions, and it is necessary to develop a dynamic conception of what constitutes a particular region (van Nieuwkerk, 2012:5). The “region” of Southern Africa will therefore, not be taken as “given”, but as a process under construction. Examining how “regions” are being constructed is not the same as arguing for the dismantling of ‘regional boundaries’. The study is concerned with explaining by whom, for whom, and for what purpose the boundaries and delimitation of the “region” are reconstructed. This is what van Nieuwkerk (2012:5) calls the “capacity to act, or ‘actorness.’”

The purpose of this research is to examine the political economy of regional integration in Southern Africa in the post-apartheid, post-Cold War era, with a key focus on why, and by whom, and for what purpose do various state actors determine policy preferences in the process of regional integration. The purpose of this research is also to explain how the social construction of the “region” of Southern Africa is influenced by the policy preferences or behaviour of states making the “region”. This research purpose posits that since the “region” of Southern Africa is not a “natural” or “given” phenomenon (Hettne &

Soderbaum, 2000:10), there can be no regionalist interest outside a process of social interaction and intersubjective engagement among the states making the region (Hettne & Soderbaum, 2000:36). Hettne and Soderbaum put the matter succinctly:

It should be noted that there are no 'natural' or 'given' regions, and what is referred to as region with regard to economic relations may not always be a relevant delimitation seen from, for instance, a political perspective. It is therefore fruitful to maintain an eclectic and open-minded definition of regions (2000:10).

In the post-Cold War era, a useful examination of the Southern African "region" needs to take account of the changing and evolving geo-strategic interests of states. Given this, it is useful to deploy an analytical perspective that takes account of these different modes in the choices that state actors make in the construction of the region, particularly with regard to how they are related and by whom, for whom and for what purpose they are erected. In a more abstract way, the research is an examination of power and the study of ideas in the construction of the Southern African region.

1.5 Conceptual Approach and Framework

A more rigorous conceptual and analytical framework for studying states and their role in the process of regional integration in Southern Africa is needed. This kind of conceptual and analytical framework should transcend the inclination to look at the qualitative appearance of the state and focus at the quantitative sources of decisions and policy preferences among states. The rationale for examining the concept of the state is to provide for clear conceptual framework on the primary unit of analysis in the research. By examining the role of the state in the process of regional integration, it is useful to clarify the conceptual underpinnings of the state. It is for this reason that the analysis below is provided to give a concise conceptual and analytical account of what has been written and theorised about the state in Africa.

Throughout the latter part of the twentieth century, problems of the African state ceased to be a secret. The crisis of the African state has been the emblem on which much scholarship fixated to understand the increasing poverty of the continent. Crawford Young (1988: 26-28) has attempted to delineate the dimensions of this crisis which include: "the unraveling and conflictual character of state-civil society relations, the bloatedness and overconsumption of the state, the 'anemic' development rates, debt, inadequate aid packages, drought, incompetent political leadership, and the politics of the Cold War."

Young (1998:36) classifies the "legacy of the colonial state" in its post-independence institutionalisation as central to the disastrous position of Africa's contemporary states. The post-independence African state clasped the institutions bequeathed from the colonial state which were designed as a tool for domination of society and the extraction of resources for the benefit of the metropole. The peculiarities of the colonial state as a subspecies of the European states are that, it was a "dependent appendage of an externally located sovereign entity," it was "alien to its core" and its "inner logic was shaped by the vocation of domination" (Young, 1988: 37). The post-independence African state absorbed these tendencies.

There are opposing perspectives that have argued that conceptions of regional integration in Southern Africa have not grasped the importance of the state in the process. In contention with Young's perspective, Herbst (2000:75) presents a more benign view of colonial authority over Africa. He contends that the carving up of territory at Berlin was simply a way of precluding other European forces "from contesting a piece of territory it [colonising force] had claimed as under its sphere of influence" and that colonialism cannot be regarded as a hegemonising project. In fact, the shape of rule, as outlined in Berlin, was to proceed in a minimalist fashion, according to this view. Uncertain of the economic returns due from Africa, colonial forces were not prepared to incur huge costs in its rule. Colonial regimes were established with scanty resources and hence were fragile rather than dominant and all-encompassing. Herbst (2000:83) notes that:

[The] Africans recognised that the system of indirect rule was ... a familiar one rather than an invention originating in a grand cultural project.

Mamdani (1996: 24) argues that the scramble for Africa represented the completion of a project evolving from a "civilising mission to a law and order administration, from progress to power...." Notions of "indirect rule" as conceptualised by Herbst are termed "decentralised despotism" by Mamdani. Here, the "modern" law of the center coexists with some "customary" law of the tribe, constructed as static and unchanging. Mamdani did not necessarily see the colonising powers as having huge resources to throw into the rule of Africa. In a post-Cold War context in Southern Africa, the efficacy of the state in fuelling regional integration has been challenged by the ideology of globalisation.

In the midst of the debate on the state in Africa, globalisation emerges describing a context within which there is a heightened movement of capital across borders, stimulated by, amongst others, revolutionary advances in information and communications technology (Mishra, 1999). The process of globalisation is viewed by some writers as a natural evolution of economies, whilst seen by others as ideologically driven through liberalisation (Amin 1997; Castells 1996; Keet 1998). The state is considered to have outlived its historic usefulness as a means to organise political and economic life (Boyer & Drache: 1996). In its place, a generic and omnipotent market is conceptualised, that has the capacity, if left unfettered, to organise economic growth. However, the state remains resilient. According to Keet (1998: 7):

Statements about the demise of the roles of government [state] are a political obfuscation of the very different international impact of powerful, less powerful, weak and weakest governments [states], and the very different weight of their respective national, economic and strategic interests in the new international order.

The process of globalisation and its neo-liberal policy lubricant are "highly uneven" according to Davies (1996: 520) with the degree of economic power of states a "major determinant of the level of market access granted and demanded." As sophisticated and

advanced as the South African economy is in relation to the economies of Southern Africa, and as much political credibility South Africa wielded in the period of post-apartheid euphoria, the "EU-SA FTA will, in itself, be beneficial to EU economic interests, but it will also inevitably influence regional policies and the direction of future relations between the entire Southern/African region and the EU" (Keet, 2005:3). While the EU would provide South Africa with 7 percent additional duty free access to its market, South Africa is expected to reciprocate with 40 percent of its imports from the EU (SA-EU TDCA, 2001).

At the same moment as neo-liberalism 'attacks' the state from above, from below, the state is under attack from irredentist and ethnic groupings seeking independent representation and territory partly as a result of increasing material inadequacies of the state itself (Mishra, 1999). These processes have significant implications for African statehood. Statehood in Africa, according to Jackson and Rosberg (1982), has relied in the main on "juridical" or internationally recognised bases of state sovereignty in the face of severely limited "empirical" or domestic foundations for statehood.

The very artificiality of the African state has meant that it relies heavily on external recognition for its legitimacy and continued presence. The greater the fragility of the state in relation to its internal logic, the more African leaders were compelled to derive legitimacy and ensure survival from an international system of states that upheld state sovereignty. Nkrumah's prediction of impending neocolonialism and balkanisation without pursuing African political unity derived increasing legitimacy as African states became "competitors in an inchoate struggle for external resources" (Clapham 1996: 6). Clapham (1996: 23) expands on this proposition, claiming that:

For so long as statehood remained an important asset in bargaining with the international system, rulers could be expected to seek to consolidate the power of their own states, along with their own control over them.

An additional pressure on African states inheres in the process of what Bayart (2009, 74-75) calls "extraversion" and the client status of many African states. "Extraversion" was derived through states' participation in Cold War politics, which has duly come to an end, and with it, the strategic value of those states as states. According to Villalon (1998: 8), "African states in the 1990s stand poised between the threat of disintegration and the unknown terrain of reconfiguration." Villalon adopts the notion of a "critical juncture" to express the historic moment in which African states find themselves after the end of the Cold War, where politics has been rediscovered as an independent variable in development.

The critical juncture is conceived as a time of momentous change and responses to that change "produce distinct legacies" within the constraints of the past, of the state's "antecedent conditions" (Villalon, 1998: 9-10). By using the concept of "critical juncture" Villalon locates change and possibilities within the realm of distinct choices that can be made. This choice, for Villalon, occurs in the domain of protecting what should surely disintegrate, or boldly remoulding the state. Thus, the critical juncture, far from initiating responses of developing alternative political units, has seen the emergence of new states (such as Eritrea and South Sudan) which can claim only a "colonial justification" (Villalon, 1998: 24).

The choices that were made at the moment of a "critical juncture" that independence wrought have grown a legacy of division and competitiveness between African states themselves. The very decision for regional integration at the launch of the Southern African Development Community (SADC) in 1992 was made in order to grapple with Villalon's critical juncture. The choices that are made in relation to the current critical juncture that encompasses both the demise of Cold War politics and the emergence of globalisation have critically impacted on the region's choices and future. In this regard, Herbst (1997: 150) give voice to the central complexity:

Given the erosion of the international underpinnings of the African state system, the question becomes whether Africans themselves will finally end the regime by changing their commitment to boundary stability.

This research examines the extent to which state sovereignty will be negotiated in the process of regional integration – at least at the policy level – towards the normative ideal of regional integration in Southern Africa. The research grapples with Villalon's critical juncture in relation to the state and the process of regional integration. This brief conceptual outline is useful to provide context on the state sovereignty-regional integration complex. The research examines the relation of SADC states' policy choices in that complex. That some states in Southern Africa are fragile in terms of economic political development is not in dispute. With the publishing of the World Bank's Berg Report in 1981, further scramble for analysis and perspective on the African state continued.

The Berg Report fore-grounded the state as key to the development crisis in Africa (World Bank, 2001), central to the problems of deficient economic performance registered. The Bank's 1989 report looked more closely at notions of governance proposing the resolution of Africa's crisis as an abandonment of authoritarian practices prevalent on the continent. By implication, the Berg analysis was extended to the sphere of the political with the state not being regarded as simply a facilitator of economic relations. Again, a proliferation of analysis emerged, this time pertaining to concepts of 'governance' and the African state. Bratton and Rothschild (2001: 274) consider governance as involving "the reconciliation of institutions and state practices with domestic public values and aspirations."

Zartman (1966: 109) considers appropriate ways of reconstructing the empirical legitimacy of the African state in relation to the redrafting of its boundaries. Although written in 1966, his perspective resonates with the "critical juncture" within which Southern Africa is currently rooted. He concludes that there are only "two other alternatives [are] left: regional unity [integration] and tribally based irredentism."

However, these alternatives can equally occur simultaneously in line with the impulse of contemporary challenges facing Africa and the world.

This impulse at once reveals an atomisation and contraction of polities and at the same time participates in an expansion and enlargement into regional entities. For over one hundred years, the “colonial and post-independence states in Africa have lacked legitimacy” (Ranger & Vaughan 1993:1). Moreover, the contemporary state in Africa “has few defenders and seems totally to lack legitimacy” (Ranger and Vaughan, 1993: 258). Its over-consumption, lack of empirical legitimacy and shallowness has led many scholars to characterise it as a “vampire state” (Frimpong-Ansah: 1991), or as “shadow state” that performs state functions without state responsibility (Clapham: 1996: 14).

On the other hand, the discourse on economic growth since the 1980s has focused on the neo-liberal ideology of market driven regional development. A possible alternative to that orthodoxy resides in strategies based on regional integration that strengthens states and regions through the creation of larger markets and enhanced bargaining power in multi-lateral institutions based on a common developmental agenda (Keet, 1998). In the absence of strong regional groupings, according to Weeks (1996: 107), “investors have been able to play one government against the other to extract concessions on taxes, labour regulations, and implicit subsidies.”

At the same time as the boundaries of African states have come under challenge from within, they have also been affected by the decline of the international consensus which had previously supported them (Clapham, 1999: 58).

The 1990s “critical juncture” heralded a wave of democratisation across the continent. Authoritarian regimes were swept from power in a frenzy of ballots and international accolades. However, democracy in the absence of any substantive decision-making capacity is self-defeating. The “democratic deficit” that inheres in social formations where wealth determines access and where international financial institutions (IFIs) determine

the trajectory of macro-economic policy, is nowhere more apparent than in Africa (Mishra, 1999). Democratisation requires strengthened states. And African states can be strengthened by making them more able to develop people's capacities and human development to arrest the scourge of poverty in the region. According to Souley (1999: 72):

Insufficient emphasis is given to the fact that democratisation of African political systems is coinciding with an acute financial crisis. The situation renders the state incapable of performing its most elementary tasks, including those inherent in the exercise of sovereignty ... As a result, the state, for want of resources to redistribute, has lost all legitimacy...

The double crisis of the African state is firstly its weakness, and its illegitimacy in relation to its domestic environment. In relation to this crisis, the state in Africa has been 'forced' along the road to democratisation. And secondly, the very international order to which it clamoured for support of its sovereignty is claiming that the state is no longer a unit for organising the economic and social life of citizens (or consumers). This order, dubbed globalisation, erodes political boundaries and international financial institutions, create laws governing the movement of capital that is often out of sync with the aspirations of national citizens. Democratic deficits emerge in relation to the increasing alienation of people from centers of political decision-making. In this context, a "legitimacy crisis threatens" (Pauly, 2000: 2). The clash between internal demands for democracy and globalisation's rolling back of that very democracy locks African states in a very tricky corner.

The African state finds itself in a position where it is being assaulted from inside and out – a double crisis. The attack though is for very different ideological reasons: the juridical attack is about neo-liberal free market economics and the domestic attack seeks the strengthening of the state to serve the interests of the ruling elite (and not ordinary people). The juridical attack is about the further erosion of democracy and the domestic attack seeks the extension of it for the few ruling elite. Regional integration, for Weeks

(1996: 116) "offers a vehicle for re-establishing the policy integrity of national governments" where integration "is not primarily for trade but to establish mechanisms for regulating capital flows, labour standards and behaviour of international corporations."

Regional integration in Africa, however, requires an even more radical approach that seeks to re-position the state itself.

According to Darbon (1999: 41):

The increasing inability of African states to meet their obligations and international responsibilities and to manage and lead their own societies, coupled with the financial bankruptcy and socio-economic collapse of most of them, makes it necessary to re-examine the relevance of the state model in Africa and to reformulate the apparently 'hackneyed' theories of regionalism.

Considering the precarious condition of the state in Africa, coupled with a growing international trajectory that favours regionalism as a mechanism for the dual purpose of protecting and expanding markets, the state itself needs to be reconceptualised and in relation to that, notions of regionalism and regional integration need to be infused more social and contextual content. The concept of regional integration internationally has been based on an understanding of states, boundaries and territoriality. But the state itself stands condemned in Africa today. It is condemned by analyses that routinely speak to its 'crisis', which begs its removal, and an international neo-liberal discourse that regards the state as irrelevant. The dissertation examines not whether regionalism is a means to destroy the state, but whether regional integration can be deployed as a mechanism towards the renewal and strengthening of the state, albeit within very different territorial relations. As Clapham (1999: 53) posits:

The international rules of boundary maintenance, laid down initially by the League of Nations, taken over by the United Nations, and enthusiastically adopted by African states ... reinforced an ideology of state sovereignty which in turn pushed the quest for integration into a particular political form: the creation of inter-state

organisations ... the fate of which was at every turn to raise the implicit tension between the states which belonged to the organisation.

In the context of states with uneven levels of development, both politically and economically, this inter-state premise of regionalism can only create equally weak regional institutions. Ravenhill (1988: 301) questions the prospects for a voluntary re-ordering of Africa's politics through regional integration. However, his prognosis for this effort is profoundly pessimistic: "[T]he effects of regional economic schemes on state reordering will be marginal at best" (Ravenhill 1988: 302). His cynicism emanates from the experience of Africa's integration schemes. They have been numerous, more than any other region in the world and all have been characterised by intergovernmentalism rather than establishing a supranational agency that will facilitate the institutionalisation of regional integration.

For every wholly negative perspective on Africa's prospects, there are equal numbers of buoyant and optimistic forecasts. Mazzeo (1984:2), for example, in one of the first major works on African regional organisations, asserts the intimate bond between the processes of regional co-operation and decolonisation. For Mazzeo, the integration of African polities "signifies the potential to extend beyond the trajectory of colonial social and political relations (1984:23)." He contends further that, in Africa, "the idea of regional co-operation on a continental or sub-continental scale easily took root in the fertile soil of pan-Africanism" (1984:5).

Hurrell (1995: 357) posits that the constructivism theoretical framework on regional integration in Southern Africa "provides a theoretically rich and promising way of conceptualising the interaction between material incentives, intersubjective structures and the identity and interests of the [state] actors." This dissertation examines the state sovereignty-regional integration complex in Southern Africa by deploying a multi-dimensional theoretical perspective of constructivism and some aspect new regionalism.

However, the examination in this dissertation transcends the constructivist emphasis on “social and inter-subjective meaning” also suggesting the “importance of materialist incentives” (Hettne and Soderbaum: 1989:14) in the construction of regional integration in Southern Africa.

Cox (1986:31) argues “theory is the way the mind works to understand the reality it confronts.” Hettne (1995:8) on the other hand, argues, “all theory ultimately has to adapt to changes in the real world.” Gill (1988:79) is more apt in his analysis of the challenges facing the Southern African state: “sovereignties, political associations and forms of state are redefined to reflect this new categorical imperative.” The dissertation examines how the process of regional integration will “redefine” and “reflect” the policy space that is the domain of decision and preference making of states under the concept of state sovereignty.

1.6 Demarcation of the Study

The research is demarcated according to two modes, one conceptual – *state sovereignty* - and the other is what Rosenau (1989:46) refers to as “distant proximity” – the normative ideal of regional integration. When the two are juxtaposed in the state sovereignty-regional integration complex, they resemble what Rosenau depicts on the one hand as: “a picture of the earth taken from the moon, a blue sphere seemingly suspended in timelessness and expressive of the large extent to which all humans are confined to the same limited space and thus bound by the same vulnerabilities” on the other: “is an ultra-uterine photograph of foetus, the beginning of life set to evolve its own identity and to trace its own unique course” (1989:47).

Putting the pictures together, the former depicts state sovereignty whilst the foetus resembles the process of regional integration that is underway in Southern Africa. It is the symbiotic relationship of both aspects of the picture that is important is this

demarcation of the study. State sovereignty reflects a bounded territory whose autonomy is provided in law.

The process of regional integration whilst guided by collective protocols signed by heads of state and government is still dependent on the state for its evolution. Ironically, in the evolution of regional integration (foetus), the dissertation examines whether regional integration poses a threat "to the limited space" thus putting into question whether the region is "[bounded] by the same vulnerabilities" (Rosenau, 1961:47). The dissertation examines the relationship between state sovereignty and the process of regional integration - with regionalism integration defined as a general phenomenon projecting the desire for a normative regionalist order. Regional integration on the other hand, denotes "the empirical process ... a strategy of regionalization ... with increasing levels of regionness" (Hettne et.al., 1999:9).

Given the fact that the process of regional integration in Southern Africa is driven by the state, it becomes more important to examine the character and nature of the state as increasing levels of regionness in Southern Africa are achieved. The research covers the fifteen members of the Southern African Development Community (SADC) which are Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Swaziland, Tanzania, Seychelles, South Africa, Zambia and Zimbabwe. However, given the complexity of the regional integration as well as the number of states involved, the study will cover three policy areas: foreign policy/diplomacy; SADC-EU Economic Partnership Agreements (EPAs); as well as the security policy architecture in the work of SADC. Therefore the research examines a select number of countries' experience in relation to the three cases studies and the practical examples of state action in terms of how state policy preferences converge or diverge from the SADC's normative objectives and goals.

The aim of using case studies and the examples of state action is to get to an in depth analysis of the motivations of state actors in making policy preferences in the process of

regional integration. In other words, by examining a few cases in depth, the study allows the researcher to trace the changes of state preferences as well as government policies in the process of regional integration. The periodisation in the study starts at the height of the Cold War in the 1980s when SADCC was formed.

Examining the state sovereignty-regional integration complex from this period gives an in depth reflection of intersubjective interaction of states in the process until the present. Given the fact that, the study is concerned with "distant proximity" (Rosenau, 1989:46) – the process of regional integration underway - the examination is conscious of the fact that both the global and regional policy framework of states in which decisions are made is not static. There's constant policy change and this is true of policy in all states, but perhaps even more, for states in Southern Africa, where change can be rapid and unpredictable.

1.7 Conclusion

A research investigation on the process of regional integration in Southern Africa thus requires a thorough methodological outline of the political and institutional challenges confronting individual states in Southern Africa. The next chapter develops practical methodological guidelines for a qualitative inquiry on regional integration in Southern Africa. It recognises that qualitative research inquiry is inherently an interpretative exercise (Flyvbjerg, 2001).

In this regard, the interpretative exercise reflects both the documented experience and narrative reflection of those who have been involved in the process of regional integration in Southern Africa. The choice of the qualitative research methodology and techniques for the analysis of data is anchored on the objectives of the research as well as the questions that the research aims to answer. In this way, one is able to ascertain what methods of qualitative data collection are utilised.

CHAPTER 2

RESEARCH METHODOLOGY

2.1 Introduction

The aim of this methodology chapter is to outline and describe the methodological choices and motivations for carrying out this study. It is also done to assist the research investigation to better comprehend and research the process of regional integration in Southern Africa. This section provides a framework for making comparisons in qualitative research methods. Implicit in this framework is the typology of research data collection methods, interpretation and analysis methods that will be deployed and why. The study will be based within the qualitative research approach that is traditionally associated with anti-positivist research opposed to the “upholding of the natural-scientific method as the norm for human behavioral research” (Wellman, et al. 2005:6).

Accordingly, qualitative anti-positivist researchers have argued that it is inappropriate to follow strict quantitative methods when collecting and interpreting data on human behavioral phenomena (Denzin & Lincoln, 2000). Attention has also been given to key aspects of methodology as defining characteristics of qualitative research (Denzin & Lincoln, 2000; Miles & Huberman, 1994). These key aspects involve: the overall research paradigm, research design, approaches to the analysis and interpretation of data, and “the kind of outputs that are derived from qualitative research” (Wellman, et al., 2000:7).

The qualitative research methodology that this study is based involves disclosure of choices and the thinking in making these choices as essential in clarifying the assumptions and theoretical dimensions of the methodology (Patton, 2002). Even more, qualitative research conceives of research investigation as occurring within a context that

significantly shapes the research itself (Greenwood & Levin, 2000). This is important in that it provides a useful way of explaining how this investigation will project ways of explaining the process of regional integration without insulating policy choices and the context within which state actors make such choices.

2.2 Research Questions

The research is anchored and is broaching two fundamental and related research questions. The research questions are both designed to investigate the dialectical relationship between the fifteen member states of SADC and its process of regional integration. Explicitly, the research questions intend to probe the process of regional integration and its relationship to the national states in SADC.

- i. what drives/motivates states in SADC to bend their policy preferences, interests and policies consonant to SADC normative objectives and goals;
- ii. what drives/motivates SADC states to abide to national laws, policies and norms in contradiction to SADC norms and objectives.

The research utilises the constructivist framework to understand, explain and evaluate the subject matter. In the examination of the above research questions, three constructivist research assumptions are evaluated to establish the causal direction of state behaviour and preferences – to look at what drives states in SADC to make decisions and policy preferences the way they do. The following three constructivist research assumptions are utilised in the research through the use of practical real life examples of incidents where state action and behaviour is projected:

1. the more congruent states' [interests, values, motivations] preferences are, the less likely they are to prefer divergent policy [military] actions in the [security] choices they make;

2. states will make policy security, [diplomatic, trade] policy preferences in relation to self-interest, preferences will be made in relation to utility derived;
3. the less clear the external threat to regional security, [diplomacy, trade] the less likely that countries would achieve mutual security [diplomacy, trade] (Hull, 1996: 38).

2.3 Research Design

The research design on an investigation of the process of regional integration in Southern Africa requires much thought and reflection, and an appropriate research methodology would definitely facilitate this process. In order to avoid becoming overly ambitious and less focused on the subject – the evolving nature of state sovereignty in Southern Africa as regional integration progresses – the research methodology section highlights key elements of qualitative research paradigm that will be deployed for this research (Ritchie & Lewis, 2005).

This research utilises a combination of case study method as well as semi-structured interviews to gather and collect data. The appropriateness of these methods for collecting and probing documented data is that they provide useful tools and techniques for social science research setting (Denzin & Lincoln, 1998). The analyses of text and secondary and primary documents focused on material on government departments dealing with Southern African Development Community (SADC) in all the fifteen member states. This will be done to comprehend the substantive content or to illuminate deeper understanding of issues engaged and how these address the research questions (Hammersley & Atkinson, 1995).

These are in the main public documents which are available in public libraries, government departments, and at the SADC Secretariat. The primary utility of text and document analysis for this study is that it will provide a great deal of insight “to history of events, or experiences [that have] relevance” in the research but these cannot

thoroughly be probed through “direct observation or questioning” alone (Hammersley & Atkinson, 1995).

Semi-structured interviews are based on conversation with the focus on the researcher asking questions and interviewee answering (Gubrium & Holstein, 2001). A combination of both narrative and semi-structured interviews were undertaken to probe the research questions. The target group consisted of thirty government officials and other civil society leaders dealing with SADC regional integration: including Ministers and/or Deputy Ministers and their respective Directors General of Foreign Affairs and Trade and Industry in all the fifteen member states of SADC; heads of Chambers of Commerce and Industry as well as leaders of multinational and non-governmental organizations.

The idea of narrative interviews is motivated by a critique of the question-response-schema of most interviews (Flick, et.al., 1991). In the question-response mode the interviewer is imposing structures in a threefold sense: a) by selecting the theme and the topics; b) by ordering the questions; and, c) by wording the questions in his or her language (Flick, 2001: 23). Such data reveals more about the interviewer’s own interests and preferences than about the issues under investigation. The narrative interviewing technique that is deployed in the research requires that the researcher familiarise oneself with the field. From this, the researcher draws up some themes, topics and accounts to be presented during the narration with the interviewee (Schueltze, 1977).

When the narration ends, the interviewer opens the semi-structured phase. This is the moment when attentive listening bears fruit. The questioning phase starts after the interviewer has sufficiently probed the end of the main narrative (Schueltze, 1997). In order to achieve empirical examination of the research problem on state sovereignty and regional integration, the case study approach is also used. Three policy areas: namely the SADC-EU EPAs; the regional security architecture; and regional foreign policy in the work of SADC (protocols) and that of member states is examined to trace trends in policy

preferences and decision of states - towards regional harmonization or the consolidation of state interests.

By examining few cases in depth, the case study method allows one to trace the changes in state preferences as well as in government policies in the process of regional integration. Data analyses involves organising what has been seen, heard, and read so that sense can be made of what is learned (Miles & Huberman, 1994). Since data analyses takes place throughout the entire research process, the research is shaped and reshaped as the study proceeds, and data is gradually transformed into findings. "Each qualitative study is unique, the analytical approach used will be unique" argue Miles & Huberman (1994: 443).

In addition, each researcher has his/her own preferences, strengths and weaknesses and must determine what works best. There is consensus in scholarship that the analysis of narrative interviews and semi-structured interviews is only useful when one separate in the transcript specific from generalised statements (Schueltze, 1997; Bauer, 1991). The first step in processing the data collected is transcribing the recorded interviews to a level of detail which is required for the research. It depends on the aim of the study how transcription involves elements of data beyond mere words used (Hammersley & Atkinson, 1995).

Ryan and Bernard (2002) identified thematic analysis as one of the most fundamental tasks of qualitative research. Themes can be described as "broad" concepts that are identified by the researcher before, during and after the data collection process. Themes can also be identified by reviewing the original field notes. Ryan and Bernard (2002: 23) offer the following techniques for identifying themes:

Word analyses (word repetition, keywords in context); reading of larger units; secondary data analysis; physical manipulation of data; intentional analysis of the linguistic features.

The first and third data analyses techniques mentioned above relate to the data that is gathered through narrative and semi-structured interviews and in the secondary document analysis that is carried in the study on the process of regional integration in Southern Africa. It is appropriate that this study engage the thematic analysis strategy as a way to categorise, structure, and format key aspects of the data to link evidence based response to each research question: also to provide evidence through collaboration and triangulation in the analysis of documented texts (Hammersley & Atkinson, 1995).

2.4 Limitations of the Study

The study is undertaken with a large number of information being produced on the process of regional integration underway in Southern Africa. Given this, the study has no illusions about what is examined. The study takes off from an understanding that social scientists researching regional integration in Southern Africa with analytical tools that have dominated European integration studies - provide a partial understanding of the process of contemporary regional integration. The study provides an in depth examination of the state sovereignty-regional integration complex, albeit, in a global policy context that is changing. Another limitation to study is the challenging issue of access to senior policymakers in government.

The dynamic condition in which regional integration occurs has implications for the process itself as well as the states – the catalyst for regional integration in Southern Africa. How this picture changes in the years to come until complete integration in Southern Africa is something that the research can only predict. The recommendations and conclusions of the research however, provide a useful springboard from which to build on the much richer theory of regional integration in Southern Africa. Progress in scientific development is rarely attained in just one single attempt (Denzin & Lincoln, 1998). More than one step must be taken. The research explores the usefulness of the constructivism perspectives to regional integration in which social and intersubjective

forces are as important as material conditions in the process of regional integration (Wendt, 1994).

2.5 Organisation of the Study

Chapter 1: Introduction to the Study

The first chapter of the study provides an outline of the problem that is examined. The motivation or case in terms of the theoretical and methodological tools to be deployed to research or examine the problem is made. The demarcation and limitation of the study is provided. The aim of the study is to provide a clear statement of the problem and how it is researched and with what kind of research tools.

Chapter 2: Research Methodology

The second chapter gives an overview of the research methodology and methods that will be utilised in the research. The aim of this chapter is to provide clear indications of the methods and techniques to be used to gather data, how that data will be analysed with what kind of research tools. This research methodology chapter also provides a brief explanation of the subject matter to be researched. It broaches briefly the research questions that the study utilises to investigate relationship between state sovereignty and regional integration in Southern Africa.

Chapter 3: Conceptualising State Sovereignty and Regional Integration

The second chapter provides a detailed description and outline of the concepts that are deployed in the study. The aim of the chapter is to make sure that a much clearer understanding of how the study is conceptualised does assist by elucidating the key concepts in the study. The chapter does examine the terms "state", "sovereignty", "regionalism", "regional integration" and "regionalisation". The intention is to examine the meaning of these terms. What is the relationship between "state sovereignty" and

“regional integration”? What is the meaning and relationship of the other terms and concepts in relation to the key concepts of the study?

Chapter 4: State Sovereignty and Regional Integration: A Literature Review

This chapter explores the theoretical literature to regional integration in relation to state sovereignty. The following contending international relations approaches in the literature are analysed in terms of how they theorise regional integration and the state: functionalism-neofunctionalism; realism-neorealism, new regionalism, liberal institutionalism, and constructivism. The aim here is to make sure that a clear theoretical delineation between these theories in terms of how they explain regional integration and the state is done. An argument is also developed for what is a more suitable theoretical approach, among these, for a theoretical examination of the Southern African region.

Chapter 5: SADC's Common or Collective Security

This chapter explores the security policy processes that the SADC has developed to provide for a framework towards collective diplomacy in the region. The primary aim here however, is to examine how states' foreign policy framework converge and/or diverge towards or away from the normative ideal of collective diplomacy. In this way, the chapter aims to provide empirical evidence in terms of which the study makes a determination in its findings about the process of regional integration and state sovereignty.

Chapters 6: SADC's Trade Relations with the European Union (EU)

The chapter explores the (Interim) Economic Partnership Agreements (EPAs) between the European Union (EU) and the Southern African Development Community (SADC). This chapter examines the nature of the interests that have driven some SADC states to sign and some not to sign the EPAs. The aim here is to explore the basis of the decisions made in the light of the SADC provisions that are providing a framework on how SADC

states should deal with third parties. A key question is whether disparate reactions to EPAs by SADC states is the function of what is provided in the SADC framework or it is merely states exercising sovereignty over trade with the EU.

Chapter 7: SADC's Common or Collective Diplomacy

This chapter explores the nature of regional common or collective diplomacy framework and the SADC norms and objectives. The aim of this chapter is to explore whether the collective diplomacy framework, is applied and how it is applied by different states in the region. This chapter will draw on SADC standing provisions on internal and external diplomacy, by analysing and explaining their meaning in relation to what individual states in SADC are doing in the area of diplomacy.

Chapter 8: Research Findings

This chapter provides an elaborate synthesis of the study. The chapter provides in the main the findings of the study. The chapter provides a systematic link of the thesis emerging in the theoretical section with the empirical findings that are emerging in both the case studies as well as in the interviews. The findings provide thick evidence on the process of regional integration and how it modifies or alters the state – at least in terms of their (state) policy reactions to it.

Chapter 9: Research Conclusion and Recommendations

This chapter provides concluding remarks on the dissertation. The chapter is not intended to rehash or rewrite the dissertation. The chapter is not intended to provide the statement of what the research has found. The chapter is intended to bring what was raised in the introduction – in respect to the objective of the study - with closing statements and remarks that attest to it being proven, tested or found.

2.8 Conclusion

Given the complex nature of qualitative inquiry, it is reasonable to expect that a sound research methodology will assist a great deal in sketching how the research objectives are to be achieved, what research design is to be constructed, and the data collection and analysis techniques that will focus the research investigation. These actions cumulatively will make the project more focused and feasible to carry out. Although there are guidelines on literature reviews, the qualitative paradigm's emphasis on interpretation and emergent design provides no precise formula on how to proceed with the review.

Each project is unique and ultimately it is up to individual researcher with assistance from the supervisor to determine what works best. Since the researcher is the primary 'instrument' of data collection and analysis, reflexivity is deemed essential. This has entailed that careful consideration be given to the research methodology as well as the ways the researcher's own assumptions and behaviour may be impacting on the inquiry. Although convincing on theoretical level, the detail is in the structure of those narrative and semi-structured interviews – particularly the topics, themes and categories as well as the questions that the study has posed to the interviewees to probe the research questions.

The next chapter of the thesis looks at the case of the Southern African Development Community (SADC). The analysis in the chapter is at three levels: i) an analysis that looks at the socio-economic and political structure of the SADC countries; ii) providing a brief institutional analysis of the SADC iii) the third level is the discussion of the concepts of state sovereignty, regional integration, and regionalism in terms of their usefulness or operationalisation in the study. The intention in explaining the concepts and terms is to enable the reader to place proper meaning and context of the terms and concepts in relation to the primary objectives of the study.

CHAPTER 3

CONCEPTUALISING STATE SOVEREIGNTY AND REGIONAL INTEGRATION

3.1 Introduction

The Southern African Development Community (SADC) is regarded as an example of a developmental regional integration scheme because of its primary goal of the eradication of poverty (RISDP, 2002). The organisation has put in place a number of protocols, programmes and policies with significant focus on economic and socio-political development. It has also adopted a number of protocols and treaties in the areas of development co-operation with a potential to enhance high levels of regional development. The 15-member body has also tried to open the policy space for civil society participation in its programmes. The institutional reforms that took place at SADC during 2003-4 period were intended to enhance the organisation's capacity to drive regional integration and thus achieve its overarching goal of eradicating poverty (Tostensen, 2008).

SADC has its birth from a coming together of some countries in the region in the 1980s to reduce their economic dependence on apartheid South Africa. This solidarity under the name Frontline States Initiative (FLS) transformed into a more structured attempt at regional co-operation with a strong focus on sectoral development under the Southern African Development Co-operation Conference (SADCC). Today, SADC bears the hallmarks of both phases of its evolution, a complex balance between political solidarity and a comprehensive agenda for developmental integration (Tralac, 2014).

This section looks at how SADC views its model of regional integration. The chapter is looking at SADC's shifting focus from dealing with South Africa towards overcoming critical development challenges posed by poverty, underdevelopment and uneven development among southern African countries. In the process, SADC has given

prominence to developmental objectives as the motivation behind its regional integration agenda with political and security programmes seen as creating conditions for social and economic development in the region (SADC, 2014). SADC views its approach to regional integration as evolving developmental model of regional integration. The rationale for incremental regional integration, SADC argues, is derived from its desire to deal with comprehensive and long-term social and economic development goals such as poverty eradication, trade, infrastructural development, and human development (Krapohl & Muntschick, 2009).

While the regional integration process in Southern Africa began as a response to the presence of a strong but hostile South Africa, with time it drew its inspiration from the evolving continental integration agenda. This is the agenda that followed the formation of the Organisation of African Unity (OAU) in 1963 and consolidated through a number of regional initiatives that promoted collective self-reliance including the Lagos Plan of Action (1980) and the Abuja Treaty establishing the African Economic Communities (1991).

The idea of extricating African countries from perpetual marginalisation in the world economy and economic dependence on former colonial powers was part of the logic of what has been termed 'old regionalism'. This was to be achieved through strong political solidarity and better economic co-operation among countries in Africa's sub-regions (Akokpari, 2008). For this purpose, a number of regional economic communities were established and in the process the Frontline States Initiative transformed in the co-operation conference, the SADCC, and later a regional integration scheme in the SADC.

In conformity with general trends on the continent, regional integration in southern Africa has evolved from old regionalism to a new regionalism, a post-Cold War concept that denotes a multi-dimensional process of regional integration. This concept captured the move away from rigid ideological focus of regional schemes and their narrow focus on security co-operation towards a more holistic rationale for integration (Hettne et. al.,

1999). The new regionalism recognized the important role of non-state actors like business, the informal sector and civil society in the integration process. It also refers to willingness of the regional organisation to address issues of economic development, human security and social policy, resource governance, environmental protection, and regional self-sufficiency. Despite the distinctions between old and new regionalisms, the latter builds on rather than displacing the foundations of old regionalism.

The evolution of SADC represents a bold embrace of new regionalism without discarding the negative tendencies of the old, especially state-driven integration. Its predecessors like their counterparts in other parts of the continent were generally inward-looking, introverted, and purely state-centered. In contrast, the SADC embraces the dominant neo-liberalism paradigm of economic liberation and active integration of the region into the world economy. In keeping with modernisation theory, it defines the problem primarily as one of marginalisation from the globalizing economy and it aims to better integrate the region into this economy. In this sense, typical of the post-Cold War new regionalism, SADC is extroverted and outward-looking in its orientation (Ikome, 2007).

Another element of new regionalism that is worth noting is the idea of integration from below. While this idea is generally associated with the regional projects driven exclusively by non-state actors, in the southern African region it denotes attempts by states to provide space for civil society to participate actively as partners in the acceleration of regional integration. Although SADC integration remains state-led, there have been efforts to include other actors and constituencies in SADC. For this reason, at the very inception SADC called for a full participation by peoples of the region in the integration process. This ideal was first pronounced when the SADCC was formed in 1980, but had not been advanced at all (SADCC, 1980).

There is a general consensus that the idea of regional integration that has evolved in Africa since independence is a good thing in that it encourages otherwise poor economies to pool together their resources and expertise to achieve noble common interests and

reduce their vulnerability to the vagaries of a globalizing economy. Studies indicate that the balkanization of Africa and the economic power imbalance between Africa and its northern partners on whom it depends worsens the vulnerabilities of its small economies and limited markets (Edo, 1997). The acceleration of globalization in the period after the energy crisis of the early 1970s also threatened to further marginalize Africa (Edo, 1997).

Ikome (2007) supports that the greater co-operation around economic and political goals would enhance regional development and help overcome a myriad of problems facing the post-independence African state including conflict, poverty, and external economic dependence. Concluding its study of regional integration in Africa in 1993, the African Development Bank (AfDB) noted that "so serious are the challenges facing southern Africa that governments cannot afford to ignore ... the limitations which national boundaries impose on their prospects for economic recovery and growth (AfDB, 1993:1)." The way to do this, according to the AfDB, is to accelerate and deepen regional integration.

Regional integration is often used to depict a group of countries with common characteristics and a shared political and economic project of integration (Hettne et.al., 1999). This is the definition that SADC has adopted to explain its expansion into central Africa with the admission of the DRC, eastern Africa through Tanzania, and the Indian Ocean by admitting Madagascar, Mauritius and Seychelles. The common vision of building SADC into a strong economic integration scheme with maximum benefit for citizens of these countries is part of the so-called shared future paradigm at SADC (SADC Treaty, 1992).

Through regional integration, geographically proximate countries come together in a formal scheme to pursue common economic interests by adopting common policies that promote regional development. In his seminal work, Asante, (1997: 21) employed the concept of regional integration to define: "... a process where two or more countries in a particular area voluntarily join together to pursue common policies and objectives in matters of general economic development or in a particular economic field of common

interest to the mutual advantage of all participating states.” Hettne (1995) argues that this happens regardless of whether those countries are actually contiguous or even close to each other.

The most useful definition is by Schneider, which describes regional integration as “the expression of a common sense of identity and purpose combined with the creation and implementation of institutions that express a particular identity and shape collective action within a geographical region” (Schneider, 2006: 9). Regional integration schemes generally do the following functions, which also help further deepen regional integration:

the strengthening of trade integration in the region; the creation of an appropriate enabling environment for private sector development; the development of infrastructure programmes in support of economic growth and regional integration; the development of strong public sector institutions and good governance; the promotion of security co-operation or collective responsibility for security in the region; the development of social and economic problems to eliminate poverty, social exclusion and disintegration in the region; and the strengthening of the region’s interaction with other regions of the world (Van Langenhove & De Lombaerde, 2007: 377).

Regional integration takes various forms, principally, market integration and developmental integration. The latter describes a holistic approach to regional integration whereby countries agree to progressively harmonize their economic and social policies, enhance political co-operation and develop a common regional identity. The former, which is increasingly prominent in the SADC agenda, is associated merely with the removal of tariff and non-tariff barriers to trade and commercial relations between a subset of countries. This latter form of integration evolves through a number of logical stages, namely (Hartzenberg, et. al., 2012: 10):

a Free Trade Area (FTA) established through a free trade agreement by which participating countries agree to remove all tariffs and quota that apply among them; a Customs Union where FTA countries agree to establish a common external tariff regime to apply to countries falling outside the Union; a Common Market when these countries agree to ease the mobility of the factors of production and

trade; an Economic Union where the participating countries harmonize all their economic and trade policies and cede to the center the power to develop binding common policies in these areas; and a Community, which results from a complete integration of political, economic and social policies and institutions to create a single entity to run the entire area to which it applies.

According to this typology, the SADC is at the infancy of regional integration, having only decided in 2008 to form an FTA and planning to establish a Customs Union in 2010 to be followed by a Common Market in 2015. Hartzenberg (2012) has identified two levels of regional integration—lower and higher levels. The former is often associated with theoretical schools of thought commonly called intergovernmentalism, while the latter is based on neo-functionalist theory and the idea of supra-nationalism (Amitav, Chitala & Mandaza, 1987).

Neo-functionalists believed that integration was inevitable where there are various groups of interests that deepen their interactions starting with co-operation into integration (Asante, 1985). They saw the creation of a political union of states or federations as the ultimate phase of integration that transcends nation states. For them, a key driver of this process would be the existence of a political authority above nation states with sufficient executive powers and technical competence (Ashely, 1984).

For neo-functionalists (Mistry, 2000, O'Neill, 1996), the success of integration depends on the willingness of nation states to cede their sovereignty to new political authority through a process of transferring loyalty in a process that results in supra-nationalism. Intergovernmentalism is a critique of neo-functionalism that proceeds from the assumption that integration goes as far as member states want it to go and it is driven by their deliberate will to satisfy their interests and achieve their own objectives. The convergence of these varying interests propels the integration process and does not lead to the transfer of sovereignty (Mistry, 2000).

The success of such interaction depends on the capacity of states to bargain in ways that enhance their respective positions and meet the key interests of groups at the national and regional levels. Intergovernmentalism describes the current stage of most regional integration schemes such as SADC (Asante, 1985). It explains why there has not been much progress towards meeting the objectives of integration, especially in areas where member states are reluctant to cede authority to regional organizations. Intergovernmentalism illustrates the common problem of regional integration without a common regional vision and identity that continues to bedevil the SADC (Asante, 1985).

Critics of SADC (Asante, 1985, Ikome, 2007) tend to use the supranationalist argument, noting that having created central institutions, SADC member states have failed to demonstrate political will to empower these institutions to function effectively and optimally for the common good. This is captured in the attempts by member states to constrain the SADC Secretariat and the continued efforts to usurp the powers of the regional body over co-ordination and implementation of regional policies. Although this chapter is underpinned by neo-functionalist ideas that are in line with constructivist paradigm on regional integration, it recognises that supra-nationalism is a gradual rather than an abrupt process of ceding sovereignty by member states (Ujupan, 2006: 87).

3.2 Regional Integration/Cooperation Approach

Regional integration in southern Africa has generally followed the logical progression from co-operation to integration. Regional co-operation refers to any form of working together by various countries to achieve common objectives without sacrificing their diverse individual interests (Akokpari, 2008). The Frontline States Initiative was formed by independent states in southern Africa after the collapse of Portuguese rule in Angola and Mozambique in 1975 in support of liberation struggles in Namibia, South Africa and Zimbabwe (Asante, 1985). In 1980, as Zimbabwe attained its independence, the initiative was transformed into a regional development co-operation institution under the name

Southern African Development Co-operation Conference (SADCC). The end goal was to reduce the region's economic dependence on apartheid South Africa (Asante, 1985).

When SADCC was replaced by the Southern African Development Community (SADC) in 1991, the Conference had made some headway to its end goal. Economic dependence on South Africa had lessened a little and the region's relations with other parts of the world like China, India, the EU, and the USA had increased (Ikome, 2007). This was partly the result of a deliberate push for trade promotion and encouragement of private sector development, foreign direct investment and industrial production.

It was the SADCC that began in the 1980s that started the drive to boost food production and build a regional food reserve, liberalisation of agriculture and agricultural trade and to enhance the regional transport infrastructure (RISDP, 2003). Ironically, this progress was also an outcome of South Africa's regional destabilization campaigns that tended to disrupt economic activities between the country and its markets in the region, forcing regional countries to look for alternative sources of goods and services (Asante, 1985). In the process, the profile of investors in the region began to diversify. But South Africa's economic dominance continued with the country accounting for 30 percent of imports in the region, while the region was the source of only seven percent of the country's imports by 1991 (Lee, 2003:52).

Co-operation is often the means to integration. Indeed, SADCC laid a good basis for a successful SADC integration agenda. In the Windhoek Declaration (1992) that formalised the establishment of the SADC, the SADCC founders noted that the organization's greatest contribution to regional development, in spite of its many failures, was in "forging a regional identity and a sense of common destiny among countries and peoples of southern Africa" (Lee, 2003: 57). This was shaped by common positions adopted under the SADCC on what would later become the engines of SADC integration, namely: a regional food security framework, transport infrastructure, promotion of hard-core industries and services, and encouraging responsible exploitation of natural resources.

SADC built upon these foundations in pursuit of an explicitly integrationist agenda (Tralac, 2014).

It was at the inception of the SADCC that regional states declared that to be successful their efforts needed to be rooted in popular ownership (Lee, 2003). In fact, the founding Lusaka Declaration called upon the peoples of the region to partner with the SADCC to achieve the common goal to promote regional development by participating fully in its activities (SADCC, 1980). Of course, the Conference and member states failed to provide space for people and for civil society organisations to play a part. The SADC bequeathed this commitment and has been trying various ways of actualising it.

