

FREE MOVEMENT AND CITIZENSHIP WITHIN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

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List of Acronyms

| | | |
|--------|---|---|
| AU | - | African Union |
| DRC | - | Democratic Republic of Congo |
| ECOWAS | - | Economic Community of West African States |
| EU | - | European Union |
| GDP | - | Gross Domestic Product |
| HI | - | Historical Institutionalism |
| MS | - | Member State(s) |
| NGOs | - | Non Governmental Organizations |
| RETOSA | - | Regional Tourism Organization of Southern Africa |
| RISDP | - | Regional Indicative Strategic Development Plan |
| SADCC | - | Southern African Development Co-ordination Conference |
| SADC | - | Southern African Development Community |

Abstract

In pre-historic times, individuals and groups travelled to other geographical settings without restrictions. This has not been possible in modern times as the state has become the decider of entry to its terrain. However, in recent times visa requirements are being relaxed within the supranational space towards a new notion of free movement of persons where nationals of Member State(s) (MS) become citizens and able to move across borders. Nevertheless, this notion of citizenship within the political commune is yet to materialize within the Southern African Development Community (SADC). The challenge to this concept of citizenship and free movement of persons is largely attributed to political, socio-economic, legal and security concerns. These include the unavailability of an appropriate legal framework and commitment to the integration agenda, weak civil society to influence policy which according to neo-functionalism is likely to slow down political integration, economic inequalities of MS, perceived influx of migrants and the South African puzzle. Accordingly, these are issues for SADC to address. Additionally, SADC might have to review the whole notion of free movement of persons under a new legal framework that adopts the replica of citizenship within the European Union (EU) but suitable to local conditions. This may grant liberties to citizens within the supranational space such as the right of movement, voting rights, access to political power, residence and enjoy other freedoms as may be agreed.

Key Words

Citizens, Harmonization, Integration, MS, Southern Africa and Supranational

Chapter 1 INTRODUCTION

1.1 Prologue

In ancient times individuals or groups could move wherever and whenever for various reasons without restrictions. This went on for centuries till the Prussian Kingdom in the 18th century introduced limits for those leaving its territory. Nonetheless, in the 19th century the English took a different twist towards migration by establishing requirements for entry into its territory. This initiated the process and monopoly of visa requirements or entry conditions by states.

In recent times, there have been bilateral agreements between states and multilateral accords within regional bodies to relax these restrictions and shift towards a new notion of citizenship within a specified geographical setting. The patterns of the EU and the Economic Community of West African States (ECOWAS) can be cited. These regional bodies allow citizens to enter another state within the supranational space for a specific period without any visa requirement. Other freedoms or benefits are enjoyed by citizens of these supranational bodies such as choice of residence, free movement of labour, capital, goods and services.

Neo-functionalist, view of spill over is reflected in this notion of free movement of persons as it facilitates more integration within the political sphere. Nonetheless, SADC has not been able to either implement the policy of free movement of persons or accommodate the new notion of citizenship within its political integration agenda. The study investigated why entry

conditions or visa free policy for non-citizens and citizens within the territorial boundaries of SADC has not been successful.

As observed from the literature landscape, conceptual framework¹ and primary sources the study can infer that political, socio-economic, legal and security issues account for the situation. These include the unavailability of requisite legal framework, disparities in economies of MS, perceived migration, conflicts and political struggles in the region. Furthermore, the lack of commitment to regional integration and no formal engagement with civil society is attributed. This in the lenses of neo-functionalism is likely to slow down the political integration process.

In this regard, it is crucial that SADC resolves these political, socio-economic, legal and security concerns in the long term. These include the commitment of leaders to the integration process, address economic disparities, formalize cooperation with the private sector so they can make inputs, improve its institutional capacity and manage the South African puzzle. Lastly, SADC needs to reconsider the whole notion of free movement of persons under a new legal framework that adopts the replica of citizenship within the EU. This may grant citizens liberties such as the right to vote, residence, contest elections, and move freely across the region. Although, this may be challenging the benefits could be substantial for the political integration process and in other areas such as trade, tourism and health.

1.2 The Objective

The research has reviewed initiatives by SADC regarding free movement of persons within MS for both citizens and non-citizens. Specifically, it has assessed the lack of harmonization of entry conditions or visa requirements among SADC countries. It has uncovered and explained why attempts at harmonization and establishment of a free movement policy within SADC have not been successful. This research has been essential towards its contribution to improved policy formulation, implementation and the creation of a new notion of citizenship in SADC for further political integration.