SADC is different in various ways. It was given a legal status as a regional organisation, duly mandated to represent the region in international relations in terms of international law. Article 3 (1) of the SADC Treaty stipulated that the organization “shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued (SADC Treaty, 1992).” This raised reasonable expectations that member states would cede to it sufficient sovereignty for the organisation to be an effective international organisation.

The SADC Treaty established an additional sixth organ to the five that existed under the SADCC, namely: the SADC Tribunal (Oosthuizen, 2006). This was established to help interpret the Treaty, adjudicate disputes over the application of the Treaty and the functioning of the organisation where political solutions fail. The SADC Tribunal has recently started functioning and its work has received a great deal of political scrutiny from the Heads of State and Government in the recent months. A more detailed analysis on the SADC Tribunal that is underpinned within the constructive paradigm in the research is provided below.

3.3 SADC's Institutional Framework and Vision

The SADC's vision and mission directed SADC towards a holistic and developmental approach to regional integration. Expressly, its mission is to "promote sustainable equitable economic growth and socio-economic development through efficient productive systems, deeper co-operation and integration, good governance and durable peace and security, so that the region emerges as a competitive and effective player in international relations" (SADC Treaty, 1992).

Its overall goal is to eradicate poverty. This is to be achieved through several objectives, among which includes enhancing the standard and quality of life of the peoples of the region; promoting self-sustaining development and collective self-reliance; ensuring productive utilization of natural resources; achieving complementarity between national and regional policies and strategies; and strengthening the affinities between the peoples of the region (SADC Treaty, 1992).

The guiding principles are sovereign equality of member states; solidarity, peace and security; human rights, democracy and the rule of law; equity, balance and mutual benefit; and peaceful settlement of disputes (SADC Treaty, 1992). While these principles were common, SADC did not adopt the principle of non-intervention, even though it did not support non-indifference either. But this allowed space for regional states to act decisively against violations of human rights and aggression (SADC Treaty, 1992). Of course, SADC has only used this space sparingly, such as in the case of a military intervention to prevent a coup in Lesotho in 1997 and the support that its members provided to a beleaguered Laurent Kabila government in the DRC (Southall & Petlane, 1995).

The development content of the SADC integration is to be found in its eight priority areas of intervention:

achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through Regional Integration; evolve common political values, systems and institutions; promote and defend peace and security; promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States; achieve complementarity between national and regional strategies and programmes; promote and maximise productive employment and utilisation of resources of the region; achieve sustainable utilisation of natural resources and effective protection of the environment; strengthen and consolidate the long-standing historical, social and cultural affinities and links among the people of the Region. (SADC Treaty, 1992).

This constitutes what SADC calls a 'Common Agenda.' This agenda is comprehensive and broad, covering every major area of life and normal policy area. There was deliberate focus on developmental question, limiting political and security issues. This is contrary to typical market integration schemes where the focus is on narrow issues of trade and economic growth at the exclusion of matters of social development. The same could be said of regional integration initiatives that have a strong emphasis on security co-operation (Vale, 1997).

In this sense, SADC is particularly developmental in its approach to regional integration. If fully implemented, its common agenda has a possibility of addressing the felt needs of the peoples of the region. But, a comprehensive development agenda runs the risk of prioritising everything and achieve nothing because of shortage of resources and capacity to implement these grandiose ideas and plans (Asante, 1985).

This is precisely one of the major shortcomings of SADC: implementation capacity and impact. The broad strategies employed by the SADC in its pursuit of its mission are various. Some draw from the paradigm of market integration. These include developing policies to progressively eliminate tariffs and quotas; the removal of obstacles to free movement of labour, capital and factors of production; mastery of technology and innovation; and improving economic management and performance through co-operation (Asante, 1985).

The idea is to create conditions for “free market activity” in the hope that this would boost the weak regional economies and “thereby help reduce poverty and underdevelopment” (Keet, 2005: 123). Other strategies seek to deepen development through efficient distribution of growth dividends; enhanced institutional capacity to provide services; measures to improve human capability through human resource development; and harmonization of economic and social policies among member countries. The idea of the SADC playing a primary role to coordinate the conduct of international relations with a view to mobilizing international resources in support of regional development is an noble strategies, but one that is much less prominent in practice (Keet, 2005) .

Although political priorities are intrinsically linked to developmental objectives, the SADC recognised that development would not happen in conditions of conflict, political instability, and oppression (Van Nieuwkerk, 2008). This matter was not prominent at the outset, but has since become a major element of the SADC agenda. The SADC Organ on Politics, Defence and Security Co-operation is arguably the most powerful organ (RISDP, 2003). It is driven at the highest level by Heads of States/Government. The Inter-State Defence and Security Committee established in 1995 to replace the old one formed as part of the FLS rivals SADC’s Council of Ministers in its powers and influence (RISDP, 2003). In 2004, the SADC Protocol on Politics, Defence and Security Co-operation entered into force, thus providing a policy framework or this area of operation (Asante, 1985).

The SADC has typical political organs to provide direction to its work. The highest decision-making body is The Summit of Heads of State/Government. The Council of Ministers oversees the functioning of SADC and advises the Summit on policy matters and the development of SADC. It develops the organization’s substantive agenda and sets its strategic priorities and targets (RISDP, 2003). The Integrated Committee of Ministers (ICM) was created in 2003 to replace the sectoral committees of ministers. Its responsibility is to direct the work of four directorates at SADC charged with socio-economic issues. This committee also replaced the original commissions. The Standing

Committee of Officials functions as a technical advisory committee to guide the Council on its responsibilities as well as to form as link the Council and the ICM (Oosthuizen, 2000).

The Secretariat and the Executive Secretary are the principal administrative and executive institutions of SADC. The Secretariat is tasked with providing strategic planning and management for the organization, implementing its decisions and coordinating the policies and strategies of member states to ensure synergy with regional policy positions (SADC Treaty, 1992). As the head of the Secretariat, the Executive Secretary manages the consultation between governments and SADC, SADC interface with other regional organizations, organizing the meetings of the Summit and Council, and overseeing the public administration machinery at SADC (Legum, 2000).

The bulk of the implementation and coordinating work in relation to the substantive agenda of SADC was conducted by the Sectoral Coordinating Units (SCUs). The SCUs coordinated the implementation of policies and plans of each sector and a sector implied each priority area of intervention (Leistner, 1997). The SCUs were hosted by different member states, giving such states coordinating powers over sectors they hosted. For instance, South Africa hosted and, therefore, drove the implementation of programmes of trade, finance, and investment (TIFI) sector, while Zimbabwe coordinated the food security, agriculture and natural resources (FANR) sector (RISDP, 2003). Each member states had a SADC National Contact Points (NCP) for communication with the Secretariat as well as a national secretariat on SADC for co-ordination of national SADC agenda. By 2002, there were 22 SCUs as the large sector had been sub-divided, fourteen NCPs spread over the entire membership of the SADC (RISDP, 2003).

As early as 1993, SADC members were aware that the organization was institutionally weak and inefficient. This arose from various assessment reports released in 1993, 1994 and 1997. The latter was commissioned by a committee of four member states to consider what these reports found as weaknesses in the Secretariat, the SADC National Contact

Points (NCP), and Sectoral Coordination Units (SCU) (SADC 1993). All these report came to the same conclusions, namely: SADC's decentralized structure was not working well; there were significant gaps in the management and the capacity of different SCUs; the national status of SCUs made it difficult for the Secretariat to pull these institutions together in a concerted regional response to common mandate (RISDP, 2003), The Secretariat lacked management capacity to clearly articulate and monitor common goals, strategies and time frames; national policies and strategies lacked a regional dimension; there was poor communication and co-operation between SCUs and the Secretariat (RISDP, 2003).

Further review confirmed the fact that the performance of SCUs varied considerably, with some even outperforming the Secretariat itself, while other barely functioned. SCUs were managed and run differently depending on the resources and expertise each host country was able to invest in it (RISDP, 2003). For this reason, the SCUs tended to encourage disintegration and incoherence in the implementation of the SADC agenda. They also tended to develop their own separate agendas, often linked to national priorities of host countries, thus weakening the common SADC agenda. There was considerable disjuncture between plans at the center and programmes and projects implemented by SCUs (SADC, 2003).

The further audits also confirmed that the Secretariat itself was institutionally weak and ineffective in carrying out its mandate (SADC, 2001). Weak strategic management, administrative systems and technical competence weakened the Secretariat's capacity to co-ordinate national policies and implement regional policy positions (SADC, 2002). It was inadequately and inappropriately staffed and under-funded. The staff morale was found to be very low and the staff turn-over was high. The relationship with the Council and the Committee of Officials was also found to be fragile. This meant that the center of SADC business was generally weak and ineffective. This undermined the entire business of SADC (RISDP, 2003).

The internal assessments also discovered that there were many problems pertaining to the role of national governments as the key implementers of the SADC agenda. The original idea was that SADC as a supranational authority would provide policy guidance and direction in pursuit of regional integration and development by developing regional policies, adopting regional agreements and designing regional programmes of action (Lee, 2003). The actual implementation of these is meant to happen at the national level and the member states' governments were expected to put measures in places and drive the implementation of regional policies through national service delivery machinery. They also needed to mainstream the regional agenda through a deliberate process of ensuring that there is harmony between national and regional policies (RISDP, 2003).

Besides this, national governments were expected to allow SADC space to influence their national agenda (Le Pere & Tjonneland, 2005). The national secretariat was responsible for coordinating a concerted national effort to implement SADC programmes, but many of these were either non-functional or weak. Where they existed they consisted of small desks in departments of foreign affairs and/or regional co-operation. They did not include civil society and business as required. Member states had neglected a major element of realizing the common goals they adopted at SADC Summits (Lee, 2003). They allowed the process to be state-led even when SADC had opened space for the participation of non-state actors and the people. As a result, although SADC had developed many laudable programmes and projects, most of them remained unimplemented. As many of these depended on donor funding and technical support, the SADC approach was thus transformed into projects-driven implementation (RISDP, 2003).

These tended to be narrow and short-term in nature. It is difficult to measure the impact of such disjointed efforts even if well-meant. SADC had by 2004 "a plethora of treaties and protocols as the legal basis of its common position" (Interview, 2012). These covered virtually every priority sector and plan at SADC. Many of these legal instruments were signed after protracted negotiations, spanning years in some cases. The all-important Trade Protocol was negotiated over a period of four years before it came into force in

2000 (RISDP, 2003). The Protocol was aimed at boosting intra-regional trade, which until 1995 amounted to a mere 5 percent of all trade among member states, excluding South Africa. The SADC members needed to agree on the formula for elimination of tariffs. This was a very difficult matter in regard to the sensitive sugar and textile industries (Lee, 2003).

Once signed the Protocol implementation was complicated by trade negotiations between South Africa and the EU, which culminated in the signing of the Trade, Development and Co-operation Agreement (TDCA). The TDCA strained relations between South Africa and SADC member states (DTI, 1999). The SACU members automatically became members of the agreement, even though they were not part of negotiations, by virtue of being members of the Southern African Customs Union (SACU) with South Africa (RISDP, 2003). They were aggrieved because free access to the South African market for EU goods meant there would be lower SACU revenues. Non-SACU members were worried about the possible infiltration of their goods by illegal EU goods due to poor border and customs controls (RISDP, 2003).

The challenge was that most of these protocols had not been implemented. The internal reviews in the early 2000s found that this was partly to do with

Select SADC Protocols

1. Treaty of the Southern African Select SADC Protocols

1. Treaty of the Southern African Development Community 1993
2. Protocol Combating Illicit Drugs 1996
3. Protocol on Forestry 2002
4. Control Protocol on the of Firearms, Ammunition and Related Material 2001
5. Protocol against Corruption 2001
6. Protocol on Culture, Information and Sport 2001
7. Protocol on Fisheries 2001
8. Protocol on Development of Tourism 1998
9. Protocol on Education and Training 1997
10. Protocol on Energy 1996
11. Protocol on Health 1999
12. Protocol on Legal Affairs 2000
13. Protocol on Mining 1997
14. Protocol on Trade 2000
15. Protocol on Transport, Communications and Metereology 1998
16. Protocol on Shared Watercourses 2003
17. Protocol on the Facilitation of Free Movement of People 2005
18. Protocol on Politics, Defence and Security Co-operation 2004
19. Protocol on Immunities and Privileges 1993
20. Protocol on Wildlife Conservation and Law Enforcement 2003

Other Treaties

21. SADC Mutual Defence Pact 2003
22. MoU on Macroeconomic Convergence 2002
23. MoU on Co-operation in Taxation and related Matters 2002
24. Charter of Fundamental Social Rights 2003

Source: SADC Website; <http://www.sadc.int>

the institutional weaknesses at SADC that accounted for weak implementation of other SADC policies, plans and programmes. The greatest challenge was and still is the failure of member states to translate these protocols into binding national laws as agreed (RISDP, 2003).

On the basis of these reviews, SADC decided to overhaul the institutions that had been found wanting by the assessments, that is, the Secretariat, SCUs and National Contact Points. The main thrust of these reforms was the collapse of SCUs, which were consolidated into four directorates within the Secretariat (RISDP, 2003). These new units were to be responsible for coordinating the region-wide implementation of clustered sectoral plans (RISDP, 2003). These clusters or directorates were Trade, Investment, Finance and Industry (TIFI), Food security, Agriculture and Natural Resources (FANR), Social and Human Development (SHD), and Information and Science (IS). To enhance management capacity within the Secretariat two new positions of deputy Executive Secretary were created and a division on strategic planning was also established (RISDP, 2003). To complete the overhaul, SADC replaced NCPs and secretariats with new entities known as National Committees (NC). The guidelines on the NCs were to be constituted, elaborated, and circulated in member countries (RISDP, 2003). The NCs were supposed to comprise of various relevant government departments, representatives of civil society and business, charged with national implementation strategies and plans as well as to oversee national responses to SADC policies, programmes and decisions (RISDP, 2003).

National committees consist of key stakeholders, namely; government, the private sector, civil society, non-governmental organizations, and workers' and employers' organizations. Each SADC national committee is supposed to reflect the core areas of integration and co-ordination in their composition. Their responsibilities are to:

provide input at the national level in the formulation of regional policies, strategies, and programmes of action; co-ordinate and oversee, at the national level, implementation of SADC programmes of action; National Committees have served

as a platform for closer co-operation between SADC and its member states and are a key step towards deepening integration (RISDP, 2003: 34).

The governing structures of the SADC were also transformed. The sectoral committees of ministers that had mirrored the SCUs were dissolved and replaced by the Integrated Committee of Ministers (ICM) with the responsibility to attend to substantive policy issues by sector to give guidance and direction to the Secretariat. The SADC also created a Troika system whereby the current chairperson of SADC was to work together with the outgoing and incoming chairs in a troika (RISDP, 2003).

The SADC Troika was given the responsibility to provide overall direction to the work of SADC in-between SADC Summits, deal with major challenges and crises that might arise and act on behalf of SADC in major international meetings and events. This Troika was mandated to meet regularly to consider whatever matter may need their attention. The same governing structure was established for the SADC Organ. The two Troikas combined, called the Double-Troika, and had the overall responsibility over the organisation (RISDP, 2003).

These were drastic changes. They helped in many ways to modernize and plug obvious gaps in the SADC bureaucracy. The new governing structures have helped ease the role of the chairpersons of SADC and of the Organ. In fact, the Troika system encourages consultation dealing with critical matters that arise in the region and thus ensure a quicker response by the region to these issues than before (RISDP, 2003). The case in point is the Double Troika's response to the degeneration of the political situation in Zimbabwe in March 2007. Within a week, the Double Troika had met, made consultations and appointed a mediator to facilitate talks between the ruling ZANU-PF and the opposition Movement for Democratic Change (MDC). This helped avert a violent meltdown of the political situation in Zimbabwe and assisted the parties to reach power-sharing settlement currently being implemented (RISDP, 2003).

However, the institutional reforms have failed to overcome the problems of institutional inefficiency and ineffectiveness at the SADC level and the attendant challenges of weak implementation capacity. The reform process should have ended in 2003, but it was still incomplete in 2008. Although a new organogram has been adopted and new posts created, many of these remained vacant for years (RISDP, 2003). The feedback in the semi-structured interviews confirmed that "SADC Secretariat is unable to attract competent staff due to low salaries and complexities relating to the quota system which restricts the number of personnel per member country" (SADC Report, 2003).

Furthermore, key aspects around performance were in following way: "old staffs have remained in its positions regardless of its performance because political considerations take precedent over imperatives of good governance and sound public administration (SADC Report, 2003: 23). The dominant in the interaction with SADC staff was that the morale at SADC headquarters at that stage "... was low and the staff overworked, but underpaid" (SADC Report, 2003).

The staff at the SADC Secretariat viewed the quota-based recruitment process "as a major contributor to the inefficiency of the SADC" (SADC Report, 2002: 34). In keeping with recommendations of the Council of Ministers of Health in Dar es Salaam in August 2003, a point based quota system was developed and approved at the Council of Ministers meeting in Mauritius in February 2005 (SADC Communique, 2005). The quota system is based on the following principles:

... no country should have more than one position in the top posts from Director to the Executive Secretary while others are not represented; before any selection or interview, the status of 50% target for women in positions at the Secretariat should guide benchmarks for selection and interviews; for the top 3 positions of Executive Secretary, Deputy Executive Secretary and Chief Director, at least one of the position should be occupied by a female candidate (SADC, 2004).

The SADC Secretariat undertook a benchmarking exercise with 5 other international organizations that use the quota system. The other organizations that were benchmarked

against include: African Union, ECOWAS, COMESA, East African Community and Namibia Public Service Commission. However, in ECOWAS, COMESA and East Africa Community, the quota only applies to Statutory and senior positions. The rest of the positions are filled on a competitive, meritocratic basis to ensure the recruitment of the best possible candidates from the region (SADC, 2004).

In SADC, most countries have utilised their portion of the quota, with the exception of South Africa (no representation), and Madagascar and the DRC with only one representative each (SADC, 2004). For Madagascar and the DRC, language and cultural differences are the main barrier (with English being the main language in SADC), this believed to be “the main reasons for lower levels of representation from those countries” (SADC Report, 2004: 12). SADC recruitment processes are often long and tedious, with an average position taking more than six months to fill (RISDP, 2003).

The new directorates took a long time to start functioning with the result that it was “difficult to indicate whether they are overcoming the problems encountered by SCUs” (SADC Report, 2003: 22). These directorates that took over co-ordination responsibilities for large clusters of policy areas are thinly staffed with some directorate functioning at less than 40 percent of their capacity by early 2008 (SADC, 2008). There is a drastic shortage of technical and expert personnel necessary for the directorates to handle the new and complex responsibilities, i.e. strategic planning and management (SADC, 20078). This meant that SADC could not start doing the co-ordination work in earnest, neither could it effectively monitor nor guide the national implementation of SADC programmes (SADC, 2006).

The filling of the SADC Secretariat position and of the deputy Executive Secretary and the Executive Director, these were aimed at improving co-ordination and implementation of SADC policies (SADC, 2007). The executive director co-ordinates the work of the four directorates and provide leadership in the implementation processes (RISDP, 2003). This post was created to give the secretariat a sort of an internal driver of the cop-ordination

work and to remove operational responsibilities from the Executive Secretary (RISDP, 2003).

The National Committees (NC) that replaced the NCPs and national secretariats are also barely functioning (RISDP, 2003). Few countries, if any, have properly constituted the NCs. In most cases, their responsibility is still done by the old Contact Points or SADC desks that should have been done away with by now. The sentiment among many SADC staff, "few cases where NCs exist, they are government dominated instead of being multi-stakeholder forums as expected" (SADC Report, 2003: 12). Furthermore, very few even have different government departments, many being dominated by departments of foreign affairs and/ or regional co-operation.

The co-ordination between the new Secretariat and the NCs remains weak, partly because NCs are yet to be fully constituted and the Secretariat is weakened by poor capacity (RISDP, 2003). The co-ordination of national role-players is also poor because of weaknesses in the NCs. The interface between the Secretariat and other stakeholders including development partners and civil society remains inadequate. The most fundamental problem, which cuts across all of the above-mentioned problems, is the inability of member states to capacitate institutions of SADC to implement their mandates (RISDP, 2003). Member states are unwilling to strengthen national contact points or NCs partly because they prefer to co-ordinate elements of the SADC business themselves in the first place.

Many states resisted the review reports of the late 1990s, fearing that if implemented they would empower various elements of the SADC agenda (SADC, 2003). No valid reasons have been offered for the failure of member states to establish NCs, for instance (SADC, 2007). There is a perception in the Secretariat that member states "... are refusing to cede any element of their sovereignty to the SADC to empower it to act on its mandate and accelerate the integration of regional economies" (SADC Report, 2002: 14). This

reluctance to share sovereignty with fellow member states is conceived as major source of the delay in the regional integration in the SADC region (SADC, 2012).

3.4 SADC Programmes: RISDP and SIPO

The most innovative outcome of the reform process was the adoption in 2003 of a regional development vision called the Regional Indicative Strategic Development Plan (RISDP). The Plan was the first coherent articulation of what development means for SADC and how it would be achieved (RISDP, 2003). It was a product of decades of developmental experiments on the continent that had produced the Lagos Plan of Action, the Abuja Treaty and the New Partnership for Africa's Development (NEPAD) among other development initiatives. SADC and its predecessors had long committed themselves to eradicating poverty through a combination of specific developmental interventions and tackling the political challenges of conflict and instability (SADC Treaty, 1992). But hitherto SADC had not developed a concrete and comprehensive regional vision for development.

The RISDP begins with a reflection on the fundamental problems that bedevil the region, the central one being uneven development in the region with seven states classified among the least developed countries in the world (SADC, 2004). The DRC, Lesotho, Madagascar, Malawi, Swaziland and Zambia are particularly weak economies with heavy dependence on primary commodity exports and narrow production bases. In the past five years, these have been joined by Zimbabwe which has regressed from a regional bread basket into an economic and political wreck due to international isolation and internal political troubles. On the other end, there is Botswana, Mauritius and South Africa who boast much more diversified economies of scale as well as more democratic political systems and domestic stability (RISDP, 2003).

The remaining five states (Angola, Mozambique, Namibia, Seychelles and Tanzania) fall in between the two extremes and are characterized by moderate economic growth and development and relative political stability (RISDP, 2003). The Plan concedes that there is lack of convergence among regional economies and very little trade between them, excluding South Africa (RISDP, 2003). There is generally high dependency on aid as well as on asymmetric trade with South Africa and exports of primary commodities to the developed world (RISDP, 2003). Then there is a social crisis in the form of deep levels of poverty and food insecurity and high incidence of disease especially HIV and AIDS (RISDP, 2003).

The RISDP also boldly concedes SADC's own failures. Chief among these is the failure to forge a regional identity and to ensure a demonstrable commitment to a common vision of regional integration. This means member states concede that they have failed to sufficiently look beyond narrow national interests to build a better future for the entire region. A number of states belong to more than one regional grouping at the same time which raises doubts about their loyalty and commitment to SADC. The weak SADC Secretariat has to do, in part, "with the failure of the member states to cede some power to the institution to enable it to enforce agreed decisions and programmes for common good" (SADC Report, 2002: 44).

During the last reforms and reviews of the RISDP itself, "member states could have given the office of General Secretary more leeway to execute decisions and co-ordinate implementation by member states" (SADC Report, 2004). In the process, the Secretariat could have acquired some political authority to keep member states on their toes and thus effectively champion the SADC agenda. Instead, member states have vehemently resisted this. They have, instead, created own institutions like the Integrated Ministerial Committee to supervise the secretariat even on matters relating to staff appointments. The reluctance to ratify and implement the plethora of protocols and flagship projects "serves as another brake in the implementation of the SADC programme of action" (SADC Report, 2004: 23).

The RISDP is not only a vision and policy, but a catalyst for energizing regional efforts in twelve priority areas through a combination of broad strategies and time-bound targets. This is in keeping with the latest thinking in development planning. Each priority has a goal, strategy and targets to be achieved in the five-year period. The following is a select set of priority and targets:

For poverty eradication, the target is to achieve 7 per cent annual GDP growth and halve the population that lives on less than 1 US\$ per day by 2015. On combating HIV and AIDS, the target is to ensure that by 2010, 95 percent of young people have access to information and that member states will have reduced the proportion of infants infected by HIV by 50 percent (RISDP, 2003). The gender equality and development priority has 8 targets including the development and strengthening of national gender policies and institutions by 2003; a regional gender policy by mid-2004; and a repeal of gender discriminatory provisions in national laws by mid-2005 (RISDP, 2003).

In science and technology, among 7 targets, SADC has been urged to develop policies and strategies for regional co-operation including technology transfer by 2005. Another target was to establish a regional institutional framework for co-operation in this area by 2006 (RISDP, 2003). In the same year, SADC should have developed programmes on regional research and development as well as programmes promoting public understanding of science and technology. For environment and sustainable development goals, the targets include the need to finalise a legal instrument for regional co-operation in environment and natural resources by 2006 (RISDP, 2003).

By 2008, environmental standards and guidelines should be in place. A SADC Plan of Action on implementation of the World Summit for Sustainable Development (WSSD) outcomes was also due in 2005 (SADC, 2003). In the area of statistical development, SADC was expected to develop a legal framework on regional statistics by 2006; indicators for monitoring and evaluation by 2005; and harmonized SADC statistics by

2015. On trade, there are 7 targets. Key among these is to complete negotiations for the SADC Customs Union by 2010; Common Market by 2015; and Monetary Union by 2016. Other targets such as achieving single-digit inflation rate by 2008 are part of promoting economic convergence (RISDP, 2003).

Infrastructural development for poverty reduction is divided into 4 areas. On energy targets include establishing energy data banks by 2005. On tourism, emphasis is placed on the implementation of the Tourism Protocol by 2005 (RISDP, 2003). On the transport sector, a key target is to liberalize the transport markets in the region by 2008. For the water sector, SADC was expected to begin with a regional water policy and strategy by March 2004 and follow through with centers of excellence in water research by 2005, among other things (RISDP, 2003).

On the challenge of sustainable food security, activities are divided into food availability, food access, nutritional value of food, and institutional responses. Among targets are to halve the proportion of people who suffer from hunger by 2015, at the same time, halve the proportion of children under 5 years who are underweight and establish a technical facility to support land reform programmes by 2005/6. SADC also aims to double the cropland under irrigation from 3.5 to 7 per cent by 2015, increase fertilizer use from 44.6 kg per hectare of arable land to 65 kg by 2015, and develop an integrated regional agricultural information system by 2005 (RISDP, 2003).

Finally, on human and social development, the SADC plan targets the implementation of MDG's such as universal primary education by 2015, eliminating enrolment gaps between boys and girls by 2005, reduction of maternal mortality by three quarters and halve under-fives mortality by 2015 (RISDP, 2003). The priority areas were not new and neither is the plethora of strategies and activities mentioned in the Plan. What was new was the bold and ambitious targets in the RISDP.

SADC programmes and protocols have always been very clear and far-sighted, but the challenge has been the translation of commitment into action at national level (RISDP, 2003). So targets are an attempt to cause that leap from decisions to implementation. The desired ends are lofty and deadlines are tough (RISDP, 2003). A number of key deadlines were actually a few months away when the Plan was finally adopted in 2003. More targets fell in the two-year period thereafter, 2004-2005, "thus challenging SADC member states to implement from the word go. All targets are a form of pressure" (SADC Report, 2005).

Targets are putting enormous pressure on member states as implementing organs of the SADC programme. These ambitious targets also put a strain on the "weak coordinating mechanisms in Gaborone to be more focused and delivery-oriented in their efforts" (SADC Report, 2002). RISDP marks a shift from a general discourse about regional integration which pre-occupied SADC in the earlier period of the implementation and delivery of goods. It was expected that member states would not be measured by whether or not they meet deadlines, but by how much they move in that direction (RISDP, 2003).

The SADC Secretariat has in 2010 undertaken an internal review of the RISDP aimed at establishing progress that SADC has made and mapping out the challenges ahead. The SADC internal desk assessment was finalised in 2011. The RISDP internal desk assessment has acknowledged that SADC has made substantial progress in meeting some of its targets such as the Free Trade Area in August 2008 (RISDP, 2003). However, the RISDP desk assessment makes an important distinction between the attainment of the target and the attainment of the inherent objectives of the target. The RISDP desk assessment is very candid about challenges that SADC encountered resulting in the postponement of the SADC Custom Union target of 2010. The RISDP desk assessment does identify quite a number of areas that SADC where more work is needed:

financial liberalisation; competitive economic development increased investment;
lack of human, financial and technical resources; private sector capacity to supply

services; full implementation of customs and trade facilitation instruments; and building capacity and institutions to assist SADC Secretariat (RISDP, 2011).

At the recent Tralac Conference in Cape Town in May 2014, the RISDP was reviewed as part of the SADC mid-term review process: “the Conference was unanimous in recognizing the divergence that exist between political ambition and the reality of regional integration in African in general and SAD in particular” (Tralac, 2014). The conference called for the “rethinking of the region’s approach to regional economic integration in line with the competitiveness demands of the 21st century” (Tralac, 2014: 2).

3.5 The Role of Civil Society

Targets have come handy also for civil society formations keen to find legitimate indicators for measuring member states’ delivery record and SADC performance in general. This is partly the reason the RISDP has generated a lot of interest among civil society organisations even on the sidelines of SADC Summits. Civil society formations closely watch not just the politics of SADC, but also how member states and SADC institutions are responding to the benchmarks set out in the RISDP.

Convened on the sidelines of the SADC Summit in Lesotho in August 2006, a major civil society forum focused on implementation of SADC agenda through the RISDP (SADC Communique, 2006). Civil society representatives and ordinary people put their views across on three substantive areas: poverty eradication and food security, economic and trade issues, and human development questions. The civil society groups argued that these areas be given greater priority and for civil society to have a greater say in planning and implementation phases (SADC, 2006). While the RISDP is seen as an expression of aspirations of the people of the region, there are doubts if it will make a meaningful impact primarily because of lack of capacity, i.e. capacity to co-ordinate at SADC headquarters and capacity to implement at member states level (SADC, 2006).

Even SADC has accepted the fact that an unintended consequence of reforms is that they have seriously weakened the Secretariat and destroyed capacity to deliver on SADC business at national level by doing away with the useful Sectoral Co-ordination Units. The Secretariat is under-staffed two years after SADC decided to fully staff it (SADC Communique, 2004). Hence, the four directorates that have taken over from SCUs the sectoral co-ordination (Trade Investment Finance and Industry; Food Agriculture and Natural Resources; Social and Human Development; Infrastructure and Services) are presently ill-equipped to take forward an ambitious developmental programmes embodied in the RISDP. Even if there was adequate financial resources deficiencies in the implementation and coordinating capacity will still prevent delivery on the promises by SADC and member states (SADC Communique, 2008).

Besides technical capacity, in the final analysis the secretariat's incapacity relates to lack of political authority to champion SADC programmes and policies. The appointment of the previous SADC Secretary, Tomaz Salomao, a former minister in Mozambique, SADC hoped the office will acquire some authority to hold governments to account and politically champion its agenda. Studies of regional institutions in Africa, (Asante, 1985, Ikome, 2007) indicate that heads of states are weak at promoting regional agenda because "they represent national interests of their own governments, so regional organisations require own political champions to provide political leadership for the implementation of regional policies and programmes."

The problem for civil society is that, in spite of recent reforms, SADC remains dominated by governments, leaving non-state actors and the public in general alienated. There is no gainsaying that SADC is by nature an inter-state organisation, but since its inception the organisation has also aspired to become people-friendly. Time and again, SADC leaders have stressed the need for citizens of the region to buy-in into the organization's vision and programmes. It seems that SADC erroneously hoped that member states will voluntarily open up to engagement with the citizens and make concerted efforts to

popularize SADC. SADC hoped that states will encourage public participation in the implementation of its agenda at national levels. This is so in spite of the fact that a large number of SADC states are yet to develop open political systems. In countries such as Zimbabwe and Swaziland whatever “space for public participation in their government existed is shrinking fast” (Interviews, 2012).

Although several summits recently have called for consultation of the people of the region on major policy issue, the organization has not put together a strategy or policy for encouraging such interface with the people (SADC, 2009). There is no evidence of summits ever making an assessment of the extent to which member states engage citizens as agreed. Neither is there any indication that the coordinating institutions of SADC ever evaluate the engagement of the public as per summit decisions. All this points to an institutional culture embedded in state-to-state interface at the core of which is an assumption that governments in themselves adequately embody popular sentiments (SADC, 2010).

Civil society organisations have expressed a desire to seize the opportunity presented by such summit decisions, but are frustrated by lack of proper and effective structures for them to engage SADC on issues of policy and programmes alike. Contrary to expectations in some quarters the new Executive Secretary has not introduced a new ethos in the SADC headquarters, especially in terms of making SADC people-friendly. In his many public statements, the target audience has almost exclusively been governments, donor community and the private sector. While the SADC Parliamentary Forum and the SADC NGO remain alienated, SADC has established a healthy working relationship with a recently established private sector forum called the SADC Chamber of Commerce (SADC, 2003).

The SADC coordinating structures such as the Secretariat - whose duty it is to ensure implementation by member states of SADC decision – have found that taking bold steps on the SADC decision to engage the people cannot be done outside the framework of the

nation state. This situation has created delays in coming up with a programme or manual to guide the popularisation of the organisation. The SADC member states on the other hand, have been reluctant if selective to place the SADC agenda in the national policy arena. The SADC secretariat has been challenged in the area of forging strong partnership with the peoples of the region. This has culminated into slow responses from governments to the challenge of expediting programmes. As one delegate at the Maseru Civil Society Conference put it, to ordinary people the SADC is an aloof entity that has annual ceremonies called summits for government leaders (SADC, 2001).

At the risk of becoming irrelevant for the 250 million people, the SADC is finding it difficult to balance its role as an inter-state agency (SADC, 2011). It draws its legitimacy ultimately from the national states. Secondly, intergovernmental regional integration is challenging both the agents (member states) of integration as well as the outcome itself. This means SADC cannot impose its ways over member states' authority in order for it to exercise its regional authority on regional matters. The SADC Secretariat is merely established to create coordinating forums for engagement with state and non-state actors and the public in general on SADC matters.

SADC has attempted to create mechanisms for structured engagement with legitimate civil society formations and national parliaments as organised voices of the people on the ground (RISDP, 2003). At best, the SADC Parliamentary Forum and the SADC NGO forum should be restructured and should "have an official relationship with SADC" (Interview, 2012). Thirdly, it is incumbent upon SADC also to engage member states to increase public participation in national responses. The sooner that National Committees are established with representation from civil society the better. These structures should be required interface with the citizens as part of their core responsibilities. But it is also incumbent upon structures that represent like civil society, traditional formations and national parliaments to engage SADC to chisel spaces for public participation in SADC business (RISDP, 2003).

3.6 Poverty Eradication Strategies

The eradication of poverty is central to the SADC's integration agenda. According to Article 5 of the SADC Treaty, regional integration is seen as catalyst for accelerating economic growth, eradicating poverty and achieving a sustainable pattern of development. According to the RISDP, the goal is to promote sustainable and equitable economic growth and socio-economic development that will alleviate poverty and ultimately lead to its total eradication. This will only be possible if the region achieves economic growth rates of at least 7 percent per year. Such levels of growth will reduce by half, the proportion of the population that lives on less than US\$1 per day by 2015.

In order to address this problem, SADC seeks to create opportunities for the poor to create wealth for themselves. This entails building up capital assets of the poor, redistributing natural assets, constructing and maintaining infrastructure and promoting knowledge and health in poor areas; protecting the environment and reducing economic inequalities. Poverty in all its dimensions constitutes a major development challenge facing the SADC region (RISDP, 2003). Poverty indicators include the low levels of income and high levels of human deprivation. Statistics indicate that about 70 percent of the regional population lives below the international poverty line of US\$2 per day while 40 percent of the region's population of 76 million people lives below the international poverty line of US\$1 per day (World Bank, 2000). Figures from the ADB and World Bank show that about 80 percent of the population in some Member States such as Mozambique and Zambia is estimated to be living in extreme poverty.

The 1995 World Summit on Social Development described poverty as having various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and, malnutrition; ill health; limited access of lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social

discrimination and exclusion (World Bank, 1995). It is also characterised by a lack of participation in decisions-making and in civil, social and cultural life. Absolute poverty is also a condition characterised by severe deprivation of basic human needs, including safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to social services. SADC admits that these features are prevalent in the region, in both urban and rural areas (SADC, 2003).

Poverty eradication is high on the SADC development agenda. In 2002 the SADC Consultative Conference was held under the theme, SADC Institutional Reform for Poverty Reduction through Regional Integration, which theme exemplified the organisation's commitment to the goals of reducing poverty levels. In April 2008, the SADC hosted an International Consultative Conference on Poverty and Development held in Mauritius (SADC, 2008). Held under the theme, Regional Economic Integration: A Strategy for Poverty Eradication towards Sustainable Development, the conference served as a platform for interaction between Heads of States and Government and key stakeholders such as civil society, international cooperation partners from the region and elsewhere to reflect and adopt innovative approaches to the region's poverty eradication strategies (SADC 2008).

The conference also served as a platform for the SADC to engage the international community on commitments made towards poverty eradication in an effort to meet the targets of the Millennium Development Goals. A major outcome of the conference was the declaration by Heads of State to 'work towards the establishment of a Regional Poverty Observatory to monitor progress made in the implementation of actions in the main priority areas of poverty eradication'. Since the idea of its creation was only endorsed in April 2008, it is difficult to make an assessment of progress made with respect to the establishment of and location of the SADC Poverty Observatory (SADC, 2008).

The SADC Summit decision in 2012 resolved that the Regional Poverty Observatory be launched by September 2013 to provide adequate and meaningful monitoring services

(SADC, 2013). The Regional Poverty Observatory will function as a forum where all the stakeholders working in poverty eradication at the regional and national levels meet to evaluate and monitor the implementation of the Regional Poverty Reduction Framework. It is designed as a multi-stakeholder consultative forum for monitoring the objectives, targets and actions identified within the SADC poverty reduction programme (SADC, 2013).

The monitoring and evaluation of the process of the poverty observatory covers income poverty, infrastructure, education, health, and social safety (SADC Website, 2012). Poverty analysis and monitoring will be beneficial to all countries and will stimulate progress in the fight against poverty. The objectives of the Regional Poverty Observatory are to:

- ... help member states through harmonisation of standards, methods and indicators; speed up reforms and execution of national poverty reduction strategies; provide regional best practices to supplement the benchmarks of the millennium development goals; allow comparative performance analysis across Member States (SADC, 2013)

Considering that poverty eradication is a priority focus of SADC, it is important to ensure that adequate monitoring of poverty and progress toward the United Nations' Millennium Development Goals (MDGs). Access to reliable information on poverty is important for all development initiatives in the SADC region. Monitoring is a critical component of poverty reduction strategies, and an area where there is a compelling need for harmonisation or standardisation of indicators across member states. Monitoring compliance with agreed regional policies is also an important element of the mandate of regional organisations such as SADC (SADC, 2010).

In addition to these initiatives, SADC has adopted a number of strategies to address the poverty situation in the region. For example, several SADC Member States drafted and adopted Poverty Reduction Strategy papers (PRPs) which stipulate how they intend to address poverty (SADC, 2009). Lesotho, Malawi, Mozambique, Swaziland, Tanzania and Zambia each prepared PRSPs in broad consultation with stakeholders continue to monitor

poverty reduction and growth strategies. PRSPs support policies that aim at helping the poor so that they can benefit from growth by expanding their opportunities, with focus on safety nets, pro-poor economic growth emphasizing productive sectors and employment creation, building human, physical and other capital assets of and for the poor, good governance and a conducive macroeconomic environment (SADC, 2009).

South Africa is no longer the common enemy, although concerns about its economic and political dominance in the region persist and impact on development of a regional identity. In the process, SADC has given prominence to developmental objectives as the motive behind its regional integration agenda with political and security programmes to create conditions for social and economic development in the region (SADC, 2009). This chapter argues that SADC exemplifies an evolving developmental model of regional integration because of its prominent social and economic goals and also because, over the years, it has developed a comprehensive developmental framework including trade, infrastructural development, and human development (SADC, 2009).

3.7 Overview of SIPO

In 2004, the heads of state and government adopted the strategic indicative plan of the organ (SIPO I) to provide for policy direction and guidelines in the daily operations of the Organ. SIPO I was also established to ensure that there is significant alignment between SADC's and the African Union's (AU) peace and security objectives (SADC, 2001). SIPO provides a framework that is important for a much deeper analysis of how security is conceptualised, established and what structure of decision making among states is envisaged, with what strategic instruments of enforcing alignment and compliance is critical. It is this latter aspect that the dissertation is concerned with – how do state preferences converge or diverge towards the common and mutual regional security objectives envisaged in the SIPO I and II.

The Organ is guided by the following objectives: protecting the people; promoting political, security and defence cooperation; developing common foreign policy approaches and collective security capacity to respond to external threats; peacekeeping and resolving intrastate and interstate conflicts; promoting the development of democratic institutions in member states; implementing the United Nations (UN), AU and other international conventions; upholding international law; developing cooperation between police and security services in combating domestic and cross-border crime; and disaster management. The intentions and objectives of the Organ are quite ambitious indeed (SADC, 2012).

The Organ is composed of two major components: the directorate or secretariat and the troika. The Organ's directorate is located at the SADC Secretariat headquarters in Gaborone, Botswana. There are six intergovernmental levels at which the Organ operates, namely: i) the chairperson of the troika or chairperson of the Organ; ii) the Ministerial Committee of the Organ – the committee reports to the chairperson of the Organ; iii) the Inter-State Defence and Security Committee (ISDSC); iv) the Inter-State Politics and Diplomacy Committee (ISPDC); v) ad hoc committees established by the Ministerial Committee; vi) and the Organ directorate (SADC, 2001). The objectives of the Organ "... emphasise the relationship between development and security and the need to balance state behaviour and human security" (ISDSC, 2003).

The difference between the ISDSC and ISPDC committees is basically that of focus and orientation in the arena of security issues. ISDSC is mainly concerned with defence, public security and state security including military and intelligence systems whilst ISPDC is focused on good governance, human rights and diplomacy (Cawthra et. al., 2007). In this arena of policy and organisation coordination the state and not regional spirit is looming large. However the arena of state action wherein these ambitious policy frameworks is implemented is the most critical aspect of this investigation. The five year strategic plan (SIPO I) provides a framework for the implementation of the OPSDC. Given the importance and sensitivity of the matters pertaining to SIPO's mandate, the SADC

Ministerial Committee undertook an evaluation of the SIPO I in 2007, 2009 and in 2012 “which led to the development of SIPO II” (SADC, 2007).

The reason and objective of the evaluation of SIPO was that “it lacked coherent benchmarks for monitoring and evaluation of progress and contained too many priorities thus precluding proper sequencing and implementation” (SADC, 2012). SIPO II was ratified by the Summit of Heads of State and Government in Windhoek Namibia on August 2012. The “secrecy” surrounding the publicity or non-publicity of SIPO II has raised much speculation. The major concern has been that the document (SIPO II) is “too internally focused with not input from civil society” (SADC Report, 2010: 34). The document also is charged for “lacking to come-up with solution to the problem that the Organ has with International Cooperating Partners (ICP)” (SADC Report, 2009: 87). More closely, SIPO II is criticised for its rigid approach to what it considers as “strategic” areas that must be exclusively funded and controlled by its member states and leaving “non-strategic” designations to the ICP (SADC Report, 2006: 35).

3.8 Definition and Operationalisation of Concepts and Terms

3.8.1 Regional Integration

This section of the chapter is intended to provide an overview and explanation of the key concepts and terms that are utilised in the research. This exercise is important in the sense that it provides both the meaning as well as context within which the concepts and terms deployed in the study are operationalised. A common definition of regional integration states that it is the shifting of certain national activities toward a new center (Haas, 1958). Integration therefore is a form of collective action among countries in order to obtain a certain goal. This goal can be as grand as political unification or a free trade area, custom union and monetary union as found in the objectives of the SADC.

Lindberg (2003: 85) theorises regional integration by proposing that it is “an evolution over time of a collective decision making system among nations.” Lindberg posits if the collective arena becomes the focus of certain kinds of decision making activity, “national actors will in that measure be constrained from independent action” (Lindberg, 2003: 84). More simply, “it is a series of voluntary decisions by previously sovereign states to remove barriers to the mutual exchange of goods, services, capital or persons” (Khan, 2002). Keet (1998: 38) contends that the current situation in Southern Africa provides a more favourable arena for the strengthening of the state through the integration of political institutions into regional integration, in other words, can be conceptualised variously as a “defensive response to the detrimental aspects of free trade or a strategy used to promote multilateral trade liberalisation” (Gibb, 1997: 70).

This research examines the state sovereignty-regional integration complex and how the delegation of some aspects of state sovereignty occurs as the process of regional integration unfolds. Sidaway and Gibb (1998: 178) contend that rather than integration efforts signaling the possibility for reshaping the state in Southern Africa, regional integration “might be read as a part of the set of processes by which sovereignty is confirmed.” Cold War politics elevated the inalienable sovereignty of nation-states as a cornerstone of the international system on which weak and incapacitated African states relied for their very existence. With its “demise and the elevation of anti-statism, regional integration becomes a means to sustain the juridical presence of the African state”. In their analysis, Sidaway & Gibb (1998: 179) argue that:

... formal participation in [regional organisations] is another way whereby states seek to confirm, fix and secure the appearance and power of ‘sovereignty’... participation in fora such as SADC is a way in which the state is actively *represented* as a real, solid and omnipresent authority. In doing so, the fact that it is a contested, socially constructed... object is obscured, and states would have us take them for granted as the natural objects of governance and politics.

This view has been reinforced by Mistry (2000: 554) who claims that “Africa’s commitment to integration appears to have been visceral rather than rational, more rhetorical than

real.” Echoing the negativity in relation to Africa’s regional integration experience, Leistner (1997: 113) argues that while the expectation of sub-Saharan African countries has been that regional integration would “reverse the continent’s economic decline, promote development and strengthen Africa’s position in the world at large” this has not been the case. In taking some of the more workable experiments seriously, though, there is the potential for gaps to be filled and integration models strengthened.

The research examines regional integration and state sovereignty within the constructivist conceptual and theoretical tools that will underpin the importance of a theory of the state in Southern Africa as well as a useful conceptual approach to regional integration. The evolution of regional integration in Southern Africa is considered to be a pillar or one of the building blocks in the construction of complete integration in Africa (McCarthy, 2007). This functionalist approach to regional integration is also captured in the Constitutive Act of the African Union (2002: 3) thus:

... achieve greater unity and solidarity among African countries and the peoples of Africa; defend sovereignty, territorial integrity and independence of member states; accelerate the political and socio-economic integration of the continent; promote and defend African common positions on issues of interest to the continent and its people; promote peace, security and stability on the continent; promote democratic principles and institutions; popular participation and good governance, and promote and protect human and people’s rights.