1.3 The Hurdles

The research recognizes that individuals ought to have the right to freely move across territories within a legal framework. It is in this light that Article 13:1 of the 1948 Universal Declaration of Human Rights is quoted to buttress this. The Article affirms that “everyone has the right to freedom of movement and residence within the borders of each state” (United Nations, 2010). For SADC, this is even more compelling for citizens to freely move across borders with the least bottlenecks but in practical terms this is not the case.

This semblance of integration commenced in the 1990s with the enactment of two agreements for citizens of SADC and non-citizens. Nevertheless, this has not materialized in reality apart from approval of two protocols. This is the Protocol on the Facilitation of Movement of

¹ comprises neo-functionalism, historical institutionalism, citizenship, individual and institutional actors

Persons² and Protocol on Tourism³. These protocols address the specific aspects of this study within its overall goal of free movement of persons in southern Africa. The former promotes the idea of allowing citizens of the region to stay for at least 90 days without a visa per year. Whereas the latter proposes the univisa system that facilitates a single visa that gives access to all SADC countries for citizens and non-citizens. Currently, non-citizens go through the challenging process to acquire a visa for each SADC country they intend to stopover.⁴

The Protocol on the Facilitation of Movement of Persons has not been ratified by the required number of MS so cannot be implemented while the Protocol on Tourism though ratified; the univisa system is yet to be executed. Thus, there seem to be no stringent timeline for MS to ratify or implement an agreement. Accordingly, harmonisation of entry conditions at both levels seems to be at a standstill. As such, there remain stringent immigration procedures, policies and multiple visa arrangements within the region for citizens and non-citizens. Below are the complexities that citizens encounter on a daily basis as they seek to enter another SADC country.

² agreed in 2005

³ ratified in 1998

Table 1: Status of Visa Requirements⁵

| Visa Required by | Visas Required from |
|------------------|---|
| Angola | Botswana, DR Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe |
| Botswana | Angola, DR Congo, Madagascar |
| DR Congo | Angola, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia |
| Lesotho | Angola, DR Congo |
| Madagascar | Angola, Botswana, DR Congo, Malawi, Mauritius, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe |
| Malawi | Angola, DR Congo |
| Mauritius | Angola, DR Congo |
| Mozambique | Angola, DR Congo, Madagascar |
| Namibia | DR Congo, Madagascar |
| South Africa | Angola, DR Congo, Madagascar, Tanzania, Zimbabwe |
| Swaziland | Angola, DR Congo |
| Tanzania | Angola, DR Congo, Madagascar, South Africa |
| Zambia | Angola, DR Congo, Madagascar |
| Zimbabwe | Angola |

Source: Regional Tourism Organization of Southern Africa (RETOSA), 2010

⁴ within the context of this study, free movement of labour, goods, services and capital is not the subject matter

⁵ data on Seychelles is not available as the country has no visa obligations to any country

As shown on table 1 above each country requires visa from nationals of specific countries based on its set criterion. Besides, within the political integration agenda, this seems chaotic as requirements are not uniform. Countries have become individualistic in regard to immigration policies rather work towards harmonization in the area. Particularly, free movement of persons has other multiplier effects for further integration in areas such as trade, tourism and investment. Currently, there remain varied guidelines, rigidities, and possibly disagreements among MS on immigration requirements.

1.4 The Query

In the light of the aforementioned challenges, the central question the study addressed was: *why are there obstacles to attempts towards harmonization of free movement of persons within southern Africa?* Also, the study underlines impediments beyond harmonization of entry conditions. Harmonization of visa requirements is crucial to further political integration and in the establishment of citizenship within the supranational setting. Presently, there are challenges in terms of policy ratification, diverse immigration procedures and weak institutional structures fundamental to implement such a programme. Other difficulties that may be attributed include the disparities in socio-economic conditions of MS and political will by heads of states to influence policy implementation.

1.5 Methodology

The research analyzed the subject matter on the basis of failure of SADC to harmonize immigration requirements for both citizens and non-citizens. This is because explanation for each MS may be similar and it is inconceivably difficult to select a specific country or

countries for examination. In terms of information gathering, the research employed primary and secondary data from diverse sources to answer the research question. Additionally, the methodology provided adequate information for the research and placed it within a perspective. Primary data presented rich source of information while secondary sources provided documentary evidence. These sources provided qualitative and quantitative information for data presentation and analysis.

Data Sources and Collection

Secondary data was collected from the Central European University's library resources. Other documentary sources included journal articles, books, official documents of SADC, its relevant agencies and online resources. Specifically, the SADC Treaty, SADC Regional Indicative Strategic Development Plan (RISDP), Protocol on Tourism and Protocol on the Facilitation of Movement of Persons among others provided useful information. These data sources provided the theoretical analysis, historical outlook, institutional framework and insight into the study.

Primary sources were collected through a questionnaire, follow-up interviews via telephones, emails, fax transmission and snail mail processes. Accordingly, primary data was gathered via correspondence and materials posted to the researcher. The questionnaire was pre-tested with two persons before it was administered. These individuals included a citizen and an official of SADC. The responses offered the opportunity for review of the questionnaire.

Interview methods were semi-structured, informal and telephone communication for all respondents. Respondents comprised citizens from rich and poor SADC countries including Non Governmental Organizations (NGOs), SADC officials and non-citizens. Citizens were selected from poor and rich settings of southern Africa that is Swaziland and Zimbabwe for poor and South Africa and Namibia for rich. These respondents were selected on the basis of their inputs. Overall ten questionnaires were dispatched and eight responses obtained. This comprised three out of four from both citizens and officials of SADC. All two questionnaires from poor settings were answered and one from rich setting. Also, the two questionnaires sent to non-citizens were answered. Overall there was equal representation of men and women.

The main providers of primary data were policy makers or technocrats from SADC, non governmental actors and citizens of southern Africa. These persons provided valuable data and insight into the issues despite the biases. Both primary and secondary sources were essential in data presentation and analysis.

Sampling and Data Interpretation

Probability sampling and specifically simple random was employed to achieve objectivity and speedy collection of data. This method was largely unbiased and ensured reliable data collection. In specific circumstances and where possible purposive sampling was employed to collect specific information. This mainly applied to non-citizens and experts from SADC to obtain requisite data. These sampling techniques complemented each other. Data gathered was analysed within the standards of scientific research. These data collection techniques and sources were essential in the overall research.

1.6 The Boundaries

The period of research was very limited as such stringent time management techniques were employed. Similarly, the word limit proved a challenge. This explains why aspects of the study have been summarized and readers directed to specific sources to access detailed data. Moreover, a focus on relevant data has been adopted to highlight the pertinent issues.

1.7 Chapter Summary

The section presented an overview of the paper and discussed the research objective, problem, question and methodology. In conclusion, the challenges of the study were discussed.

Chapter 2 CONCEPTUAL FRAMEWORK

2.1 Literature Landscape

After an introductory overview, this section summarizes available literature relevant to the research. As noted by De Lombaerde and Van Langenhove (2004:1), regional integration involves the establishment of supranational bodies parallel to national actors that perform assigned functions. In the view of Hix (2001:12922), integration “refers to the process whereby sovereign nation-states voluntarily establish common institutions for collective governance”. These processes mostly seek to coordinate and harmonize policies to promote development within the supranational space. Such efforts by nation-states in recent times have become instruments to integrate countries for improved socio-economic conditions and build a borderless region within a jurisdiction.

SADC as a supranational body was a trickle down effect from the Southern African Development Co-ordination Conference (SADCC) established in 1980. SADCC was a loose level of collaboration in diverse areas. In 1992, SADC became a full fledged regional body like others located on various parts of Africa. Additionally, it has similar objectives that include the removal of partitioned borders in Africa that cut through same ethnic groups. Nevertheless, issues of free movement of persons and citizenship similar to other regional bodies and specifically the European model have not been successful.

Within the larger realm of regional integration De Lombaerde and Van Langenhove (2004:1) note that it mostly ‘focuses on trade and economic harmonization’. Under SADC, ‘integration priorities have been many-sided and focussed on a sector based approach rather than in phases, slightly different from other bodies’ (Thompson, 2000:46-47). Pallotti (2004) reiterates issues of integration and SADC’s neo-liberal policies in the 1990s and its failure in the area of trade and economic development. According to him, in ‘sub-Saharan Africa integration is related to issues of autonomy, third world alliances and pan-Africanism’.