3.8.2 The Region

The meaning of the region in this research is important in that it assists in explaining or locating the scope of the manifestation of regional integration. Regions are conceptualised differently in many fields of study. International Relations theory conceives regions as clustering of countries “focusing on specific economic and political policies within countries” (Van Langenhove, 2003: 3). Other definitions of regions in political science include a vast literature on the geographical scope of countries and the

territorial characteristics of that geography and their impact on regional integration (Haas, 1970). The difficulty in bridging the conceptual vagueness and contradictions in the conceptualisation of regions is that they tend to be explained in relation to regional integration.

Hettne & Soderbaum (1998: 11) contend that “regions are obviously important to the study of regionalism. Given that regions necessarily involve geographical dimension, the main task of identifying regions implies making judgments about the degree to which a particular area in various respects constitutes a distinct entity, which can be distinguished as territorial subsystem (in contrast with non-territorial sub-systems) from the rest of the international system, that is, the degree of what we call regionness.” In the case of the SADC ‘region’ the international system denote the African continent with SADC being one region or what the African Union refers to as regional economic community (REC). As a subset in the institutional of continental integration, the SADC region is one among eight RECs that have been identified by the African Union as building blocks for the complete integration of the Africa (Abuja Treaty, 1991). The research argues that regions are not “natural” or “given” they a product of discursive interaction between different actors (Hettne & Soderbaum, 1998: 10).

3.8.3 Regionalisation

The process of regionalisation is conceptualised in this research as denoting “increasing levels of regionness” (Hettne & Soderbaum, 1998: 9). Similarly, the research views regional cooperation among states in the SADC ‘region’ as institutionalisation towards the normative cumulative ideal of regional integration. The regionalisation approach is qualitatively a new phenomenon in international relations theory. It refers to a phenomenon, still in the making, that began in the mid-1980s, in contrast to the ‘old regionalism that began in the 1950s and faded away in the 1970s. The old regionalism must be understood within a particular historical context, dominated by the bipolar Cold

War structure (Hettne, 1998). On the other hand, the current wave of regionalisation needs to be related to current transformations of the world. The new regionalisation phenomenon is associated with several and often interrelated set of factors caused by the structural transformation of the global system:

the change of the bipolar Cold War structure and alliance systems towards the multipolar (or perhaps tripolar) structure, with a new international divisions of power (NIDP); the relative decline of American hegemony in combination with a more positive attitude on the part of the USA towards regionalism, at least in the form of 'open regionalism'; the restructuring of the global political economy into three major blocs: the European Union (EU); the North America Free Trade Area (NAFTA) and the Asian-Pacific, which are all based on different forms of capitalism; the erosion of the Westphalia nation-state system and the growth of economic, social, and political interdependence and transformational, which has triggered new patterns of interaction both among governments and non-state actors; the associated globalisation of finance, trade production and technology which has led to new international division of labour (NIDL); the end of 'third worldism' and changed attitudes towards (neoliberal) economic development and political system in the developing countries (Hettne & Soderbaum, 1988).

The content of the renewed trend towards regionalisation traveling the world has also changed radically. New regionalisation is truly worldwide phenomenon that is taking place in more areas of the world than ever before. The 'old regionalisation' was generally specific about objectives and content, and often had a simple and narrow focus on free trade agreements and security alliances, whereas the number, scope and diversity of the new regionalization has grown significantly during the last decade (Booth & Vale, 1995). According to Booth & Vale (1995: 285), "Southern Africa is faced by the choice between two geopolitical courses, characterised by distinctive understandings of the future of interstate relations and unique appreciations of the region's security problematics." Policy convergence along these dimensions is not a natural process but a discursive social process of socially and politically steered actions.

3.8.4 Regionalism

The research makes a distinction between regional integration and regional cooperation. These terms are widely used. They compound the general uncertainty of “whether regional conquerors and nation builders are also actors on the stage of regional integration” (Haas, 1970:3). Regionalism refers to the “general phenomenon as well as the ideology” of regionalism, that is, the explanation and logic of the regional order that is envisaged in particular geographical entity. Hettne and Soderbaum (1998: 12) contend that regionalism “covers too many phenomena to be useful as analytical tool, and should therefore be broken down into specific categories.” Hettne and Soderbaum are correct, it is important to utilise appropriate conceptual and theoretical tools in the analysis of regional integration. Although the research is focused on the constructivist framework for analysing regional integration in Southern Africa, it utilises to a degree some of the concepts and explanations that regionalism offers.

And yet the terms are often used interchangeably, unintentionally conflated, or merely confused. Regional cooperation refers to the wide variety of sectoral agreements or arrangements between states to cooperate in the development or implementation of government policies (Hettne & Soderbaum, 1998). Regional cooperation is embodied in regional agreements, on cross-border interactions between official institutions of governments. Regional integration, on the other hand, can be defined broadly as a cumulative level (end-state) of convergence on trade, infrastructure and investment with the creation of integrated markets and advanced institutions. More importantly, the process leading to this cumulative level of regional convergence would also spell-out the difficult questions such as national sovereignty, national interests, and national security with which a regional model would be negotiated. What institutional model of cumulative regional convergence would be wrought through an intergovernmental (state-driven) approach to regional integration remains to be seen?

An approach to regional integration that facilitates the development of physical infrastructure between and within countries to improve the flow of goods, services, and workers can yield substantial benefits for the region. Establishing a SADC Customs Union (CU) model is critical, but will require significant investment in the harmonisation of administrative and trade procedures including infrastructure, regulatory framework, customs processes, and practices to facilitate the growth and expansion of regional business opportunities. The current approach or discourse on regional integration and development is more about regional cooperation – through a process of sectoral cooperation among member states – how it leads to the normative ideal of regional integration and to what end does the process yield for nation states in the region, is the focus of this research.

3.8.5 Constructivism and State Sovereignty

The conceptualisation and definition of concepts is a complex and fragile exercise in social science. This is because the social sciences, political science and international relations in particular, are very dynamic fields of study. Terms and concepts that were utilised and defined centuries ago for the first time have been re-defined a dozen times. This is the case with state sovereignty and regional integration. This chapter examines how the definition and conceptualisation of sovereignty and regional integration have been changing and how they are currently being defined in literature. Since theory is constructed for application in practice, the chapter shows how a much broader and reflexive conception and definition of sovereignty and regional integration are viable for this research. As Wendt (1994: 384) points out: “we need to be aware of the conceptions we use since they determine our perception of things.”

The concept of sovereignty is expressed in literature in a variety of ambiguous, confusing and difficult ways. Sovereignty conjures an ambiguous and yet broad relationship between the state and its self-interest. The concept of sovereignty may refer to the

possession of international legal personality, or the possession of particular legal competence or powers. Wendt (1994: 388) refers to sovereignty as “highly open-ended institution ... empowering states juridically to determine their own interest ...”

State sovereignty is about the sole right of states to make decisions without any interference from outside parties. Crawford (2006: 33) defines sovereignty: “as a legal term ‘sovereignty’ refers not to omnipotent authority ... but to the totality of powers that states may have under international law. By contrast, as the political term, its connotations are those of untrammelled authority and power and it is in such discourse that the term can be problematic.”

The indeterminateness or unboundedness of sovereignty is important to the research. The aim of the research is to examine the basis of the “forces disposing states towards particularism, sometimes confront others [states] disposing them toward collectivism” (Wendt, 1994: 388). State sovereignty has two fundamentally reinforcing qualities: “legitimacy” and “coercion” (Ruggie, 1993: 198). In this duality, the “internationalisation of the state requires the development” of clear identification in respect to its function “be it military, security, economic growth” (Wendt, 1998: 388).

It also requires that the state build some legitimacy over “collective capacity to sanction actors who disrupt the performance of that function” (Wendt, 1998: 388). The aim of this chapter is not to contest these conceptions or definitions of sovereignty but to show that most accounts of sovereignty point to its “indivisibility”, “final authority”, and “supreme power” (Wendt, 1994: 21). Indeed the aim here is not to debunk the conceptualisation of sovereignty “as an institution that imparts to the state ... meta-political authority” (Thomson, 1995: 214).

The aim of the research is to examine how in the architecture of SADC regional integration – with sovereignty divided among its member states – is ‘regional sovereignty [integration]’ to be achieved. The member states of SADC in their finality are defined as

states "with indivisible sovereignty, fixed boundaries, established governments, clear identity, and democratic legitimacy" (Schmidt, 2003: 1). The SADC on the other hand, is conceptualised as a "regional state" in the process of development, with sovereignty divided between its member states, with variable boundaries in regard to policy and yet fixed with regard to geography. It is the former, the variability of policy boundaries that the research examines in terms of the modes of decisions of states over policy competencies.

Wendt conceptualises sovereignty as composed of four qualities: international recognition from other states; autonomy with regard to the exclusion of external authority; control over activities within and across their borders; and exclusive power to organize authority within the polity (Sterling-Folker & Badie, 2012). In the light of this, the research examines how SADC member states are able to "pool their sovereignty in the process of Southern African integration" (Keohane, 1995). The research examines how and over what areas of policy competencies will SADC member delegate sovereignty.

The research looks at the concept of state sovereignty and its relationship to the process of regional integration. This chapter guises at other concepts such as "state", "regionalism", "region", "regionness", "regionalization", "regional sovereignty" and "interests". The purpose is to make sure that these concepts are illuminated and explained so that their use in the study is understood. Conceptualisation is an important element of shaping discourse, by providing cognitive tools for making a persuasive argument. The research argues that, regional integration in Southern Africa is also a matter of discourse that serves to generate and convey ideas about its construction, mediated and negotiated through state interests.

In an intensely legal examination of "the changing character of sovereignty" in international law Nagan & Hauman (2003: 1) posit: "there exist perhaps no conception the meaning of which is more controversial than that of [state] sovereignty. It is an indisputable fact that this conception, from the moment when it was introduced into

political science until the present day, has never had a meaning which was universally agreed upon.” It seems counterintuitive that this research, aims to examine whether new variations of such venerable concept are available. The examination of sovereignty in the process of regional integration in Southern Africa might enhance deeper collective understanding of this vital concept.

The classical model of state sovereignty finds its historical origin in the Westphalian Treaty of 1648, following the Thirty Years War (Crawford, 1978). Westphalia marked the rise of a model based on state sovereignty enshrined in mutually agreed treaty based obligations (Gross, 1988). However, Westphalia did not create a world of unrestrained sovereignty (Crawford, 1978). A number of guarantees for religious minorities were inserted, which reflected the religious dimension of the Thirty Years’ War. The use of force, while not ruled out, was subject to a number of conditions, and in particular dispute settlement conditions (Gross, 1948). International Relations theorists (Stein, 2001; Krasner, 1983; Smith 2000; Nye, 1968) have provided a great deal of explanation of the concept of state sovereignty.

Critical writings among realists, neo-realists, liberal institutionalists and new regionalism theorists and constructivist have revived the concept of state sovereignty “from its abstract, arcane, and sterile treatment in the fields of international law and political philosophy” (Walker, 1988: 221). As the international system was recovering from Cold War bipolarity that froze the conception of the state as anarchic, constantly inclined to war, the Southern African state has “a keen instinct for survival and so adapted to new challenges – even the challenge of globalisation” (Krasner, 1999: 20).

In the light of this, Hinsley (1986: 220) made a claim: “it is the state which wields sovereignty, and that structure, notional or tangible, which possesses it, is by definition the state.” Given this, sovereignty is a quality that can only be associated with states. The research examines whether regional integration provides for a straightforward conceptualisation of state sovereignty in Southern Africa. Weber (1947: 7) defines the

state as "... a human community that claims the monopoly of the legitimate use of physical force within a given territory."

The use of this right by the state has two dimensions – one external and the other internal (Krasner, 1999). Internal sovereignty refers to the legitimate authority of the state and its institutions to use force and to defend the internal territory of the state (Krasner, 1999). External sovereignty refers to the access of the state to the right of judicial equality and territorial integrity in the international system, which is based on the recognition of the internal sovereignty of the state by other states (Morgenthau, 1950).

Laski (1967: 34) defines state sovereignty thus: "the modern state is a sovereign state. It is therefore, independent in the face of other communities. It may infuse its will towards them with a substance which need not be affected by the will of any external power. It is however, internally supreme over its territory it controls. It issues order to all men and all associations within that area; it receives orders from none of them. Its will is subject to no legal limitation of any kind. What it proposes is right by the mere announcement of intention."

The constructivist framework underpinning the conceptualisation of state sovereignty is what this research is focused on. Constructivism conceives of state sovereignty as mutually "co-constitutive" (Sterling-Folker & Badie, 2012:105). The constructivist analysis of state sovereignty conceives of states in the process of regional integration as agents. The interactions among states in Southern Africa are products of historical interactions. In this way, the structural process of regional integration has an inverse relation to the states as it does not only constrain them but also re-constitute their identity in the process of regional integration. The constructivist framework that is utilised in this research provides "... a systemic approach to understating state interests and state behavior ..." (Finnemore, 1996:2).

Constructivism as the framework offers a strong explanatory power to depict the quality of interactions amongst states in Southern Africa. Wendt puts the matter this way: "it is through reciprocal interaction ... that we create and instantiate the relatively enduring social structures in terms of which we define our identities and interests" (1992: 406). Constructivism is placing important premium on states' interactions and relationships in respect to their autonomy as sovereign states whilst at the same time balances this against the process of regional integration which "co-determines" that relationship. The constructivist framework of regional integration and the state in Southern Africa is that both the state and the process of regional integration are simultaneously co-determined "hence neither should be causally privileged in explanation" (Sterling-Folker & Badie, 2012: 106).

The section of the chapter provides definitional and conceptual explanation of the state sovereignty-regional integration complex, "... illuminating space within which to examine the continuing relevance" of contemporary conceptualisations of state sovereignty (Thomson, 1995: 210). In short, concepts and terms are better articulated in their appropriate contexts, and their variable meanings are given coherence when we appreciate the divergent contexts within which they are used. Constructivism offers important explanatory power in how norms, interests and identities are shaped is social interactions among states. The research examines state sovereignty in the evolution of the process of regional integration in Southern Africa. The conceptions and definitions of state sovereignty in literature project various meanings generating high levels of ambiguity.

The research examines the balance of decision making processes by SADC member states as they serve in the progressive realisation of the regional integration end-state. In this regard, the research leans towards Lasswell & Kaplan (1950: 177) point thus: "... it is precisely this relation of power to the 'legal structure' which makes it necessary to invoke such concepts as sovereignty. It is this very concern with the ends and means of power which demands the inclusion of authority into the field of political inquiry." The research

examines the dynamic aspects of state sovereignty; the meaning of it has thus been unpacked from the point of view of its actual operation in social practice.

3.8.6 Intergovernmentalism

The intergovernmental approach to regional integration has put the state at the center. The integration process is no longer considered as the process with its own logic, but as a process that member states influence and control according to their own interests (Moravcsik, 1991). Member states cannot be ignored when analysing regional integration. Moravcsik (1991: 75) puts the matter this way: "the primary source of integration lies in the interests of the states themselves and the relative power each bring." The research examines the internal orientation of states in terms of decision making and the formation of state policy preferences in the SADC region.

Nye (1990) observed that the success of integration depends upon the ability of member states to adopt and respond to cooperative agreements that define integration. His argument provides the foundation for the perspective that regards integration as a function of negotiations between states to produce cooperative agreements that evolve into further integration. Moravcsik (1995: 91) on the other hand, argues that integration is due to the "bargaining among the more powerful members of a regional group." This argument continues the tradition that integration is a means for member states to obtain domestic policy preferences through regional negotiations (Keohane, 1988; Taylor, 2006; Wallace, 1994). Through negotiation, states converge policy competencies in order to alleviate negative economic externalities due to economic interdependence while retaining national sovereignty. Putman conceives of the formation of state preferences differently:

The policies of many international negotiations can usefully be conceived at two-levels. At the national level, domestic actors pursue their interests by pressuring the government to adopt favourable policies, and politicians seek power by

constructing coalitions among these groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign development (1998: 434).

This research examines the motivations and direction of state preferences in regional integration in Southern Africa. Putting it different, this research is concerned with: "why it is that states should invest in enterprises that result in de facto clipping of their autonomy" (Rosamond, 2000: 151). The institutionalisation of the process of regional integration in Southern Africa aims to modify the nature of the state (RISDP, 2003). The research examines the areas and levels of motivation in the policy preferences of states as the region converges or diverges towards or away from the normative regional integration objectives.

2.8.7 Supranationalism

One of the major critiques of intergovernmentalism is that it ignores or underestimates the power of supranational institutions and transactional actors in the process of regional integration (Weiler, 2009; Gstohl, 2008). Supranationalism approach returns the direction of research back to neo-functionalist perspective (Weiler, 2009 & Gstohl, 2008). By including supranational institutions and a transnational actor, integration is again conceptualised as being self-perpetuating: the origins of integration lie in the outcomes of prior steps (Weiler, 2009 & Gstohl, 2008).

The primary focus of the supranational approach to regional integration is captured by Hass (1968: 16) thus: "political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards the center, whose institutions possesses or demand jurisdiction over the pre-existing national state." Supranationalism benefited from the work by Lindberg (1963) which was written, in the main, as a response to Haas. Lindberg argued

that four conditions should prevail for the process of regional integration to be launched properly:

Central institutions and central policies should be established and developed; because only they can assure that someone represents and promotes the 'regional view' as well as solves disputes between member states. Their tasks and capacity to implement those tasks should go well beyond the mandate of normal international institutions. Their tasks should be inherently expansive. There should be some link between the interest of member states and the process of integration (1963, 7-13).

The most written explanation of supranational by Lindberg is the spill-over effect (1963). Lindberg defines the concept of the spillover thus: "spillover refers to situations in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions which in turn create further condition and a need for more action, and so forth" (1963: 10).

3.8.8 The State and Globalisation

Understanding the concept of the state is critical in the process of regional integration. The SADC states while having common historical ties, they are at the same time different. The regional integration process is an attempt at integrating states with "political and economic diversities ... including their diverse production structures, trade patterns, resource endowments, development priorities, institutional affiliations and resource allocation mechanisms" (RISDP, 2002:3). Whilst post-independence experimentation of political and economic governance resulted in variety of state forms in Southern Africa, changes in the global environment also had sustained influence on the character and nature of the state. The most recent exogenous force that has had significant impact on the state in Southern Africa is the process of globalisation.

At the center of globalisation discourse is the notions about the “decline of the state” (Strange, 1996). Given the retreat, the requirements of global challenges in different regions of the world will require different state capacities. Similarly, the process of globalisation, it is argued, has limited the authority of the state to make decision over policy (Mishra, 1999). The research is not to provide a comprehensive evaluation of globalisation and the state in Southern Africa, but rather to show that the state is still existent years after globalisation was mooted. The research argues that perhaps the analytical tools used to make sense of globalisation in Southern Africa need Southern African-specific conceptual approach in the same way that the study of the political economy of regional integration in the Southern Africa would require.

So, the challenges raised by globalisation as a process yield no easy answers. The process of globalisation strains the abilities of states and governments to confront them independently. The occasional food strikes and attacks on privatization in most developing countries is testimony that even historical alliances between governing elites and the civil society will tend to fail if not bring about serious contradictions, in the face of globalisation. The most important point about some of the fundamental shortcomings of the debate on globalisation have to do with what Cooper’s calls the “Banker’s Boast” (Cooper, 2001:192). Entailed in Cooper’s conception is the notion that the demise of the Soviet Union wrought about “globalisation” that “invokes time and time again to tell rich countries to roll back the welfare state and poor countries to reduce expenditure – all in the name of the necessities of competition in a globalised world” (Cooper 2001: 192).

In most African states, Copper’s Bankers’ Boast is tantamount to macroeconomic fundamentals that are said to be in place in the economy, at the expense of jobs, education, and houses (Mishra, 1999). Even more, the irony in the whole situation, at least for African states is that, although sound macroeconomic fundamentals are in place, employment, growth and investment have not been forthcoming. The real question therefore, becomes not so much “whether globalisation is here to stay,” but that, if it

stays here, it cannot continue to do so in a form in which it continues to bring about serious disadvantages on the world's poor (Bond, 2002). Another critical accusation against globalisation is that it assumes an end to the constructivist processes that are historical and unique to certain countries because it conceives of the modern world as shrinking to become a compressed global village.

Confirming this situation, "globalisation is a phenomenon that we cannot deny. All we can do is accept it" (Bond, 2000: 2) assert the proponents of it. Implicit in the point made by the proponents of globalisation is that globalisation is here to stay in spite of attacks on it. Even more curious, is an apparent sense of hopelessness and impotence on the part of most states. In their response to this situation, Michie & Padayachee (1997: 23) argue: "... globalisation has become a synonym for inaction, even paralysis, in domestic economic policy formulation and implementation."

In a nutshell, the problem that globalisation imposes goes further than merely an acceptance of it as being here. It actually reconfigures and changes the fundamental progressive principles that have been long dominant in society in favour of the neo-liberal straight jacket of free-market fundamentalism. Although the scope and implications of state diplomacy may be less clear in the post-Cold War era, the role of the state in conflict resolution as well as in dealing with the implications of globalisation and other processes has not declined (Strange, 1996).

3.9 Conclusion

The primary reason for studying regional integration is thus normative: the units and actions studied provide a living laboratory for observing the peaceful creation of possible new types of human communities at a very high level of organisation and the processes which may lead to such conditions. This research is concerned with the task, transactions, perceptions and learning in the actions and behaviour of states in Southern Africa. The

research explores some the aspects of state behaviour in respect to policy preferences in the process of regional integration in Southern Africa (Mazzeo, 1984).

For this reason, the research deploys the constructivist framework as it offers a strong and coherent theoretical framework for the study of regional integration in Southern Africa. The research utilises constructivism as it offers a viable option for the study of regional integration with focus on intersubjective and discursive interactions of social actors. The constructivist framework posits a new way of thinking about relations between states and other social actors in the region (Wendt, 1994). The increased importance of interregional relations is also characteristic of the current wave of regionalism. Since we are dealing with the world order phenomenon the behavior of one state in the region has an impact on other states and in the process of regional integration itself (Hettne & Sonderbaum, 1998: 8).

The next chapter of the research broaches central concepts of regional integration theory. The concept of 'regionness' constitutes a central component of the analytical discourse in the theory. It is a broad, open-ended theoretical and analytical framework for understanding processes of regionalisation in various geographical areas in a comparative, historical and multilevel way (Matambalya, 2000:124). Several more specific theories and theoretical perspectives needed for understanding the complexities of present-day regionalism are then discussed.

An analysis of worldwide movement of regionalism is explored from a comparative perspective and makes a fresh, detailed and comprehensive survey of the most referred to an active 'formal' region in the world today. The process of globalisation has spawned a vast literature, very little of which is about an impact on the state (Hirst & Thompson 1996: 196). The dissertation explores the multifaceted impact of regional integration on state sovereignty or on the 'African state'. The focus in the research is to investigate state action and behaviour – in policy making – in the process of regional integration.

... does economic openness deprive nation states of their policy autonomy – the ability to shape social policy - and if so - what are the implications for system of social protection within regionalism? Does regional integration entail a downward spiraling of social standards – a race to the bottom – as nations vie with one another to compete in the international market place (Mishra, 1996: 120)?

The next chapter of the research provides an extensive examination and consideration of the theories and perspectives on regional integration and state sovereignty. The historical and comparative perspective on the concepts and theories utilised within a range of paradigms in International Relations and International Politics is provided. The theories provide useful historical context and meaning on the concepts and terms such regional cooperation, regional integration and regionalism. More importantly, an understanding of how regional integration and state sovereignty is theorised and conceptualised in the literature is provided.

CHAPTER 4

STATE THEORY AND REGIONAL INTEGRATION: THEORETICAL FRAMEWORK

4.1 Introduction

This chapter explores the theoretical literature in the approaches to regional integration. Its aim is to illuminate and elucidate the different perceptions and treatments that these theories hold on a value-charged process of regional integration. The chapter provides an interpretation of the theories in the literature to understand the different levels and dynamic qualities of the regional integration phenomenon. These theories on regional integration also provides crucial understanding of how different theoretical arguments are pursued "... to arise above observation of specific events" (Caporaso, 1996: 34). Kuhn (1962: 15) posits that in the absence of a theoretical model "... all facts are likely to remain equally relevant."

The research examines both normative and narrative accounts of the process of regional integration in Southern Africa in relation to the role of SADC's central policy instruments and the influence of state-centric actors in setting the integrative agenda. Thus, many different stages in the process of regional integration in Southern Africa, as distinct from the normative ideal – 'regional state' – and the consolidation of the sovereign member states, are broached in the theories. In this way, different theoretical perspectives on how regional integration progresses towards what is being developed become clear sites of policy contestation (Mazzeo, 1984).

The chapter also looks at the theories and literature on state sovereignty and regional integration. This section of the chapter is intended to examine the extent to which theories and conceptions of state sovereignty have modified, evolved, transformed to

reflect "multi-level governance" in the choices and preferences of states as regional integration progresses (Schmitter, 2004: 48). Political Science and International Relations scholars (Morgenthau, 1954; Waltz, 1979; Keohane, 2002; Wendt, 1994) have always crafted the epistemological foundations of the world within the intellectual traditions of various theories. These theories have been deployed in ways that convey the causal reasoning about how the world works. Various intellectual theoretical traditions in political science and international relations have sought to highlight certain types of issues, actors, structures and relationships between and within states (Mazzeo, 1984).

The chapter provides different levels of theoretical analysis to convey disagreements in the theories about world politics and how we can understand it better by looking at characteristics of actors, the nature and structure of social relations, the norms and structure of interstate political system (Ikome, 2005). The chapter will explore the realism and neorealist theories of regional integration in relation to sources of international conflict: "... human nature or anarchic international system" (Hobson, 2000: 17). The chapter will also explore functionalism and neo-functionalism and how the two theories explain regional integration and predict the normative result of the process in the SADC region: towards "... supranational state or intergovernmental regime" (Corbey, 1995: 255).

The chapter will then proceed with an exploration of constructivism and neoliberal institutionalism ontological claims in terms of how these theories explain the "... logic of appropriateness" or the "... logic of consequences" in relation to SADC's regional integration agenda (Sterling-Folker: 2000: 99). The chapter will explore what Breslin refers to as "... an inability of existing integration theories to adequately explain processes of regional integration ..." by looking at the burgeoning literature on new regionalism (Breslin et.al. 2002: 4). New regionalism provides a useful and multidimensional approach to regional integration that other theories of regional integration do not provide. The question however, is whether and how the multi-dimensionality of new regionalism

provides different and useful explanatory power to regional integration processes than other theories.

4.2 Realism and Neo-Realism

The foundations of the realist theory of international politics are traced to the classical accounts of Thucydides, Machiavelli, and Hobbes as the first wave (Ashley, 1981; Barkin, 2010; Booth, 1991; Donnelly, 2000). The basic assumption of the realist claims is that international relations should concern itself with national interests and security over ideological or moral concerns (Mastanduno, 1998). The international system of states is in constant state of anarchy, and "... international politics like all politics, is a struggle for power" (Morgenthau, 1948: 28). Realism views war and power as "... inescapable in a system where sovereign states compete for power and advantage to one another's detriment" (Booth 1991: 527).

Realists claim that there is no actor above the state capable of regulating state interactions (Booth, 1991). The relations between states, realists claim, are arrived at out of their own volition and that no higher controlling authority can dictate to states (Booth, 1991; Barkin, 2010). Realism is against the cumulative regional integration process that would result in loss of state sovereignty (Donnelly, 2000). State sovereignty in the international system is what, in realist terms, gives states their meaning, security and existence (Badie, 2001). In pursuit of the national security states strive to attain as many resources as possible (Rosenthal, 1991). Realism also posits that states are rational unitary actors, each moving towards its national interest. The overriding "national interests" of each state is its security, derived by the levels of security and economic power (Gilpin, 1994).

Realism views human nature as not inherently benevolent but rather self-centered and competitive. In this sense, states are inherently aggressive (offensive realism) and obsessed with security (defensive realism) and that territorial expansion is only

constrained by opposing powers (Morgenthau, 1948). Accordingly, the orthodox realist view of the world is the world as is, rather than what it ought to be. In this regard, realism is an "... empirical rather than a normative paradigm" (Morgenthau, 1956: 4). The analytical utility of realism to the process of regional integration in Southern Africa where the normative ideal of the 'regional state' is negotiated is what this section of the study is broaching. Realism is also pessimistic about structural arrangements of "... power in the world that are resulting in conflicts, wars, and rivalries" (Jackson & Sorenson, 2007: 60). In this inherently distorted realist interstate arrangement, the "... balance of power" and "... security dilemma" are among the core analytical instruments of realism (Buzan, 1997: 53).

Realism privileges dominant states in the world system with "... immense leverage to influence the system" (Mearsheimer, 2001: 17-18). For realist, regional security in Southern Africa, become a zero-sum game where relative gains can be made. With regard to power as the core analytical concept at the heart of realism's views of international politics, "... realists believe that state behavior is largely shaped by the material structure of the international system" (Mearsheimer, 1995: 91). For Morgenthau (1965: 9) "... power may compromise anything that establishes and maintains the power of man over man ... from violence to the most subtle psychological ties by which one mind controls another."

Morgenthau's conception of power has always put him at odds with other realists, because of its critical Foucaultian slant towards truth. Foucault argues that the task of intellectuals is to speak truth to power "... and expose of it for what it is" instead of succumbing to power's pretense "... as the bearer of truth and justice in the hope of maintaining the existing order" (1990: 14-15). In his classic book, Morgenthau (1965: 8-9) argues: "... the goals that might be pursued by nations in their foreign policy can run the whole gamut of objectives a nations can ever pursue or might possibly pursue."

Whilst realism locates the roots of the inherent international interstate conflict and war to an imperfect human nature, neorealism argues that the deep direction of causality is the anarchical international system (Waltz, 1979). In his path-breaking work on neorealism, Waltz (1979: 65, 74) criticises realism of "reductionism by failing to account for the patterns of international politics that constantly reoccur though the state actors and their character changes." Waltz contends that the "anarchical international system" and not human nature as realist would posit, leads to "the logic of self-help and power politics" (Waltz, 1979: 82). Furthermore, Waltz argues that states who struggle for power are simply following the dictates of the international system in order to survive in an international order where there is no global *Leviathan* to offer protection. Focusing on system-level analysis, Waltz avoids what he calls "reductionism" in realist understanding of the international structure of politics (Waltz, 1979: 87).

For neorealists, the anarchical structure of the international system determines the behaviour of the units within it. In this situation, states in Southern Africa are continuously locked in competitions over power, interests and influence. Waltz (1979: 105) put the matter in this way:

When faced with the possibility of cooperating for mutual gain, states that feel insecure must ask how the gain will be divided. They are compelled to ask not, 'Will both of us gain?' but 'Who will gain more?' If an expected gain is to be divided, say in the ratio of two to one, one state may use its disproportionate gain to implement a policy intended to destroy the other.

Realism and neorealism theories separate the systemic and unit level explanations of why states pursue power in the manner that they do. Realism privileges unit-level analysis over systemic-level analysis whilst neorealism is concerned with the opposite in explaining the behaviour of states. Put differently, the difference between the realist and neorealist ontological framing of international politics lies in the fact that, realists privilege human nature as a basis of explaining the behaviour of states; whilst the neorealist offer an international structure of anarchy as a source of explaining the behaviour of states. In

this way, realism and neorealism offer structural and unit level explanations of international politics.

4.3 Functionalism and Neo-Functionalism

The theory of functionalism was developed in the 1950s with Mitrany as the primary thinker in the intellectual development of the functionalist theory of regional integration. Mitrany argued that regional integration will be achieved by joining: "... particular activities and interests, one at a time, according to need and acceptability, giving each a joint authority and policy limited to that activity alone." (1965:135). For Mistry, "the implications, costs, benefits and opportunities of integration were neither fully understood nor supported by all levels of government nor by a sufficiently broad spectrum of public opinion." (2000:559). In the Southern African context, this explains the initial reluctance to subject sovereignty to a supranational institution.

Functionalists sought to achieve "a peace by pieces," a gradualist approach to integration (O' Neill 1996: 32-35). Mitrany argued that sectors should be identified where it would benefit states to act cooperatively (1950). Through developing functional economic and social relations between states in particular areas, national loyalties would shift over time to international institutions. The central problem with the federalist and functionalist approaches was that they construed the separation of economics and politics. Neo-functionalism surfaced later in an attempt to resolve the impasse. Neo-functionalism essentially considers the dialectic operative between politics and the economy and seeks a simultaneous path to integration (O' Neill, 1996: 37-49).

The formation of the SADCC was to reduce its economic dependence on South Africa. This was to be achieved through the development of infrastructure and political cooperation and solidarity among regional states. From the outset, SADCC focused on intergovernmental cooperation, and limited economic cooperation. This corresponds with the defining features or the conception of regional integration that political integration

leads to the establishment of a political community, albeit among states (O' Neill, 1996). To achieve its objectives, SADCC opted for sectoral functional cooperation among its members. If one measures the above proposition against the experience of Southern Africa, the genesis of SADCC was underpinned by sectoral co-operation, especially, but not exclusively, in the field of infrastructural development (Mittelman, 1999).

However, poor intra-regional infrastructure, counter-productive to the enhancement of intraregional trade and growth, is still a hallmark of the Southern African region (Mistry, 2000). It could, however, be argued that SADCC achieved modest success in its regional sector cooperation, especially in the field of infrastructural development. For Mittelman (1999) the logic that underpinned SADCC at formation was neither security nor economic considerations. SACU members are the exception to this rule and have a well-developed infrastructure, which served specifically, but not exclusively, South Africa.

Østergaard (1993) argues that interest groups have an important role to play in infrastructural development. Interest groups have, despite some integration so far, however, been excluded in Southern African integration efforts. Instead, national rather than regional development has remained the preoccupation of leaders in Southern Africa (Mittelman, 1999). South Africa earlier on, for instance, was more concerned with developing its own industrial base than that of other members of the Customs Union. Similarly, SADCC member states were more concerned with national as opposed to regional development and cooperation. How functionalism and neo-functionalism explains the behavior of states in this situation in Southern Africa is the focus of this section of the chapter (O' Neill, 1996).

For neo-functionalism, co-operation emerges in progressive and incremental ways so that its effects result into 'spillover' into the emergence of governing institutions. Implicit in neo-functionalism, therefore, remains a preoccupation with economism that would ultimately achieve supranationality (O' Neill, 1996). The approach of federalist and functionalist regional integration theories is that they are elite driven, requiring the

consensus and management of political leadership. Haas (1964), a leading proponent of neo-functionalism, moved away from an emphasis on political elite-driven models and regarded it as critical that interest groups develop a “stake in promoting further integration” (Asante 1984: 180). However, these groups are organised entities, elites in themselves and remain responsive to the initial drive of the political elite. Integration theorists have also considered the imperative of similar political dispensations and levels of development as key to the performance of regional groupings (Krapohl & Muntschick, 2009).

These regional interests and processes: “... spill over borders, involving contacts between groups who are located in different national societies, but who are linked by economic, cultural and political needs” (Smith, 1997:74). This implies that decision-making about economic, political and security policies, which may lead to deeper political and regional integration, goes beyond intergovernmentalism (Haas, 1964). History, however, illustrates that in the case of SACU, economic co-operation did not lead to political integration, whereas with SADCC it was hoped that political cooperation and limited project coordination would lead to economic integration. Because the focus of these programmes was national instead of regional in focus, SADCC had no particular development programme of its own (Maasdorp, 1992).

Vale & Swatuk (2001) posit that the incremental process to regional integration that is posited by neo-functionalist manifests itself through a series of shared projects across borders, induces state behaviour towards cooperation resulting in the regional pooling efforts. In spite of this, Hurrell (1995:336) argues that, “... regional cooperation may involve the creation of formal institutions, but it can often be based on much looser structures, involving patterns of regular meetings with some rules attached.” The cumulative effect of this process is that it will generate cooperation interdependence along sectoral lines, resulting in more expanded scope of regional cooperation.

The ontological focus of neo-functionalism is contextual rather than general and universal. The central argument of neo-functionalism is captured in the spill-over effect that, "...integration within one sector will tend to beget its own impetus and spread to other sectors" (Hurrel, 1995: 210). The regional institutions driving this process have an important role. Hurrel (1995: 348) asserts that: "supranational institutions [not intergovernmental or coordinating bodies] were seen as the most effective means of solving common problems, beginning with technical and non-controversial issues, but 'spilling over' into the realm of high politics and leading to a redefinition of group identity around the regional unit."

The experience of SADCC and SADC experimentation with regional integration varies from the picture painted by the neo-functionalist theory (O' Neill, 1996). Intergovernmentalism and state driven politico-security and socio-economic development are the character and defining feature of the process of regional integration in Southern Africa (Mittelman, 1999). Two types of 'spill over' will deepen the process of integration. Hurrel (1995: 348) notes that: "... first there was functional spill-over whereby partial small initial steps down the integration road would create new problems that could only be solved by further cooperation. Second, there was political spill-over, whereby the existence of supranational institutions would set in motion a self-reinforcing process of institution-building."

This self-reinforcing process of institution building will be strengthened by sector-to-sector integration. Regional integration in Southern Africa, neo-functionalism posits, should presuppose a significant level of interstate cooperation at different levels. The approach of cooperation along sectoral lines with strong sector coordinating units of the SADCC had some useful interventions that would have taken the region quite ahead the neo-functionalist route if it was not for the shift that resulted in development regionalism of the SADC. Development regionalism is quite laudable but regional cooperation given the structure and levels of economic development of the countries in the region would have been the most viable, limited approach to regional development. Any progressive

development approach in Southern Africa has to start with a neorealist understanding of the unit of analysis (the state) that are shaping or driving the process of regional integration in the region.

4.4 Neoliberal Institutionalism

The ontological foundations of neoliberal institutionalism marked a turning point in international politics. Keohane's (1984) groundbreaking work provided an explicit and bold explanation of neoliberal theory assumptions including the role of state and power in politics. Indeed Keohane (1984), and Martin (2007) provides extensive thinking about what it means to be liberal providing an arena for projecting disparate theoretical and intellectual dimensions of much liberalism. Neo-liberal institutionalism offers radically different solutions to the variety of problems facing the international system (Keohane, 1984)

Neo-liberal institutionalism's primary claim is that states' behavior is determined not so much by absolute gains than relative gains in interactions with other actors in the international system. Whether regional cooperation results in relative gains or losses is not very important to a state as far as neoliberals are concerned (Keohane, 1984). In contrast, neo-realism assumes that states are largely concerned with relative rather than absolute gains. Keohane (1989: 2-3) provides two conditions that should obtain for neoliberal institutionalist assumptions to be relevant: "... actors must have some mutual interests ... [second] variations in the degree of institutionalisation [must] exert substantive effects on state behavior."

The most important contribution of neoliberal institutionalist theory about state behaviour in relation to institutions is that, it has raised the intellectual horizons between neorealism and neoliberals. For Keohane (1995: 40), the distributive and allocative difficulties in the process of regional cooperation "... may render institutions more important ... Far from leading to the conclusion that institutions are not significant in world politics, the relative-

gains debate has led us to understand yet another pathway through which they substantially influence the course of international relations.”

Central to neoliberal institutionalist ontology is the analysis of the extent of cooperation possible under conditions of anarchy and the conclusions neoliberals reach are radically different to those of neorealists (Keohane, 1995). Neo-realists claim that under anarchy conflict and the struggle for power are enduring characteristics of international politics and that because of this, cooperation between states is at best precarious and at worst nonexistent. Neo-liberal institutionalists agree that achieving cooperation is difficult in international relations, but that world politics is not a homogenous state of conflict; cooperation varies among issues and over-time. Axelrod and Keohane (1996:226), for instance, state that:

To say that world politics is anarchic does not imply that it entirely lacks organisation. Relationships among actors may be carefully structured in some issue areas, even though they remain loose in others.

Axelrod and Keohane (1996: 4) are incensed by the definition of anarchy as the absence of government but argue that this, “... constant feature of world politics permits a variety of patterns of interaction among states.” The conception of institutions resembles that of regimes. Institutions are defined: “... as the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy” (Hall & Taylor, 1996: 938).

For Southern Africa the development regionalism function of institutions is weak, circumscribed, and predominantly state-driven with little non-state actor participation in the process. Neoliberal institutionalists question why and when institutions matter in the political economy of development regionalism in Southern Africa. Indeed whilst institution-building is a difficult task, for Southern Africa, the exercise should focus on the

"... domains [institutions] of what matter most, under what conditions, and how their effects are exerted" (Keohane & Martin, 1995: 50).

4.5 Constructivism

This section of the chapter argues that constructivism provides a useful ontology for research inquiry on the process of regional integration in Southern Africa. Constructivism goes back to the seminal work of Berger & Luckmann (1996). A variety of conceptual and theoretical discourses on constructivism have emerged as a critique of realism and neorealism (Velody et. al, 1998; Stam, 2002). On the whole, constructivism's discursive ontology is that human and social phenomena are not innate or immutable but shaped and even created through social discourse (Berger & Luckmann, 1996).

The epistemological claim of constructivism is that knowledge is contingent upon social relations (Berger & Luckmann, 1996). Whilst constructivism shares with functionalism the view that regional integration is triggered by a mismatch between "... efficiency and the existing structure of authority," constructivism however, makes no presumption that the outcome of regional integration will "... reflect functional pressures" (Lindberg & Scheingold, 1970: 16).

This section of the chapter argues that constructivism provides insights that realism, neorealism and neoliberalism do not offer: an ideational and conceptual framework for explaining how "... identities, interests and values" are shaped by communities and actors within and among states (Lindberg & Scheingold 1970: 43). This section of the chapter argues that states' "... identities, interests and values" are developed through historical social interactions and are relative to different people and communities. The epistemological claim that this section of the chapter makes is that social interactions among states and non-state actors in the process of regional integration in Southern

Africa necessitates subjectivity as integral in understanding international relations (Connell, 2007).

There are three essential epistemological tenets that the constructivism paradigm is based on. One is that, knowledge is not passively accumulated, but rather, is the result of active cognising by the individual (Berger & Luckmann, 1996). Second, cognition is an adaptive process that functions to make an individual's behavior more viable given a particular environment (Berger & Luckmann, 1996). Third, cognition organises and makes sense of one's experience, and is not a process to render an accurate representation of reality (von Glaserfeld, 1996). Constructivism is not a unitary theoretical or conceptual paradigm, but it is a continuum (Berger & Luckmann, 1996). The assumptions that underlie this continuum vary along several dimensions and have resulted in the definitions and support for multiple types of constructivism.

Typically, this continuum is divided into three broad categories: cognitive constructivism, social constructivism and radical constructivism. These categories are not simple atomistic intellectual blocks of thinking but they change and overlap with one another and in relation to other paradigms such as relativism and post-modernism (Berger & Luckmann, 1996). Cognitive constructivism represents one end, or extreme, of the constructivist continuum and is typically associated with information processing and its reliance of the component processes of cognition (von Glaserfeld, 1996). Whilst emerging from the three epistemological tenets, cognitive constructivism emphasizes the first two tenets, that is, knowledge acquisition is an adaptive process and results from active cognising by the individual. Knowledge therefore, from cognitive constructivist position, is the result of the accurate internalisation and construction of external reality (Larochelle et al., 1998).

Radical constructivism represents the opposite end of the continuum from cognitive constructivism. Radical constructivism fully embraces all the three epistemological tenets, that is, knowledge acquisition is adaptive process that results from active cognising by an

individual, rendering an experientially based mind, not a mind that reflects some external reality (von Glaserfeld, 1990). Radical constructivism is concerned with both the construction of mental structures, the position of cognitive constructivist, and the construction of personal meaning. In this sense, radical constructivism involves a greater degree of construction than does cognitive constructivism, involving two planes of construction, structure and meaning, rather than only structure (von Glaserfeld, 1996).

Social constructivism lies somewhere between the transmissions of knowable reality and cognitive constructivists, and the construction of a personal and coherent reality of the radical constructivist (Prawatt & Falden, 1994). Social constructivism, unlike cognitive and radical constructivism, emphasises all the three epistemological tenets of constructivism. These particular epistemological emphases lead to defining principles that maintain the social nature of knowledge, and the belief that knowledge is the result of social interaction and thus is shared rather than an individual experience (Prawatt & Falden, 1994).

In addition, this social interaction occurs within a socio-cultural context, resulting in knowledge that is bound to a specific time and place (Gergen, 1995; Vygotsky, 1978). This position is exemplified by Prawatt & Falden (1994), "truth is not to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction." Truth in this case, is neither objective reality of the cognitive constructivist nor the experiential reality of the radical constructivist, but rather, is a socially constructed and agreed upon truth resulting from "cooperation in cultural practices" (Cobb & Yackel, 1996:37).

In relation to neorealism and realism (Waltz, 1979; Mearsheimer, 2001), constructivism argues that the process of regional integration is socially constructed, that is, its form is derived from an ongoing process of social practice and interaction (Wendt, 1992). Neorealist conception of regional integration is that, the structure of the International system gives regional integration its form (Waltz, 2000). Specifically, neorealists argue that international politics is primarily determined by the fact that the international system

is “anarchic” – it lacks overarching authority (Waltz, 1959:34). This anarchic situation, neorealist argues, forces the state in its pursuit for regional integration to act in certain ways that will secure its self-interest (Waltz, 2000).

Constructivism posits that the causal powers attributed to ‘structure’ by neorealists are in fact not ‘given’, but rest on the way in which structure is constructed by social practice (Caporaso, 1972). Removed from presumptions about the nature of the identities and interests of states in regional integration, and the meaning that social institutions (including anarchy) have for such actors, neorealist structure reveals, very little, “... it does not predict whether two states will be friends and foes, will recognise each other’s sovereignty” (Wendt, 1992: 54). Theorising regional integration in Southern Africa is predominantly based on the neorealist assumption that states use regional integration as means to pursue their national interests (Caporaso, 1972).

This section of the chapter argues that constructivism offers a different approach to regional integration in Southern Africa – where the agency and structure in the process of regional integration is seen in mutually relational way (Risse, 2006). Social relations determine the institutions because the former are the conditions of existence of the latter in the sense that social relations transfer their contradictory social content to institutions (Risse, 2006). The process of regional integration in Southern Africa – in all its phases - is an institutional arrangement with many forms of appearance of social relations.

This section of the chapter argues that if the behaviour of regional state actors, including the non-state actors, is determined by social relations, how any theory of regional integration explains the outcome of such cooperation or integration (Marks, 2006). Indeed, a conceptual framework or theory of regional integration should tell us about the political choices that determine its course. In order to explain the level and scope of regional integration, we need to understand the underlying conflicts: who is involved, on what issues, and with what consequences (Waltz, 1979; Mearsheimer, 2001). The

constructivist conceptual and theoretical framework offers stronger explanatory power to the substantive character of the debate over regional integration (Marks, 2006).

4.6 New Regionalism

The new regionalism theory is qualitatively a new phenomenon in international relations discourse. It refers to a phenomenon that began in the mid-1980s, in contrast to the 'old regionalism' that began in the 1950s and faded away in the 1970s (Hettne & Söderbaum, 1998). The old regionalism existed within a particular historical context, dominated by the bipolar Cold War structure in the international system. On the other hand, the current wave of new regionalism is linked to the current transformations of the international system of politics and relations between states (Hettne, 1995). The new regional phenomenon is associated with several and often interrelated set of factors caused by the structural transformation of the international political system including:

the change of the bipolar Cold War structure and alliance systems towards the multipolar (or perhaps tripolar) structure, with a new international divisions of power (NIDP); the relative decline of American hegemony in combination with a more positive attitude on the part of the USA towards regionalism, at least in the form of 'open regionalism'; the restructuring of the global political economy into three major blocs: the European Union (EU); the North America Free Trade Area (NAFTA) and the Asian-Pacific, which are all based on different forms of capitalism; the erosion of the Westphalia nation-state system and the growth of economic, social, and political interdependence and transformational which has triggered new patterns of interaction both among governments and non-state actors; the associated 'globalisation' of finance, trade production and technology which has led to new international division of labour (NIDL); the end of 'third worldism' and changed attitudes towards (neoliberal) economic development and political system in the developing countries (Hurrell & Fawcett, 1995; Gamble & Payne 1996).

The post-Cold War era has also spawned new content and renewed trend towards regionalism. New regionalism has become a worldwide phenomenon that has sought to provide alternative explanations and theory on the process of regional integration in regions outside the European Union (EU) (Hettne, 1995). The 'old regionalism' was

generally specific about objectives and content, and often had a simple and narrow focus on free trade agreements and security alliances. The new regionalism seeks to expand the scope and diversity of areas around which the regional integration project is based (Hettne, 1995). Hettne (1995:7) posit that the new regionalism is: "comprehensive, multifaceted and multidimensional process, implying the change of a particular region from relative heterogeneity to increased homogeneity with regard to a number of dimensions, the most important being culture, security, economic policies and political regimes."

New regionalism's ontological claim is that regional development and cooperation must be based on the development needs of the people and countries making the region (Hettne, 1995). In this context, new regionalism and its Southern African offshoot of developmental regionalism places more responsibility on states, people and the market as agency in building balanced development. The political economy of new regionalism posits a reversal to uneven economic development but projects development that is inclusive and equitable. New regionalism theory is raising an important element around agency – by presenting a more expanded definition of agency (Hettne, 1995). The process of regional integration in Southern Africa, new regionalism argues, should be state-driven but should be based on symbiotic relations between state and non-state actors. The theory of new regionalism places more importance on the role of non-state actors such as non-governmental organizations (NGOs), private sector and civil society (Hettne, 1995).

New regionalism provides insights that reflect the reconfiguration of economic and political power in the production centers of the world (Gamble and Payne, 1996). Hurrell & Fawcett (1995:309) argue that, "the end of the Cold War has witnessed a further expansion of the normative ambitions of international society ... to embody some notion of a common good ... the construction of more elaborate and intrusive interstate security orders." New Regionalism projects an inclusive and broad-based institutional arrangement. How this arrangement can obtain in state-drive intergovernmental process

of regional integration in Southern African is what this section of the chapter is broaching. New regionalism as a phenomenon privileges the linkage and mutual dependence between state and non-state actors in the process of regional integration (Gamble and Payne, 1996).

4.7. Constructivism Framework to Regional Integration

The global financial crisis that started in 2008 in the United States throws into sharp relief the urgency of making sense of the political in development discourse and the study and theories of regional integration in Southern Africa. Realist and neorealist theories of regional integration in Southern Africa project regional polarisation around South Africa given its disproportionate powerful position in the region (Hettne, 1995). The maximisation of power thesis at the core of realist, functionalist, neo-functionalist and neoliberal institutionalist versions of regional integration in Southern Africa have enabled governments to present themselves as managerial bodies that handle the external economic pressure they face. The result of this increasingly managerial order has been an acute obfuscation of power relations in the reconstruction of contemporary capitalism (Marks, 2006).

Mainstream theories of regional integration in Southern Africa offer little in assisting to overcome this obfuscation, instead most work on regional integration has arguably contributed to the elaboration of discourses that have added to it. This chapter has demonstrated how the defining theoretical debate of the study of regional integration – that between realists, functionalists, neoliberal institutionalist, constructivists and the new regionalism – has constrained its disciplinary horizons (Risse, 2006). Whilst functionalists are concerned with spillover, neo-functionalists are concerned with the direction and orientation offered by supranational bodies in processes of spillover. The central argument has been that a deeper economic integration requires authority to be transferred to the regional level: *politics follows economics* (Risse, 2006).

Neo-functionalist technocratic analysis of regional integration in Southern Africa thus mirrors the technocratic nature of governance at the regional level. In addition to this, neo-functionalism adopts a very problematic pluralistic view of society taken from some studies of European integration (Gamble and Payne, 1996). Capital and labour are reduced to interest groups that are conceived in broad abstraction from the social relations of production. Through abstracting such groups in this way, the state and supranational institutions are considered as being more or less impartial to capital and labour (Rosamond, 2001).

The intergovernmentalism approach emerged as a critical response to the neo-functionalist idea of a determining and teleological process running from economics to politics (Marks, 2006). In this approach, two distinct layers of government are apparent, one characterised by 'low politics' (e.g. trade and monetary policy) where states are prepared to engage in integrative and cooperative activity, and the other characterised by 'high politics' (e.g. foreign policy) in which states are not prepared to compromise their sovereignty (Moravcsick, 1999).

In defining the process of regional integration in this fashion in Southern Africa, the intergovernmentalist approach privileges traditional realist concerns with great power politics between states, thus demoting the operations of class-based social forces engaged in wider power struggles to peripheral importance (Moravcsick, 1999). The political is in this sense considered as the source of potential conflict, while the economic is considered as an essentially non-conflictual space wherein the coordination of national interests can be achieved. These ontological approaches establishing the core of the debate on regional integration studies places the importance of the state in less light as opposed to plural interest groups that embody the economic sphere of the process of regional integration (Wendt, 1994).

The political in this sense has been conceived in very asocial terms. Either it denotes the technical measures used to bring bargaining interests groups together in regional economic integration or it is seen as the locus of interstate conflict considered in realist terms (Wendt, 1994). Against this background, the intervention of new regionalism has been vital in two respects. New regionalism has responded to the perennial critique of economic determinism as leveled against neo-functionalism by reposing the problem of the political in social inquiry on regional integration (Mazzeo, 1984). In this sense, new regionalism plays a hugely significant role in contemporary revitalisation of regional integration approaches. Secondly new regionalism addresses the social power relations that subsist in the Southern African regional integration process. The major shortcoming of the new regionalism approach is its insistence on the superficial divide between the old and new regionalism (Ikome, 2005). A possible way out of the theoretical impasse may be found if one turns to the problematic of social construction.

By exploring how the economy is socially constructed one may be better able to articulate the significance of the reconstitution of the political in Southern Africa (Mazzeo, 1984). Such an approach retains the new regionalism notion of the political and economic as interrelated, without however abandoning it to a totalising conception of class struggle. The central thrust of constructivism is the problematisation of regional integration as a social factor. Constructivism moves away from the crude foundationalism of both neoliberal intuitionism or Marxist political economy approaches to a tentatively more reflexive understanding of economic relations within Southern Africa (Caporaso, Marks, Moravcsik & Pollack, 1997). Thus constructivism views the economy as not self-evident – a priori entity – but one that is socially constructed. Such constructivist approach to regional integration are of value in emphasising how the economy can be used as discursive category employed by actors to legitimate their attempts to expand their scope of authority (Caporaso, Marks, Moravcsik & Pollack, 1997).

The constructivism approach is not without considerable limitations. First, by focusing on how the social construction of Southern African economy empowers the Southern African

Development Community (SADC) *vis-a-vis* the member states, the horizons of constructivism become narrow to incorporate the role of class struggles in regional integration in Southern Africa (Caporaso, Marks, Moravcsik & Pollack, 1997). Policymaking rather than politics is important to constructivists and thus key questions regarding social conflict fall from view. Rather than confining the constructivism approach to regional integration to one level, or abandoning it altogether we should extend the notion of construction to the entirety of our analysis (Waltz, 1979; Mearsheimer, 2001). As such, constructivism is not specific to the discursive domain of ideas but extends down to the very constitution of the economy. From this view the separation of economic space from the political is constituted through the socially contested process of institutional formalisation (Caporaso, Marks, Moravcsik & Pollack, 1997).

Seeking to understand the nature and limits of regional integration, political scientists tended either to remain within the sphere of power politics or to propose an implicitly normative template under which the arbitrary exercise of power could be checked by rational administration (Caporaso, Marks, Moravcsik & Pollack, 1997). At the same time, the political economy of regional integration becomes a specialised domain for economics. The global financial crisis – with its concomitant destabilising impact on the economy has exposed the limitations of these approaches to regional integration (Marks, 2006).

By throwing the spotlight on the political dimensions of international economic affairs, the crisis revived critical international political economy (Waltz, 1979; Mearsheimer, 2001). It also invigorates comparative political economy, as it became important to understand the nature of Southern African regional integration process better by making sense of the political and by bringing the state back-in the process of regional integration and in economic development (Caporaso, Marks, Moravcsik & Pollack, 1997).

4.8 Conclusion

This research utilises the constructivist framework to analyse, understand and explain state action and behaviour in the process of regional integration in Southern Africa (Caporaso, Marks, Moravcsik & Pollack, 1997). The choice of the constructivist framework is made because constructivism provides a more balanced theoretical approach signaling an ongoing cycle of interaction among states – “each state [attempting] to ascribe meaning to, or make sense of, the actions and words of the other, thereby producing particular values or connotations that are situational and specific to their relationship” (Sterling-Folker & Badie: 2012: 105).

The constructivist framework provides the utility and ability to explain norm variation and compliance in the policy preferences and actions or behaviour of SADC member states (Wendt, 1994). In this way, the constructivist framework places critical importance on the interests of states as an important variable in the process of regional integration. How these ideational state interests, identities and preferences impact, or inversely, are impacted upon by SADC norms and objectives is what this dissertation is exploring (Marks, 2006).

The next chapter of the study introduces the first of three case studies that the investigation is engaging. Regional security is one of the key priorities that the Southern African Development Community (SADC) has identified as critical for regional integration. The chapter explores the extent of the challenges in bridging the national state and regional divide in the construction, implantation and expression of security policy in the region. Indeed the study examines whether state policy choices or preferences modify and/or evolve sovereignty in the direction of convergence and/or divergence in the region (Waltz, 1979; Mearsheimer, 2001). Whilst the process of regional integration is a multi-dimensional phenomenon, the intention of drawing insights from the case studies and semi-structured interviews is to examine in what areas of policy do state’s policy preferences converge and/or diverge.

CHAPTER 5

SADC's COMMON OR COLLECTIVE SECURITY

5.1 Introduction

This chapter presents one of the three case studies that have been identified to illuminate and ascertain the extent to which state policy preferences or choices move in the direction of common regional policy or towards national consolidation of policy space in Southern Africa. The primary aim of this chapter is to develop a case and evidence for establishing the relationship between security policy preferences of states in Southern Africa and regional security programmes. The intention is to establish the correlation between a state's sovereign policy space and the SADC regional policy dimension. The three case studies of SADC's collective security; the trade relations between SADC and the European Union (EU); and SADC's foreign policy or diplomacy have been chosen because they provide complex terrains in which policy contestation and persuasion among states in the region is rife. The regional security terrain is even more complex given the historical backdrop of apartheid and Cold War destabilisation and conflict in the region.

The ongoing trade arrangement and negotiations or what is referred in most literature as the Economic Partnership Agreements (EPAs) between SADC states and the European Union (EU) presents an overwhelming discourse on how the interplay between national interests and regional interests outside of a binding regional framework for engaging third parties continue to frustrate the regional integration objectives and goals (Tralac, 2014). Foreign policy or diplomacy provides another important terrain in which the rationale for regional integration in Southern Africa is explained. The demise of apartheid and the Cold War has ushered into significant and new forms of multilateral and bilateral engagements by states in the region with the rest of the world. This widening external scope poses an

internal challenge for Southern Africa thus: to what extent is the direction of external diplomacy in the region projecting differentiated policy approach or collective approach to access world affairs?

5.2 Regional Collective Security

The genesis of the Southern African regional security framework is characterised by deep-seated interstate conflict with a number of both internal and external sources (Khadiagala 1994; Klotz 1995). The region was engulfed by protracted interstate and intrastate conflicts that were primarily rooted in Cold War geopolitics and apartheid destabilisation (Ohlson et. al, 1994). In their path-breaking study Ohlson et al (1994: 189) argue that the intensity of conflict in Southern Africa was increased by the symbiotic “spillover” factor that spawned the violence across state borders in the region. The violent struggles against colonialism in Angola, Mozambique, Namibia, and Zimbabwe and against apartheid in South Africa left deep seated interstate security problems for the region (Khadiagala 1994; Klotz 1995).

In the 1960s, South Africa accelerated its policy of “assertive incorporation” by providing military and technical support to the Rhodesian government through the promotion of the notion of the Constellation of Southern African States (CONSAS) to counter the influence of the Frontline States in the region (Hull, 1996: 33). In response to this, the Organisation of African Unity (OAU) adopted a policy of political isolation towards South Africa (OAU, 1985). The dimensions of the politico-security challenges in the region were steeped and linked to the political question of the liberation of South Africa (Khadiagala 1994; Klotz 1995). Given the Cold War situation that was underway, this situation was further complicated with intense interaction between internal regional actors as well as external actors such the United States and the United Socialist Soviet Republic (USSR) strategically placing them on either side of the politico-security dilemma (Hull, 1996: 33).

The period of the 1970s and the 1980s saw the emergence of a “coercive incorporation” posture from the South African government culminating in intense regional “destabilisation” (Hull, 1996:34). This was evidenced in deliberate support by the South African government of “counter-revolutionary movements in Angola, Mozambique, a so-called liberation army in Lesotho and settler forces in Namibia” (Hull, 1996: 34). The South African government’s resolve to destabilise the region did not cease even after its signing of the Nkomati Accord with Mozambique which precluded covert and overt hostilities between the two parties (Patel, 1992). The regional destabilisation efforts of the South African government had a variety of impact on the countries of the region. It is estimated that the cost of South Africa’s destabilisation in Mozambique between 1980 and 1988 was approximately US\$60 billion with 1.5 million lives lost (Patel, 1996: 45-61).

The rationale for the formation of the Southern African Development Coordination Conference (SADCC) in 1980 was partly a response “to counter apartheid destabilisation and to reduce its members’ economic dependence on South Africa” (Matlosa, 2001: 393-405). The demise of apartheid in South Africa in 1994 coincided with the transformation of SADCC into the Southern African Development Community (SADC) in 1992 - resulting in the inclusion of the regional military power – South Africa (Windhoek Treaty, 1992). In 1996, the development of the SADC security architecture – the Organ on Politics, Defense and Security Cooperation (OPDSC) – took shape to “[allow] more flexibility and timely response, at the highest level, to sensitive and potentially explosive situations” (SADC Communiqué, 1996: 2).

Most discussion on the evolution of the common security regime in Southern Africa has centered on the interstate disputes over the shape and orientation of the OPDSC (Malan, 1998; Green, 1999). This chapter is less concerned with the shape and orientation of the OPDSC, but how SADC states’ security preferences and choices impact on state sovereignty and how the state itself is impacted upon by the process of regional integration. Put differently, in what ways is the design of the regional security architecture informed by state interests or regional interests and vice versa. Nathan (2006) argues

that there are external and internal logics that act as distinguishing features of states' security policy preferences in Southern Africa.

The external logic which is strong in southern Africa, refers to the interests gains and material conditions that make the organisation a beneficial venture in the assessment of member states. The internal logic, which is weak in the case of SADC refers to the normative congruence in the policies of member states that enable these states to engage in close political and security cooperation (Nathan, 2006: 606).

Cilliers (1999) is concerned with SADC viewing its insecurity and threats as external to the system and organisation of region. Cilliers (1999:9) puts his general analysis of the security challenges in the region this way: "... state security ... is not threatened by conventional threats of armed attack by other countries but more insidious measures many which flow from the weakness of the state ..." It is this aspect of the position of states in relation to how they make decisions on security matters that concerns this chapter. Thus the meaning of conflict and security is important so that domestic state policy understanding is clarified in the analysis from the regional perspectives in the OPDSC.

Vale (1996: 387) on the other hand, is more concerned with the citizen's voice with a conceited lament for more of what he calls "... common regional purpose that links Southern Africa's people to each other, instead of, on the states that have entrapped rather than liberated the regional spirit." Relegating the state to a trap that has continued to stifle some "regional spirit" is persuasive but limiting; as it misplaces the ideational and constructivist understanding of a state-led and intergovernmental process of regional integration in Southern Africa. Given this, the chapter argues that the security architecture in Southern Africa and the discursive interactions of state actors has to be infused and developed with new ideas emerging from the citizens within the national spirit to shape and bring about Vale's regional spirit (Vale, 1996).

The chapter is concerned with what explains the security preferences of states in Southern Africa. The chapter will utilise the constructivist framework to understand, explain and evaluate three constructivist research assumptions below that states derive their power from making decisions that drive their interests and sustain their identities thus:

1. the more congruent states security preferences are, the less likely they are to prefer military actions in the security choices they make;
2. states will make security preferences in relation to self-interest, preferences will be made in relation to utility derived;
3. the less clear the external threat to regional security, the less likely that countries would achieve mutual security (Hull, 1996: 38).

The SADC Treaty (1992) provides that the heads of state and government of the SADC are the primary intergovernmental policymaking body, supported by the Council of Ministers. The Protocol on the Organ on Politics Defence and Security Cooperation (OPDSC) is the third operational leg of the troika driving the security architecture in the SADC region. The SADC leadership also established in 2003 a Mutual Defence Pact (MDP) providing for a framework for security cooperation among member states in the face of external aggression (SADC Communique, 2003). The MDP reflected a much broader regional intention to build a security community. In 2004, the heads of state and government adopted the strategic indicative plan of the organ (SIPO I) to provide for policy direction and guidelines in the daily operations of the Organ (SADC, 2004). SIPO I was also established to ensure that there is significant alignment between SADC's and the African Union's peace and security objectives (SADC Report, 2004).

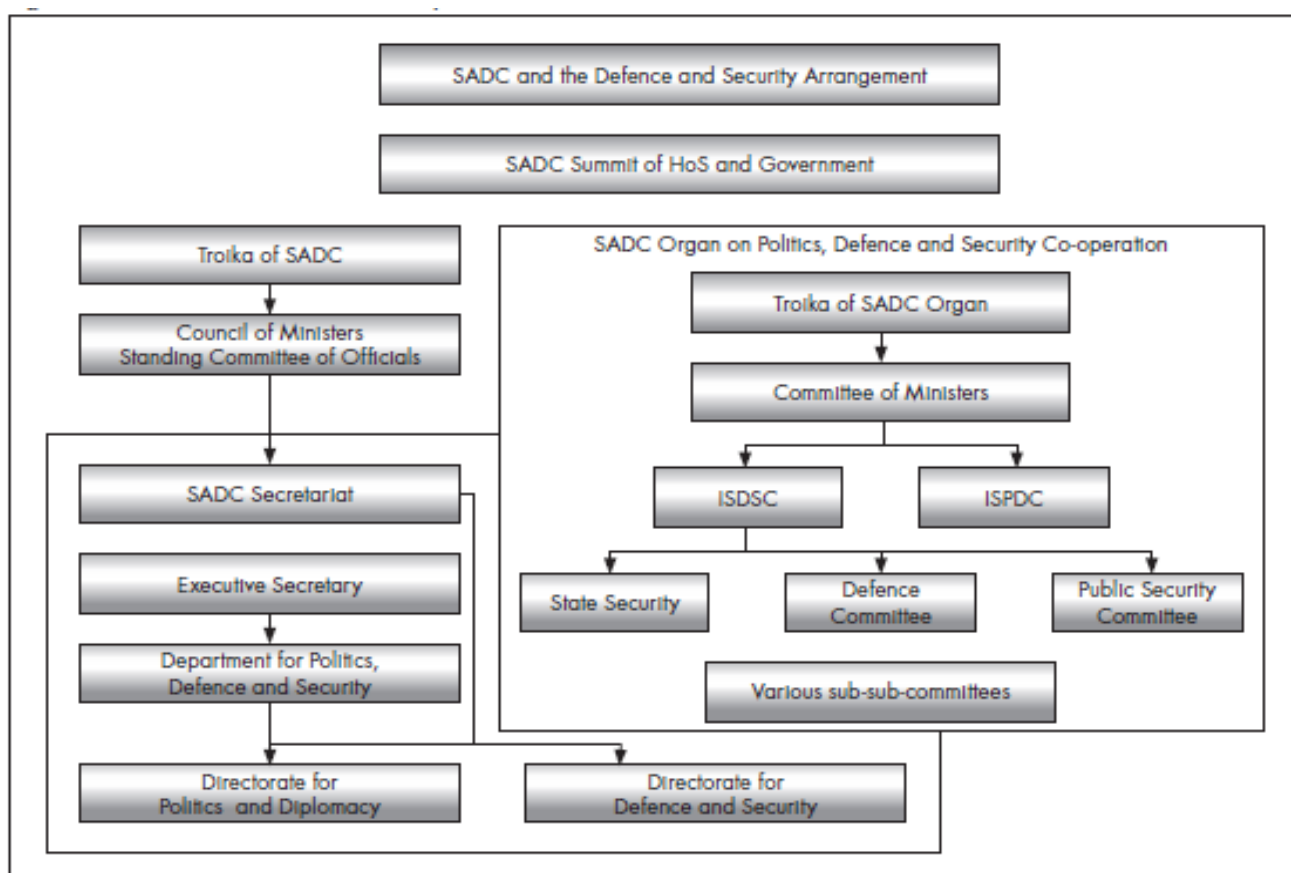
The instruments that are mentioned above are important in that a much deeper analysis of how they are established and what structure of decision making among states is envisaged, with what strategic instruments of enforcing alignment and compliance is critical. It is this latter aspect that the chapter and the research is examining – how do

state preferences converge or diverge towards the common and mutual regional security objectives envisaged in the Organ (OPDSC), or MDP or in the SIPO I and II. The discussion below will look at the three instruments of the SADC architecture in detail to explain, understand and evaluate state behaviour in respect to the three constructivist hypotheses indicated above. It also draws illuminating evidence on the data captured from the field research and interviews undertaken at the SADC Secretariat and with other stakeholders who have been involved and have written and researched on the subject matter (SADC Report, 2010).

The Organ is guided by the following objectives: protecting the people; promoting political, security and defence cooperation; developing common foreign policy approaches and collective security capacity to respond to external threats; peacekeeping and resolving intrastate and interstate conflicts (Cornwell, 1996). Furthermore, the Organ intends to promote the development of democratic institutions in member states; implementing the United Nations (UN), AU and other international conventions; upholding international law; developing cooperation between police and security services in combating domestic and cross-border crime; and disaster management (Cilliers, 1995).

The Organ is composed of two major components: the directorate or secretariat and the troika. The Organ's directorate is located at the SADC Secretariat headquarters in Gaborone, Botswana (SADC Report, 1996). There are six intergovernmental levels at which the Organ operates, namely: i) the chairperson of the troika or chairperson of the Organ; ii) the Ministerial Committee of the Organ – the committee reports to the chairperson of the Organ; iii) the Inter-State Defence and Security Committee (ISDSC); iv) the Inter-State Politics and Diplomacy Committee (ISPDC); v) ad hoc committees established by the Ministerial Committee; vi) and the Organ directorate (SADC, 2001). The objectives of the Organ emphasise "the relationship between development and security and the need to balance state behaviour and human security" (SADC Communique, 2012).

Figure1: SADC Defence and Security Architecture



Source: N.Ngoma, 2005

The difference between the ISDSC and ISPDC committees is basically that of focus and orientation in the arena of security issues. ISDSC is mainly concerned with defence, public security and state security including military and intelligence systems whilst ISPDC is focused on good governance, human rights and diplomacy (Cawthra & du Pisani, 2007). In this arena of policy and organisation coordination the state and not regional spirit is looming large. However, the arena of state action wherein this ambitious policy framework is implemented is the most critical aspect of this investigation. The five year strategic plan (SIPO I) provides a framework for the implementation of the OPSDC. Given the importance and sensitivity of the matters pertaining to SIPO's mandate, the SADC Ministerial Committee "undertook an evaluation of the SIPO I in 2007, 2009 and in 2012 which led to the development of SIPO II" (SADC Report, 2011).

The reason and objective of the evaluation of SIPO I was that “it lacked coherent benchmarks for monitoring and evaluation of progress and contained too many priorities thus precluding proper sequencing and implementation” (SADC Report, 2012). SIPO II was ratified by the Summit of Heads of State and Government in Windhoek Namibia on August 2012 (SADC Report, 2013). The secrecy surrounding the publicity or non-publicity of SIPO II has raised much speculation. The major concern has been that the document (SIPO II) is too internally focused with limited input from civil society. The document also is charged for lacking to come-up with solution to the problem that the Organ has with International Cooperating Partners (ICP). More closely, SIPO II is criticised for its rigid approach to what it considers as “strategic” areas that must be exclusively funded and controlled by its member states and leaving “non-strategic” designations to the ICP (SADC Communique, 2012).

The 2003 Mutual Defence Pact is rooted in the 1998 joint military intervention by Zimbabwe, Namibia and Angola in the Democratic Republic of Congo (DRC). The “Operation Restore Sovereign Legitimacy” in the DRC was carried with the SADC or AU sanction in support of the then president Laurent Kabila (Johnson, 2009). The three countries invoked provisions of article 51 of the UN Charter on collective self-defense, as well as principles of the Organisation of African Unity (OAU). The three countries were “not only deceitfully operating along the second research assumption ... of self-interest in relation to [material] utility derived” (Hwang, 2006: 134); they also “... dragooned and distorted international conventions to satisfy the narrow interests of the leadership of the three countries” (Hwang, 2006: 137).

Since the DRC joined SADC in 1997, the coalition of the three countries argued that their military intervention was in line with article 2 (a) of the SADC Protocol on Politics Defence and Security Cooperation (Johnson, 2009). In this way, the three countries claimed that their mandate was the protection of the people of the region from external aggression. Worried about the lack of legitimacy of the claim and the pretext under which the military intervention was carried, coupled with the lack of authorisation of the military intervention

by the UN and/or the AU; the Zimbabwe led coalition pushed for a protocol to create a SADC pact compelling all states to support a collective response in the face of external aggression against a member state (Hull & Derblom, 2009).

The South African government was concerned of the stance that the Zimbabwe led coalition pushed and proffered a flexible approach that would allow for much broader conflict resolution and diplomatic engagement (Cilliers, 2006). The balanced approach that South Africa proposed was catapulted and used as a weapon to criticise Zimbabwe, Namibia and Angola's irresponsible unilateralism. The constructivist research assumption of "... self interest in relation to [material] utility derived" is depicted in this protracted conflict: interests, preferences and economic investments for Zimbabwe, Namibia and Angola in the DRC conflict were "... explained as reasons for the intervention" (Ngoma, 2004: 23). Angola's security was threatened by potential alliances between the rebels which had used DRC as a rear base for many years (Ngoma, 2004).

Namibia was also concerned about the Angolan rebels' destabilising role in the Caprivi Strip, where Namibia had economic and geopolitical interests, especially with respect to securing vital water supplies and mining options from the DRC (Ngoma, 2004). Zimbabwe's motivations and preferences for military intervention were given as a complex set of economic, military and strategic interests that benefited the country's political and military elite, but also sought to bolster its depleted and fragile power supply (Ngoma, 2004).

The constructivist research assumption of fragile and differentiated if narrow interpellations of the preferences, interest and motivations of SADC member states can also be found in the 1998 Lesotho SADC mandated intervention. In September 1998, the government of Lesotho requested assistance from the SADC following a virtual coup d'état in the wake of an army mutiny and the rejection of the May 1998 election results by opposition groups (Fisher & Ngoma, 2005). South Africa and Botswana deployed

troops under the guise of "Operation Boleas" sparking a debate "... on the procedure for collective [security] decision making in SADC (Southall et. al., 1995: 12).

The constructivist research assumption that SADC states' security interests and preferences are privileged over regional security norms and objectives is depicted in this example (Cornwell, 1996). Related to this, Article 4 (a) of the SADC Treaty and Article 7 (1) of the MDP raises the complex interplay between "state sovereignty" and the "balancing of [the] region's desire for [security] collaboration" (Fisher & Ngoma, 2005: 2). During the deliberation for the signatures of the MDP, this balancing of the region's desire with states' interests and preferences prompted concerns that outside such balancing securing arrangement: "... this would render member states hostage to those who behaved belligerently and would eventually draw the region into protracted military actions" (SADC Report, 2012).

In response to Article 6 (1) of the MDP, an option placing the region towards the third constructivist assumption was "... that military involvement should be voluntary where each State party shall participate in such collective action in any manner it deems appropriate" (MDP, 1998: 23). Indeed this option of placing regional security decision on voluntary state action is grounded in a longstanding intergovernmental approach to regional integration in Africa. It is viewed in many circles as one of the main obstacles towards SADC's collective "security community" (Vale, 1996). It provides for member states to renege and to justify their inability or the bending of their policy preferences away from commitments to collective security action in the region (Baker & Maeresera, 2009). The SADC has not experienced new military interventions since the DRC and Lesotho conflicts in 1998, except for recent conflicts in the Eastern DRC (SADC Communique, 2012).

The security arena in the SADC region like any other arena is conceptualised and theorised within an intergovernmental approach to regional integration. State preferences and decision making at the Summit level is projected within this paradigm. There are

however, challenging and complex institutional frameworks in the formulation of SADC's intergovernmental regional integration process. The example of the SADC Tribunal is the case in point. The Tribunal was established in 1992 under Article 16 of the SADC Treaty: providing for the legal interpretation of the treaty and how to settle jurisdictional disputes over intra-state litigation (SADC Communique, 1992). This appears to confer supranational powers to the Tribunal, which has prompted arguments that this was not what was intended (SADC Report, 2012). It is baffling that supranational powers could – as many commentators interpret Article 16 of the SADC Treaty - be given to the Tribunal whilst the Summit is regarded as the pinnacle of intergovernmental consensus decision making in the region. Given this, how did the Tribunal come into being?

According to the SADC Treaty (1992: 34), the Tribunal would be "... constituted to ensure adherence to, and proper interpretation of, the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it." The SADC Treaty (1992: 25) makes reference to the Tribunal Protocol that will provide for its "... composition, powers, functions, procedures and other related matters." The SADC Tribunal was assented by the Summit of Heads of State and Government in 2000 and it was envisaged at that time, that it would come into force by a process of state ratification (SADC Report, 2000). However in 2001, amendments were made to the original Treaty and the Tribunal Protocol was made an integral part of the Treaty (SADC Communique, 2001).

It took four years until 2005 that the judges of the Tribunal were sworn in and the Tribunal was officially inaugurated (SADC Communique, 2005). The Tribunal's jurisdiction covers "... disputes between states and between natural and legal persons and states over the interpretation, applicability and validity of SADC protocols and the validity of acts undertaken by SADC institutions" (SADC 2001: 4). In a case that tested the supposed supranational jurisdiction of the Tribunal in 2007, *Campbell (Pvt) Ltd. and Others vs. the Republic of Zimbabwe* held that the Zimbabwean law ousting the domestic courts' jurisdiction to the rule on the lawfulness of land seizures violated the rule of law in that

it denied the claimants the right of access to the courts and the right to fair trial (Matyszak, 2011). The government of Zimbabwe objected to the ruling of the Tribunal arguing that "... it was not bound by its rulings as the Tribunal's constituting treaty had not been ratified by two thirds of member states as required" (Matyszak, 2011: 23).

Furthermore, the Zimbabwean government "... submitted proposals that would exclude the Tribunal's jurisdiction over disputes between natural or legal persons and member states" (SADC Report, 2012). In August 2010, the SADC Summit held in Windhoek, Namibia, suspended the Tribunal and commissioned a review of its mandate and jurisdiction (SADC Communique, 2010). When the report and recommendations of the Tribunal review were presented in an extraordinary SADC Summit in May 2011, the regional leadership: "... held that appropriate legal instruments to change the jurisdiction of the Tribunal and legal framework within which the Tribunal operates were to be prepared for presentation to Summit in August 2012" (SADC Report, 2011: 3).

The SADC Ministers of Justice and Attorney Generals were requested by the Summit to make amendments to the Tribunal Protocol to dissolve the antagonism in the structure and content. In their final recommendation to the SADC Council of Ministers, the SADC Ministers of Justice and Attorney Generals proposed that the current structure of the Tribunal be upheld. The SADC Council of Ministers objected to the report and the recommendations of the Ministers of Justice and Attorney General prompting the SADC Summit of 17-18 August 2012, in Maputo, to call for a new Tribunal Protocol that would preclude the right of individuals to the court (SADC Report, 2012). This has placed and raised the matter of the binding nature of the decisions taken by bodies created by the Summit which makes its decisions in an intergovernmental and consensus basis (Ikome, 2005; Nathan, 2013).

The debacle and discourse on the Tribunal and in respect to successive Summit decisions placed significant spotlight on the importance and difficulty of how state sovereignty is conceptualised in the process of regional integration in Africa (Erasmus, 2014). What has

complicated the matter even further is that another member state's court – the South African Supreme Court of Appeal – has pronounced on the matter giving judgment against the Zimbabwean government (Business Day, 2012: 4). The matter went to the South African Constitutional Court for further review; but it is less the matter of where the matter goes that this research is concerned with. The research is concerned with the disparate and loose conceptual tools to explain and understand constructivist interactions between states in Southern Africa.

SADC's operational framework has been underpinned and consolidated within an intergovernmental approach to regional integration (SADC Treaty, 1992). The power and status of decision making in these arrangements is centralised around the Summit and the Council of Ministers (SADC Treaty, 1992). Whist Article 4 (a) of the SADC Treaty is clear, state sovereignty invariably supersedes the collective assembly of regional norms and objectives, weakening potential for accountability. In an interesting Tralac working paper, Erasmus had this say: "... it is equally important to point out that the Summit (a political body) does not have the power to decide the future of the Tribunal" (Erasmus, 2012: 1). Article 10 subsections 2 and 3 of the SADC Declaration on the Tribunal Protocol (SADC Treaty, 1992) say the following:

1. The Summit shall be responsible for the overall policy direction and control of the functions of SADC.
2. The Summit shall adopt legal instruments for the implementation of the provisions of this Treaty; provided that the Summit may delegate this authority to the Council or any other institution of SADC as the Summit may deem appropriate.

Moreover, the August 2012 SADC Summit's communique in Maputo, Mozambique did exactly what Erasmus says it "... does not have power to decide" (2012: 2). The challenge with the analyses on the SADC Tribunal is that it conceives the Tribunal Protocol and its provisions as an instrument of coercion. On the other hand, the process of intergovernmental regional integration in Southern Africa projects an invitation to

voluntary adaptation and not so much wholesale and binding supranational coercion (Fisher & Ngoma, 2005).

Criticism of the Summit decisions on the Tribunal suffers from the same politicist angle that it places on the Summit (Business, 2012: 4). This research undertakes a much broader spectrum of areas in the structure of the regional economy and in the process of regional integration – and asks the question: how will SADC manage the interests of states in the process of creating a common and collective regional integration scheme in trade; investment; security; foreign affairs or diplomacy and in many other areas. The overwhelming focus on the SADC Tribunal process misses an important focus in respect to how decision making in the SADC is undertaken – including in the establishment of SADC institutions that should oversee the implementation of the regional integration programme (Erasmus, 2014).

The establishment of a security community in the SADC requires centralised institutions at the regional level that are integrated within member states. Erasmus (2014: 5) puts the matter this way: “the distinction between the roles of a regional tribunal and domestic courts in member states in enforcing the law of regional/international organisations is a crucial one. It is unheard of for national courts in the absence of a special arrangement to exercise jurisdiction over international organisations ...” Similarly, the South African Appeals Court cannot “exercise its jurisdiction” over the sovereign state of Zimbabwe as it derives its authority and jurisdiction from the South African Constitution and not from SADC (Wendt, 1992). The development of common regional security policy involves the aggregation of constructivist interests, identities and values of member states (Nathan, 2013). In this way, the crafting of the regional security architecture must draw national states’ preferences and interests towards common values and offer a collective framework for implementation. SADC’s focus in the security arena is still predominantly state-driven with less strength on the regional security norms and values (Hurd, 1994). The interpretation and analysis of the constructivist assumptions in the interactions

between member states has to be seen within an intergovernmental framework or approach of the SADC to regional integration process (Moravcsik, 1997).

The chapter examines the security challenges in SADC with a focus on how the issue of security policy aggregation occurs. The difficulty that most analyses on regional integration find is that it places the “end state” in front of the process of how to get to that end (Erasmus, 2014). In this way, the analyses takes a much easier cut on complex issues of how member states’ interests are aggregated into the Tribunal Protocol structure, for instance, so as to provide for the collective if internally binding institutional framework from which authority and jurisdiction is derived (Erasmus, 2014).

The research is broaching the process of regional integration and how state sovereignty is mediated, negotiated or evolved in the process. The lack of attention paid to the structure and the bureaucratic politics in explaining the SADC’s objectives to regional security was the starting point in this chapter. By concentrating on the character of the process of regional security, the research argues in general, that we should avoid the risk of inadequately conceptualising or misunderstanding the basis or causes of the SADC Summit’s decision making process on security.

5.3 Conclusion

The chapter concludes with the observation that the notion that the “region lacks an appropriate regional institution to handle security issues” (Vale, 1996: 380) is right but even more critical is the understanding of how the process of regional security development in Southern Africa is conceived. Put differently, the case of the SADC Tribunal depicts an appropriate institutional mechanism for many commentators (Erasmus, 2010²; Gauntlet, 2012). However, it is the understanding of the logic and process of decision making that had driven and informed the Heads of State and Government to assent to the formation of the SADC Tribunal Protocol that is critical. In this way, having “... [an] appropriate institution to handle security issues” is one thing,

understanding and being sensitive to the logic and behaviour of state actors in the process of decision making decision about regional security is quite another.

The chapter has utilised three constructivist assumptions to explain state behaviour and action in relation to regional security (Wendt, 1994). The chapter concludes that indeed all the examples utilised in this chapter confirm the three constructivist research assumptions and prove that the dominant driver of state behaviour and action is state interests, values and the protection and the safeguarding of national identity (Wendt, 1992). The more congruent SADC states' security interests, preferences and interactions are, the less likely they are to prefer military actions in the security choices they make. Two, SADC states will make security preferences in relation to their own self-interest, protecting their identity or sovereignty and values. Thirdly, SADC's states' preferences, interests, and values evolve in relation to the utility that a state derives in the process of regional integration (Wendt, 1992).

The research places premium on state interests, identity and values as important variables in security cooperation in Southern Africa. The constructivist research examples utilised in this chapter show that creation of a SADC security institutional architecture is a mutually constitutive process where state action and behaviour determine the outcome of integration in the same way that integration process is re-shaping the state in Southern Africa (Wendt, 2002). The discursive understanding of SADC's security architecture cannot be explained or understood outside what Wendt (1987:359) calls social structures that "... are inseparable from the reasons and self-understandings that agents bring to their actions." This chapter concludes that the constructivist analysis of the agent-structure problem in regional integration studies is useful in explaining the preferences, choices and interests of SADC states. In his extremely innovative and constructivist analysis Wendt (1987:365) put the matter this way, invoking Giddens' structuration theory (1979):

A key implication of the argument ... about the agent-structure relationship was that theories of international relations must have foundations in theories of both their principal units of analysis (state agents and system structure). Such theories are more than simply convenient or desirable: they are necessary to explain state action. This requirement follows directly from the scientific realist's conception of explanation as identifying causal mechanisms, and from the ontological claims of structuration theory about the relationship of agents and structure. If the properties of states and systems structures are both thought to be causally relevant to events in the international system, and if those properties are somehow interrelated, then theoretical understanding of both those units are necessary to explain state action.

With regard to SIPO II and its contribution to the creation of the SADC security architecture; the chapter draws two important points. One, SIPO II, like SIPO I, is crafted within an intergovernmental paradigm to regional integration and this creates difficulties in the aggregation of disparate security interests and identities of state actors. Van Nieuwkerk (2012: 18) makes the point this way: "SIPO II is not meant to be a binding policy document or legal framework for decision-makers, but a guide to collective behaviour." The second point that the chapter concludes drawing on the three constructivist research assumptions utilised in the research is that "the role of state actors, policymakers and security advisers is not given adequate space in the SIPO II" (SADC Communiqué, 2012).

The constructivist assumptions utilised in the chapter provides for an important site or context for explaining and understanding the crafting of the regional security policy in SADC. Less attention is given in SIPO II to individual and group decision makers. Constructivism places premium on the importance of socially constructed interactions including the psychological norms of actors in regional security policy making (Schafer, 2012). Whilst this area is relatively underdeveloped in regional integration studies (Schafer, 2012), it is an important variable for explaining the logic behind collective decision making or "groupthink" in the process of regional integration in Southern Africa.

Another important point that the chapter draws from the constructivist assumption and which the SIPO II is quiet on is the false equivalence between collective regional security objectives and norms and SADC institutional structures (Schafer, 2012). If the SADC institutional structures were having supranational authority over security issues any state could use its power in a way that a civil state would (Price & Reus-Smit, 1998). But the SADC institutional structure does not provide for supranational authority over regional security matters.

Van Nieuwkerk makes this point quite succinctly: "SIPO II does not provide any guidance on this score, so the impetus will have to emerge elsewhere: in our view, this is part of the leadership challenge facing SADC and its member states" (2012: 18). Indeed, the explanation and evidence provided in the explanation of the constructivist hypotheses prove that SADC member states themselves are not comfortable with the idea of delegating sovereign interests of states on security policy to the SADC structures (Van Nieuwkerk, 2012).

This research utilises the three constructivist research assumptions to explain how state sovereignty evolves in the process of regional integration. The security case study is one of three cases with the two below on trade and foreign affairs or diplomacy used to investigate how state interests are mediated, negotiated or evolved in the process of regional integration (Booth, 1991). The chapter therefore was less concerned with an explanation of the concept of "security community" or "regional security" but rather what informs the internal logic of these concepts in their application in real life situations in the SADC region (Vale, 1991).

The strategy in using examples to explore the constructivist research assumptions as well as broach the research questions as to why SADC states' preferences, interests and motivations diverge/converge away from SADC objectives towards protection of national interest and *vice versa* is important. The contestation of the regional security trajectory in SADC is the function of the regional approach to regional integration. To assume and

project any notion of regional security that can be juxtaposed over the “heads” of the SADC Summit is like expecting the SADC Secretariat to tell the member states what to do or the AU Commission to dictate the terms of engagement over the Heads of State and Government.

CHAPTER 6

SADC'S TRADE RELATIONS WITH THE EUROPEAN UNION (EU)

6.1 Introduction

Using the three constructivist assumptions, this chapter assesses the Economic Partnership Agreement (EPA) negotiations between the European Union (EU) and the Southern Africa Development Community (SADC); and whether their results uphold or indeed undermine the collective character of regional policy making towards an external party. As explained more extensively in chapter 2, the theory underpinning regional integration revolves around the work by Viner (1950). Viner argued that regional integration will not always result in gains in economic efficiency. Viner also posited that regional integration, in addition to trade creation effects can potentially have trade diversion effects on either the participating economies or even on third party economies outside of the agreement.

Trade creation is when trade liberalisation creates trade that would not have existed otherwise. This consequently results in a country being supplied goods and/or services by the most efficient producer of the product. Trade creation has been proven often to result in improved welfare gains. This however depends on how well distributional issues are taken into account. At least in the short run, freer trade will have losers (normally the import competing sectors) as well as gainers (normally exporters) and the latter may not always compensate the losers (Viner, 1953).

In contrast, trade diversion is when discriminatory trade liberalisation diverts trade away from a more efficient supplier outside of the regional trade agreement (RTA) in favour of a less efficient supplier within the RTA (Viner, 1950). Trade diversion will, at times, be sufficiently strong as to outweigh trade creating effects and so reduce a country's national welfare whereas in certain instances national welfare could still improve despite the trade

diversion (Viner, 1950). Are regional integration agreements to be regarded as a step toward global free trade? Viner (1950) attempted to answer this, albeit inconclusively. This is largely because the relative importance of trade creation versus trade diversion is an empirical matter depending on conditions of supply and demand and on the size of factors such as the initial level of tariffs. A rule of thumb is that this will depend on the extent that the RTA results in trade creation and trade diversion (Viner, 1950).

Ohmae (1996), and Kemp & Wan (1976), build their work on the foundation laid by Viner. A major difference of their work to Viner's was their view that: "It is always possible for a regional integration agreement, formed among an arbitrary group of countries, to structure itself in such a way as to make the member countries better off without making any of the non-member countries worse off" (Kemp & Wan, 1976:34). More recently, Krugman (1991) came up with economic geography factor to explain the determinants of regional concentration of economic activity. Based on the assumption that increasing returns to scale are desired, Krugman hypothesises that the eventual determinants of the location of economic activity will be economies of scale and trade cost considerations (Krugman, 1991). Economies of scale can be enhanced in regional trading areas by locating production activity in one location rather than each activity in each country.

On the other hand, Hass (1976) noted that an important determinant of the success of any RTA is that the distribution of gains and/or losses should be carefully evaluated. After this carefully thought out compensation mechanisms should be established. A critical factor for this to dissertation is whether or the extent to which an RTA member is ready to surrender a degree of national sovereignty to supranational organisation. Such an approach recognises that any regional integration process will always result in certain states' interest emerging higher in one area and lower in another area. Haas (1976) and several other regional integration scholars also underscore the fact that the successful attainment of harmonised and coordinated policies between member states is a lengthy process of interaction among states.