In southern Africa, integration has opened up a mix of issues for discussions but the paper highlights the issue of free movement of persons and citizenship. Hammerstad (2005:73) admits that integration is ‘modest’ and without a ‘SADC identity’. In analysis of security integration and surrounding issues, Hammerstad (2005:72-73) claims that ‘there are formal and informal integration by state and non-state actors in all spheres of daily living’. These ‘include legal and illegal workers mainly to South Africa’ (Hammerstad, 2005:72-73).

The roots of migration within southern Africa, dates back to the middle of the 19th century when labour migrants trooped to the mines and farms in South Africa (McDonald, et al. 2000, Williams, 2006, Lurie, 2006 and Matlosa, 2006). The economic influence of South Africa and domination of its white populace is discussed by Shaw (1974) prior to the formation of SADC. The latter may not hold today but the former is crucial to political integration in SADC. McDonald, et al. (2000) confirms that South Africa is dreamland for most people within the region due to the level of development and access to jobs, medical treatment, and other related needs. Thompson (2000) notes that inequalities and differences in the region still

persists, this she termed ‘economic apartheid’ with the flood of skilled persons to South Africa despite the defeat of ‘political apartheid’. The economic power of South Africa is demonstrated by a Gross Domestic Product (GDP) of \$125 billion three times more than a combination of all SADC states (2003:296).

Presently, there is an increasing daily movement of migrants from mostly Lesotho, Mozambique and Zimbabwe referred to as the ‘Mugabe Tsunami’ into South Africa (Trimikliniotis, et al., 2008, Williams, 2006 and Matlosa, 2006). ‘South Africa has introduced tougher immigration laws to deter entry even for legal migrants despite the economic benefits’ (Trimikliniotis, et al., 2008, Williams, 2006 and Matlosa, 2006).

Southern Africa is besieged by “small economies, underdevelopment and weak administrative capacity, that undermine the effectiveness of all SADC’s forums and programmes” (Nathan, 2006:606). According to Nathan (2006:606), ‘MS are unwilling to give up their sovereignty’. Moreover, SADC lacks the relevant individual know-how and funds its projects from foreign sources, 80% of which come from the EU (Nathan, 2006:619-620).

The African Union (AU) has identified difficulties in the work towards further integration that comes with implementation of treaties and protocols. These include the lack of political will by states and their inability to recognize benefits associated with integration (AU,

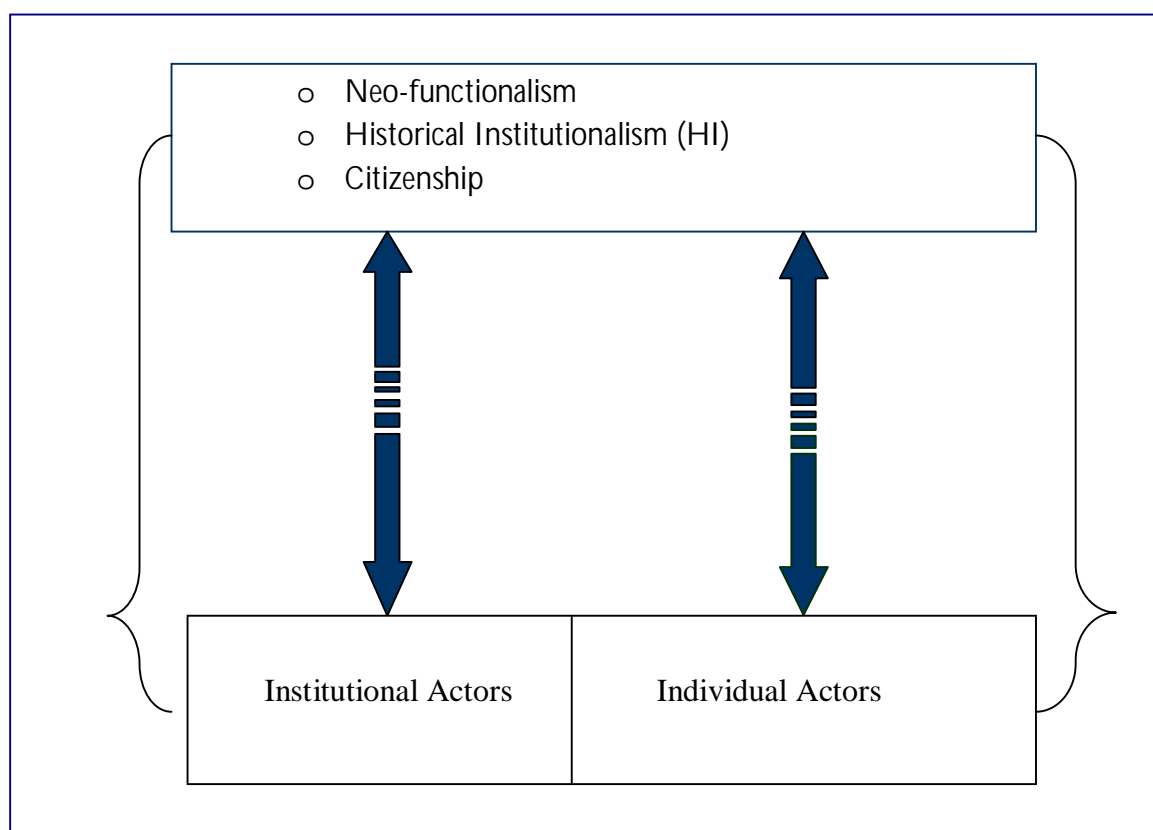
2009:10 and Williams, 2006:13). Another challenge is the lack of democracy and security within the region (AU, 2009:65). Additionally, lack of commitment by national governments, effective monitoring and evaluation, poor policy framework and non involvement of citizens and NGOs (AU, 2009). The AU (2009) report thus highlights the core issues and bottle-necks that plague regional integration processes especially on the African continent.