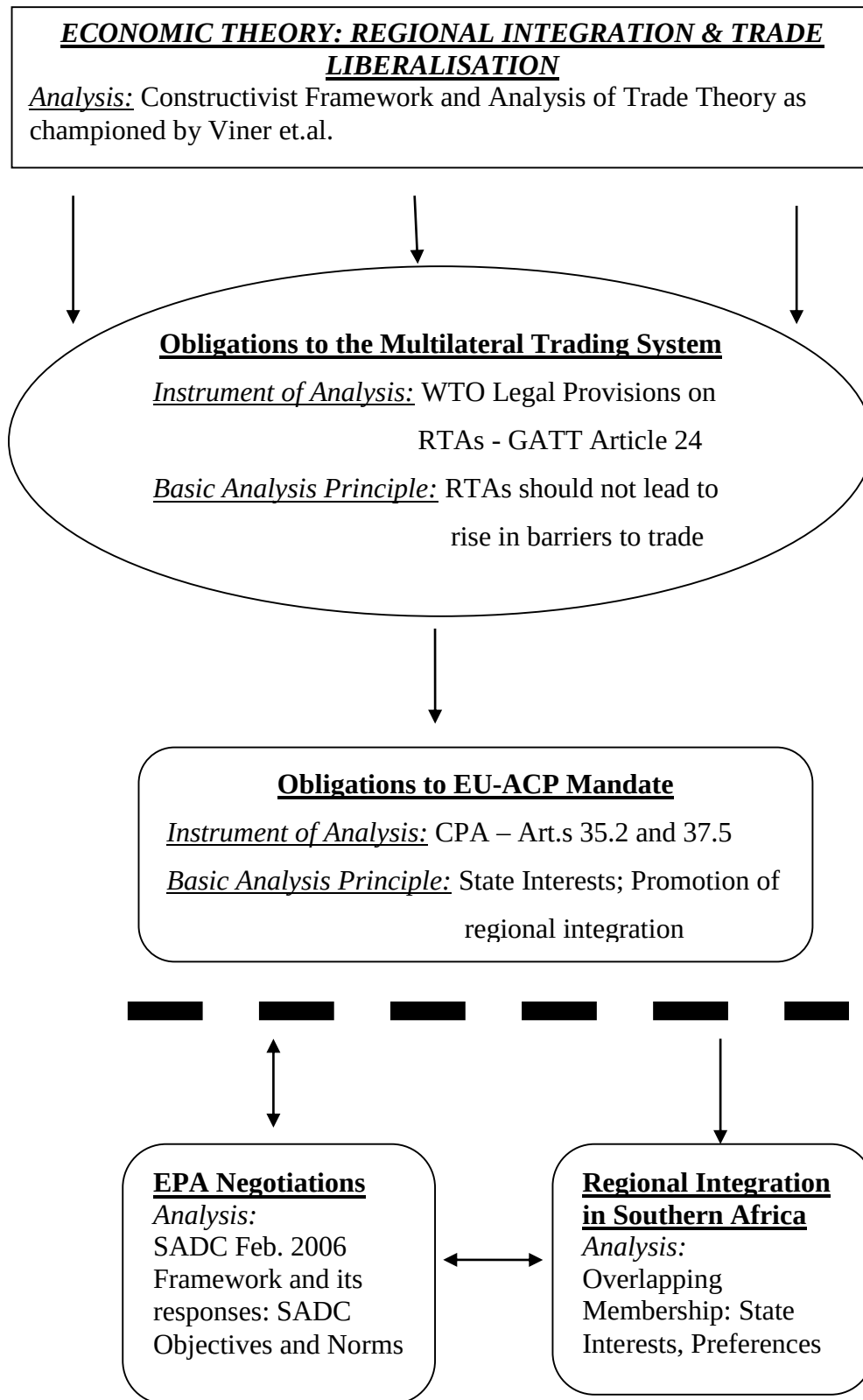
Reflecting on the gradual nature of this process, the orthodox regional integration model has six stages. Starting from a Preferential Trade Agreement (PTA) in which member states apply lower tariffs to imports produced by other members as opposed to imports from non-member states; whilst maintaining the prerogative to individually determine tariffs on imports from non-member states; figure 1.4 below illustrates these stages and their main characteristics.

Figure 2. Characteristics of the Six Stages of Regional Integration

Integration Arrangement	Free trade among members	Common commercial policy	Free factor mobility	Common monetary and fiscal policies	Central Government
Preferential trade area	No	No	No	No	No
Free trade area	Yes	No	No	No	No
Customs union	Yes	Yes	No	No	No
Common market	Yes	Yes	Yes	No	No
Economic union	Yes	Yes	Yes	Yes	No
Political union	Yes	Yes	Yes	Yes	Yes

Source: Author's compilation updated in August 2014

Figure 3. Schematic Trade Analytical Framework – Author Compilation (2014)



6.2 Trade Relations between the EU and Southern Africa

Since 1975, economic and trade relations between the EU and her former ACP colonies, including all SADC and SACU states has been governed by a series of framework agreements known as the Lomé Conventions, up to 1999 and the Cotonou Agreement since 2000 (See Figure 3.1 below).

Figure 4. Conventions between the EEC/EU and the ACP

Year	Treaty, Declaration or Decision	Comment
1975	Lomé I	Included the STABEX system, a facility for stabilising agricultural export earnings.
1979	Lomé II	Inclusion of SYSMIN facility to assist ACP countries preserve mining production capacity and protects them against fall in global mineral prices.
1984	Lomé III	Shift of emphasis to food security.
1990	Lomé IV	Emphasis on mitigating SAPs.
2000	Cotonou	Shift of emphasis to 'nationally owned' development.
2001	Everything But Arms	Zero tariff access granted to all imports from LDCs except arms.
2002	EU-South Africa- Trade, Development & Cooperation Agreement	An FTA between the EU and South Africa
2002	3 rd Generalised System of Preferences regulation	Implemented the scheme until 2005. A new scheme covering 2006-2015 now in implementation.

Source: Author compilation and updated in August 2014

The four Lomé conventions were characterised by the EU granting aid and unilateral trade preferences to ACP states. The incompatibility of these preferences with WTO rules

resulted in the new Cotonou Agreement. The WTO rules governing the provision of unilateral trade preferences are contained in the 'Enabling Clause' concluded during the Tokyo Round and only permits the differentiation of unilateral trade preferences based on countries' level of development (Bertelsmann & Draper, 2006). Hence in granting trade preferences to developing ACP states, the EU would also have to extend this preference all developing WTO member states in order to be compliant with the clause. From Figure 3 above, it can be seen that there exist four main frameworks that can be applied to EU trade relations with Southern African states:

1. *The Cotonou Partnership Agreement (CPA)*: forms the principal framework governing trade and economic relationship. Signed on 23 July 2000 the Agreement's main objective is "... reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy" (CPA, 2000).

Maintaining loyalty to the spirit of the Lomé conventions, the CPA granted its signatories extensive unilateral trade preferences until 31 December 2007. Needless to say, this required a WTO waiver. Hence, until the end of 2007, Southern African states signatory to the CPA (all Southern African states except South Africa) enjoyed non-reciprocal, duty and quota-free access to the EU with some qualifications. These relate to (a) exceptions arising from the application of the EU Common Agricultural Policy, (b) the application by the EU of strict Rules of Origin, (c) the Safeguard clause at the EU's disposal and (d) the application by the EU of stringent Sanitary and Phyto-sanitary Standards (CPA, 2000).

The CPA covers the period 2000-2020. Under article 95 of the Agreement, it is to be adapted every five years, with the exception of the economic and trade provisions which have a special review procedure. The review process which started in 2004 and was concluded in early 2005, did not result in any substantial trade-related revisions.

2. *The Everything But Arms (EBA)* Initiative: the EBA is a special non-reciprocal trade

framework providing duty and quota-free access to the EU market of all products from LDCs except arms and ammunition. This access is however also qualified as bananas, rice and sugar, and products containing them still face duties and/or quotas until 2009 (CPA, 2000).

Unlike the Cotonou Agreement, the EBA initiative is fully WTO compliant as the preferences, in line with the *Enabling Clause*, are extended to all LDC states that are WTO members. Consequently, eight LDC states within the SADC and SACU region are eligible to benefit from the EBA initiative. These are Angola, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mozambique, Tanzania and Zambia (CPA, 2000).

3. The Generalised System of Preferences: The GSPs arose from a recommendation, in 1968, by the United Nations Conference on Trade and Development (UNCTAD) that industrialised countries grant trade preferences to all developing countries. The EU first implemented a GSP scheme in 1971. According to the EU external trade website; "The EU's GSP grants products imported from GSP beneficiary countries either duty-free access or a tariff reduction, depending on which of the GSP arrangements a country enjoys" (EU, 2013). There are five GSPs available under the EU GSPs, of which the EBA initiative is one. All Southern African countries have access to the general GSP, however since the framework entails much lesser preferences than the CPA or EBA initiative, it is hardly ever used (CPA, 2000).
4. The South Africa-EU Trade Development and Cooperation Agreement: the TDCA is a free trade agreement between the EU and South Africa. Because the EU treats South Africa as being at a different development level than other ACP states, South Africa was not given access to the CPA. Instead, a reciprocal WTO compliant agreement was negotiated and concluded (TDCA, 1999).

Although essentially an agreement between the EU and South Africa, the TDCA has significant implications on the other SACU member states. Since South Africa is in a customs union, the BLNS states are and have been *de facto* tied to the tariff reduction obligations entered into by South Africa in the TDCA. This has resulted in great resentment of the TDCA by the BLNS states as they were not party to its negotiations and so the agreement does not build-in their sensitivities (Sandrey, 2012).

6.3 Economic Partnership Agreements (EPAs)

The Economic Partnership Agreements (EPA) are a free trade agreements being negotiated between the European Commission (EC) (on behalf of EU member states) and 75 African Caribbean and Pacific Countries (ACP) member states that make up former colonies of Europe. EPA is largely principled on the notion of reciprocity hence reversing decades of unilateral trade preferences from the EU to ACP states. The reversal of this longstanding relationship has primarily been necessitated by the fact that the non-reciprocal nature of the relationship was not compliant with the World Trade Organisation (WTO) rules governing the provision of such preferences as contained in the enabling clause. Consequently and to avert continued challenges by other WTO member states, a WTO compliant framework had to be agreed (Bertelsmann & Draper, 2006).

At the launch of the EPA negotiations in 2002, ACP states were divided into six regional groups each negotiating a separate EPA agreement with the EU. These groups were: West Africa, East and Southern Africa, SADC (also referred to at times as 'SADC minus'), Central Africa, the Caribbean and the Pacific. Negotiations were to be completed by 31 December 2007 and EPA was hence expected to be operational from 1st January 2008. However, by the end of 2007, the EU and the ACP, with the exception of the Caribbean region, had inevitably failed to conclude full regional and comprehensive trade agreement as originally foreseen by the CPA. The South Centre notes that: "... a large number of

technical and political divergences stood on the way of that objective” (South Centre, 2008). As of 01 January 2008:

Only the Caribbean managed to conclude a comprehensive EPA agreement; 20 other ACP countries initialed an agreement of partial scope, requiring Continued negotiations with the EC to reach a full agreement by the end of 2008 or mid-2009; the remaining forty ACP countries which were engaged in the EPA negotiations preferred, albeit arguably at a risk, not to initial interim texts; most of these are LDCs, eligible for EBA preferences, whilst some are non-LDCs who are now trading with the EU under the other available GSP regimes or as in the case of South Africa, already have a WTO compliant free trade agreement with the EU (South Centre, 2008).

With the expiry of the last Lomé Convention (Lomé IV) came the imperative to negotiate and conclude a WTO-compliant framework to govern trade relations between the EU and ACP states. The CPA heralded this move. Although the agreement itself identifies five pillars, three main pillars of cooperation can be identified as the bedrock of the CPA namely; (1) political, (2) development and (3) economic and trade cooperation. It is under the economic and trade cooperation that the EU and ACP states agreed to conclude EPA. Articles 34 to 38 of the Cotonou Agreement are the relevant texts as regards EPA. Articles 36 to 38 provide a number of principles against which outcomes of the negotiations are to be evaluated (EPAs, 2011). These principles include:

WTO compatibility of the final agreements; gradual introduction of the arrangements; maintenance of non-reciprocity during the transition to the new arrangements; use of the preparatory period to build capacity in both the private and public sectors “...where appropriate with assistance to budgetary adjustment and fiscal reform, as well as for infrastructure upgrading and development, and for investment promotion;” maintenance of the CPA *acquis*; sensitivity to the differing development levels and socio-economic impact of trade measures on ACP countries and their capacity to adapt and adjust their economies to the liberalisation process (CPA, 2000).

The benefits, especially for ACP countries, of being part of a larger, integrated and rules-based economic area with predictable, stable and transparent policies has been a major selling point of the EPA. These benefits generally relate to the orthodox dynamic gains of moving from restricted to free trade and include economies of scale, specialisation, increased competitiveness, attraction of foreign investment and increased intra-regional trade flows. Crucial to point out in this regard is the fact that these purported gains have not been accepted without critical analysis. In fact, a considerable number of analysts and international NGOs have disputed any such claims. The reasoning of such disputes is however beyond the scope of this dissertation. Some of the aspects relevant to the dissertation are however looked at in the next sections.

Whilst the centrality and candor of the need to re-formulate the EU-ACP trade relationship in a WTO-compliant manner is hardly contested, Goodison & Stoneman (2005: 20) contend that the EC has not been entirely forthcoming on their motivation to conclude EPA negotiations. Citing a 1995 paper by the EC, they suggest that the EU is rather motivated by the hunger to bolster its presence in the faster growing economies of the world including:

... strategic considerations regarding the need to reinforce our presence in particular markets and to attenuate the potential threat of others establishing privileged relations with countries which are economically important to the EU... (Goodison & Stoneman, 2005:20).

As regards the benefits to the EU of an FTA with South Africa, Goodison and Stoneman (2005: 20) also cite the same paper as contending that:

The further opening up of the South African market ... will create competitive advantages for EU exporters compared to exporters from the USA, Japan and other suppliers of South Africa. The price the EU would have to pay for such an improved position in terms of loss of customs revenues is relatively low ... (Goodison & Stoneman, 2005:20).

They then note that once the framework of achieving this had been mapped out the rhetoric and justifications for EU FTAs mutated and EU offensive interests are no longer mentioned in EPA discussions. This constructivist interest-driven analysis helps to explain the insistence of the EU for a 'beyond WTO- compliance' nature of the current EPA negotiations, reflecting partly EU's insistence on the inclusion of new generational issues in negotiations.

The Economic Partnership Agreements (EPA) are intended to change the trade relationship between the European Union (EU) and African, Caribbean and Pacific (ACP) states into a WTO-compatible trade relationship. Their negotiations derive their mandate from the CPA between the EU and the ACP. Whilst WTO-compliance is the primary legal objective of EPAs and their negotiations, the CPA places other equally important legal obligations on them. Of interest in this dissertation, are Articles 35.2 and 37.5 of the CPA which place a legal obligation to not only be cognisant of the regional integration initiatives in Southern Africa but to also foster, deepen and strengthen regional integration. Articles 35.2 and 37.2 of the Cotonou Agreement read as follows (CPA, 2000:23):

- a) Economic and trade cooperation shall build on regional integration initiatives of ACP States, bearing in mind that regional integration is a key instrument for the integration of ACP countries into the world economy;
- b) Negotiations of the economic partnership agreements will be undertaken with ACP countries which consider themselves in a position to do so, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group, taking into account regional integration process within the ACP.

6.4 RECs in Southern Africa

Three major RECs and one big FTA arrangement (under construction) co-exist amidst an interesting and complex web of programme duplication and similarities in objectives in Southern Africa. These are:

1. the Southern African Development Community (SADC),
2. the Common Market of Eastern and Southern Africa (COMESA), and
3. the Southern African Customs Union (SACU); and
4. the Tripartite Free Trade Area (COMESA, EAC and SADC) (Hartzenberg, 2012)

The similarity in the RECs' regional integration objectives is illustrated in the table below.

Figure 5. The Regional Integration Timetable in Southern Africa

	Free Trade Area	Customs Union	Common Market	Economic Union
SADC	2008	2010	2015	2016
SACU	1910	1910	Exists partially	Not elaborated upon
COMESA	2001	2001	Not elaborated upon	Not elaborated upon

Source: *Adapted from Gibb R. 2006.

Nonetheless, the three RECs have, as alluded to earlier, undergone some important strategic transformation post 1991. In accordance with multilateral obligations, all of the three RECs have been notified at the WTO (See figure 3.3). Two of these, SADC and SACU have been notified under article XXIV of the GATT whilst COMESA has been notified under the more flexible 'Enabling Clause'. SACU is the only customs union whilst the others are either FTAs or PTAs.

Figure 6. Southern African RECs Notified to the WTO

Agreement	Date of entry into force	Date notified by Parties*	Related provision	Type of agreement **	Document series
<u>SACU</u>	15-Jul-04	25-Jun-07	GATT Art. XXIV	CU	WT/REG231
<u>SADC</u>	1-Sep-00	2-Aug-04	GATT Art. XXIV	FTA	WT/REG176
<u>EC-South Africa</u>	1-Jan-00	2-Nov-00	GATT Art. XXIV	FTA	WT/REG113
<u>COMESA</u>	8-Dec-94	4-May-95	Enabling Clause	FTA	WT/COMTD/N/3

Source: WTO Africa Trade Statistics 2006

However although three RECs exist in the region, this dissertation only takes a look at SADC and SACU. COMESA is not examined because its membership goes beyond the region of interest of the dissertation – the Southern African region. Accordingly, the proceeding sections briefly describe SADC and SACU. SADC is made of 15 member states, eight of which are LDCs. In addition to being members of SADC, 13 of the members are also members of at least one other regional organisation. Only Mozambique and Seychelles are members of SADC alone (See figure 3.4).

Figure 7. Membership of Other Regional Organisations

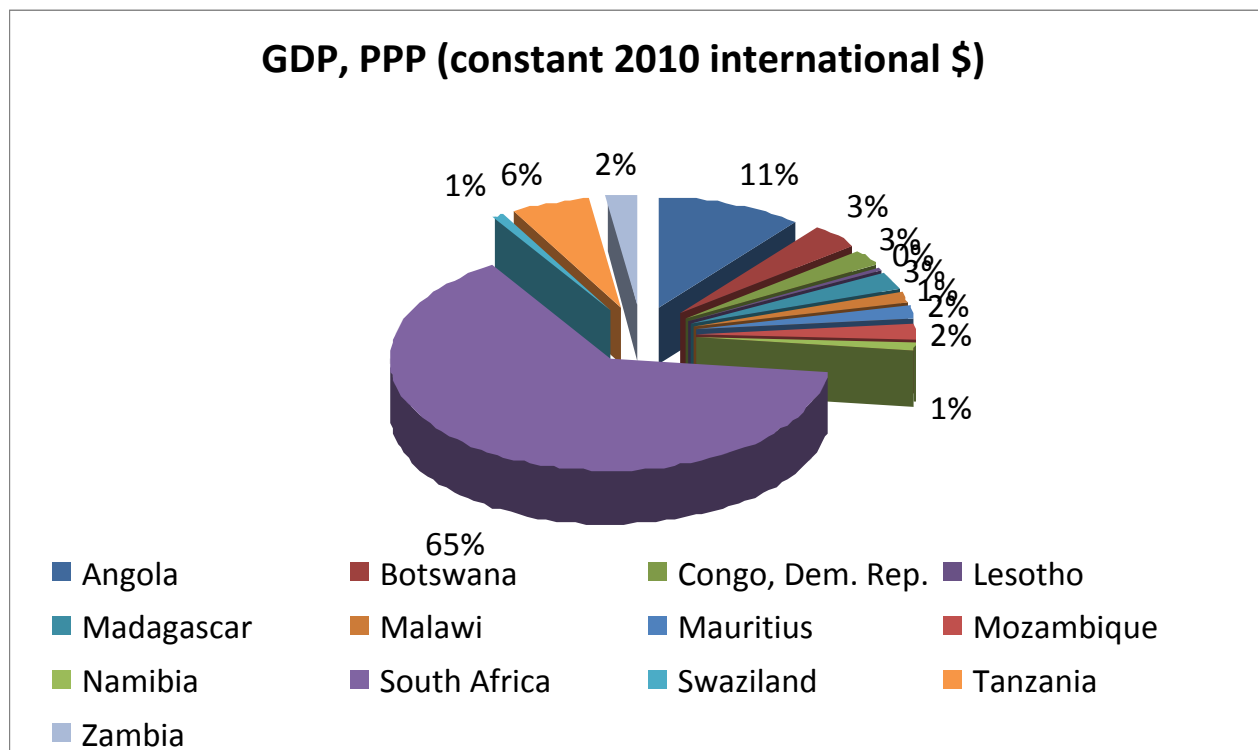
SADC Member State	COMESA	IOC	EAC	SACU	ECCAS
Angola	X				X
Botswana				X	
DRC	X				

Lesotho				X	
Madagascar	X	X			
Malawi	X				
Mauritius	X	X			
Mozambique					
Namibia				X	
Seychelles					
South Africa				X	
Swaziland	X			X	
Tanzania			X		
Zambia	X				
Zimbabwe	X				

Source: Author compilation data from SADC website (2012)

SADC has a remarkably broad agenda covering more than just trade. Its areas of cooperation are spelt out in its various protocols as well as other instruments. The 1996 Trade Protocol is essentially the primary regional integration driving tool. SADC, like SACU is characterised by South African economic hegemony. South Africa contributes 65% of the region's GDP whilst the second and third largest economies (Angola and Tanzania) contribute 11% and 6% respectively (See Figure 3.5 below).

Figure 8. 2010 SADC GDP PPP (millions US\$)



Source: World Bank. World Development Indicators database (2010)

In terms of trade and regional integration, SADC is still confronted by a number of challenges including lacklustre political commitment, stringent rules of origin (ROOs) and a lack of diversity of trading products (Hartzenberg et. al., 2012). Currently, SADC member states have been battling to conclude a harmonised regional integration agenda. This means that integration and harmonisation within the region has not yet been achieved.

As seen in Figure 3.2 above, a SADC FTA is to be functional by the end of 2008 with a CU foreseen by 2010. Figures 3.6 and 3.7 illustrate, in part, these challenges. From these it can be seen that seven SADC states have an applied simple average rates in the range of 3.5% to 8% (this figure, it must be noted is mainly due to the five SACU states that

have a uniform simple average MFN applied rate); whilst six have applied simple MFN rates of between 12% and 13.9%. The main implication of this is that it will not be easy to achieve convergence in the applied MFN tariff rates of the region, a requisite of regional integration.

In terms of trade with the EU, it can be seen that all eight LDCs have duty free access on over 90.2% of tariff lines of their exports to the EU, largely due to the EBA initiative. Additionally, all the other member states also have considerable duty free access on a high percentage of tariff lines. All-in-all, of the thirteen SADC states for whom data is available, only three South Africa, Botswana and Swaziland have less than 90.2% access to duty free tariff lines on exports to the EU. Regardless, very little diversity in trade is exhibited in the region's exports to the EU.

Figure 9. Some Features of SADC Trade with the EU

Country	Diversification 95% of HS-6 trade (no. of subheadings)	Duty Free Tariff Line (%)	Export market importance ranking	Applied MFN Rate (Simple Average %)
Angola	2	96.6	3	7.2
Botswana	1	83.4	1	8.0
Congo, Dem. Rep.	14	95.9	1	12.0
Lesotho	18	90.2	3	7.9
Madagascar	116	95.2	1	13.3
Malawi	8	98.1	1	13.5
Mauritius	90	94.7	1	3.5
Mozambique	5	95.2	1	12.1
Namibia	26	93.1	1	8.0

South Africa	68	67.8	1	8.0
Swaziland	27	40.2	2	8.0
Tanzania	51	97.5	1	12.7
Zambia	21	97.4	4	13.9
Zimbabwe	...	...	...	...

Source: WTO Trade Statistics Database (2013)

Figure 10. Histogram of SADC MFN Rates

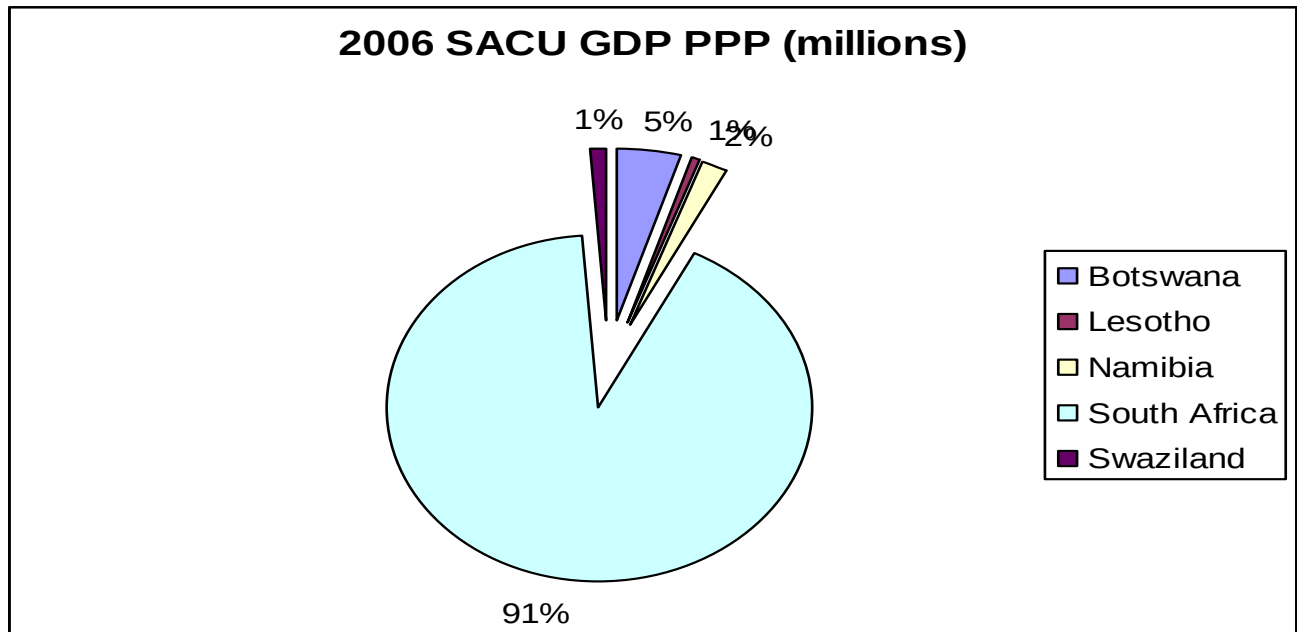
<i>Tariff Range</i>	<i>Frequency</i>
0	0
0 - 3.5%	1
3.6 - 9%	6
9.1 - 12%	1
12 - 15%	5
More than 15%	0

Source: WTO Trade Statistics Database (2013)

6.5 The Southern African Customs Union (SACU)

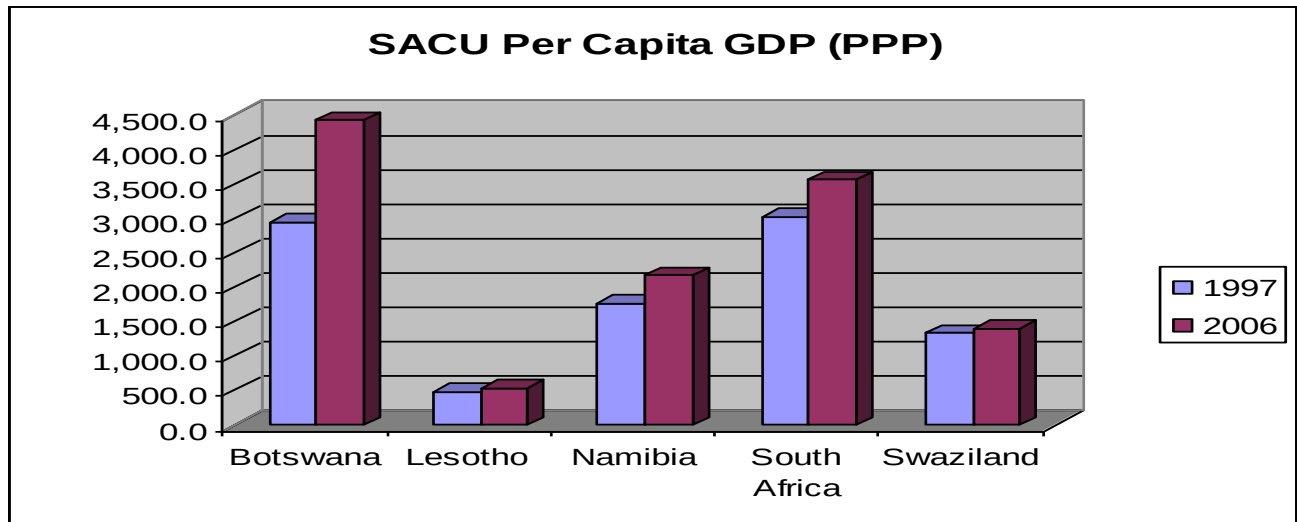
SACU was founded in 1910. It is the oldest customs union in the world and is the only functional customs union in Africa. Its members are South Africa, Botswana, Lesotho, Namibia and Swaziland. All members of SACU are also members of the SADC. Additionally, Swaziland is also a member of COMESA. All SACU members with the exception of Botswana are also members of the Common Monetary Area (CMA) otherwise referred to as the 'Rand Zone'. Of the five SACU economies, only Lesotho is an LDC whilst the others are non-LDC. Additionally, SACU is characterised by the economic dominance of South Africa which accounts for approximately 91% of SACU's GDP, with Botswana the second biggest economy only accounting for about 5%. When measured in terms of per capita GDP however, South Africa is second to Botswana which has experience relatively higher growth in recent years (See figures 11 and 12).

Figure 11. 2006 SACU GDP PPP (millions US\$)



Source: World Bank. World Development Indicators database (2006)

Figure 12. 2006 SACU Per Capita GDP millions of constant (2000)



Source: World Bank. World Development Indicators Database (2010)

According to the WTO, the applied simple average MFN rate in the SACU region is 8% (See Figure 3.6), comparatively higher to the applied rates of the region's more developed trading partners. For example, the EU and Japan with rates of 5.4% and 5.6%,

respectively. When compared to other developing trading partners, the applied SACU MFN simple average is relatively lower than those of Brazil, China, India and Russia which have simple applied MFN rates of 12.3%, 9.9%, 19.2% and 11.4% respectively. Figure 3.6 above, illustrates some features of SACU trade with the EU. From the figure below, the EU market is first in terms of importance as an export market for South Africa, Botswana and Namibia; second for Swaziland and is comparatively less important for Lesotho, for which it ranks third after the USA and Canada.

Data from the WTO reveals that, despite considerable access to duty-free tariff lines (ranging from 40.2% for Swaziland to 93.1% for Namibia), SACU exports to the EU exhibit little diversity (Sandrey, 2012). The South African trade picture with the EU is unsurprisingly the most diverse in the region with 68 HS-6 subheadings with trade flows. This restraint is particularly observable when contrasted against EU trade with the economies of Brazil, Russia, India, China and Egypt which register 560, 132, 1,269, 1,521 and 281 HS-6 subheadings with trade flows. Since its founding, the SACU agreement was replaced in 1969 and later by the current 2002 Agreement (Walker, 2009).

The current SACU agreement of 2002 transformed SACU into a democratic, rules based institution. Amongst other things, the SACU agreement envisions the establishment of an organisation with "... common policies and common institutions" (SACU Agreement, 2002: Article 27). Besides, already submitting to two Trade Policy Reviews with the last one having been in 2003, the extent of loyalty to the new agreement can be noted by, amongst other things:

The establishment of a tribunal to settle disputes related to the implementation and interpretation of the agreement. The provision of the adoption, by all member states, of common policies in a number of areas (Part 8 of the agreement). The establishment of a common negotiating mechanism and policy mandates for future negotiations between SACU and third parties.

Hartzenberg et. al., (2012) & Gibb (2006) and indeed several other economic commentators and analysts that have been interviewed for this dissertation have lamented the multiple and overlapping membership of RECs that has characterised the Southern African region (Interview, 2000). Overlapping membership to regional organisations, by creating institutional and trade regulatory overlap, raises a number of technical and procedural complications. Procedurally, multiple memberships of RECs strain the already limited financial and institutional capacity and resources of member states (Hartzenberg et. al., 2012). The financial and institutional resources deployed by states that are members of different RECs that ultimately have the same eventual end goal could be better used if they were channeled more rationally.

This is because administrative costs of maintaining such arrangements rise since trade policy operates within multiple trade regimes with different tariffs and rules of origin. Whilst multiple memberships of RECs present no major problems in the first two stages of regional integration (PTA and FTA), confusion and conflict increases as integration deepens in the RECs; especially in the Customs Union stage. Box 4.0 below illustrates some of these complications by using an example of two SADC member states. In any case a country cannot be a member of more than one customs union (CU) unless the CUs are similar. This is because an important feature of CUs is that they have a common external tariff (CET) and hence have a common trade policy.

For example, when COMESA becomes a CU, the COMESA states that are members of the SADC FTA would be in violation of WTO regulations on RTAs if they were to maintain trade preferences to non-COMESA SADC states. The critical factor to point out is the problem of multiple REC membership within the regional integration agenda is not only unique to the Southern African region. In a statement opening the African Union private sector forum in Banjul Gambia in June 2006, the African Union Commissioner (AUC) for Economic Affairs, Mkwezalamba remarked that:

Indeed the RECS are recognised as the building blocks of the African Economic Community in the Abuja Treaty establishing the African Economic Community. However, more could have been achieved in this process had there not been any problems associated with the overlapping and multiple memberships to regional economic communities (RECs) of member states...

This school of thought is supported by the United Nations Economic Commission for

Extent of the Problem of Overlapping REC membership in Southern Africa*

Gibb (2006) uses three case studies to illustrate the current unworkable regional integration situation in Southern Africa and Eastern Africa due to overlapping membership to RECs. Two of these examples are adopted below:

Zambia is a member of SADC and COMESA. Under the SADC Protocol on Trade it is obliged to remove tariff barriers to South Africa, a fellow SADC member by 2012. Similarly, as a result of its COMESA membership, it is obliged to be part of the COMESA CET in 2008. However, the COMESA CET excludes and hence discriminates against South Africa which is not a member of COMESA. Hence, Zambia has agreed to simultaneously promote free trade with South Africa and to maintain tariff barriers against it.

Swaziland being a member of SADC and the only SACU member also a member of COMESA has agreed to simultaneously implement three FTAs and three customs unions. It has hence agreed via the SACU CET to maintain tariff barriers against non-SADC COMESA states despite being a member of COMESA itself, while simultaneously agreeing to erect a COMESA CET against other SACU states. At present the country relies on COMESA derogations, allowing it to access the COMESA FTA while simultaneously, applying the SACU tariff regime against COMESA imports.

**** Adapted from Gibb R. (2006). Rationalisation or Redundancy? Making Eastern & Southern Africa's Regional Trade Units Relevant. Brenthurst Discussion Paper 3/2006.***

Africa (UNECA). Explaining the problems that this results in, the UNECA (2002) in its

The many regional economic communities with overlapping memberships are perceived as wasting effort and resources. Having multiple groups adds to the work of harmonisation and coordination and complicates the eventual fusion of regional economic communities into the African Union. This has prompted calls to rationalise integration.

Accordingly, during the first conference for African Ministers in charge of regional integration that took place in Ouagadougou, Burkina Faso, in March 2006, a resolution on the rationalisation and harmonisation of RECs noted:

... with concern the constraints posed by a proliferation of RECs and the challenges these constraints pose to taking the process of continental integration forward towards the African Economic Community.

This was closely followed by the Decision on the Moratorium on the Recognition of RECs in July 2006 which effectively suspended the recognition, by the AUC, of new RECs with the exception of the seven RECs identified in 1997 plus the East Africa Community as the eighth. This decision puts into context the disruptive nature of overlapping REC membership in Southern Africa and Africa as a whole, partly explaining the infancy of regional integration in Southern Africa. Of relevance to the dissertation is the fact that regional integration in Southern Africa remains problematic and underdeveloped. This notwithstanding the region is simultaneously involved in EPA negotiations with the EC. The effect of this is two-fold:

1. The region has engaged the EU without a harmonised regional position on which to build up on and make concessions with the EC, and;
2. The region has further strained its already limited resources by engaging in these parallel initiatives.

6.6 EPA Negotiations in the SADC Region

The immediate effect of EPA negotiations on the process of regional integration in Southern African and in relation to states' constructivist interests and identity is that it has split the SADC member states amongst four EPA negotiating configurations namely; the central African, East and Southern African, SADC-EPA (variably referred to as SADC-minus) and the East African group (See figure 4.1 and 4.2). Originally of the fifteen SADC member states, seven (Botswana, Lesotho, Namibia, Swaziland, Mozambique, Angola and Tanzania) opted to negotiate under the SADC-EPA configuration, the Democratic Republic of Congo joined the Central Africa grouping, five (Madagascar, Malawi, Mauritius, Seychelles, Zambia and Zimbabwe) joined the ESA grouping whilst South Africa was initially merely an observer in the SADC-EPA grouping (Walker, 2009).

As the negotiations progressed, Tanzania later joined the EAC. Initially South Africa only had 'observer' status since it already has a WTO-compliant FTA with the EU. However, South Africa joined the SADC-EPA configuration in February 2006. The SADC-EPA configuration currently consists of South Africa, the BLNS states, Angola and Mozambique. Of these seven states, three (Angola, Lesotho and Mozambique) are LDCs whilst the remaining four are not. Additionally, South Africa and Angola make up the major economies of this configuration.

The SADC-EPA negotiations were launched in July 2004 in Windhoek, Namibia. A negotiations structure at both national and regional level was accordingly formulated by the configuration member states and Botswana, through its Ministry of Trade and Industry, was designated coordinator of the overall process of negotiations. Each SADC EPA Member State was also assigned a negotiation issue or issues to coordinate.

Figure 13. EPA Configurations in Southern Africa

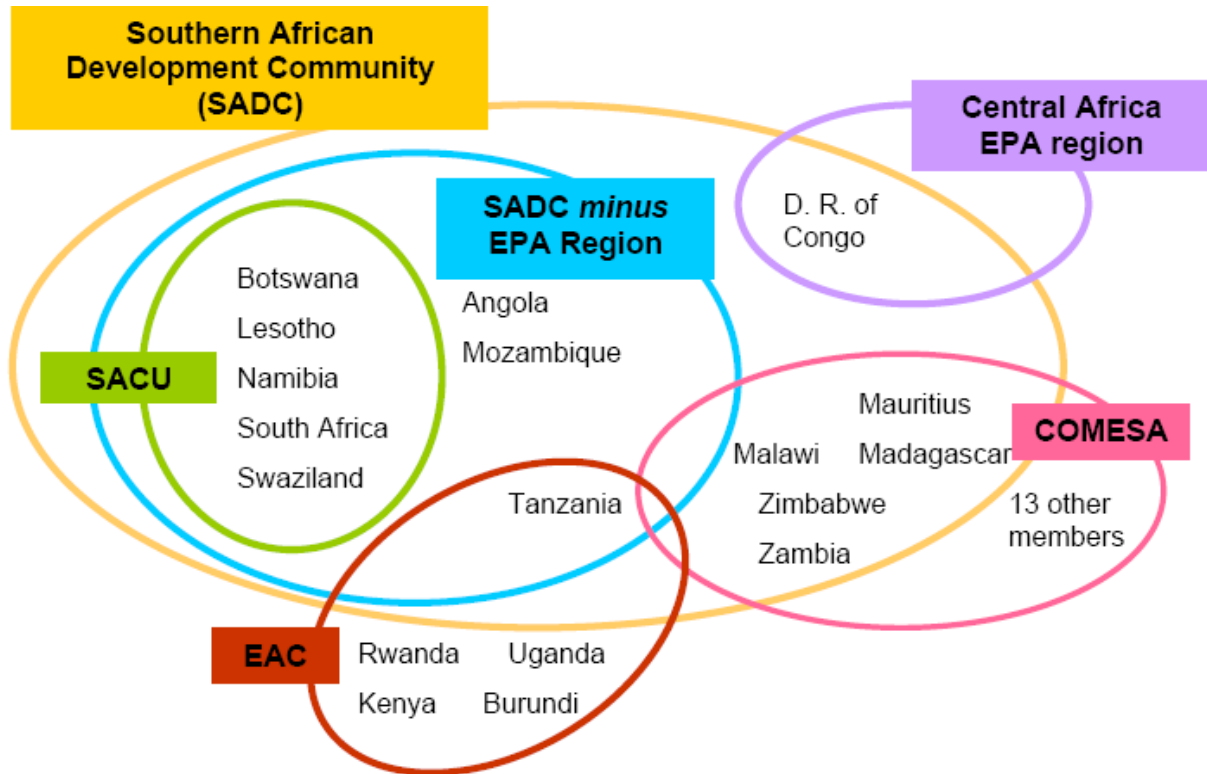


Figure 14. Membership of Other RECs of SADC Member States (with EPAs)

SADC Member State	EPA Configuration						
	COMESA	IOC	EAC[2]	SACU	SADC	ESA	Central Africa
Angola	X				X		
Botswana				X	X		X
DRC	X					X	
Lesotho				X	X		
Madagascar	X	X				X	
Malawi	X					X	
Mauritius	X	X				X	
Mozambique					X		
Namibia				X	X		
South Africa				X	X		
Swaziland	X			X	X		
Tanzania			X			X	

Zambia	X					X	
Zimbabwe	X					X	

Source: Author compilation SADC data (2012)

6.7 Analysis of the Current EPAs Developments

Whilst this section looks at the progress and the state of the SADC-EPA negotiations, it does so with special interest on how these relate to state interests on the one hand and the process of regional integration on the other. In that regard, the section is not at all exhaustive in that several other issues not directly related to regional integration, at least in the opinion of this dissertation, are not analysed. Grappling with the complications and challenges of overlapping membership in regional integration arrangements has not been easy for SADC group and this was the occupation of the first part of the negotiation period. In fact, towards the end of 2005, SADC suspended EPA negotiations "... in order to deal more concretely with key regional integration challenges and the inter-linkages created by different trade regimes between the Southern Africa region and the EU such as the EU-SA TDCA and the situation of the BLNS in SACU and the EPA. The result was the adoption of a SADC framework proposal which was submitted to the EC on 7 March 2006" (SADC, 2006: 6).

Consequently in March 2006, a proposal was presented to the European Commission (EC) by the SADC-EPA group. This has come to be known as the 'Framework Proposal for the EPA Negotiations between SADC and the EU'. The importance of this framework lay in its attempt to support a regional integration agenda in Southern Africa. In this particular regard, it called for the inclusion of South Africa as a full participant in the SADC-EPA configuration and to the alignment of the TDCA and the EPA process (Sandrey, 2012). In addition to this, the framework contained four major suggestions stated below.

In line with the call to align the TDCA and EPA process, it was suggested that the TDCA be used as benchmark for negotiations particularly since four of the remaining six SADC-

EPA configuration members, the BLNS states, are *de facto* participants of the TDCA. A qualification to this however was that the sensitivities of the BLNS states be addressed. The need to address the sensitivities of the BLNS has to be seen against the context that the TDCA was negotiated between South Africa and the EU. South Africa hence unilaterally locked-in the BLNS states, without consultation, to obligations some of which were costly to BLNS states (Sandrey, 2012).

For example, the SACU CET meant that SACU's fiscal revenue pool shrunk due to the TDCA. Goodison and Stoneman (2005:23) quote studies as estimating that the TDCA shrunk the fiscal revenue pools of the BLNS states as follows:

Botswana – 53%
Lesotho – 12.9%
Namibia – 8.6%
Swaziland – 13.9%

Additionally, the TDCA has resulted in the reduction of trade protection of the BLNS states without factoring in their defensive interests (Goodson & Stoneman, 2005). Secondly, it was submitted that the EBA qualifying SADC-EPA LDC states should continue enjoying their non-reciprocal, duty-free EBA status. Essentially this entailed a binding in the EBA benefits of LDCs in the EPAs. The third submission was that all SADC-EPA states including South Africa be granted duty free market access to the EU (Goodson & Stoneman, 2005). More likely than not, realising the potential divisive nature of this suggestion, the South African Department of Trade and Industry was quick to point out that: "... South Africa conceded that this should not be achieved at the expense of any other SADC EPA member, and recognising the EU's sensitivities in agriculture, this could be obtained over a transitional period" (DTI, 2008).

The last suggestion which has proved to be a major sticking point was in regard to new generation trade issues - services, investment, procurement, intellectual property, competition, labour, and environment. These it was suggested "... should be subject to

non-binding cooperative arrangements to allow time for building policy, human and institutional capacity at national level” (SADC-EPA Framework, 2006:12). The development of national positions should then “... be followed by processes for regional convergence to build regional markets and common regional policies” (DTI, 2008). The South African government was indeed making its constructivist interests very clear. More significantly, new generation trade issues are not necessary in order to make the agreement WTO compliant. The argument is that these issues, some of which are already under negotiation in the WTO, can be negotiated at a later time without the time pressure accompanying current negotiations.

Once submitted to the EC, a long period of non-response followed prompting the SADC secretariat to, at one point observe that the silence gave the “... impression that these developments in the SADC-EPA almost require a *de facto* re-launching of the negotiating process” (SADC, 2007). When the response came exactly a year later in March 2007, Xavier Carim, South Africa’s chief trade negotiator; summarised the response as consisting of the EU welcoming South Africa’s inclusion in the SADC-EPA configuration whilst challenging everything else (Carim, 2007). In summary, the EC in its official response generally adopted a hazy view and refused the suggestions.

On 01 January 2008, five of the seven SADC-EPA configuration countries (Botswana, Lesotho, Mozambique, Namibia and Swaziland) initialed an interim EPA. Namibia nonetheless initialed with reservations. South Africa, which already has a free trade agreement with the EU and is under no obligation to conclude an agreement, did not initial, whilst Angola an LDC simply registered its intent to come on board in the future. A special brief by BIDPA (2009) on the signing of the iEPA by these five states, summarised state constructivist state interests in two ways: “... economic, where national commercial and financial interests are pursued, while the second are equally valid and legitimate geopolitical and strategic interests” (BIDPA, 2009: 1).

Most analyses on South Africa's reaction to the initial signing of the iEPA by Botswana, Lesotho and Swaziland have tended to link the country's position to the SACU revenue sharing formula (Draper & Khumalo, 2009). In this way, the analyses have projected that the "... South African Treasury is uncomfortable with subsidy's extent ... particularly [on] Lesotho and Swaziland" (Draper & Khumalo, 2009: 4). This is indeed an important and a delicate historical point in SACU. However, the constructivist framework that is utilised in the research requires one to look at state reaction and interaction alongside the normative objectives and norms of the institutions driving regional integration in Southern Africa. It is this symbiotic or co-constitutive relationship that the research is concerned with.

In the revised SACU agreement of 2002, the state parties in the Customs Union completed a revised version of the agreement with new provisions. One of the provisions that were raised by Botswana, Lesotho Namibia, and Swaziland – in response to the unilateral signing of the TDCA in 1999 by South Africa – was the inclusion of article 31.3 which stated that:

No Member State shall negotiate and enter new preferential trade agreements without the consent of other Member States.

The collective provision of article 31.3 of the SACU agreement therefore, provides for the convergence of all SACU states' interests in a manner that provides each state a veto over others on trade policy. Given this, an important factor is whether South Africa, or Namibia for that matter, consented to Botswana, Namibia and Lesotho's initial signing of the iEPA, as provided in Article 31.3 of the SACU agreement. There is no evidence that the South African government "... view[ed] the signing as a fundamental violation of Article 31.3" (BIDPA, 2009: 3). What is evident however in the initial signing of the iEPA is that, articles, clauses, and protocols are important but not sufficient instruments to induce states to surrender their constructivist and cherished possession "... of the right and ability to act on international stage according to their own judgments and preferences ... " (Koenig-Archibugi, 2004:137).

6.8 EPAs and Regional Integration in Southern Africa

This chapter assesses the effects of the EPA negotiations on SADC states' capacity to engage collectively with third parties. Indeed the chapter demonstrates the extent of the gap between state interests and regional interests in the policy making arenas in Southern Africa. As noted earlier, the immediate effect of EPA negotiations on the SADC region was to split the SADC member states into four EPA negotiating configurations. Needless to say, this splintering of the bloc came with costs, not least of which are the resultant adjustment costs associated with realigning the resultant blocs. The realignment of the blocs themselves is a process that requires time to build internal coherence and strong, well-coordinated institutions. More importantly, EPA has led to an increase in regional groupings in the region. This has further complicated the rationalisation of regional integration in the region.

The behaviour and response of the EC to the SADC framework betrayed the Commissions' commitment to its legal obligation to the EPA process in order to strengthen and support regional integration in the region. The Trade Law Centre of Southern Africa (TRALAC) provides an interesting account of the period in between the submission by the SADC-EPA group and the official response from the EC (2008). According to the TRALAC (2008), an unofficial response was received on 1 December 2006, almost nine months after submitting the proposal. Six points are cited as the EC unofficial response. Five of these are particularly relevant due to their implications on the regional integration process in Southern Africa.

The EC response was clear in its doubts of whether the negotiations will be completed on time. The EC's concerns centered on the configuration issues and the involvement of South Africa. The EC accepted the proposal to include South Africa in the configuration and that SACU is the axis driving regional integration in Southern Africa. Reference is made to an

"... institutionally coherent and economically integrated core group, which could be gradually expanded to integrate more countries in the region" (Tralac, 2008:17).

The inclusion is however qualified by a differentiation between the market access conditions of South Africa and the BLNS. The EC seeks to maintain a separate trade regime for South Africa while trying to preserve the coherence of the configuration. The EC's view is that this should be undertaken through a "... rigorous system of control for rules of origin and the establishment of an autonomous safeguard mechanism which will automatically apply in case of a trade surge linked to circumvention" (Tralac, 2008: 18).

The TDCA is considered as a useful starting point for negotiations relating to imports from the EU. Any increase in tariffs to accommodate BLNS sensitivities is opposed by the EC since these adjustments would also apply to South Africa" (Tralac, 2008: 13). Each of these responses has implications on regional integration in the region. The possibility of sticking to the deadline is in doubt, placing the credibility of the legally binding obligations on new generational trade issues in question. As already noted, there exists no imperative to conclude new generational trade issues (NGIs) in EPAs as their conclusion is not a requirement for WTO compliance. Additionally, some of these issues are currently being negotiated at the WTO.

Given that most developing WTO member states have resisted new generation trade issues negotiations, the EC can be "accused" of using EPA to "sneak in" NGIs into the multilateral trading system. Given that ACP states make up over half of WTO members, the conclusion of NGI negotiations with them would effectively mark the inclusion of the Singapore issues in the multilateral trading system. The proposition that the inclusion of South Africa in the negotiations implies that SACU is now the "axis driving regional integration" is misplaced as it undermines the SADC-EPA negotiation structure. Furthermore, this has cast serious doubts on EC's support to the process of regional integration in Southern Africa. SACU does not have the requisite mandate from the other

SADC-EPA member states to assume such a role and no such implication is made in the SADC-EPA framework submission to the commission.

The differentiation of obligations and benefits, regarding both goods and services, for different SADC-EPA member states poses three complications on SADC's regional integration agenda in respect to the constructivist notion of state interests and collective identity (Tralac, 2014: 3)

- a. Whilst the situation is technically possible in SADC's current FTA, serious complexities confront the situation should SADC move on to a customs union,
- b. Differential new generational trade issues obligations to the EU hamper the possibility of SADC agreeing on a common position on the issues, and;
- c. Importantly, in order to effectively implement the differential obligations to the EC and stem the problem of transshipment and/or trade deflection, countries will have to set up rigorous, time-consuming customs procedures and costly ROO checks. This essentially implies a rise in trade barriers.

The refusal to incorporate BLNS sensitivities in the TDCA presents major regional integration challenges for SACU. For example, whereas the BLNS EPA schedules are based on the HS 2007, the TDCA schedules are based on the earlier HS 1996. Secondly, whereas the TDCA is based on a 'negative list', EPAs are based on a 'positive list.' The difference between the two being that whilst any product not specifically listed in the schedules is liberalised under a 'negative listing' protocol, in a 'positive listing', what is to happen to each and every item is that listed and any item not listed is considered to maintain an '*as is*' status (Qualmann, 2006). An implication of this, as in the example above, is that an effective implementation of these two statuses will entail the building up trade barriers and restrictions in the region hence again debilitating regional integration.

Using the constructivist framework the following analysis is provided, figure 5.1 summarises the study's findings. As stated earlier in the chapter, the constructivist analysis

of the interacting and procedural level is undertaken to interrogate adherence to the theoretical and legal framework of the WTO Article XXIV as well as CPA Articles 37.5 and 35.2. At the SADC states interests' level, an examination is undertaken on the principle of how RTAs should not lead to a rise in trade barriers and the undermining of the regional integration agenda of Southern Africa. This is because as illustrated earlier in the chapter trade barriers lead to efficiency losses which can have negative welfare effects. Any rise in trade barriers is more likely to increase the potential of trade diversion and negative welfare effects.

At the CPA level, adherence to the two principles of consideration of existing regional integration processes and the promotion of regional integration; is assessed. Of the five points from the EC unofficial response, the dissertation pairs each response with its relevant level of analysis based on the implications of the response.

Figure 15. Measure of EPAs Effects on Regional Integration

Analysis Level	Principle	Relevant Points in EC Unofficial Response	Pass/Fail
SADC-EPA	RTA should not lead to a rise in trade barriers	1, 3 and 5	Fail
CPA	1. Consideration of existing regional integration initiatives 2. Promotion of regional integration	2 and 5	Fail

Source: Author Compilation from EPAs 2012 data

Starting with the SADC-EPA level; the dissertation notes that the implications of points 3 and 5 of the EC response inadvertently imply a rise in non-tariff trade barriers in the form of complicated rules of origin. By breeding and promoting a rise in trade barriers, EPA essentially fail to adhere to their trade obligation. Additionally, the spirit behind the 'beyond WTO' nature of the EPAs exhibited by the insistence on the inclusion of NGIs in the

negotiations by EC is questionable given the limited negotiation time and the fact that completion of NGIs is not a pre-requisite of WTO-compliance.

At the CPA level; points 2 and 5 in the EC response also brings to question its commitment to the CPA mandate. Additionally, by leading to a proliferation of regional groupings, EPA has exacerbated the problem of multiple regional organisation membership and its negative effects. Ultimately, this implies that EPAs, by failing to adhere to the SADC-EPA Proposal Framework on regional integration and the CPA mandate on EPA negotiations and regional integration, will not promote regional integration. On the contrary, by raising non-tariff trade barriers EPAs will hinder regional integration.

6.9 Conclusion

EPA have a legal obligation to not only take into consideration current regional integration initiatives in Southern Africa but more importantly, to re-enforce and strengthen regional integration in ACP states. Due to the complexities of multiple and overlapping memberships of SADC member states to various RECs, there exists, not only in the Southern African region but the entire ACP region, an imperative to rationalise REC membership essentially streamlining the regional integration process. EPAs potential in this regard, almost go without saying since countries can only be members of one EPA configuration.

EPA hence has the potential to streamline the regional integration process in Southern Africa. Additionally, EPAs have the potential to 'lock-in' SADC-EPA member states into regional integration process and policy reforms. The South Centre suggests that "the presence of the EU within each EPA grouping will enhance the credibility of integration initiatives, and that the incentives of financial aid and technical assistance will encourage political support for regional integration. (South Center, 2008: 36).

However, a great deal of pessimism on the EPAs' ability to foster regional integration, not only in Southern Africa but indeed continentally exists. The Africa Union Commission is of the opinion that "... unless the time frames of the EPAs are streamlined with the RECs integration roadmaps, EPAs could well undermine the RECs, since the EU is an important and influential partner in the areas of trade, development and finance, and peace and security" (Mkwezalamba, 2006: 5). This pessimism with EPAs is shared by the SADC trade adviser, Kalenga. Kalenga (2008) wonders whether "... a SADC-EC EPA (can) assist the integration process in the region, and if so, how?" Whilst the feasibility of the EU adopting the integration roadmaps of the various RECs on the continent is arguable, the point that the process of regional integration might derive fewer benefits from the EPAs process is persuasive.

What now remains is for both parties to map out a mutually acceptable way forward that will see the strengthening and fostering of regional integration in Southern Africa taking center-stage as an objective. Although negotiating with a stronger partner, this imperative lies primarily on the SADC-EPA states. Should such a way forward prove elusive, not only will the current gains of regional integration in Southern Africa be lost but a reality exists that the 'partnership' in the EPAs between the EU and the Southern African region will most likely be akin to the partnership between a rider and his horse.

CHAPTER 7

SADC'S COMMON OR COLLECTIVE DIPLOMACY

7.1 Introduction

This chapter assesses the extent to which state policy preferences diverge (away) or converge (towards) SADC's normative objectives and goals. The chapter uses the constructivist framework to evaluate state behaviour as well as the behaviour of state actors in the process of regional foreign policy making. Despite the real-world importance of SADC decision making in internal diplomacy and external relations, it has rarely been subjected to theoretically rigorous and methodologically guided inquiry that has become the norm in regional integration studies. Instead, most work on SADC collective diplomacy has focused on describing the evolution of the SADC institutional processes and the competence of the SADC Secretariat. The chapter utilises the constructivist framework to look at social and political construction of SADC diplomacy, the formation of actor identity and interests. Therefore, the chapter evaluates the implications of the process of regional integration on the SADC nation state's foreign policy and vice versa.

The bulk of instructive literature on the process of common or regional foreign policy making in Southern Africa correctly focuses on the SADC's normative and collective diplomatic objectives and goals (Khadiagala, 2010; Van Nieuwkerk, 2010). This chapter builds on this work by looking at the behaviour of states and state actors in the process of what Khadiagala calls "... the forging of regional foreign policies ..." in Southern Africa. The chapter assesses the making of SADC's foreign policy or what Van Nieuwkerk describes as "... the name for a subset, namely, how states inter-relate" (Van Nieuwkerk, 2010: 98). The chapter is utilising the constructivist framework to analyse the hypotheses from the general member states' inter-relations and interactions in bargaining, negotiation and social adaptation in the diplomatic arena.

The chapter looks at the body of diplomatic or foreign policy protocols or agreements that define regional foreign policy objective and norms. The intention is to ascertain the level of convergence that is envisaged in the protocols or agreements and how member states' foreign policy positions are harmonised or diverge in the process. The chapter makes an examination of SADC and its member states using the constructivist framework and theory to explain and evaluate SADC's foreign policy-making posture. The chapter then links the constructivist framework or theory with other alternative hypotheses highlighting the effects of threats to states going alone, policy examination and normative persuasion.

7.2 SADC's Diplomacy

Before proceeding, it is important to clarify that the chapter defines SADC diplomacy as the set of protocols, declarations, charters and memoranda of understanding that have been adopted by the SADC member states to address issues and manage relationships beyond their collective external border. This includes policy areas dominated by the member states, namely the common foreign policy areas where policy-making competence is shared by member states and driven by regional institutions. SADC diplomacy is also conceived to include state behaviour, and more importantly, the behaviour of state actors in their interactions in Southern Africa. There is no intention in the chapter to investigate the supranational nature of the diplomacy or foreign affairs decision making process. The dissertation is concerned with whether member states and the region's decision making on foreign policy is converging or diverging.

Accordingly, the dependent variable for the empirical analysis of SADC foreign policy could be any of the following policy outputs, which we define as 'common policies': Council of Ministers' conclusions or decisions related to world affairs; the principal instruments of Common Foreign Policy positions, common positions and joint actions; and the wide

variety of positions adopted in other areas of external relations, such as mandates for international negotiations on trade, environment or SADC accession, decisions on development or humanitarian assistance, or the imposition of sanctions, to name just a few. The chapter seeks to explain the motivations behind the policy preferences that member states bring to this policy arena of SADC external diplomacy.

SADC member states, it is argued, have been extremely reluctant to transfer decision-making authority for regional diplomacy and foreign policy to regional institutions (Ndlovu, 2011). In contrast to other policy areas, where the member states accept some degree of coordination by the SADC Secretariat, they have insisted on a heavily intergovernmental process for decision-making on diplomacy and foreign policy (SADC 2003). As a result, the provisions of the Protocol on the Organ on Politics, Defence and Security Cooperation (OPDSC) grant considerable bargaining power to individual member states with respect to the adoption of particular policies (Ndlovu, 2011). Furthermore, all policies on external diplomacy adopted under the SADC Treaty (1992) require ratification by consensus and are thus subject to slow ratification process by national parliaments of each member state.

The SADC Treaty similar to the African Union's (AU) Constitutive Act allows for decision making that is undertaken through consensus, "or failing which by the two thirds majority" among member states. Simple majority is however allowed at the AU level on "procedural matters, including the question of whether a matter is one of procedure or not" (AU Constitutive Act, 2002: Article 7). Because of the intergovernmental nature of the process of regional integration, the SADC Summit of Heads of State and Government have greater authority on 'external relations' but member states retain considerable powers to block the adoption of policies they do not like. As such, the Zimbabwean government's blunt assertion – "when we don't agree, there is no common policy" – could thus have been voiced by any member state in any area of SADC foreign policy (Ndlovu, 2011: 15).

It is thus noteworthy that the SADC member states have reached agreement on more than 36 'binding' protocols, common positions, declarations, memoranda of understanding and charters under the SADC Treaty since 2002, involving high-profile diplomatic disputes, economic and trade development and even the use of military force (SADC Website, 2013). Adoption of such common policies has increased considerably over time but the slow pace of member states' ratification of protocols is, as posited by Ndlovu (2011), another indication that state sovereignty is the treasured terrain by governments in the region. In addition, the SADC has a number of statements, treatise and declarations on SADC's external diplomacy reflecting member states' consensus on particular developments in world affairs (Oosthuizen, 2006: 139).

However, the chapter is concerned with how the process of common or regional foreign policy making in Southern Africa is co-determined by SADC member states and other state actors. It is instructive at this point to quote Van Nieuwkerk at length "... searching for effectiveness in transforming the world ..." (2010:82):

Crucially, because of its close history and integrated future, South Africa must manage this – human security – agenda in collaboration with the Southern African region, and beyond. It asks then for decisive determination of the country's national interests and the firm pursuance of these via its international relations. It also seeks for a careful calibration of its Africa role. We have previously argued that the South African government, under former President Mbeki, adopted an 'emerging middle power' role, whereby foreign policy approaches were marked by the exercise of 'soft power', understood as the ability to set political agendas in a way that shapes the preferences of others.

In an introduction of another sterling contribution to African foreign policy - looking at an earlier period in African development: Adar & Schraeder (2007: 1) put the challenge facing Africa this way:

The principal theme of early studies of African foreign policy is that foreign policy begins and ends with the desires of African leaders. What became known as the "big man" syndrome of African foreign policy became very popular due to the tendency of the first generation African leaders to create highly centralised

authoritarian regimes that suppressed other centers of power capable of challenging the foreign policy supremacy of the presidential mansion. It therefore was common to identify the African state and its foreign policy with the beliefs, psychology or personal whims of the African president in power, as best captured by an amusing play on words of a famous French phrase to describe the nature of Kenya [African] politics under President Daniel arap Moi: "L'Etat, c'est Moi" (The state, it's Moi!).

The process of diplomacy or foreign policy convergence in the Southern African region has been a daunting task. The constructivist assessment undertaken in this chapter shows how state actors and SADC's bureaucrats have undertaken to either bridge or expand the consistent refrain among the scholars that (Ndlovu, 2011; Akokpari, 2008; Van Nieuwkerk, 2012) the SADC Treaty as a policy-arena is plagued by non-cooperation. When we consider other foreign policy areas that the SADC classifies as 'external relations,' such as the United Nations Security Council's (UNSC) Resolution 1973 on Libya, development cooperation, global environmental policy and trade, the record of policy agreement points to divergent preferences (SADC, 2010).

The research question that this chapter intends to probe is how SADC achieves common policies when the member states' preferences are identical and fails to achieve common policies when preferences diverge. When the harmony of preferences is rare, this research question intends to probe how this failure of collective agreement is negotiated in the SADC. The flip-side of this research question is what in the nature of state preferences drives the failure of SADC collective agreements and *vice versa*. In this situation, a member state's foreign policy preference or that of a regional organisation, such as the North Atlantic Treaty Organisation (NATO), may sometimes conflate or be in violation of the regional norms and provision or international obligations (Campbell, 2013). This situation was more pronounced in Libya because "the United States (US), Britain and France took the lead to rush through a resolution in the United Nations (UN) Security Council, invoking the principle of the 'responsibility to protect' ... worded, with the formulation [that] 'all necessary measures'" be undertaken by NATO in its intervention in Libya (Campbell, 2013: 2).

In this regard, South Africa's foreign policy representatives to the United Nations were challenged to explain what the region's position was, on the one hand, and South Africa's position on the other, on the United Nations Security Council's Resolution (UNSC) 1973 (SA Embassy, 2011). The question that concerns this examination is how was the UNSC sanctioned intervention in Libya "... compatible with the objectives of the [SADC] Treaty" (SADC Treaty, 2002: 10)? Given the complexity of how the UNSC resolution was implemented, it is safe to say that, the social construction of foreign policy is indeed driven by interests, preferences and considerations of states and these may, at times, be out of line with the provisions of international obligations and institutions.

However, the reason that such decisions are complex, intense and difficult, it is reasonable to assume that, even where some preference convergence has occurred, the quest for agreement in international fora by a SADC member state in violation of Article 24 subsection (1)¹ of the SADC Treaty involves the compromise of policy preference and adjustment of policy behaviour by a SADC member state that otherwise would prefer to avoid such concessions. This focus on the challenge of overcoming the divergent policy preferences of the member states is not to say that the SADC's protocols or policy instruments are weak or irrelevant to the making of SADC foreign policy and external relations. Nor is it to say that SADC member states always have radically different preferences.

The frequent and intensive consultation and interaction among SADC member states weakens the egoistic interests and identities and induces national policy-makers and state actors to seek the views of their SADC counterparts (SADC Report, 2012). In the absence of this, there is hardened attitudes towards countries that were seen to be breaking the

¹ (1) Subject to the provisions of the Article 6 (1), Member States and SADC shall maintain good working relations and other forms of cooperation, and may enter into agreements with other states, regional and international organisations, whose objectives are compatible with the objectives of SADC and to the provisions of the Treaty.

line. Addressing the 5th National Congress of the Tanzanian Chama Cha Mapinduzi, President Mugabe had this to say about South African foreign policy posture: “those states seeking political superiority of greater sovereignty – [are] undermining regional defence and security” (Ndlovu, 2011: 16) The tone in the interaction among state leaders in the region has always demonstrated that the ‘Southern Africanisation’ of the foreign policy-formation process is far from convergence or completion.

Thus we return to the research question introduced above: how and under what conditions do SADC member states overcome their divergent preferences to reach agreement on common policies regarding issues and interests and preferences beyond their collective external border? This question draws attention to the behavioral choices of member states and state actors in extra-SADC negotiations that are critical for the SADC to achieve consensus (SADC Report, 2013). Although all member states are formally capable of obstructing agreement, the ‘binding’ nature of the Protocol on the Organ on Defence, Politics and Security and Cooperation is vague and can be abused by member states (RISDP, 2003).

The following section of the chapter presents a number of examples practical of states’ constructivist interactions depicting states’ action and behaviour towards external diplomatic challenges. These practical examples of constructivist interactions among SADC states’ differ not only in their general claims regarding the factors determining SADC policy choice, but also with regard to the role member states play in advancing and undermining such policies. This discussion presents the dissertation’s core question regarding how SADC member states overcome divergent preferences to reach agreement on common policies and what type of policy outcome is likely to result. This reflects the constructivist framework that international relations and SADC governance is driven by member states to maximise their self-interest and maintain their identity.

SADC’s substantive and procedural norms and objectives serve as important driver and shaper of state behavior and actor behaviour in the process of regional integration. The

explanatory power of the constructivist framework can be assessed, however, when compared to alternatives whose assumptions, observable expectations and scope conditions have also been clearly and fairly presented. The analysis of the regional diplomatic or foreign policy making process in Southern Africa through the constructivist framework is thus focused on member states' preferences (state sovereignty). This constructivist theoretical exposition provides a platform for an evaluation of the various questions and their explanatory power through an examination of their correspondence with evidence from intra-SADC engagements and policy outcomes across a range of political events.

7.3 Constructivism Framework and SADC Diplomacy

The constructivist framework conceives regional diplomacy or foreign policy making as a process that is "defined by shared understandings, expectations and knowledge" (Wendt, 1994:73). In this way, constructivism views the process of building common diplomatic or foreign policy in the SADC as driven by interests, identities and ideational factors in the continuous interaction and inter-relations among member states and state actors. Although constructivism recognises that member states dominate the creation of SADC institutions, it also asserts that these institutions come to exert an independent effect on member states' subsequent negotiating behavior and policy choices.

In short, there is a co-constitutive or co-determining effect in interactions among SADC member states and in the process in institutionalising regional integration in Southern Africa (Sterling-Folker & Badie, 2012). The constructivist framework to regional integration emphasises the behavioral impact of state actors and the SADC institutional norms and objectives and how these in turn influence the process of regional integration. Constructivism presents SADC member states as 'agents' because they are committed to ensuring SADC's political viability (although probably to varying degrees) and value being seen as acting in accordance with its normative policy objectives, regardless of their

divergent preferences with regard to particular policy issues (Sterling-Folker & Badie, 2012).

Constructivism asserts that SADC decision-making on any given issue is shaped by the normative and policy commitments already made by member states in the course of creating the SADC's institutions, enlarging its borders and adopting policies to govern its internal dynamics and external relationships. Through a combination of commitment and treaty-making and protocol development, SADC member states have developed two meta-norms as a general guide to their deliberations on foreign policy and external relations: joint action as an intrinsic value, including support for the functionality and credibility of the SADC; and consistency and coherence in SADC policy-making across time and issue-areas (SADC Treaty, Article 24 (1)).

In addition to these meta-norms, SADC member states have established a number of substantive (that is, ends-oriented) and procedural (that is, means-oriented) norms. In treaties and Council of Ministers and Summit decisions, member states have formally and repeatedly identified support for democracy and the rule of law, human rights, conflict prevention, the strengthening of multilateral institutions, free trade and the promotion of development as the principal goals of SADC foreign policy and external relations (SADC Treaty, 2002).

As a result, SADC member states are supposed to pursue their foreign policy and external relations preferences within an institutionalised setting that encourages certain negotiating practices and legitimates certain substantive outcomes while discouraging and delegitimizing others. The constructivist framework that is utilised in the dissertation explains these norms and policy commitments and how they impact on member states preferences and interests and on the type of policies they adopt at the SADC level. The likelihood that the SADC will adopt a common policy on a given issue, as well as the content of that policy, thus depends upon both the distribution of preferences among the member states (which varies from issue to issue) and how SADC norms (which are ideally

supposed to be the aggregate of member states' norms) affect their choices in pursuit of those preferences.

7.4 SADC's Constructivist Multilateralism

The concept of multilateralism in international relations denotes an activity "an institutional form that coordinates relations among two or more states on the basis of generalised principle of conduct" (Ruggie, 1993: 11). The Southern Africa Development Community (SADC) is "an institutional form" that aims to coordinate among its fifteen member states in the process of multilateral regional integration. It has in line with Ruggie's "generalised principle of conduct" codified in its SADC Treaty a body of objectives and aspirations in respect to each member state's conduct. Senior bureaucrats at the SADC Secretariat - the coordinating center of the "generalised principle of conduct" – are quite outright in their assessment that "without peace and stability, investment and development" regional integration will remain a pipedream (Interview, 2012).

Indeed, the SADC Treaty (1992) takes the matter of the generalised principles of conduct very seriously in that its declaration pronounces "... that the region must develop a framework of cooperation which provides for ... strengthening regional solidarity, peace and security in order for the people of the region to live and work together in peace and harmony ... the region needs therefore, to establish a framework and mechanism to strengthen regional solidarity and provide for mutual peace and security." At the time these noble words were pronounced in Windhoek in 1992, winds of change were blowing through the last bastion of apartheid colonialism in South Africa. South Africa's ascendance into SADC presented the organisation with pomp and excitement. South Africa itself also displayed a barrage of over-exaggerated liberal notions of regional solidarity, human rights and democracy.

The first event that practically tested and challenged the SADC's multilateral diplomacy and "generalised principle of conduct" was the Nigerian Crisis in 1995. This Nigerian crisis also tested South Africa's resolve to steer the region in pursuance of its normative

objectives. In 1990, Ken Saro-Wiwa, a Nigerian Ogoni environmental activist, began devoting most of his time to human rights and environmental causes, particularly in Ogoniland. He was one of the earliest members of the Movement for the Survival of the Ogoni People (MOSOP), which advocated for the rights of the Ogoni people. The Ogoni Bill of Rights, written by MOSOP, set out the movement's demands, including increased autonomy for the Ogoni people, a fair share of the proceeds of oil extraction, and remediation of environmental damage to Ogoni lands in Nigeria. In particular, MOSOP struggled against the degradation of Ogoni lands by Shell Oil Company (Wiwa, 1995).

In 1992, Saro-Wiwa was imprisoned for several months, without trial, by the Nigerian military government. Saro-Wiwa was Vice Chair of Unrepresented Nations and Peoples Organization (UNPO) General Assembly from 1993 to 1995 (UNPO, 1995). UNPO is an international, nonviolent, and democratic organization (of which MOSOP is a member). Its members are indigenous peoples, minorities, and unrecognised or occupied territories who have joined together to protect and promote their human and cultural rights, to preserve their environments and to find nonviolent solutions to conflicts which affect them.

In January 1993, MOSOP organised peaceful marches of around 300,000 Ogoni people – more than half of the Ogoni population – through four Ogoni centers, drawing international attention to Ogoni people's plight. The same year the Nigerian government occupied the region militarily. Saro-Wiwa was arrested again and detained by Nigerian authorities in June 1993, but was released after a month. On 21 May 1994 four Ogoni chiefs (all on the conservative side of a schism within MOSOP over strategy) were brutally murdered. Saro-Wiwa had been denied entry to Ogoniland on the day of the murders, but he was arrested and accused of incitement to them. He denied the charges, but was imprisoned for over a year before being found guilty and sentenced to death by a specially convened tribunal.

Nearly all of the defendants' lawyers resigned in protest against the trial's cynical rigging by President Abacha's regime. The resignations left the defendants to their own means

against the tribunal, which continued to bring witnesses to testify against Saro-Wiwa and his peers. Many of these supposed witnesses later admitted that they had been bribed by the Nigerian government to support the criminal allegations. At least two witnesses who testified that Saro-Wiwa was involved in the murders of the Ogoni elders later recanted, stating that they had been bribed with money and offers of jobs with Shell to give false testimony – in the presence of Shell's lawyer (Pilkington, 2009).

The trial was widely criticised by human rights organizations and, half a year later, Ken Saro-Wiwa received the Right Livelihood Award for his courage as well as the Goldman Environmental Prize. Very few observers were surprised when the tribunal declared a "guilty" verdict, but most were shocked that the penalty would be death by hanging for all nine defendants (Pilkington, 2009). Many were sceptical that the punishments would actually occur, as the Nigerian government would face international outrage and possible sanctions and other legal action should the penalties be carried out. But on 10 November 1995, Saro-Wiwa and eight other MOSOP leaders (the "Ogoni Nine") were killed by hanging at the hands of military personnel. According to most accounts, Saro-Wiwa was the last to be hanged and so was forced to watch the death of his colleagues. Information on the circumstances of Saro-Wiwa's own death are unclear, but it is generally agreed that multiple attempts were required before he died (Pilkington, 2009).

The incident of the execution of Ken Saro-Wiwa drew the attention of President Mandela of South Africa. After serious attempts to diplomatically scupper the execution of Saro-Wiwa coupled with decision by President Abacha to execute Saro-Wiwa and eight other activists at the same time that the Commonwealth leaders were meeting in Auckland, New Zealand. SADC and the African Union (AU) were conspicuously quiet in their condemnation of the crisis and President Abacha in Nigeria. Contrary to most depiction of South Africa's foreign policy as "quiet diplomacy" – President Mandela's administration was quite aggressive, it is argued, in its attempts to prevent Saro-Wiwa and other activists from execution as well as to secure the release from prison of Chief Moshood Abiola (Pilkington, 2009).

In terms of the example, constructive multilateralism based on “generalised principles of conduct” the matter above was raised by South Africa consistently at the United Nations followed by the recall of the Nigerian, culminating in President Mandela insisting that the SADC Summit in December 1995 should discuss the matter (SADC Communique, 2005). President Mandela had at this juncture discarded any pretense to “quiet diplomacy” and accused President Abacha of Nigeria of “judicial murder” (Sampson, 1999: 557). The SADC Summit in December 1995, in spite of all the body of evidence in its declarations in the SADC Treaty or segments of the Protocol on the Organ for Defence, Politics and Security that relate to the African Union and its Constitutive Act (AU, 2002), reneged and declined to take action against Nigeria and handed over the matter to the Commonwealth (RISDP, 2003; SADC Treaty, 1992; SADC Organ, 2001). President Mandela was very incensed: “if Africa refrains from taking firm action against Nigeria, then talk about renaissance in Africa is hollow” (Sampson, 1999: 557).

The Commonwealth created a Ministerial Action Group (CMAG) to address the Nigerian matter. Whilst most analyses saw South Africa’s action as failure of its African solidarity stance, South Africa’s stand and upholding of SADC’s and AU’s constitutive principles reinforced its foreign policy and diplomatic posture towards Africa (Mills, 2000). The hypothesis above on twisted regional multilateralism demonstrates the complex arena of how a member state’s constructivist policy preferences and interests in pursuance of SADC’s normative objectives and goals may be frustrated on particular issues. Whilst some member states like South Africa, in the example of the Nigerian crisis, may value coherence and consistency in SADC’s foreign policy and value being seen as acting in accordance with the community’s normative and policy commitments, others might not. As a result, this hypothesis asserts, that the policy-making behavior of member states is not necessarily shaped significantly by shared perceptions regarding which policy options are consistent or inconsistent with pre-existing SADC norms and commitments. The preferences of many member states may be shaped by the narrow African solidarity

agenda, among other things, at the expense of the “generalised principle of conduct” of the organisation.

In this situation, member states whose policy preferences are seen as consistent with the substantive norms or policy commitments of the SADC are pressured and influenced to bend their preferences and to acquiescent to those with norm-inconsistent preferences. The South African state action in the Nigerian crisis thus demonstrated an example of how not to compromise its preferences and how not to ‘play along’ with the norm-inconsistent policy. As a result, South Africa objected to a situation of agreeing to a twisted regional multilateralism that is inconsistent with SADC’s “generalised principle of conduct.”

Nel (1998:3) puts the challenge that SADC is facing as that of balancing: “... generalised principles of conduct ... in an non-discriminatory way to all states that want to cooperate, without negating the individuality and autonomy of each actor; distributing the costs and benefits of interaction across the system (indivisibility); and developing incentives for actors to suspend the urge for instant gratification on every single issue, and to recognize and pursue joint satisfaction on many issues (diffuse reciprocity).”

This dynamic affects all member states, including the small ones. If this is incorrect, one would expect SADC member state’s preferences on foreign policy to be consistent with pre-existing SADC norms and policy commitments. Of course, the perception of normative (in)consistency is subject to deliberate acts of ‘framing’ that link issues and choices to pre-existing ideas and prior experiences. Successfully framing a possible common or community policy of a SADC member state as consistent with the SADC’s formal norms and prior policy commitments disempowers its opponents, as demonstrated in the South African example on the Nigerian crisis. Whereas framing a possible policy as inconsistent with existing norms and commitments disempowers its supporters. SADC’s major challenge, this hypothesis posits is how it frames regional normative policy choices in terms of their consistency with pre-existing SADC norms and commitments in foreign

policy and external diplomacy in the SADC Treaty and in the Protocol on the Organ for Defence, Politics and Security (Pilkington, 2009).

Similarly, the examples utilised in this case study, as was the case with the previous two on regional security and the SADC-EU EPA negotiations show the same situation that indeed, state behaviour and interests drive the process of regional integration. These interests of states are sometimes consistent and at times inconsistent with SADC's regional norms and objectives. This confirms the constructivist framework utilised is the research that, "... state interests are an in important part constructed by systemic structures, not exogenous to them ..." (Wendt, 1994: 72-73). The social and political interaction among SADC states, as depicted in these case studies, depicts the constructivist element that the state agency is as critical as the institutional structure of the SADC process of regional integration. These two forces - agents and structure - reinforce each other "co-constituting and co-determining" both the outcome of regional integration as well as the character of the state (Sterling-Folker & Badie, 2012: 172).

7.5 Zimbabwe – SA's Reluctant Multilateralism?

The second example as an illustration of the constructivist research assumption in the behaviour of states and other actors in the SADC region is the political crisis in Zimbabwe. The intention is to focus on the political crisis that culminated after the March 2008 presidential elections. The intention is not undermine other parts of the Zimbabwean crisis nor is it to privilege the 2008 election crisis as the most prominent of all these areas. The research strategy is to utilise the 2008 political election crisis as presenting a powerful explanatory example of an event or incident of SADC's experience in finding the right balance in application of the "generalised principles of conduct" in its internal diplomacy. The event of the 2008 election is also important, like the Nigerian example, as it provides an interaction by a number of actors in the crisis - the SADC Secretariat, the AU and the South African government as the SADC mediator. It is however, SADC's normative norms and objectives that are seriously tested in this example.

Subsequent to the disputed Zimbabwean election run-off results of March 2008, the SADC mediation process under the auspices of South Africa culminated in the signing of the Global Political Agreement (GPA) in September 2008 (GPA, 2008). The Zimbabwean government of national unity was then formed in February 2009 (Crisis Group, 2012). Since the signing of the GPA the Movement for Democratic Change-Tsvangirai (MDC-T) and the Movement for Democratic Change–Mutambara (MDC-M) complained about the continued flouting and breaking of GPA milestones by President Mugabe’s Zimbabwean African National Union-Patriotic Front (ZANU-PF) (Crisis Group, 2012).

The GPA mandate is not what we could consider here as the SADC normative objective because it was an agreement between parties of a SADC member state. What is important for the purpose of this chapter is how SADC and the AU, for that matter, as the “guarantors” of the GPA agreement process in Zimbabwe allowed and/or disallowed the flouting of SADC’s electoral conditions and norms that are codified in its electoral code of conduct (Crisis Group, 2012).

Article 22 of the GPA agreement in Zimbabwe calls for the establishment of the Joint Monitoring and Implementation Committee (JOMIC) mandated to oversee the process of “compliance and monitoring” thereof (GPA, 2008: 12). Given the internal political intensity in Zimbabwe combined with the lack of proper coordination and interaction from the SADC side, JOMIC was ineffective in ensuring comprehensive monitoring and implementation of the GPA (Crisis Group, 2012). Furthermore, the declarations and communiqués that SADC gave in November 2009 and August 2012 were of not effect as compliance and implementation was still shortcoming (SADC, 2009). The Zimbabwean crisis has provided a significant and important test to the viability of SADC’s normative objectives to regional integration. If anything, the process reflected limitations and challenges in SADC’s capacity to enforce its “generalised principle of conduct.” Others blamed South Africa for what they call: “reluctant multilateralist, preferring instead to engage in quiet, bilateral diplomacy with Mugabe’s regime” (Taylor & William, 2008).

On the contrary, Jordan (2012: 6) posited that South Africa "... devised a style of diplomacy that compelled adversaries to abandon zero-sum attitudes and search for solutions in which there are no apparent victors or vanquished." This South African foreign policy posture towards Zimbabwe, Jordan argues, has frequently been criticised "as permissive if not treacherous. Yet who can dispute that the tenuous peace it has produced in Zimbabwe is preferable to the civil unrest that a dogmatic insistence on principle would have precipitated" (2012: 6). ZANU-PF on the other hand, exclaimed that the GPA does not provide for the delegation of Zimbabwe's sovereign interests and identity to outside parties (Moyo, 2012).

The invocation of the Zimbabwean sovereignty by ZANU-PF is tantamount or similar to the logic or illogic exercised on the SADC Tribunal issue in the previous chapter. Only that the difference in this instance is not as complex as to cover the fact that SADC is increasingly irritated by Zimbabwe's protracted resistance. After failing to allow three SADC officers to strengthen the GPA implementation process, the SADC mediator, President Zuma of South Africa, presented a scathing report to a SADC meeting in Livingstone, Zambia on June 2011 that, the ZANU-PF was responsible for delaying progress in the implementation of the GPA (SADC Communique, 2011). In response, President Mugabe threatened SADC that Zimbabwe is a sovereign state and it has the same right to preclude President Zuma from mediating in what he called "interference" – cunningly invoking again a SADC norm and objective (SADC, 2011: 2).

The GPA process in Zimbabwe is testimony to the fragility and difficulty of negotiating the internal diplomatic space within SADC. Confirming this difficulty, the SADC mediator President Zuma went to Zimbabwe only twice in two years, November 2010 and in August 2012 (SADC Communique, 2012). With this kind of interaction with SADC mediator coupled with ZANU-PF's explicit flouting of the process, it is inconceivable how the key GPA milestones such as the establishment of the National Security Council (NSC) and the finalisation of the drafting of the Zimbabwean constitution will proceed. Whilst the notion

of “actorness” (Van Nieuwkerk: 2012: 18) is recognised as important in constructivist analysis of state interactions: the constructivist analysis offered in this section of the chapter has sought to lessen focus on South Africa’s diplomatic posture or interaction with Zimbabwe to the respective leaders – Mbeki or Zuma and Mugabe. The importance of actorness notwithstanding, the intention is deliberately meant to circumvent the reduction of a country’s foreign policy to letters and ideas of the country’s president.

The growth and institutional stability of the SADC have created the conditions that, according to constructivist framework, foster a cooperative approach to negotiations identification with common goals and values and trust in the dynamics of diffuse reciprocity (Wendt, 1994; Ruggie, 1998). These conditions encourage SADC mediators to remember some identities and common ties, and to forget identities that tend to create cleavages and conflicts. Over time, these conditions have been reinforced by procedural norms that encourage policy-makers to consult each other before publicising their preferences, to seek consensus. It is therefore, reasonable to observe that as SADC member States deliberate over foreign policy issues at the SADC level, the constructivist analysis shows that the movement toward common policies is dominated by cooperative tactics as well as the competitive tactics that are reinforcing sovereign state interests and identity.

The Zimbabwe GPA experience presents an even more complex situation in that to reach an agreement that comes as close as possible to satisfying the preferences of all the parties (internal and external to Zimbabwe) there is a need to expand the pie’ through the redrafting of the Constitution rather than to divide it – a different type Of policy outcome is sure to result. If this example in the case study is correct, we would expect intra-SADC disputes to be much easier, less complex and more importantly not a zero-sum game. Furthermore, if this example in the case study is also true it would not be difficult to produce common policies that would reflect “generalised principles of conduct” by all SADC member states. The two events that have been utilised in this chapter point

to alternative explanations in understanding state behaviour and interactions in the SADC process of regional integration (Crisis Group, 2012).

The events and cases that have been used to explain the foreign policy dilemma facing SADC raises more substantive issues than realist, neorealist or liberal institutionalist frameworks can explain. It raises issues in respect to different relationships between interests, member states, institutions, interactions and policy outcomes. In this terrain, realist, neorealist and liberal institutionalist frameworks' inclination to explain and verify or test state preferences relative to SADC normative norms and objectives might be limiting. The constructivist framework underpinning this dissertation however shows that the interests, preferences and identities of member states in SADC are co-constituted within the process of regional integration.

Furthermore, the intergovernmentalism approach to regional integration provides a lubricant for the protection of state interests and preferences. Intergovernmentalism treats the SADC as an international forum in which member states acts strategically in pursuit of their interests and policy preferences on particular issues. Intergovernmentalist approach attributes these preferences to the interaction of international pressures and state domestic political considerations. The discussion on the SADC Tribunal was precisely about this logic. It is the constructivist logic of appropriateness rather than consequences that is projected here: "variation in state identity, or changes in state identity, affects the national security and [foreign] policies of states" (Jepperson et. al., 1996: 35).

Furthermore, the constructivist logic of appropriateness in intergovernmentalism assumes that divergences in the member states' policy preferences are not significantly compensated by a shared commitment to common goals or values, and it emphasises the fact that each member state wields a potential degree of freedom or sovereignty over policy proposals (Hoffmann, 1995; Moravcsik, 1997). SADC member states give concessions on off-setting issues and thus shift their preferences in bargaining over policy choices in specific reciprocity (Keohane, 1995) implying no shift in their underlying

preferences. These assumptions regarding the preferences and calculations of member states lead to the expectation of competitive bargaining (also known as 'hard bargaining') over policy alternatives (Schmidt, 2006).

The dilemma created here, is that whichever member state is least receptive to change, say Zimbabwe on the Tribunal issue, will dominate SADC internal diplomacy invoking national interest and weighing in heavily on the consensual decision-making process in the SADC Summit. The terrain of SADC's internal and external diplomacy, as the two case or incidents above demonstrate, with common or collective decision making requiring unanimous and consensual support, the SADC "will be hampered by the constant threat of having one of its numerous member states break from its ranks" (Meunier, 2000: 132).

Where member states' policy preferences are mutually exclusive - such as the choice between cutting and expanding ties with a particular country, say Zimbabwe in the case above - competitive bargaining will prevent the adoption of any common policy – an outcome known as deadlock. Where the disagreement of the member states is a matter of degree, competitive bargaining will likely result in agreement on whatever policy is acceptable to all member states and closest to the ideal outcome of the one least receptive to change. The social construction of regional integration in South Africa is complex.

7.6 Conclusion

The constructivist analysis of the two SADC incidents and events covered in this chapter demonstrate how state and state actors learn new policy preferences from each other as they grapple with the complexity and interconnectedness of international issues (Goldstein et.al, 2001). In this situation, the constructivist notion of the ideational and practical aspects of the process of regional integration is critical. SADC member states face considerable uncertainty regarding the implications of various foreign policy and

external relations options for their interests and values. This uncertainty is most common, and policy learning is thus most likely to occur, when highly technical scientific or economic issues are under discussion. However, the frequent opportunities for consultation offered by SADC institutions enable them to reduce uncertainty by exchanging policy-relevant ideas and information (Goldstein et.al, 2001).

Seen in this light, the principal value of intra-SADC foreign policy and diplomacy consultation is its contribution to a learning process whereby member states whose policy preferences were originally divergent eventually converge around policy preferences indicated by particular bodies of information or causal ideas. Once preference convergence has occurred, agreement on common and community policies is not difficult (Goldstein et.al, 2001). It is here that Jordan's diagnosis of the previous South African foreign policy towards Zimbabwe should be seen, as a learning process at negotiating, persuasion, and "diplomatic skills" in a very difficult environment.

Constructivist theories of international relations and regional integration posit an interactive relationship between the interactions of states and the understandings of self and self-interest that drive their behavior (Risse, 2006). Jordan puts the matter this way in relation to Africa: "for decades since independence, a low intensity war ravaged between the northern and southern Sudan. Africa and the world took notice only when it escalated during the 1980s and 1990s" (2012: 6). Jordan's article is arguing for consistent and persuasive diplomacy "that is not fixated with quick wins and zero-sum outcomes" (2012: 6). Jordan explains what is needed this way: "Africa chose Mbeki to negotiate peace and deliver Africa's youngest state, South Sudan ... like a conscientious pediatrician ... renowned for a capacity to see an adversary's point of view" (2012:6). Indeed, Mbeki's diplomatic engagement and skills assisted in making it possible for the South Sudan to achieve its sovereignty and peace.

But the Zimbabwean situation aptly demonstrates that SADC member states may engage in normative diplomatic persuasion and negotiation under a variety of difficult

circumstances. In certain instances, policy preferences may be polarised within Summit and Council decisions, representatives of both SADC and member states concerned may exchange arguments in an effort to persuade the other side. The value that should be derived in all this complex and difficult diplomatic interaction is an attempt to bend and socialise both positions towards meeting the SADC norms and objectives. But, the constructivist analysis provided on these cases show that the decision by the SADC Heads of State and Government to choose intergovernmentalism as opposed to supranationalism as an approach to regional integration in Southern Africa was based on safeguarding their national interests and identities.

CHAPTER 8

RESEARCH FINDINGS

8.1 Analysis of the Findings

This research study is utilising interviews and case studies with examples of practical state action and behaviour to examine the causal direction of state preferences and interests in the process of regional integration in Southern Africa. To generate data, the research interviewed about thirty professionals who work and research in the field of regional integration in Southern Africa. SADC Secretariat staff and officials of governments of the SADC member states were also interviewed. Academics and other professional researching and writing on regional integration were also interviewed. The broad scope of the sample of interviewees is intended not only to provide for balanced and empirical view on regional integration but also to examine different, alternative and discursive perspectives to the regional integration in Southern Africa.

Semi-structured interviews are the instrument for data collection in the research. Respondent interviews are important because "... they elicit open-ended responses to series of directive questions" (Lindlof, 1995: 171). The average duration of each interview ranged from 40 to 50 minutes. For data collection, the researcher utilised a tape recorder and took notes during the interviews (Babbie, 1998). Taking notes during interviews helped in capturing how the interviewees felt about the research questions (Cresswell, 1994). The interviewees' statements were systematically transcribed before being analysed. Interpretative reading of the data was conducted several times. The transcribed interviews were classified into themes. Identical views and statement were aggregated on paper (Lindlof, 1995). Data analysis was conducted thoroughly to ensure validity and trustworthiness of the research (Denzin & Lincoln, 1998).

The notion of the “indivisibility of state sovereignty” emerged as an overarching theme permeating most of the interviewees’ statements. Most of the interviewees criticised state actors in Southern Africa for their “unwillingness to bend sovereignty towards regional objectives and goals.” Some of the interviewees argued that ordinary citizens in the region “are keen to move to higher levels of integration.” For many interviewees, the “absence of bold leadership” both at the state and regional level “is responsible for the dichotomy in state *versus* regional interests.” One interviewee went further arguing that citizens in the region are “discriminating against each other, and look down upon themselves.”

Many interviewees viewed the framing of state sovereignty and regional integration interaction in the discourse on regional integration in Southern Africa “... as the cause of the negative and slow process towards meaningful integration in the region.” Many interviewees correlated the slow integration impetus in the SADC region “... to the lack of deeper analysis of the state and its relation with the process of regional integration.” Most of the SADC Secretariat interviewees depicted the cause of “... the weak coordinating mechanisms in Gaborone ...” as emanating from the “the failure of the member states to cede some power to the institution to enable it to enforce agreed decisions and programmes for common good.”

Indeed, the theme of SADC member states’ “reluctance to share sovereignty with fellow member states is conceived as major source of the delay in the regional integration process in the region.” Similarly, most of the interviewees who are doing work in the academic and professional areas depicted member states’ inclination to protect sovereignty in this way: “they represent national interests of their own governments, so regional organisations require own political champions to provide political leadership for the implementation of regional policies and programmes.”

Most interviewees projected the constructivist notion that “... more richer and substantive understanding of the state agency” in the process of regional integration is required. Some interviewees decried the unwillingness among state actors to push SADC’s

“common vision of building SADC into a strong economic integration scheme with maximum benefit for citizens of these countries as part of the so-called regional shared future paradigm.”

8.2 Discussion of the Findings

The research is systematically examining the sources of SADC member state's policy preferences in the process of regional integration in Southern Africa. The research is utilising three case studies of regional security, SADC-EU EPAs trade and SADC's internal and external diplomacy. The findings of the research corroborate many different aspects of the theories emphasising that the delegation of sovereignty by states - on security matters, diplomacy and trade - is not an objective shared by many SADC member states. The preference for invoking the maintenance of state sovereignty in an intergovernmental process of regional integration in Southern Africa is not so much an objection to regional integration as it is about negotiating the nature of the state that will become at the end of the process of regional integration (Checkel, 1998).