As observed within the literature landscape, there are no specific explanations for the inability of SADC to harmonize entry conditions within its geographical setting for citizens and non-citizens. This explains the basis of the study under the notion of free movement of persons and citizenship within SADC's political integration agenda.

2.2 Overview of Conceptual Framework

The paper therefore works within a conceptual framework rather than a specific theory for analysis. Accordingly, it adopts neo-functionalism, historical institutionalism and citizenship as analytical concepts. Major roles of individual and institutional actors are also recognized. The outline of the framework is presented in Figure 1 below. This gives an overview of the theoretical perspective.

Figure 1: Outline of Conceptual Framework



The above framework puts together specific concepts that shape the analysis of the research.

These concepts are relevant to the integration process in SADC. Additionally, it gives insight; helps understand and explain the subject matter.

2.3 Neo-Functionalism

Neo-functionalism, viewed as the oldest theory of integration emerged in the 1950s after the establishment of the European Coal and Steel Community precursor of the EU. As the first regional unit, it paved the way to launch other bodies in Asia, America and later Africa. The theory according to Niemann and Schmitter (2009) has gone through various phases,

criticized, even declared outmoded by the creator⁶ but the writers maintain its essence in integration discourse and its centrality to regional level studies.

Neo-functionalism is associated with Haas in late 1950s and Lindberg in the early 1960s. It asserts that integration is a long term phenomenon which starts at a lower to a higher level. As aptly defined by Haas (1958:16);

“Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states” (Haas, 1958:16).

Lindberg (1963) ‘adopts and refines Haas’ definition but refers to integration as a process rather than a final outcome’.

“political integration is (1) the process whereby nations forgo the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make *joint decisions* or to *delegate* the decision-making process to new central organs; and (2) the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new center” (Lindberg, 1963: 6).

This results in a gradual shift of power from the national arena to the centre through the establishment of a supranational institution (Haas, 1958:16). This new institution results in forging closer ties between states, assigned with policy goals and appropriate powers to operate on behalf of the state (Haas, 1958:16). Thus, there is a spill over from loose integration of individual MS to a more political one. Integration, in one set-up intensifies assimilation in other sectors (Niemann and Schmitter, 2009:49). In their perspective ‘the

⁶ Ernst Haas

development of the steel sector necessarily requires a transport policy' (Niemann and Schmitter, 2009:49). In reality there have been the establishment of supranational institutions that manage different aspects of integration rather than what Haas (1958) proposed.

In the view of Rosamond (2000:52) "political integration is a more or less inevitable side-effect of economic integration". While Jensen (2003:84) reiterates that economic integration facilitates political integration. Integration hence happens from a modest beginning to a higher level at the supranational level. Accordingly, it requires a transfer of agreed powers or policies to the centre that is the supranational body which in this case is SADC level institutions to improve the wellbeing of all parties. Possibly it may have originated from the saying that unity is strength.