Most of the interviewees' statements confirm the notion that the state in Southern Africa – in the process of regional integration – is not a constant but an important variable. Another key finding in the interviews that corroborates the literature review was that insufficient attention has been paid to the phenomena of voluntarily agreed limitations on a state's recognised authority to make and to enforce policies (Kratochwil, 1993). For instance, the SADC Tribunal and the SADC-EU cases have focused on the problem of excessive extra-territorial assertions of state sovereignty, and of overlapping and conflicting jurisdictions, rather than on the degree of intrusion on jurisdiction voluntarily agreed to between states in terms SADC norms and objectives (Kratochwil, 1993).

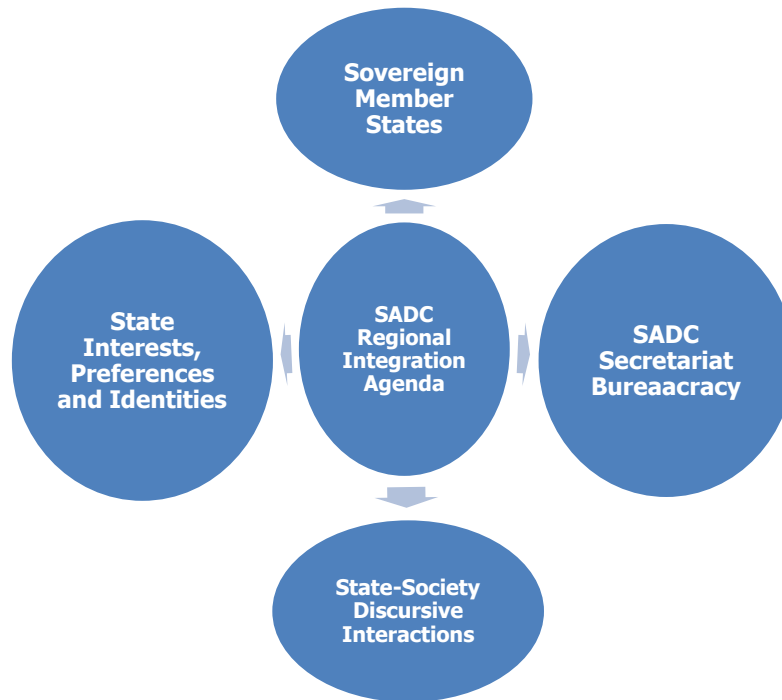
The interviews also confirm key aspects of the claims in the some of the theories in chapter 4. The interviews correlated the realist theory's claim that states have interests and the case studies and examples that the research has utilised demonstrate same

(Walt, 2004). For constructivists, however, it is how these interests are placed in the social construction of regional integration; in negotiations, persuasion in external diplomacy that realist and neorealist notions of state preferences get challenged (Checkel, 1998). The interviewees' statements confirm most of the realist, neorealist and liberal institutionalist, constructivist theories claims about the importance of understanding: "the structure of the system," better theorising of the "state agency," and more nuanced analysis of "the role of institutions" (Hoffman, 1991: 170; George, 1994: 157; Biersteker, 1989: 263-7).

In relation to these case studies and the interviews give a positive confirmation of what is covered in the literature that; state preferences, interests and identities are the driving forces behind state action. Responding to calls for "research on the transformation of fundamental structures in international relations" (Ruggie, 1993: 5), and an "...almost urgent need for much better analytical and disaggregated explorations of ...international economic law concepts" (Jackson, 2006: 23), the research has found that state preferences, interests and identities [state sovereignty] are more conceptually coherent tools to measure the process of regional integration than the measurement of protocols that members states sign.

The research findings confirm that neither the state nor the process of regional integration can singularly define the other. What the research findings also show is the intersection between the interviewee's frustration and the constructivist framework claim that the "... false demarcation between the unit [state] and the aggregate [regional integration]" is not useful in understanding regional integration in Africa (O'Brennan, 2001: 181). The process of regional integration in Southern Africa is one in which states interact where the enmeshment in social interactions produces the blurring of the divide (Figure 1, below). Most of the interviewees' statements converge with the constructivist framework in the research that, states' delegation of sovereignty in the process of regional integration is explained as the process of mutual constitution (Wendt, 1994).

Figure 16. Constructivist Schematic Cycle of SADC Integration Process



Source: Author Schematic Compilation, August 2014

The distinct dimensions of state interests, preferences and identity and how these are delegated in the process of regional integration explains the constitutive relationship rather than simply a causal theoretical relationship among states in the region (Wendt, 1994). In this way, the constructivist framework provided useful tools to establish the causal mechanism and context of the process of regional integration in this research (Price & Reus-Smit, 1998). The research findings also demonstrate that identity is the context within which states' interests, preferences and sovereignty are divined and interpreted.

The research has also found that the discursive identities of SADC states do not determine trade, foreign and security policies "... but [it] provide contextual template for the determination and pursuit of national interests. It thus defines the framework from which policy choices ensues. Identity sets the agenda for policy makers – and delimits or defines the policy choices that are then initially available to them" (O'Brennan, 2001: 181). The

interviewees' statements and the case studies demonstrate what Wendt observed: "... states are not structurally or exogenously given but constructed by historically contingent interactions" (Wendt, 1994: 385).

The research findings demonstrate that the constructivist framework is not only conceptually coherent as a characterisation of regional policy integration; it is also more tractable (Booth & Vale, 1995). The research findings confirm the validity of the choice of foreign policy, SADC-EU EPAs trade and the security architecture as case studies (Price & Reus-Smit, 1998). The increasing scope of regional trade agreements (RTAs) in the region requires the need for increased binding regulatory arrangement to avoid the tension between national and regional jurisdictions issues (Wendt, 1994).

With regard to state sovereignty, the interviewees' statements and case studies corroborate what the literature review conveys that "sovereignty is progressively tested, negotiated, and evolved," trade, foreign diplomacy and security relations are increasingly characterised by global interdependences (Tralac, 2014: 3). Fundamental shifts are taking place as states are beginning to realise that their best chance of 'realist' survival lies in cooperation with their neighbours (Cornwell, 1995). Clearly, there has been a critical connection between what happens in South Africa and in the Southern African region in respect to trade, foreign and security policies. Even more, the area of trade relations in the region raises this connection between South Africa and the region of Southern Africa more glaringly (Tralac, 2014).

The more the usual refrain is conveyed that 'as South Africa prospers, the region of Southern Africa prospers,' the more the divisions and gap in economic development between South Africa and the region (Price & Reus-Smit, 1998). Whilst much of the earlier functionalist emphasis on regional foreign policy has continued, its emphasis on technical and economic cooperation had lost its *raison d'être* in the post-Cold War era. According to Cornwell (1995: 12), a crude realist if "quixotic diplomacy" and security policy was replaced by a neorealist perspective. The neorealist approach to regional foreign and

security policy posited the idea of South Africa as the regional power. South Africa however, quickly acknowledged the limits of its power and relied more on non-coercive instruments of diplomatic, security and trade engagement (du Pisani, 2011).

There have been a number of positive developments in South Africa's Africa Agenda in the past years. The decisive intervention to prevent another military takeover in Lesotho, along with some partners, in August-September 1994; the scrapping of Namibia's external debt to South Africa and the earlier transfer of Walvis Bay to Namibian sovereignty; the gesture of atonement for the excesses of destabilisation by the then Speaker of the South African Parliament – Frene Ginwala – to the people of Mozambique "... were all signs of sensitive and matured external diplomacy" (Daniel 1995:34).

Furthermore, South Africa's earlier signing of the Non-Proliferation Treaty (NPT) and the destruction of its nuclear weapons programme placed the country and the region at the diplomatic and security centre on the international debate around the review and extension of the Treaty at the United Nations in New York (Evans: 1995). Moreover South Africa has returned to the International Atomic Energy Agency (IAEA) in Geneva as permanent member of its Governing Council and is participating in the African Nuclear Weapons Free Zone and in African Nuclear Energy Research Groups (Evans 1995:106-107).

Perhaps the 1994 crisis in Lesotho serves as the best example of South Africa's newfound role in preventive diplomacy in Southern Africa, albeit in concert with its regional partners within the SADC. For the observers the Lesotho political crisis, the dissolution of the Mokhehle government by King Letsie III in August 1994 was directly connected to the bigger debate on the position of the monarchy in general and the reinstatement of Moshoeshe II in particular (Sejanamane, 1994). It seems that King Letsie III staged the so called "King's Coup" not on his own behalf but on behalf of his father (Matlosa, 1996). After the Pretoria meeting between President Masire of Botswana, President Mugabe of Zimbabwe, and President Mandela of South Africa – it was clear that King Letsie III could

not sustain the takeover of the government (Sejanamane, 1994). The King therefore, stalled and started to bargain for an honourable exit (Sejanamane, 1994). However, the Frontline States regarded the King's attitude of not acceding to their seven day deadline for the reinstatement of the democratically elected government as defiance.

For South Africa and the Southern African region, the impact of the breakdown of law and order in Lesotho, or the total collapse of the economy as a result of civil strife, was a primary concern. In view of the porousness of the border between Lesotho and South Africa, and the shared historical origin of the peoples in both countries, civil strife could have led to the exodus of large numbers of people, legally and illegally, into South Africa. Such a large population movement would have destabilised the Reconstruction and Development Programme (RDP) of the South African government. Even more, civil strife or military intervention of any form would have resulted in massive destruction of the Lesotho infrastructure. South Africa's diplomatic intervention in the Lesotho crisis, albeit under constrained multilateral mandate was a manifestation of "leadership as hegemony" (Khadiagala, 1996: 9).

Unfortunately, South Africa's foreign policy relations have also shown some negative trends. The apparent softening of support for human rights and democracy in Zimbabwe, the challenging diplomatic engagements and role that South Africa played at the United Nations Security Council (UNSC), are in sharp contrast to what South Africa espoused at the dawn of its democracy (Habib, 2010). However, the Nigerian crisis must rank as one of the first serious African diplomatic challenge that confronted the South African government (van der Westhuizen, 2010). The Nigerian crisis tested the African National Congress' (ANC) foreign policy ideals, goals and objectives in a very tangible way. Indeed the crisis pitted two schools of thinking in the ANC and in the country, head-on.

On the one hand, are idealists who projected a view that for South Africa's miracle of a democratic transition to mean anything in Africa, and if its meaning were to be kept alive domestically, there must be an intimate connection between South Africa's moral

commitment to democracy and human rights and its conduct in foreign policy (van der Westhuizen, 2010). The neo-realists on the other hand, argued strongly that because South Africa did not understand nor have a proper assessment of the Abacha regime in Nigeria – and the tragedy that unfolded on the Ogoni Nine, during a Commonwealth Summit in Auckland – “made South Africa’s reaction and diplomatic engagement on the matter look very naïve” (Cornwell, 1995: 18). Moreover, President Mandela had raised his concerns over several cases where the rights of minorities came into play, the worrying thing was that he has was not sufficiently forceful in promoting the requisite human rights narrative (Vale: 1997).

Questions were asked about the quality of diplomatic and assessment reports that President Mandela received from the South Africa mission in Nigeria at the time (Cornwell, 1995; van der Westhuizen, 2010). Nonetheless, President Mandela’s condemnation of the tragedy and human rights violations by the Abacha regime at the Commonwealth meeting heralded a turning point in South Africa’s foreign policy. Significant lessons were derived in that experience that strong and decisive leadership is needed in external diplomacy in Southern Africa and in Africa in general but alongside an equally rigorous assessment of national - and not so much party interests – in diplomatic review of the situation. Even more importantly, the major lesson from both the Lesotho and more especially, the Nigerian crisis is the significance of consulting the regional SADC leadership (Mills, 1994).

Measuring the depth of regional convergence or integration in foreign policy, trade and security policy requires the construction of new measurement instruments. To that end, the cases used in the dissertation combined with the literature and interviews across the three different domains of state policy jurisdiction in the case studies are important. Compared to the binary distinction that is typical of many pre-existing approaches, the cases provide a more detailed ordering of distinct levels of the depth of integration. It is difficult to use existing methods to directly compare the depth of policy integration across the region, across instrument types, or across different chapters in an RTA for instance, because they mainly rely on proxies for depth of policy integration rather than direct

measures. The method developed here facilitates comparisons between different regional agreements, including incorporation of the SADC in such comparisons, and it is capable of comparing integration arrangements of varying types.

The SADC EPA negotiations with the European Union (EU) have raised serious challenges about the need to develop common values to deal with external parties. The experience of the SADC-EU EPA negotiations has also tested the weak institutional base upon which SACU and SADC are created. More importantly, the SADC-EU EPA negotiations have shown that state interests, preferences and identity are important in the choices, considerations and policy decisions that states and state actors make. Confirming this point and in spite of EU's intransigent behaviour, the EU remains SA's largest trading partner – with “the share of trade declining from 44% in mid-1990 to 26.5% in 2011” (Carim, 2013: 9).

There is a great deal of concern in the SADC about the unilateral announcement by the EU that the EPA must be in force by 2014 or preferences will lapse. This places pressure on ACP countries to conclude the trade deal – with South Africa, Namibia, Botswana threatened by the possibility of removal from the new Generalised System of Preferences (GSP) schemes in 2014 and with Swaziland's benefits to be reduced (Carim, 2013). The fundamental finding that this dissertation is making in all of this, is that, EU's intransigent behaviour, combined with the disparate nature of SADC responses to it, impacts negatively on regional integration in Southern Africa.

Furthermore, the literature surveyed in the dissertation demonstrates that the implementation of protocols is low when the signatories' substantive national policy competencies are dissimilar. Similarity of substance in formulation in trade, diplomacy and security policies appears to be a necessary, but not a sufficient condition for deepening regional integration. This result casts doubt on a rival hypothesis, that the enforcement of integration by expanding the powers of the SADC Secretariat or the SADC Tribunal is a substitute for the convergence of national policies.

SADC Secretariat or the SADC Tribunal cannot do what SADC member states are unable to do in an intergovernmental arrangement. Common SADC policy instruments are very good but not sufficient predictor of the depth of policy convergence among member states. Disaggregating by policy instrument type reveals that all the differences in member states' policy preferences is a good predictor of the depth of regional convergence. There are three important factors or trends that the findings of the dissertation are showing in respect to state sovereignty and regional integration: i) the policy instruments and protocols that are created by the SADC are not self-executing; ii) nations states drive the implementation of the SADC programmes and protocols; iii) the absence of a final, institutionally binding and, more importantly, an enforcing "normative congruence" in the policy architecture of the SADC continues to frustrate regional objectives (Nathan, 2013).

In all this, the dissertation shows that state sovereignty in Southern Africa is a seriously guarded and contested arena. Indeed, state sovereignty in Southern Africa and all of Africa is a very serious area of policy and decision making. Moreover, the unanimous decision by the Maputo SADC 2012 Summit to dissolve the SADC Tribunal is a strong indication of this point. This dissertation argues that most analyses on the fate of the SADC Tribunal places too much weight on the law or the legal basis on the fate and in the assessment of the SADC Tribunal situation. The political motivations of state actors in respect to how decisions are made by the SADC Summit do not feature in this analysis.

In this analyses, the Heads of State and Government of the SADC have set-up the SADC Tribunal and accorded it in terms of Article 16 (5) powers that make its "... decisions ... final and binding" (SADC Treaty, 2002: 9). This legal analysis would make us believe that no political considerations are held by state actors when they create regional institutions. In this fashion, a strictly legal and apolitical process to regional integration is proffered as "... one which wakes to disillusion and dysfunction ..." (Gauntlett, 2012: 1).

Another basis of this legalistic analysis on the SADC Tribunal's fate has been the notion that state sovereignty in Southern Africa "is resurgent" (Gauntlett, 2012: 1). In this view, Gauntlett identifies the "... adherents [of sovereignty to] include those who stand to lose most from its demise, or at least attenuation. Their scholarship is necessarily nostalgic" (Gauntlett, 2012: 1). Ironically, Gauntlett makes an important point - its implications in respect to where the SADC Tribunal derives its authority - is not raised by Gauntlett: "the Tribunal is overwhelmingly supported by donor aid, particularly from the member states of the EU. There is no reason why this should continue, for it expensively to adjudicate title to sandbanks in rivers, or tiffs over uninhabited atolls, on for its (now more carefully chosen) members to decorate international law gatherings" (Gauntlett: 2012: 3).

Furthermore, in a dialogue discussion dubbed: *SADC Tribunal: Removing the Scales of Justice*, at the University of Pretoria, the former Judge President of the SADC Tribunal, Judge Pillay, had this to say: "the decisions of the [SADC] Summit [are] clearly illegal and ultra vires. Summit has no power to restrict the jurisdiction of the Tribunal, not least because it is subject to the Tribunal's jurisdiction" (UP Dialogue Notes: 2013). The Judge did not exclude the South African state actors in his enchantment: "South Africa did not fight to protect the SADC Tribunal instead SA state actors selfishly stood by and allowed the Tribunal to be bulldozed by SADC ..." (UP Dialogue Notes, 2013).

The former Judge President of the SADC Tribunal, Pillay, made further pronouncements on the Tribunal's fate in a speech delivered at Freedom under Law and Constitution Court Clerks Alumni Association in Johannesburg in 2012: "... the Independent Consultants and the Workshop had recommended in respect of enforcement of Tribunal decisions: All SADC countries should confer to those decisions the force of law and empower their judicial organs to implement them as domestic law and not as foreign law and the Tribunal should be empowered to impose remedies for non-compliance with its judgments and other decisions" (2012: 16).

The analyses provided above are important in respect to state sovereignty and regional integration in Southern Africa. It is also important for a very serious conclusion that the dissertation is making that: most analyses on state sovereignty and regional integration in Southern Africa "... fails to historicise the emergence of the sovereign state, taking for granted that its origins can be located exclusively within Europe" (Hobson, 2009: 672). The findings of this dissertation have cast doubt if suspicion on the extant accounts that state sovereignty is resurgent in Southern Africa. This dissertation has shown that state sovereignty is not ushered in by "... adherents ... who stand to lose ..." (Gauntlett, 2012:1) but that state sovereignty is a recently acquired and treasured achievement of most African states.

Ironically, the 'nostalgic hacking' of the Westphalian sovereign state blunts the analyses to the contemporary phenomenon of state sovereignty in Southern Africa. Even more, Gauntlett's analysis of the SADC Tribunal is not only bounded up tightly in its legalistic straight jacket but it is constrained by its inability to reflect the discursive interactions of historical and social construction of state sovereignty in Southern Africa. This ahistorical narrative is often replicated by many critical theorists who argue that globalisation is now transcending the modern sovereign state. The findings of this dissertation show that state sovereignty matters in the process of regional integration. The constructivist framework that the dissertation utilises shows that state sovereignty matters for different reasons and explanations than those given by realist, neorealist, and neo-liberal institutionalists.

With regard to the former SADC Tribunal Judge President's pronouncements on the SADC Tribunal's demise; it is perhaps safe to say that, Judge Pillay did concede in his presentation in Johannesburg that: "Summit does have, of course, the power to amend the SADC Treaty ..." (2012: 6). Indeed, Article 35 (1) of the SADC Treaty states: "The Summit may decide by a resolution supported by three-quarters of all members to dissolve SADC or any of its institutions, and determine the terms and concessions of dealing with its liabilities and disposal of its assets" (2002: 13). It is important to place Article 35 (1) on record when the matter of the SADC Tribunal's jurisdiction and its work

is raised. Simply put, the SADC Tribunal is an organisation of the SADC created by the Heads of State and Government.

The distinction is carefully raised between what Article 35 (1) of the SADC Treaty calls "... SADC or any of its institutions ..." and Gauntlett's reference to the SADC Tribunal as "... the region's international law court ..." (Gauntlett, 2012: 1). Some scholars have argued that, it is this paradoxical if not an awkward position that the SADC Tribunal occupied that led to its demise (Nathan, 2013). Whilst many within the ranks of the SADC Tribunal viewed it as a regional court, it derived its authority in respect to the enforcement of its decisions from national member states' courts. Even more, the SADC Tribunal exercised its jurisdiction and mandate in a problematic way in that: in the absence of a regional harmonised jurisprudence or normative congruence, the SADC Tribunal depended and sometimes used and invoked one SADC member state's jurisprudence to hammer at another.

The importance of the SADC Tribunal jurisdiction and work notwithstanding, the question that can be raised in this regard is why would the SADC leadership create an institution in order to destroy it? Bastasin (2012) argues that the theoretical explanations of causality in the European crisis are wrong. Similarly, the SADC Tribunal discourse in Southern Africa is placed as if there are SADC wide legal discourses, and yet the enforcements of the SADC Tribunal rulings are left in the hands of national governments (SADC Treaty, 2002). Hence, the story of the SADC Tribunal has been an experience of SADC national governments' recriminations with "an unelected body" (Bastasin, 2012: 3).

Nathan (2013) argued that the SADC Tribunal was conceived out of what he calls "institutional mimicry" that has placed European institutional models over modesty and local context in the design of SADC institutions. In this way, the international donors that 'sponsored' the SADC Tribunal and are often key to the establishment of SADC institutions have no clue about the regional political context. Nathan (2013) defines the weaknesses

in the work of the SADC Tribunal as reflected in its lack of understanding of three important factors:

1. State sovereignty in SADC is new and a valued property;
2. States in SADC are still grappling with *de jure* as opposed with *de facto* sovereignty;
3. SADC does not have common policy values or normative congruence (UP Dialogue Notes, 2013).

Indeed, this dissertation has utilised the constructivist framework to analyse the relationship of state sovereignty and regional integration in Southern Africa. Similarly, the findings of the dissertation – utilising the constructivist framework – reflect similar conclusions to those raised by Nathan (2013) above:

1. States are the principal units of analysis for regional integration in Southern Africa;
2. The key structures are inter-subjective and material in the process of regional integration in Southern Africa;
3. State preferences, interests and identities are an important part; constructed through social discursive interactions among states and not given exogenously to the process of regional integration (Wendt, 1994).

The SADC Tribunal experience is not unique to SADC's regional integration experiment. The sovereign debt crisis in Europe which culminated in October 2008 (Bastasin, 2012: 3), "was influenced by an irresponsible tug-of-war between ECB [European Central Bank] and the national governments." This conflict resulted in a protracted tug-of-war that was "more about politics and human behaviour" than law, economics and money (Bastasin, 2012: 3). Bastasin (2012: 3) makes an important observation about this situation which is very relevant for the SADC Tribunal experience: "the consequences of the conflict between an unelected body entrusted with the general welfare and the democratically elected governments representing national interests were so grave that they represent a

first disquieting test of the contradiction between jealous national powers and weakly legitimated supranational governance.”

Therefore, the fact that most current SADC regional integration agreements fall well short of a legally binding obligation does not, however, render them homogenous, in terms of their impact on states’ authority to enforce them. The glass of SADC’s regional policy convergence may not be half full, but neither is it empty. SADC states go to considerable lengths to negotiate the wording of regional protocols and international standards. This is true also of trade, diplomatic and security policy convergence. State behaviour suggests that the inclusion or exclusion of different provisions is regarded as salient. The dissertation is confined to measuring the effects of the depth of cooperation in respect to member states’ preferences and what informs the behaviour of member states in making their policy choices.

CHAPTER 9

RESEARCH CONCLUSION AND RECOMMENDATIONS

9.1 Conclusion

The interviews and the three case studies combined with examples of practical incidents of state action and behaviour in SADC reveal how the interviewees' made meaning of state sovereignty and regional integration process in Southern Africa. The interviewees argued that most of what is written of the state in Southern Africa distorts the reality of this constitutive interaction. Some of the interviews took the initiative of being self-critical, looking at their work and how it provides much deeper understanding of regional integration in Southern Africa. These findings provide important insights affirming the difficulty and complexity of the regional integration process in Southern Africa.

The findings of this research are instructive and insightful as they provide indications for understanding how the interviewees felt about the process of regional integration in Southern Africa. The findings of this research acquire more significance as the process of regional integration in Southern Africa deepens. The findings of this research underscore the need for bold leadership to take the region into greater heights in its regional integration agenda. Coordination of roles both for state, the bureaucrats at the SADC Secretariat, the region's civil society and private sector is critical for this exercise. However, the perennial problem of having institutions whose role is merely to coordinate intergovernmental interactions among states exerts a break on the achievement of collective regional outcomes.

The three case studies and the examples of incidents of state action discussed in some of the cases demonstrate that a comprehensive process of constructive interactions

among states in making their respective policy preferences in the process of regional integration in line or against SADC's normative objectives and norms is critical. The findings of the research and the analysis that is provided is important in generating more insight into the workings of state leaders and state actors. The findings of this research show that the SADC experimentation with regional integration is not unique. The biggest experiment in the history of regional integration, the EU is in crisis, precisely for the same reasons that continue to hound Southern Africa.

Increasing literature on regional integration focuses on economic aspects of integration, and pays relatively little attention to state sovereignty as a distinct phenomenon. The result is that there is no recognised direct measure of the depth of regional policy integration, in terms of measuring the extent to which states voluntarily agree to pool their authority towards the regional integration agenda. Existing indicators use proxies that are less and less accurate as measurements of the depth of policy integration – such as the number of protocols that a country has signed or whether an RTA is an FTA or a Customs Union. Merely counting the number of protocols signed by member states fails to account for the very wide variation across and within different range of policy areas in respect to the implementation of such protocols.

The data surveyed in the literature review combined with the information and data collected in the interviews and in the three case studies do confirm that, the regional integration process in Southern Africa, is a discursive process among state actors that are more concerned about their sovereignty as they are about regional integration outcomes. The study concludes drawing on the constructivist and realist literature on regional integration that states have interests; and that state actors will do whatever is possible in their power to influence decision-making in pursuit of their national interests. In a few number of cases, states will bend their national interests if the regional integration outcome serves the political, economic and diplomatic interests of such states.

The three case studies demonstrate the constructivist framework's assumptions that state interests, identities and preferences matter a great deal in the process of decision making among state actors. Indeed the three case studies; namely, external diplomacy, collective security and trade relations with the EU show that state interest drive motivations and choices of member states in the process of regional integration. The research findings and recommendations highlight significant parallels and lesson in the history of regional integration in Europe. In this regard, this makes an significant contribution to knowledge in respect to new ways of theorising regional integration in Africa, in the deployment of practical interpretative analysis of the relationships between the depth of policy integration process, on the one hand, and state behaviour – with a particular reference to state policy preferences as a key determinant factors in the process regional integration.

The findings of this dissertation have addressed the research questions that the research investigates regarding whether the SADC's normative objectives and goals of regional integration are paradoxical. The dissertation's findings convey the following in respect to both the research questions in the study as well the constructivist assumptions underpinning the case studies: the more SADC wants to become a powerful international actor, the more it has to define the role of its constituent parts, its fifteen member states. At the core of the findings in this research is that without the SADC thoroughly basing its normative aspirations on firm, binding, and internally consistent strategy – its regional integration project will continue to stumble. Even more, the RISDP, SIPO I and II even in their revised forms, cannot assist in resolving the SADC's paradox.

The dissertation looks at the whole array of International Relations literature and theories on regional integration. The dissertation's key finding in this regard, which is also extensively corroborated by the data on the case studies and the interviews is that, ideas and discursive interactions among states matter significantly in the process of regional integration in Southern Africa. The theories and literature surveyed in this dissertation: realism, neorealism, liberal institutionalism, institutionalism, new regionalism and

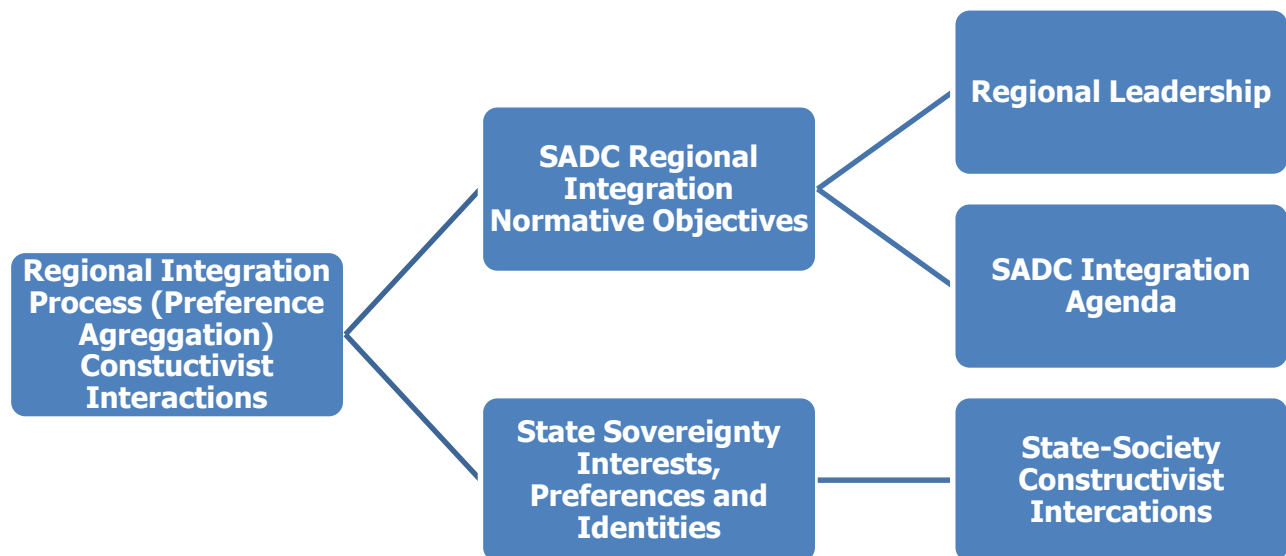
constructivism, albeit with differing degrees, emphasise the role of ideas in analysing, theorising, and conceptualising any political and economic phenomenon. However, the constructivist and realist literature surveyed, provide a more powerful account of explaining state behaviour and the behaviour of state actors in the process of regional integration in Southern Africa.

The literature of state sovereignty and regional integration also reflects what the interviews and the case studies findings project thus: the idea of a sovereign state has traditionally based its origins on the notion that it has indivisible right to defend its existence and survival (defensive realism), but also it has a singular right to the determination of its fate within its territory. The process of regional integration on the other hand, does project notions or aspirations towards the extension of sovereignty to allow for the sharing resources and territory of one country for the benefit of the collective regional community. It is the intersection of state sovereignty and regional integration that the constructivist notion of co-determination and co-constitution is projected in the research.

The demise of the SADC Tribunal in 2012 in Maputo, Mozambique, this research concludes, is the example of how state actors in Southern Africa continue to find the difficulties in negotiating the intersection between state sovereignty and regional integration. This research concludes (schematic representation below), whilst regional leadership is important in the resolution of the contradictions in the intersection between state sovereignty and regional integration, the existence of binding institutional frameworks as well as a vibrant civil society is also critical. Secondly, this dissertation concludes that closing the gap between national interests and regional normative objectives is also essential to the process of regional and continental integration. Thirdly, the dissertation concludes that state preferences and interests will be aggregated towards intergovernmental regional integration outcomes once states find congruence in regional outcomes and national interests.

The model of state action and behaviour that is projected in the findings of this research is that states in Southern Africa privilege the realist institutional factors such as the distribution of capabilities and information alongside the protection of their sovereignty. The discursive constructivist and intergovernmental interactions among states in the process of regional integration in Southern Africa is in the main, a continuous, complex and delicate process of negotiation the balance between state sovereignty (national interest) and regional integration. Clearly, the state-society relationship is important in ensuring that the process of regional integration agenda is grounded and driven from within national states. In this way, SADC's regional normative objectives will continually through a process of legitimation take root and the gap between national interests and regional interests will gradually dissipate, resulting in the aggregation of interest, preferences and identities in collective security, trade relations, and collective diplomacy.

Figure 17. SADC Constructivist Schema of Regional Integration



Source: Author Compilation Based on Findings of this Research (2014)

9.2 Recommendations

There is a range of qualitative measures that the SADC integration project will have to undertake to resolve the paradox of legitimating the process of regional integration within the borders of its member states. The following policy interventions and strategic areas emerge from the findings of this dissertation as important recommendations in the management of the state sovereignty - regional integration complex in the SADC. These policy interventions and strategic areas are not exhaustive nor do they cover all the areas in the state sovereignty - regional integration complex in Southern Africa. These recommendations draw on the literature surveyed and from the case studies utilised in the dissertation.

Leadership Deficit – the SADC was formed during the time when the leadership axis was underpinned by the agenda of the Frontline States. This process managed to breed and endure the leadership qualities that were necessary for the SADC's formation in Southern Africa. The leadership differences were concealed by the common concern with the eradication and reducing of dependence on apartheid South Africa. With the demise of apartheid in South Africa, tensions and leadership deficits to drive the process of regional integration began to show. Regional integration requires leadership from the dominant and economic powerful states as losses and gains in the process tend to predominantly be located within the space of influence of these states.

For Southern Africa and Africa in general, leadership from regional powers such as South Africa, Kenya, Nigeria, Egypt, is important to drive regional integration. Drawing from the case study on the region's and the continent's interaction with Europe on trade (EPAs) it is clear that the divergent interests among the EU countries were not only due to the inabilities of some leaders and to the pressure of the euro crisis. The euro countries are still different because of longstanding structural divergences challenges. It was naïve to think that national leaders were capable of forgetting their interests by adopting artificially the same policy preferences. Similarly, Southern Africa and the continent adopted the

same posture in its trade negotiations with Europe, as a result showing signs of divisions and weak leadership among its different configurations.

Coordinative Discourse - the second area that the dissertation has found to be critical in the process of regional integration is that of the coordinative discourse in the region. The case study on SADC-EU trade relations and the experience of regional integration in Africa generally, points to a need for well-constructed policy discourse about regional integration within the boundaries of national states. This discursive process should naturally raise intense, differing, dissenting and alternative policy positions on each stage of the process of regional integration in respect to national interests and regional interests. It is a crucial step in the construction and in the choice of policy instruments, regime and approach to regional integration. The African situation can draw lessons, from elsewhere in the world, as it grapples with the dilemma of weak and coordinative functions of the RECs with powerful political decisions of Council of Ministers and Summits of the Heads of State and Government.

Choice of Approach - the choice of the approach to regional integration is important. The European experience is showing that even after so many years of experimentation with pooling of sovereignty by member states to supranational institutions in Brussels: this has been a difficult and challenging process. Ironically, the current euro crisis in the EU demonstrates that Africa's intergovernmental process to integration must be carried with gradual caution. But the lesson is also that the intergovernmental approach to regional integration that most African experimentations to regional integration reflect will at some stage have to confront the challenge of developing firm, collective, and binding regional or continental policy instruments and institutions. In this way, the region and the continent in general will get closer to resolving the gap between state sovereignty (national interests) and regional integration. The lesson of the SADC Tribunal experience points to a conflict that will continue to arise when state sovereignty trumps 'regional' institutions. The creation of a binding regional 'normative congruence' or aggregation in specific policy areas is the ultimate solution to this paradox.

Furthermore, it is important to draw lessons from the European experience of recent years. The dissertation concludes that the approach to regional integration that emphasises state identity alone is simply the wrong approach for an economic integrated area. Some powerful states in the region, with differing degrees, are showing the most encouraging model for single economies in a global context, all countries cannot be equal. On the contrary, an integrated area thrives from the various specialties of its regions and states. Inevitably, each region will have different productivity levels; and each state's balance of payments does not have to be on par with the rest to coexist. But if regional integration must prevail on identity, there is no alternative: some form of solidarity is intrinsic to regional integration. Eventually, since different economic structures create different political preferences in each country, a democratic system of decision making must emerge and the regional political and economic union must follow.

Communicative Discourse – the current EU experience, particularly the current sovereign debt crisis, has put into sharp relief neoliberal notions about the sanctity of the markets – *politics follows economics*. Missing in the political economy of regional integration in Europe has been the communicative discourse that should have placed more premium on political legitimisation of the process of regional integration within national states. The lesson for Africa is that, the gradualist, limited and cautious intergovernmental approach to regional integration is commendable, some binding arrangement will need to be adopted at some stage in the process, through a locally, grassroots, nation state based communication and dialogue programme - among citizens within and across SADC member states.

The SADC should work towards the embedding of regional integration discourse within the borders of member states. The discursive and ideational interaction on the gap between national interest and regional integration must occur at the grassroots level within communities. It must not be the preserve of esoteric policy bureaucrats in Gaborone or the preserve of power heads of state and government. Regional integration

in Southern Africa and Africa in general has to dispel both the monopoly of national and regional interpretations to regional integration. The discursive constructivist process to regional integration must bring a new direction to the history of Southern Africa and beyond, to the role of the state, and to the relationship between public powers and the citizens.

Collective Narrative – the European experience shows that in the absence of a communicative discourse that builds political legitimacy on the ground, this results in the re-emergence of national narratives that cause states to pull away from the regional integration ideal. For Southern Africa, the lesson is to deepen national dialogues through the SADC National Committees, for instance. Linked to communicative discourse above, this process will generate collective narratives and discourses on regional integration; as a result, creating a ground-swell of collective regional and continental stories and understandings about the regional integration process. In this way, Southern Africa and Africa must emerge with a common – non-national – narrative of the regional integration process, failing which, we will not be able to avoid future crisis, like it is happening in Europe. Regional integration in Africa should be grounded on national states narratives towards the intergovernmental outcome of deeper political integration.

Burden Sharing – the process of regional integration will involve in certain stages of the process losses and gains for member states. The findings of this dissertation show that binding political strategic interventions can assist to alleviate disproportionate sharing of the responsibility of the process among member states. Indeed, powerful states such as South Africa, Nigeria, Egypt and Kenya will endure significant losses and gains in the process. The dominant state in the Southern African region, South Africa, does not seem to have a clear position about its economic diplomatic role in the region. This is confirmed by studies after another of South African State Owned Entities' activities in Africa showing disparate degree of emphasis that point to; i) lack of coordination among the SA's SOE's in African engagements; ii) lack of a country economic diplomacy framework or strategy

that embeds or locates all political, diplomatic and economic activities of the South African state actors in Africa (DBSA, 2009 & 2010).

Intersection of Politics-Economics Nexus – the economic reductionism or neoliberal logic of the sanctity of the market is continuously exposed as vacuous and bankrupt by the current. The lesson for Africa is that the intergovernmental approach to regional integration has over-emphasised the political dimension and rendered regional integration process too *politician*. The challenge for Africa is how to find the intersection between the economic and the political dimensions of regional integration process. The lesson from the SADC-EU EPA negotiations is that the political and social policy domains among states are as important as the economic or trade domains. For SADC, the challenge is how to create common values or normative congruence in the policy arena that are binding, collective and aggregated especially in respect to how SADC and Africa in general engages with third parties.

Preference aggregation: State collaboration, more specifically, the one underpinned by a consensual and intergovernmental framework or approach to regional integration is complex as it requires each SADC member state to map-up its policy preferences against a SADC norm (harmonisation). Ideally, this process is supposed to bring about the convergence or the aggregation of national state interests into a core or harmonised regional interests pact in foreign policy, trade or regional security. For SADC to undertake this exercise, a combination of all the other aspects above is critical with ideas, leadership and broad-based institutions critical to the process. The lesson from the case studies utilised in this dissertation is that, state sovereignty (interest, preferences, identity) in the current conjuncture significantly trumps all other considerations in respect to regional integration.

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APPENDIX A.

DECLARATION TREATY AND PROTOCOL OF THE SOUTHERN AFRIACN DEVELOPMENT COMMUNITY

PREAMBLE

We, the Heads of State or Government of:

The People's Republic of Angola
The Republic of Botswana
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mozambique
The Republic of Namibia
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

HAVING REGARD to the objective set forth in 'SOUTHERN AFRICA: TOWARD ECONOMIC LIBERATION – A Declaration by the Governments of independent States of Southern Africa, made at Lusaka, on the 1st April, 1980':

IN PURSUANCE of the principles of 'TOWARDS A SOUTHERN AFRICAN DEVELOPMENT COMMUNITY – a Declaration made by the Heads of State or Government of Southern Africa at Windhoek, in August, 1992', which affirms our commitment to establish a Development Community in the Region;

DETERMINED to ensure, through common action, the progress and well-being of the peoples of Southern Africa;

CONSCIOUS of our duty to promote the interdependence and integration of our national economies for the harmonious, balanced and equitable development of the Region;

CONVINCED of the need to mobilise our own and international resources to promote the implementation of national, interstate and regional policies, programmes and projects within the framework for economic integration;

DEDICATED to secure, by concerted action, international understanding, support and cooperation;

MINDFUL of the need to involve the peoples of the Region centrally in the process of development and integration, particularly through the guarantee of democratic rights, observance of human rights and the rule of law;

RECOGNISING that, in an increasingly interdependent world, mutual understanding, good neighbourliness, and meaningful cooperation among the countries of the Region are indispensable to the realisation of these ideals;

TAKING INTO ACCOUNT the Lagos Plan of Action and the Final Act of Lagos of April 1980, and the Treaty establishing the African Economic Community signed at Abuja, on the 3rd of June, 1991;

BEARING IN MIND the principles of international law governing relations between States;

HAVE DECIDED TO ESTABLISH AN INTERNATIONAL ORGANISATION TO BE KNOWN AS THE **SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)**, AND HEREBY AGREE AS FOLLOWS:

CHAPTER ONE

ARTICLE 1

DEFINITIONS

In this Treaty, unless the context otherwise requires:

1. "Treaty" means this Treaty establishing SADC;
2. "Protocol" means an instrument of implementation of this Treaty, having the same legal force as this Treaty;
3. "Community" means the organisation for economic integration established by Article 2 of this Treaty.
4. "Region" means the geographical area of the Member States of SADC;
5. "Member State" means a member of SADC;
6. "Summit" means the Summit of the Heads of State or Government of SADC established by Article 9 of this Treaty;

7. "High Contracting Parties" means States, herein represented by Heads of State or Government or their duly authorized representatives for purposes of the establishment of the Community;
8. "Council" means the Council of Ministers of SADC established by Article 9 of this Treaty;
9. "Secretariat" means the Secretariat of SADC established by Article 9 of this Treaty;
10. "Executive Secretary" means the chief executive officer of SADC appointed under Article 10(7) of this Treaty;
11. "Commission" means a commission of SADC established by Article 9 of this Treaty;
12. "Tribunal" means the tribunal of the Community established by Article 9 of this Treaty;
13. "Sectoral Committee" means a committee referred to in Article 38 of this Treaty;
14. "Sectoral Coordinating Unit" means a unit referred to in Article 38 of this Treaty;
15. "Standing Committee" means the Standing Committee of Officials established by Article 9 of this Treaty;
16. "Fund" means resources available at any given time for application to programmes, projects and activities of SADC as provided by Article 26 of this Treaty.

CHAPTER TWO ARTICLE 2

ESTABLISHMENT

1. By this Treaty, the High Contracting Parties establish the Southern African Development Community (hereinafter referred to as SADC).
2. The Headquarters of SADC shall be at Gaborone, Republic of Botswana.

ARTICLE 3

LEGAL STATUS

1. SADC shall be an international organisation, and shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued.
2. In the territory of each Member State, SADC shall, pursuant to paragraph 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.

CHAPTER THREE

ARTICLE 4

PRINCIPLES

SADC and its Member States shall act in accordance with the following principles:

- (a) sovereign equality of all Member States;
- (b) solidarity, peace and security;
- (c) human rights, democracy, and the rule of law;
- (d) equity, balance and mutual benefit;
- (e) peaceful settlement of disputes;

ARTICLE 5

OBJECTIVES

1. The objectives of SADC shall be to:

- a) achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration;
- b) evolve common political values, systems and institutions;
- c) promote and defend peace and security;
- d) promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States;
- e) achieve complementarity between national and regional strategies and programmes;

- f) promote and maximise productive employment and utilisation of resources of the environment;
 - g) achieve sustainable utilisation of natural resources and effective protection of the environment;
 - h) strengthen and consolidate the long standing historical, social and cultural affinities and links among the peoples of the Region.
2. In order to achieve the objectives set out in paragraph 1 of this Article, SADC shall:
- a) harmonise political and socio-economic policies and plans of Member States;
 - b) encourage the peoples of the Region and their institutions to take initiatives to develop economic, social and cultural ties across the Region, and to participate fully in the implementation of the programmes and projects of SADC;
 - c) create appropriate institutions and mechanisms for the mobilisation of requisite resources for the implementation of programmes and operations of SADC and its Institutions;
 - d) develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the peoples of the Region generally, among Member States;
 - e) promote the development of human resources;
 - f) promote the development, transfer and mastery of technology;
 - g) improve economic management and performance through regional cooperation;
 - h) promote the coordination and harmonisation of the international relations of Member States;
 - i) secure international understanding, cooperation and support, and mobilise the inflow of public and private resources into the Region;
 - j) develop such other activities as Member States may decide in furtherance of the objectives of this Treaty.

ARTICLE 6

GENERAL UNDERTAKINGS

1. Member States undertake to adopt adequate measures to promote the achievement of the objectives of SADC, and shall refrain from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.
2. SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture or disability.
3. SADC shall not discriminate against any Member State.
4. Member States shall take all steps necessary to ensure the uniform application of this Treaty.
5. Member States shall take all the necessary steps to accord this Treaty the force of national law.
6. Member States shall cooperate with and assist institutions of SADC in the performance of their duties.

CHAPTER FOUR ARTICLE 7

MEMBERSHIP

States listed in the Preamble hereto shall, upon signature and ratification of this Treaty, be members of SADC.

ARTICLE 8

ADMISSION OF NEW MEMBERS

1. Any state not listed in the Preamble to this Treaty may become a member of SADC upon being admitted by the existing members and acceding to this Treaty.
2. The admission of any such state to membership of SADC shall be affected by a unanimous decision of the Summit.
3. The Summit shall determine the procedures for the admission of new members and for the accession to this Treaty by such members.
4. Membership of SADC shall not be subject to any reservations.

CHAPTER FIVE

ARTICLE 9

ESTABLISHMENT OF INSTITUTIONS

1. The following Institutions are hereby established:
 - a) The Summit of Heads of State or Government;
 - b) The Council of Ministers;
 - c) Commissions;
 - d) The Standing Committee of Officials;
 - e) The Secretariat; and
 - f) The Tribunal.
2. Other institutions may be established as necessary.

ARTICLE 10

THE SUMMIT

1. The Summit shall consist of the Heads of State or Government of all Member States, and shall be the supreme policy-making Institution of SADC.
2. The Summit shall be responsible for the overall policy direction and control of the functions of SADC.
3. The Summit shall adopt legal instruments for the implementation of the Provisions of this Treaty; provided that the Summit may delegate this authority to the Council or any other institution of SADC as the Summit may deem appropriate.
4. The Summit shall elect a Chairman and a Vice-Chairman of SADC from among its members for an agreed period on this basis of rotation.
5. The Summit shall meet at least once a year.
6. The Summit shall decide on the creation of Commissions, other institutions, committees and organs as need arise.
7. The Summit shall appoint the Executive Secretary and the Deputy Executive Secretary, on the recommendation of Council.

8. Unless otherwise provided in this Treaty, the decisions of the Summit shall be by consensus and shall be binding.

ARTICLE 11

THE COUNCIL

1. The Council shall consist of one Minister from each Member State, preferably a Minister responsible for economic planning or finance.
2. It shall be the responsibility of the Council to:
 - a) oversee the functioning and development of SADC;
 - b) oversee the implementation of the policies of SADC and the proper execution of its programmes;
 - c) advise the Summit on matters of overall policy and efficient and harmonious functioning and development of SADC;
 - d) approve policies, strategies and work programmes of SADC;
 - e) direct, coordinate and supervise the operations of the institutions of SADC subordinate to it;
 - f) define sectoral areas of cooperation and allocate to Member States responsibility for coordinating sectoral activities, or re-allocate such responsibilities;
 - g) create its own committees as necessary;
 - h) recommend to the Summit persons for appointment to the posts of Executive Secretary and Deputy Executive Secretary;
 - i) determine the Terms and Conditions of Service of the staff of the institutions of SADC;
 - j) convene conferences and other meetings as appropriate, for purposes of promoting the objectives and programmes of SADC; and
 - k) perform such other duties as may be assigned to it by the Summit or this Treaty.
3. The Chairman and Vice-Chairman of the Council shall be appointed by the Member States holding the Chairmanship and the Vice-Chairmanship of SADC respectively.
4. The Council shall meet at least once a year.
5. The Council shall report and be responsible to the Summit.
6. Decisions of the Council shall be by consensus.

ARTICLE 12

COMMISSIONS

1. Commissions shall be constituted to guide and coordinate cooperation and integration policies and programmes in designated sectoral areas.
2. The composition, powers, functions, procedures and other matters related to each Commission shall be prescribed by an appropriate protocol by the Summit.
3. The Commission shall work closely with the Secretariat.
4. Commissions shall be responsible and report to the Council.

ARTICLE 13

THE STANDING COMMITTEE OF OFFICIALS

1. The Standing Committee shall consist of one permanent secretary or an official of equivalent rank from each Member State, preferably from a ministry responsible for economic planning or finance.
2. The Standing Committee shall be a technical advisory committee to the Council.
3. The Standing Committee shall be responsible and report to the Council.
4. The Chairman and Vice-Chairman of the Standing Committee shall be appointed from the Member States holding the Chairmanship and the Vice-Chairmanship, respectively, of the Council.
5. The Standing Committee shall meet at least once a year.
6. Decisions of the Standing Committee shall be by consensus.

ARTICLE 14

THE SECRETARIAT

1. The Secretariat shall be the principle executive Institution of the SADC, and shall Be responsible for:
 - a) strategic planning and management of the programmes of SADC;
 - b) implementation of decisions of the Summit and of the Council;
 - c) organisation and management of SADC meetings;
 - d) financial and general administration;

- e) representation and promotion of SADC; and
 - f) coordination and harmonisation of the policies and strategies of Member States.
2. The Secretariat shall be headed by the Executive Secretary.
 3. The Secretariat shall have such other staff as may be determined by the Council from time to time.

ARTICLE 15

THE EXECUTIVE SECRETARY

1. The Executive Secretary shall be responsible to the Council for the following:
 - a) consultation and coordination with the Government and other institutions of Member States;
 - b) pursuant to the direction of Council or Summit, or on his/her own initiative, undertaking measures aimed at promoting the objectives of SADC and enhancing its performance;
 - c) promotion of cooperation with other organisations for the furtherance of the objectives of SADC;
 - d) organising and servicing meetings of the Summit, the Council, the Standing Committee and any other meetings convened on the direction of the Summit or the Council;
 - e) custodianship of the property of SADC;
 - f) appointment of the staff of the Secretariat, in accordance with procedures, and under Terms and Conditions of Service determined by the Council;
 - g) administration and finances of the Secretariat;
 - h) preparation of Annual Reports on the activities of SADC and its institutions;
 - i) preparation of the Budget and Audited Accounts of SADC for submission to the Council;
 - j) diplomatic and other representation of SADC;
 - k) public relations and promotion of SADC;
 - l) such other functions as may, from time to time, be determined by the Summit and Council.
2. The Executive Secretary shall liaise closely with Commissions, and other institutions, guide, support and monitor the performance of SADC in the various sectors to ensure conformity and harmony with agreed policies, strategies, programmes and projects.
3. The Executive Secretary shall be appointed for four years, and be eligible for appointment for another period not exceeding four years.

ARTICLE 16

THE TRIBUNAL

1. The Tribunal shall be constituted to ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it.
2. The composition, powers, functions, procedures and other related matters governing the Tribunal shall be prescribed in a Protocol adopted by the Summit.
3. Members of the Tribunal shall be appointed for a specified period.
4. The Tribunal shall give advisory opinions on such matters as the Summit or the Council may refer to it.
5. The decisions of the Tribunal shall be final and binding.

ARTICLE 17

SPECIFIC UNDERTAKINGS

1. Member States shall respect the international character and responsibilities of SADC, the Executive Secretary and other staff of SADC, and shall not seek to influence them in the discharge of their functions.
2. In the performance of their duties, the members of the Tribunal, the Executive Secretary and the other staff of SADC shall be committed to the international character of SADC, and shall not seek to receive instructions from any Member States, or from any authority external to SADC. They shall refrain from any action incompatible with their positions as international staff responsible only to SADC.

CHAPTER SIX

MEETINGS

ARTICLE 18

QUORUM

The quorum for all meetings of the Institutions of SADC shall be two thirds of its Members.

ARTICLE 19

DECISIONS

Except as otherwise provided in this Treaty, decisions of the Institutions of SADC shall be taken by consensus.

ARTICLE 20

PROCEDURE

Except as otherwise provided in this Treaty, the Institutions of SADC shall determine their own rules of procedure.

CHAPTER SEVEN

COOPERATION

ARTICLE 21

AREAS OF COOPERATION

1. Members States shall cooperate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit.
2. Member States shall, through appropriate institutions of SADC, coordinate, rationalise and harmonise their overall macro-economic and sectoral policies and strategies, programmes and projects in the areas of cooperation.
3. In accordance with the provisions of this Treaty, Member States agree to cooperate in the areas of:
 - a) food security, land and agriculture;
 - b) infrastructure and services;
 - c) industry, trade, investment and finance;
 - d) human resources development, science and technology;
 - e) natural resources and environment;
 - f) social welfare, information and culture; and
 - g) politics, diplomacy, international relations, peace and security.
4. Additional areas of cooperation may be decided upon by the Council.

ARTICLE 22

PROTOCOLS

1. Member States shall conclude such Protocols as may be necessary in each area of cooperation, which shall spell out the objectives and scope of, and institutional mechanism for, cooperation and integration.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council, and shall thereafter become an integral part of this Treaty.
3. Each Protocol shall be subject to signature and ratification by the parties thereto.

ARTICLE 23

NON-GOVERNMENTAL ORGANISATIONS

1. In pursuance of the objectives of this Treaty, SADC shall seek to involve fully, the peoples of the Region and non-governmental organisations in the process of regional integration.
2. SADC shall cooperate with, and support the initiatives of the peoples of the Region and non-governmental organisations, contributing to the objectives of this Treaty in the areas of cooperation in order to foster closer relations among the communities, associations and peoples of the Region.

CHAPTER EIGHT

RELATIONS WITH OTHER STATES, REGIONAL AND INTERNATIONAL ORGANISATIONS

ARTICLE 24

1. Subject to the provisions of Article 6 (1), Member States and SADC shall maintain good working relations and other forms of cooperation, and may enter into agreements with other states, regional and international organisations, whose objectives are compatible with the objectives of SADC and the provisions of this Treaty.

2. Conferences and other meetings may be held between Member States and other Governments and organisations associated with the development efforts of SADC to review policies and strategies, and evaluate the performance of SADC in the implementation of its programmes and projects, identify and agree on future plans of cooperation.

CHAPTER NINE

RESOURCES, FUND AND ASSETS

ARTICLE 25

RESOURCES

1. SADC shall be responsible for the mobilisation of its own and other resources required for the implementation of its programmes and projects.
2. SADC shall create such institutions as may be necessary for the effective mobilisation and efficient application of resources for regional development.
3. Resources acquired by the SADC by way of contributions, loans, grants or gifts, shall be the property of SADC.
4. The resources of SADC may be made available to Member States in pursuance of the objectives of this Treaty, on terms and conditions mutually agreed between SADC and the Member States involved.
5. Resources of SADC shall be utilised in the most efficient and equitable manner.

ARTICLE 26

FUND

The Fund of SADC shall consist of contributions of Member States, income from SADC enterprises and receipts from regional and non-regional sources.

ARTICLE 27

ASSETS

1. Property, both movable and immovable, acquired by or on behalf of SADC shall constitute the assets of SADC, irrespective of their location.

2. Property acquired by Member States, under the auspices of SADC, shall belong to the Member States concerned, subject to provisions of paragraph 3 of this Article, and Articles 25 and 34 of this Treaty.
3. Assets acquired by Member States under the auspices of SADC shall be accessible to all Member States on an equitable basis.

CHAPTER TEN

FINANCIAL PROVISIONS

ARTICLE 28

THE BUDGET

1. The budget of SADC shall be funded by contributions made by Member States, and such other sources as may be determined by the council.
2. Member States shall contribute to the budget of SADC in proportions agreed upon by the Council.
3. The Executive Secretary shall cause to be prepared, estimates of revenue and expenditure for the Secretariat and Commissions, and submit them to the Council, not less than three months before the beginning of the financial year.
4. The Council shall approve the estimates of revenue and expenditure before the beginning of the financial year.
5. The financial year of SADC shall be determined by the Council.

ARTICLE 29

EXTERNAL AUDIT

1. The Council shall appoint external auditors and shall fix their fees and Remuneration at the beginning of each financial year.
2. The Executive Secretary shall cause to be prepared and audited annual statements of accounts for the Secretariat and Commissions, and submit to the Council for approval.

ARTICLE 30

FINANCIAL REGULATIONS

The Executive Secretary shall prepare and submit to the Council for approval financial regulations, standing orders and rules for the management of the affairs of SADC.

CHAPTER ELEVEN

IMMUNITIES AND PRIVILEGES

ARTICLE 31

1. SADC, its Institutions and staff shall, in the territory of each Member State, have such immunities and privileges as are necessary for the proper performance of their functions under this Treaty, and which shall 272 *Prospects for a Security Community in Southern Africa* be similar to those accorded to comparable international organisations.
2. The immunities and privileges conferred by this Article shall be prescribed in a Protocol.

CHAPTER TWELVE

SETTLEMENT OF DISPUTES

ARTICLE 32

Any dispute arising from the interpretation or application of this Treaty, which cannot be settled amicably, shall be referred to the Tribunal.

CHAPTER THIRTEEN

SANCTIONS, WITHDRAWAL AND DISSOLUTION

ARTICLE 33

SANCTIONS

1. Sanctions may be imposed against any Member State that:
 - a) persistently fails, without good reason, to fulfill obligations assumed under this Treaty;

- b) implements policies which undermine the principles and objectives of SADC; or
 - c) is in arrears for more than one year in the payment of contributions to SADC, for reasons other than those caused by natural calamity or exceptional circumstances that gravely affect its economy, and has not secured the dispensation of the Summit.
2. The sanctions shall be determined by the Summit on a case-by-case basis.

ARTICLE 34

WITHDRAWAL

1. A Member State wishing to withdraw from SADC shall serve notice of its intention in writing, a year in advance, to the Chairman of SADC, who shall inform other Member States accordingly.
2. At the expiration of the period of notice, the Member State shall, unless the notice is withdrawn, cease to be a member of SADC.
3. During the one year period of notice referred to in paragraph 1 of this Article, the Member State wishing to withdraw from SADC shall comply with the provisions of this Treaty, and shall continue to be bound by its obligations.
4. A Member State which has withdrawn shall not be entitled to claim any property or rights until the dissolution of SADC.
5. Assets of SADC situated in the territory of a Member State which has withdrawn, shall continue to be the property of SADC and be available for its use.
6. The obligations assumed by Member States under this Treaty shall, to the extent necessary to fulfill such obligations, survive the termination of membership by any State.

ARTICLE 35

DISSOLUTION

1. The Summit may decide by a resolution supported by three-quarters of all members to dissolve SADC or any of its Institutions, and determine the terms and conditions of dealing with its liabilities and disposal of its assets.
2. A proposal for the dissolution of SADC may be made to the Council by any

Member State, for preliminary consideration, provided, however, that such a proposal shall not be submitted for the decision of the Summit until all Member States have been duly notified of it and a period of twelve months has elapsed after the submission to the Council.

CHAPTER FOURTEEN

AMENDMENT OF THE TREATY

ARTICLE 36

1. An amendment of this Treaty shall be adopted by a decision of three quarters of all the Members of the Summit.
2. A proposal for the amendment of this Treaty may be made to the Executive Secretary by any Member State for preliminary consideration by the Council, provided, however, that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

CHAPTER FIFTEEN

LANGUAGE

ARTICLE 37

The working languages of SADC shall be English and Portuguese, and such other languages as the Council may determine.

CHAPTER SIXTEEN

SAVING PROVISIONS

ARTICLE 38

A Sectoral Committee, Sector Coordinating Unit or any other institution, obligation or arrangement of the Southern African Development Coordination Conference which exists immediately before the coming into force of this Treaty, shall to the extent that it is not inconsistent with the provisions of this Treaty, continue to subsist, operate or bind Member States or SADC as if it were established or undertaken under this Treaty, until the Council or Summit determined otherwise.

CHAPTER SEVENTEEN

**SIGNATURE, RATIFICATION, ENTRY INTO FORCE,
ACCESSION AND DEPOSITARY**

ARTICLE 39

SIGNATURE

This Treaty shall be signed by the High Contracting Parties.

ARTICLE 40

RATIFICATION

This Treaty shall be ratified by the signatory States in accordance with their constitutional procedures.

ARTICLE 41

ENTRY INTO FORCE

This Treaty shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the States listed in the Preamble.

ARTICLE 42

ACCESSION

This Treaty shall remain open for accession by any state subject to Article 8 of this Treaty.

ARTICLE 43

DEPOSITARY

1. The original texts of this Treaty and Protocols and all instruments of ratification and accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Treaty with the Secretariats of the United Nations Organisation and the Organisation of African Unity.

CHAPTER EIGHTEEN

TERMINATION OF THE MEMORANDUM OF UNDERSTANDING

ARTICLE 44

This Treaty replaces the Memorandum of Understanding on the Institutions of the Southern African Development Coordination Conference dated 20th July, 1981

APPENDIX B.

PROTOCOL AND STRUCTURE OF THE ORGAN

PROTOCOL ON POLITICS, DEFENCE AND SECURITY CO-OPERATION

PREAMBLE

We, the Heads of State or Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

TAKING COGNISANCE of the decision of SADC to create the ORGAN on Politics, Defence and Security which decision appears in the Gaborone Communiqué of 28th June 1996;

VOTING Article 9 of the Treaty which establishes the Organ;

BEARING IN MIND that Chapter VIII of the UN Charter recognizes the role of regional arrangements in dealing with such matters relating Prospects for a Security Community

in Southern Africa to the maintenance of international peace and security as are appropriate
for regional action;

RECOGNISING AND RE-AFFIRMING the principles of strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good neighborliness, non-aggression and non-interference in internal affairs of other States;

RECALLING the 1964 resolution of the Assembly of Heads of State and Government of the Organisation of African Unity, declaring that all Member States pledge to respect the borders existing on their achievement of national independence;

FURTHER REAFFIRMING the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution;

CONVINCED that peace, security and strong political relations are critical factors in creating a conducive environment for regional cooperation and integration;

CONVINCED FURTHER that the Organ constituted an appropriate institutional framework by which Member States could co-ordinate policies and activities in the area of politics, defence and security;

DETERMINED to achieve solidarity, peace and security in the Region through close co-operation on matters of politics, defence and security;

DESIROUS TO ENSURE that close co-operation on matters of politics, defence and security shall at all times promote the peaceful settlement of disputes by negotiation, conciliation, mediation or arbitration;

ACTING in pursuance of Article 10A of the Treaty;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

DEFINITIONS

In this Protocol terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires. In this Protocol, unless the context otherwise requires:

“Chairperson” means the Chairperson of the Organ;

“ISDSC” means the Inter-State Defence and Security Committee;

“ISPDC” means the Inter-State Politics and Diplomacy Committee;

“Signatory” means a Member State which signs this Protocol;

“State Party” means a Member State that has ratified or acceded to this Protocol.

ARTICLE 2

OBJECTIVES

1. The general objective of the Organ shall be to promote peace and security in the Region.
2. The specific objectives of the Organ shall be to:
 - a) protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflict and aggression;
 - b) promote political co-operation among State Parties and the evolution of common political values and institutions;
 - c) develop common foreign policy approaches on issues of mutual concern and advance such policy collectively in international fora;
 - d) promote regional co-ordination and co-operation on matters
 - e) prevent, contain and resolve inter- and intra-state conflict by peaceful means;
 - f) consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;
 - g) promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charters and Conventions of the Organisation of African Unity

and United Nations respectively;

- h) consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats;
- i) develop close co-operation between the police and state security services of State Parties in order to address: cross border crime; and promote a community based approach to domestic security;
- j) observe, and encourage State parties to implement United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between States;
- k) develop peacekeeping capacity of national defence forces and coordinate the participation of State Parties in international and regional peacekeeping operations;
- l) enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance.

ARTICLE 3

STRUCTURES

The Organ shall be an institution of SADC and shall report to the Summit.

The Organ shall have the following structures:

- a) the Chairperson of the Organ;
- b) the Troika;
- c) a Ministerial Committee;
- d) an Inter-State Politics and Diplomacy Committee (ISPDC);
- e) an Inter-State Defence and Security Committee (ISDSC);
- f) such other sub-structures as may be established by any of the ministerial committees.

The Troika shall consist of:

- a) the Chairperson of the Organ
- b) the Incoming Chairperson who shall be the Deputy Chairperson of the Organ; and;

- c) the Outgoing Chairperson.

ARTICLE 4

CHAIRPERSON OF THE ORGAN

The Summit shall elect a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation among the members of the Summit except that the Chairperson and the

Deputy Chairperson of the Summit shall not simultaneously be the Chairperson of the Organ.

The term of office of the Chairperson and Deputy Chairperson of Organ shall be one year respectively.

The Chairperson of the Organ shall consult with the Troika of SADC and report to the Summit.

The Chairperson, in consultation with the Troika of SADC, shall be Prospects for a Security Community in Southern Africa responsible for the overall policy direction and the achievement of the objectives of the Organ.

The Chairperson may request reports from any ministerial committee of the Organ on any matter which is within the competence of the committee.

The Chairperson may request any ministerial committee of the Organ to consider any matter which is within the competence of the committee.

The Chairperson may request the Chairperson of SADC to table for discussion any matter that requires consideration by the Summit.

ARTICLE 5

MINISTERIAL COMMITTEE

The Ministerial Committee shall comprise the ministers responsible for foreign affairs, defence, public security and state security from each of the State Parties.

The Committee shall be responsible for the co-ordination of the work of the Organ and its structures.

The Committee shall report to the Chairperson.

The Committee shall be chaired by a Minister from the same country as the Chairperson for a period of one year on a rotation basis.

The Chairperson of the Committee shall convene at least one meeting on an annual basis.

The Chairperson of the Committee may when necessary convene other meetings of the Ministerial Committee at a request of either ISPDC or ISDSC.

The Committee may refer any relevant matter to, and may request reports from ISPDC and ISDSC.

ARTICLE 6

INTER-STATE POLITICS AND DIPLOMACY COMMITTEE

ISPDC shall comprise the minister responsible for foreign affairs from each of the State Parties.

ISPDC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to politics and diplomacy.

ISPDC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.

ISPDC shall be chaired by a Minister from the same country as the Chairperson for a period of one year on a rotation basis.

The Chairperson of ISPDC shall convene at least one meeting on an annual basis.

The Chairperson of ISPDC may convene such other meetings as he or she deems necessary or as requested by another Minister serving on ISPDC.

ISPDC may establish such sub-structures as it deems necessary to perform its functions.

ARTICLE 7

INTER-STATE DEFENCE AND SECURITY COMMITTEE

ISDSC shall comprise the ministers responsible for defence, ministers responsible for public security and ministers responsible for state security from each of the State Parties.

ISDSC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to defence and security, and shall assume the objectives and functions of the existing Inter-State Defence and Security Committee.

ISDSC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.

ISDSC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotating basis.

The Chairperson of ISDSC shall convene at least one meeting on an annual basis.

The Chairperson of ISDSC may convene such other meetings as he or she deems necessary or as requested by another minister serving on ISDSC.

ISDSC shall retain the Defence, State Security and Public Security Sub-Committees and other subordinate structures of the existing Inter-State Defence and Security Committee.

ISDSC may establish such other structures as it deems necessary to perform its functions.

ARTICLE 8

COMMITTEE PROCEDURES

The following provisions shall apply to the ministerial committees of the Organ:

- a) the quorum for all meetings shall be two-thirds of the State Parties;
- b) the ministerial committees shall determine their own rules of procedure; and
- c) decisions shall be taken by consensus.

ARTICLE 9

SECRETARIAT

SADC Secretariat shall provide secretariat services to the Organ.

ARTICLE 10

CO-OPERATION WITH NON-STATE PARTIES AND INTERNATIONAL ORGANISATIONS

In recognition of the fact that political, defence and security matters transcend national and regional boundaries, co-operation agreements on these matters between State Parties and non- State Parties, and between State Parties and organisations, other than SAC, shall be accepted provided that such agreements shall not:

- a) be inconsistent with the objectives and other provisions of the Treaty and this

- Protocol;
- b) impose obligations upon a State party that is not a party to such cooperation agreement, and
- c) impede a State Party from fulfilling its obligations under the Treaty and this Protocol.

Any agreement between the Organ and a non-State party, or between the Organ and an international organisation, shall be subject to approval by the Summit.

ARTICLE 11

CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

Obligations of the Organ under International Law

- a) In accordance with the Charter of the UN, State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack.
- b) State Parties shall manage and seek to resolve any dispute between two or more of them by peaceful means.
- c) The Organ shall seek to manage and resolve inter- and intra-state conflict by peaceful means.

- c) The Organ shall seek to ensure that the State Parties adhere to and enforce all sanctions and arms embargoes imposed on any party by the United Nations Security Council.

Jurisdiction of the Organ

- a) The Organ may seek to resolve any significant inter-state conflict between State Parties or between a State Party and non- State Party and a 'significant interstate conflict' shall include:
 - (i) a conflict over territorial boundaries or natural resources;
 - (ii) a conflict in which an act of aggression or other form of military force has occurred or been threatened; and
 - (iii) a conflict which threatens peace and security in the Region or in the territory of a State Party which is not a party to the conflict.
- b) The Organ may seek to resolve any significant intra-state conflict within the territory of a State Party and a 'significant intra-state conflict' shall include:
 - (i) large-scale violence between sections of the population or between the state and
 - (ii) sections of the population, including genocide, ethnic cleansing and gross violation of human rights;
 - (iii) a military coup or other threat to the legitimate authority of a State;
 - (iv) a condition of civil war or insurgency; and
 - (v) a conflict which threatens peace and security in the Region or in the territory of another State Party.
 - (vi) In consultation with the United Nations Security Council and the Central Organ of the Organisation of African Unity Mechanisms for Conflict Prevention, Management and Resolution, the Organ may offer to mediate in a significant inter- or intra-state conflict that occurs outside the Region.

Methods

- a) The methods employed by the Organ to prevent, manage and resolve conflict by peaceful means shall include preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal.
- b) The Organ shall establish an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict.
- c) Where peaceful means resolving a conflict are unsuccessful, the Chairperson acting on the advice of the Ministerial Committee may recommend to the Summit that enforcement action to be taken against one or more of the disputant parties.
- d) The Summit shall resort to enforcement action only as a matter of last resort and, in accordance with Article 53 of the United Nations Charter, only with the authorization of the United Nations Security Council.
- e) External military threats to the Region shall be addressed through collective security arrangements to be agreed upon in a Mutual Defence Pact among the State Parties.

Procedures

- a) In respect of both inter- and intra-state conflict, the Organ shall seek to obtain the consent of the disputant parties to its peacemaking efforts.
- b) The Chairperson, in consultation with the other members of the Troika, may table any significant conflict for discussion in the Organ.
- c) Any State Party may request the Chairperson to table any significant conflict for discussion in the Organ and in consultation with the other members of the Troika of the Organ, the Chairperson shall meet such request expeditiously.
- d) The Organ shall respond to a request by a State Party to mediate in a conflict within the territory of that State and the Organ shall endeavour by diplomatic means to obtain such request where it is not forthcoming.
- e) The exercise of the right of individual or collective self-defence shall be immediately reported to the United Nations Security Council and to the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution.

ARTICLE 12

CONFIDENTIALITY OF INFORMATION

The State Parties undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Organ, other than to members of their own staff whom such disclosure is essential for purposes of giving effect to this Protocol or any decision taken by the Organ.

State Parties shall ensure that the staff referred to in paragraph 1 of this Article shall at all times maintain strict secrecy.

State Parties further undertake not to use any classified information obtained during any multilateral co-operation between them to the detriment of any Member State.

A State Party shall remain bound by the requirements of confidentiality under this Article even after it withdraws from the Organ.

ARTICLE 13

SETTLEMENT OF DISPUTES

Disputes arising between two or more State Parties from the interpretation or application of this Protocol which cannot be settled amicably shall be referred to the Tribunal.

ARTICLE 14

WITHDRAWAL

A signatory may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ. Such Signatory shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective.

ARTICLE 15

RELATIONSHIP WITH OTHER INTERNATIONAL AGREEMENTS

1. This Protocol in no way detracts from the rights and obligations of State Parties under the Charters of the United Nations and the Organisation of African Unity.
2. This Protocol in no way detracts from the responsibility of the United Nations Council to maintain international peace and security.
3. This Protocol shall not derogate from existing agreements between a State Party and another State Party or a non-State Party and an international organisation, other than SADC, provided that such agreements are consistent with the principles and objectives of this Protocol.
4. Where an existing agreement is inconsistent with the principles and objectives of this Protocol, the Member State shall take steps to amend the agreement accordingly.

ARTICLE 16

SIGNATURE

This Protocol shall be signed by duly authorized representatives of the Member States.

ARTICLE 17

RATIFICATION

This Protocol shall be subject to ratification by the Signatories in accordance with their respective constitutional procedures.

ARTICLE 18

ACCESSION

This Protocol shall remain open for accession by any Member State.

ARTICLE 19

AMENDMENTS

Any State Party may propose an amendment to this Protocol.

IN WITNESS WHEREOF, WE, the Heads of State or Government, or duly authorized representatives, of SADC Member States, have signed this Protocol.

APPENDIX C.

SADC Protocol on Tribunal

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PREAMBLE

WE, the Heads of State or Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

DESIRING to conclude the Protocol on the Tribunal established by Article 9 as read with Article 16 of the Treaty,

HEREBY AGREE as follows:

PART I

Preliminary

ARTICLE 1

DEFINITIONS

1. In this Protocol terms and expressions defined in Article 1 of the SADC Treaty shall bear the same meaning unless the context otherwise requires.

2. In this Protocol, unless the context otherwise requires;

"Committee of Ministers" means the Committee of Ministers of Justice/Attorneys-General referred to in the Legal Sector Protocol;

"Member" means a Member of the Tribunal appointed in terms of Article 4 of this Protocol;

"President" means President of the Tribunal elected in terms of paragraph 1 of Article 7 of this Protocol;

"Rules" means the Rules of Procedures referred to in Article 23 of this Protocol; and

"State" means a Member State of the Community

PART II Organisation

ARTICLE 2

CONSTITUTION OF THE TRIBUNAL

The Tribunal of the Community (hereinafter referred to as "the Tribunal"), is hereby constituted in terms of Article 16 of the Treaty and shall function in accordance with the provisions of the Treaty and this Protocol.

ARTICLE 3

CONSTITUTION AND COMPOSITION

1. The Tribunal shall consist of not less than ten (10) Members, appointed from nationals of States who possess the qualifications required for appointment to the highest judicial offices in their respective States or who are jurists of recognised competence.

2. The Council shall designate five (5) of the Members as regular Members who shall sit regularly on the Tribunal. The additional five (5) Members shall constitute a pool from which the President may invite a Member to sit on the Tribunal whenever a regular Member is temporarily absent or is otherwise unable to carry out his or her functions.
3. The Tribunal shall be constituted by three (3) Members; provided that the Tribunal may decide to constitute a full bench composed of five (5) Members.
4. The President shall be responsible for selecting the Members who shall constitute the Tribunal for the purpose of hearing any case brought before it.
5. On a proposal from the Tribunal, the Council may increase the number of Members.
6. No two or more members may, at any time, be nationals of the same State.

ARTICLE 4

NOMINATION, SELECTION AND APPOINTMENT OF MEMBERS

1. Each State may nominate one candidate having the qualifications prescribed in Article 3 of this Protocol.
2. Due consideration shall be given to fair gender representation in the nomination and appointment process.
3. The Members shall be selected by the Council from the list of candidates so nominated by States. Nominations for the first appointment shall be called within three (3) months, and the selection shall be held within six (6) months, of the date of entry into force of this Protocol.
4. The Members shall be appointed by the Summit upon recommendation of the Council.
5. Where a Member is appointed to replace a Member whose terms of office has not expired, the Member so appointed shall serve for the remainder of his or her predecessor's term.
6. Any appointment to fill a vacancy referred to in paragraph 5 shall be conducted within three (3) months of the vacancy occurring. The procedure referred to in the preceding paragraphs shall apply mutatis mutandis.

ARTICLE 5

SOLEMN DECLARATION

Every Member shall, before taking up his or her duties, make a solemn declaration in open session that he or she will carry out his or her duties independently, impartially and conscientiously.

ARTICLE 6

TENURE OF OFFICE OF MEMBERS

1. The Members shall be appointed for a term of five (5) years and may only be re-appointed for a further term of five (5) years. However, of the Members initially appointed, the terms of two (2) of the regular and two (2) of the additional Members shall expire at the end of three (3) years. The Members whose term is to expire at the end of three (3) years shall be chosen by a lot to be drawn by the Executive Secretary immediately after the first appointment.

2. Subject to paragraph 3 of this Article, the Tribunal shall sit when required to consider a case submitted to it. The Members shall, therefore, not be appointed on a full-time basis.

3. On the recommendation of the President, the Council may at any time decide that the workload of the Tribunal requires that the Members should serve on a full-time basis. In that event:

(a) existing Members who elect to serve on a full-time basis shall not hold any other office or employment; and

(b) the Members subsequently appointed shall not hold any other office or employment.

ARTICLE 7

THE PRESIDENT

1. The Tribunal shall elect its President for a term of three (3) years.

2. If the President is temporarily absent or otherwise unable to carry out his or her functions, the other Members shall elect an Acting President.

ARTICLE 8

RESIGNATION AND TERMINATION OF OFFICE

1. The President may at any time resign his or her office by a letter to the Council delivered through the Executive Secretary.
2. A Member other than the President may at any time resign his or her office by a letter delivered to the President for transmission to the Council through the Executive Secretary.
3. No Member may be dismissed unless in accordance with the rules.
4. Notwithstanding the expiration of his or her term of office, a Member shall continue to hear and to complete those cases partly heard by him or her.

ARTICLE 9

DISQUALIFICATION OR REFUSAL

1. No Member may exercise any political or administrative function, or may hold any political office or any office in the service of a State, the Community or an organisation or engage in any trade, vocation or profession or any other occupation which might interfere with the proper exercise of his or her judicial functions, impartiality or independence.
2. No Member may participate in the decision of any case in which he or she has previously taken part as an agent, counsel, advocate or adviser, or as a member of a national or international court or tribunal or in any other capacity or in any matter in which a State of which he or she is a national is a party to a dispute before the Tribunal.
3. Any dispute regarding the provisions of paragraphs 1 and 2 of this Article shall be resolved by a decision of the Tribunal sitting without the Member concerned.

ARTICLE 10

IMMUNITY FROM LEGAL PROCEEDINGS

The Members shall be immune from legal proceedings in respect of anything said or done by them in their judicial capacity. They shall continue to enjoy such immunity after they have ceased to hold office.

ARTICLE 11

TERMS AND CONDITIONS OF SERVICE AND SALARIES OF MEMBERS

The terms and conditions of service, salaries and benefits of the Members shall be determined by the Council.

ARTICLE 12

REGISTRAR

1. The Tribunal shall appoint a Registrar who shall, subject to overall supervision of the President, be responsible for the day to day administration of the Tribunal.
2. The Tribunal shall employ such other staff as may be required to enable it to perform its functions.
3. The terms and conditions of services, salaries and benefits of the Registrar and other staff shall be determined by the Council on the recommendation of the Tribunal.

ARTICLE 13

SEAT OF THE TRIBUNAL

The Tribunal shall have its seat at a place designated by the Council, provided it may in any particular case sit and exercise its functions anywhere within the Community if it considers it desirable.

PART III

Jurisdiction

ARTICLE 14

BASIS OF JURISDICTION

The Tribunal shall have jurisdiction over all disputes and all applications referred to it in accordance with the Treaty and this Protocol which relate to:

- (a) the interpretation and application of the Treaty;
- (b) the interpretation, application or validity of the Protocols, all subsidiary instruments adopted within the framework of the Community, and acts of the institutions of the Community;
- (c) all matters specifically provided for in any other agreements that States may conclude among themselves or within the community and which confer jurisdiction on the Tribunal.

ARTICLE 15

SCOPE OF JURISDICTION

1. The Tribunal shall have jurisdiction over disputes between States, and between natural or legal persons and States.
2. No natural or legal person shall bring an action against a State unless he or she has exhausted all available remedies or is unable to proceed under the domestic jurisdiction.
3. Where a dispute is referred to the Tribunal by any party the consent of other parties to the dispute shall not be required.

ARTICLE 16

PRELIMINARY RULINGS

1. Subject to the provisions of paragraph 2 of this Article, the Tribunal shall have jurisdiction to give preliminary rulings in proceedings of any kind and between any parties before the courts or tribunals of States.
2. The Tribunal shall not have original jurisdiction but may rule on a question of interpretation, application or validity of the provisions in issue if the question is referred to it by a court or tribunal of a State for a preliminary ruling in accordance with this Protocol.

ARTICLE 17

DISPUTES BETWEEN STATES AND COMMUNITY

Subject to the provisions of Article 14 of this Protocol, the Tribunal shall have exclusive jurisdiction over all disputes between the States and the Community. Such disputes may be referred to the Tribunal either by the State concerned or by the competent institution or organ of the Community.

ARTICLE 18

DISPUTES BETWEEN NATURAL OR LEGAL PERSONS AND COMMUNITY

Subject to the provisions of Article 14 of this Protocol the Tribunal shall have exclusive jurisdiction over all disputes between natural or legal persons and the Community. Such disputes may be referred to the Tribunal either by the natural or legal person concerned or by the competent institution or organ of the Community.

ARTICLE 19

DISPUTES BETWEEN COMMUNITY AND STAFF

Subject to the provisions of Article 14 of this Protocol the Tribunal shall have exclusive jurisdiction over all disputes between the Community and its staff relating to their conditions of employment.

ARTICLE 20

ADVISORY

The Tribunal shall have jurisdiction to give advisory opinions, which may be requested by the Summit or by the Council in terms of paragraph 4 of Article 16 of the Treaty.

ARTICLE 21

APPLICABLE LAW

The Tribunal shall:

(a) apply the Treaty, this Protocol and other Protocols that form part of the Treaty, all subsidiary instruments adopted by the Summit, by the Council or by any other institution or organ of the Community pursuant to the Treaty or Protocols; and

(b) develop its own Community jurisprudence having regard to applicable treaties, general principles and rules of public international law and any rules and principles of the law of States.

ARTICLE 22

WORKING LANGUAGES

The working languages of the Tribunal shall be English, Portuguese and French. The Council may determine that any other language be used as a working language.

PART IV

Procedure of the Tribunal

ARTICLE 23

RULES OF PROCEDURES

The rules annexed to this Protocol shall form an integral part thereof.

ARTICLE 24

DECISIONS

1. Decisions of the Tribunal shall be in writing and delivered in open court and shall state the reasons on which they are based.
2. Decisions of the Tribunal shall be taken by a majority.
3. Decisions and rulings of the Tribunal shall be final and binding.

ARTICLE 25

DEFAULT DECISIONS

1. The Tribunal may give a decision in default.
2. Before giving such decision the Tribunal shall satisfy itself that it has jurisdiction over the dispute and that the claim is well-founded in fact and law.
3. A party against whom a default decision is made may apply to the Tribunal for the rescission of such decision. The applicant shall set out the grounds for such application.

ARTICLE 26

APPLICATION FOR REVIEW OF A DECISION

An application for review of a decision may be made to the Tribunal if it is based upon the discovery of some fact which by its nature might have had a decisive influence on the decision if it had been known to the Tribunal at the time the decision was given, but which fact at the time was unknown to both the Tribunal and the party making the application; provided always that such ignorance was not due to negligence.

ARTICLE 27

REPRESENTATION BEFORE THE TRIBUNAL

1. The States and the institutions of the Community shall be represented before the Tribunal by an agent appointed for each case. The agent may be assisted by an advisor.
2. Other parties shall be represented by an agent or other persons before a court of a State.
3. Such agents, advisers and lawyers shall, when they appear before the Tribunal, enjoy the rights, privileges and immunities necessary for the independent exercise of their duties, under conditions laid down in the rules of procedure.
4. As regards such agents, advisers who appear before it, the Tribunal shall have the powers normally accorded to courts of law, under conditions laid down in the rules of procedure.

ARTICLE 28

INTERIM MEASURES

The Tribunal or the President may, on good cause, order the suspension of an act challenged before the Tribunal and may take

the other interim measures as necessary.

ARTICLE 29

LEGAL COSTS

Unless the Tribunal decides otherwise, each party to a dispute shall pay its, his, or her own legal costs.

ARTICLE 30

APPLICATION TO BE JOINED AS A PARTY

Should a State, natural or legal person consider that it or he or she has an interest of a legal nature that may affect or be affected by the subject matter of a dispute before the Tribunal, it or he or she may submit by way of a written application in such a form and manner as the rules of procedure may prescribe a request to be permitted to intervene.

ARTICLE 31

FEES AND LEGAL AID

Fees payable by parties other than States and the granting of legal aid, within limits agreed by the budgetary authorities of the Community, may be prescribed by the rules.

ARTICLE 32

ENFORCEMENT AND EXECUTION

1. The law and rules of civil procedure for the registration and enforcement of foreign judgements in force in the territory of the State in which the judgment is to be enforced shall govern enforcement.
2. States and institutions of the Community shall take forthwith all measures necessary to ensure execution of decisions of the Tribunal.
3. Decisions of the Tribunal shall be binding upon the parties to the dispute in respect of that particular case and enforceable within the territories of the States concerned.
4. Any failure by a State to comply with a decision of the Tribunal may be referred to the Tribunal by any party concerned.
5. If the Tribunal establishes the existence of such failure, it shall report its finding to the Summit for the latter to take appropriate action.

ARTICLE 33

BUDGET

The budget of the Tribunal shall be funded through the regular budget of the Community, in accordance with criteria that the Council may, from time to time determine, and from such other sources as may be determined by the Council..

PART V

Final Provisions

ARTICLE 34

SIGNATURE

1. This Protocol shall be signed by the Heads of State or Government, or their duly authorised representatives.
2. This Protocol shall remain open for signature by the States listed in the Preamble, until the date of its entry into force.

ARTICLE 35

RATIFICATION

This Protocol shall be ratified by Signatory States in accordance with their constitutional procedures.

ARTICLE 36

ACCESSION

This Protocol shall remain open for accession by any State subject to Article 8 of the Treaty.

ARTICLE 37

AMENDMENT

1. Any State which is a Party to this Protocol may propose an amendment thereto.
2. Proposals for amendment to this Protocol may be made to the Executive Secretary who shall duly notify all States of the proposed amendment or amendments at least thirty (30) days in advance of consideration of the amendment by the Committee of Ministers. Such period of notice may be waived by the States.
3. An amendment to this Protocol shall be adopted by a decision of three (3) quarters of all the members of the Summit who are Parties to this Protocol, and shall become effective subject to Article 36 of this Protocol.

ARTICLE 38

ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after deposit, in terms of Article 43 of the Treaty, of instruments of ratification by two-thirds of the States.

ARTICLE 39

DEPOSITARY

The original text of this Protocol and all instruments of ratification and accession shall be deposited, and certified copies thereof shall be transmitted, in terms of Article 43 of the Treaty.

IN WITNESS WHEREOF WE, the Heads of State or Government, or duly authorised representatives, of SADC Member States have signed this Protocol.

Done at Windhoek, this 7th day of August 2000 in three original texts in the English, French and Portuguese languages, all texts being equally authentic.

REPUBLIC OF ANGOLA

REPUBLIC OF BOTSWANA

DEMOCRATIC REPUBLIC OF CONGO

KINGDOM OF LESOTHO

REPUBLIC OF MALAWI

REPUBLIC OF MAURITIUS

REPUBLIC OF MOZAMBIQUE

REPUBLIC OF NAMIBIA

REPUBLIC OF SEYCHELLES

REPUBLIC OF SOUTH AFRICA

KINGDOM OF SWAZILAND

UNITED REPUBLIC OF TANZANIA

REPUBLIC OF ZAMBIA

REPUBLIC OF ZIMBABWE

APPENDIX D.

SEM-STRUCTURED INTERVIEW SCHEDULE

The utility of semi-structured interviews in qualitative research is that they allow understanding of the subject from the interviewees' point of view. Semi-structured interviews are narrative conversations and are defined and controlled (Yin, 2003). The structure and number of the questions is important. Gathering of data from the interviews is also of critical importance. This research is utilising three case studies with practical examples of state actions and behaviour to draw differences between and within the three cases. The aim is to explore the research questions in respect to the pattern of behaviour and action in the process of regional integration policy making among states in SADC region (Yin, 2003).

The following outline is the schematic representation of how the semi-structured interviews were undertaken in 2012. The case for the choice of semi-structured interviews and case study method for this research is provided in chapter 2 on the methodology. The combination of case study and semi-structured interviews methods is to focus the

research to answer the research question “how” and “why” (Yin, 2003). Both research questions cannot be manipulated, they must cover contextual conditions that are relevant to regional integration; within boundaries that not clear between phenomenon and context (Yin, 2003).

Case Studies and Examples/Unit of Analysis	Research Questions
1. SADC Common or Collective Security a) Lesotho Intervention (1998) b) SADC Tribunal’s Demise	How is SADC Common or Collective Security Diplomacy negotiated? What is the trajectory of SAD policy making in Security Affairs Can you explain the following in respect to Security Affairs in the SADC? the more congruent states’ [interests, values, motivations] preferences are, the less likely they are to prefer divergent policy [military] actions in the [security] choices they make; states will make policy security, [diplomatic, trade] policy preferences in relation to self-interest, preferences will be made in relation to utility derived; the less clear the external threat to regional security, [diplomacy, trade] the less likely that countries would achieve mutual security [diplomacy, trade] (Hull, 1996: 38).

2. SADC's Trade Agreement with EU a) TDCA b) SADC Regional EPAs Configurations	How is SADC Trade Diplomacy with External Parties negotiated? What is the trajectory of SADC trade policy making with European Union (EPAs)? Can you explain the following in respect to Trade Relations with the EU on EPAs? the more congruent states' [interests, values, motivations] preferences are, the less likely they are to prefer divergent policy [military] actions in the [security] choices they make; states will make policy security, [diplomatic, trade] policy preferences in relation to self-interest, preferences will be made in relation to utility derived; the less clear the external threat to regional security, [diplomacy, trade] the less likely that countries would achieve mutual security [diplomacy, trade] (Hull, 1996: 38).

3. SADC's Collective Diplomacy a) Zimbabwean Political Situation b) Nigerian Abacha	How is SADC's Collective or Common Foreign Diplomacy Negotiated? What is the trajectory of SADC Foreign Policy Posture with the Rest of the World? Can you explain the following in respect to SADC's External and Internal Diplomacy? the more congruent states' [interests, values, motivations] preferences are, the less likely they are to prefer divergent policy [military] actions in the [security] choices they make; states will make policy security, [diplomatic, trade] policy preferences in relation to self-interest, preferences will be made in relation to utility derived; the less clear the external threat to regional security, [diplomacy, trade] the less likely that countries would achieve mutual security [diplomacy, trade] (Hull, 1996: 38).

List of Interviewees and the Interview Schedule

Interviewees List	Schedule Date
1. Sindiso Ngwenya' – COMESA	12-13 August 2012
2. Amos Marawa – COMESA	12-13 August, 2012
3. Simal O. Amor – COMESA	12-13 August 2012
4. Lovemore Bingandadi –SADC	9-14 February 2012
5. R. Makhumbe – SADC	9-14 February 2012
5. Mojgan Bingandadi - SADC	9-14 February 2012
6. Chowa John Chanda – SADC	9-14 February 2012
7. Dr. Theminkosi Mhlono – Regional Consultant	15 August 2012

7. Dumisani Mahlinza – SACU	14-16 March 2013
8. David Maleleka – SACU	14-16 March 2013
9. Dr. Mzwandile Mfunwa – UNECA	8-10 February 2013
10. Dr. Sizo Mhlana – UNECA	8-19 March 2013
11. Dr. Oliver P. Maponga – UNECA	8-10 March 2013
12. Said Adejumobi – UNECA	8-10 March 2013
13. Dr. Johnson OGUNTOALA	8-10 March 2013
14. John Rocha – NEPAD	23-26 September 20103
15. Dr. Gengezi Mgidlana – NEPAD	23-26 September 2013
16. Dr. John Tambi – NEPAD	23-26 September 2013
17. Dr. Theo Lyimo – TMEA	10 February 2013
18. Paulina M. Elago – TMEA	10 February 2013
19. Lamin Manneh – AfDB	12 April 2012
20. Zakhele Mayisa – AfDB	12 April 2012
21. Iza Lejarraga – AfDB	12 April 2012
22. Dr. Mandla Gantsho – AfDB	12 April 2012
23. Prof. Omotayo Olanyan – AU	17 September 2013
24. Philip W. Wambugu – EAC	17 September 2013
25. Gideon Phiri – Regional Integration Advisor	18 August 2013
26. Dr. Dirk Hansom – Trade Advisor	15 March 2013
27. Dr. Matlotleng P. Matlou – AISA	12 May 2012
28. Dr. Sehlare Makgetlaneng – AISA	12 May 2012
29. Frode Davanger – World Bank	12 May 2012
30. Conrad Jardine – World Bank	12 May 2012
31. Charles Chiwara – Zimbabwean MP	19 August 2013
32. Willard L. Manungo – PS Treasury Zimbabwe	19 August 2013
33. Dr. Daniel Ndlela – USAID Zimbabwe	19 August 2013
34. Zonke Magenge – Presidency South Africa	21 September 2013
35. Dr. Ayanda Ntsaluba – ex-DG Foreign Affairs, SA	11 March 2012
36. Dr. Aziz Pahad – ex-Dep. Min. Foreign Affairs/SA	11 March 2012
37. Xolelwa Mlumbi-Peter – Chief Director, DTI	19 March 2012
38. Ngona Mwelwa Chibesakunda – Amb. Zambia, (SA)	25 June 2013
39. Khaya Moyo – Amb. Zimbabwe, (SA)	22 April 20102
40. Mkululi Chikuba – Zambia (Finance)	20 March 2012
41. Charles E. Minega – Mozambique, MP	18 April 2013
42. Taku Fundira – TRALAC	12 April 2012