In summary, the fundamental notion is 'its engagement in theory building, integration as a process, spill over, requirement of loyalty and its pluralist character of diverse players at all levels of decision making' (Niemann and Schmitter, 2009:47-48, Jensen 2003:80-82, Rosamond 2000:50-73 and Haas, 1958:3-31).

Neo-functionalism requires nation-states to be loyal to the integration process. It is also vital for citizens to be part or be committed to the walk and work for free movement of persons and the notion of citizenship within the supranational space. Thus, the creation of supranational citizenship without loyalty from citizens of SADC is a challenge to the implementation

process. In this realm, citizens are unlikely to feel the needed sense of belonging and may create impediments. Accordingly, citizens who are informed and understand the notion of citizenship get involved and can facilitate the process.

Another aspect is the essential role of civil society players to achieve more integration (Niemann and Schmitter, 2009:49 and Rosamond 2000:50-73). According to them, Lindberg describe these actors as government elites while Haas refer to them as supranational officials. These actors are grouped into two by Hix (2001:12922). Domestic interest groups such as multi-national corporations in the 1980s who advocated for the single market policy within the EU to among other things reduce transaction costs and facilitate trade. The second is European level supranational bodies who push for further integration such as European Commission's encouragement to governments to complete the single market agenda (Hix, 2001:12922).

NGOs within SADC are not actively advocating the idea of free movement of persons and citizenship. Söderbaum (2007:331-332) observed that they are not consulted on policy issues and SADC works with those that are dutiful and uncritical. 'The critical ones are sometimes corrupted, stifled or crushed out but he concedes that NGOs are getting more organized' (Söderbaum, 2007:331-332)

Despite, neo-functionalist thoughts on civil society actors to drive efforts at further political integration there is no official engagement by SADC. Although, Article 23 of the SADC Treaty makes provisions for collaboration it has not been operationalized in terms of policy. However, 'there are informal collaboration and a white paper that works with the private sector towards policy harmonization in various areas such as the implementation of free movement of labour, capital and the univisa system' (RISDP, 2004). The NGOs being collaborated with include the Small Enterprise Promotion Advisory Council and the Association of SADC Chambers of Commerce and Industry (RISDP, 2004). The challenge is that this is not backed by any legal statute as agreements are not binding on MS (RISDP, 2004). Nonetheless, 'there are plans by SADC to institute formalized cooperation to dialogue, offer representation on decision making platforms and capacity building (RISDP, 2004).

2.4 Historical Institutionalism

The concept originated in reaction to Behaviouralism in the 1980s and 1990s (Pollack, 2009) and has renewed the role of individual and institutional actors. HI is utilized due to the centrality of institutions in policy decisions and programme implementation. Also, institutions shape regulations and place issues within a perspective. Institutions play an independent role in the allocation of wealth (March and Olsen, 1984:738-739) in any political set-up. In agreement with Bulmer (1998), institutions matter while Rutherford (1994:5) recognizes the necessity to develop institutions.

Historical perspectives are crucial in the enrichment of discourse and its influence on decision making. According to March and Olsen (1984) institutions and actions of individual actors are

influenced by historical processes. Hall and Taylor (1996, 937-942) review the concept and provide various perspectives underscoring ‘the importance of formal and informal procedures within an organization’. Institutions and human behaviour are connected as individuals act strategically to capitalize on situations to achieve desired goals (Hall and Taylor 1996, 937-941). According to them, institutions result in path dependence and outcomes may not be intended. This is the complexity to amend agreed actions and it represents the aftermath of past incidents on present circumstances and how current activities are sometimes inhibited by earlier options. Nonetheless, historical processes and institutions play an imperative role in shaping organizations.

Pollack (2009:127-128) notes how past actions tend to shape and constrain future actions and the difficulty to modify decisions. Nevertheless, he concedes that new literature tends to discuss the issue of continuity and alteration where there are contributions for maintaining the status quo and propositions for institutional transformation. Although, actions may be constrained by historical perspectives this ought not to be the case at all times, because individuals or institutions do learn from incidents and make better choices. For instance, SADC (2010) takes into consideration lessons and experiences of regional integration that has not been successful. Hence, it stresses more on ‘decentralized’ institutional arrangement that ensures MS are the principal actors in the formulation and implementation of policy decisions (SADC, 2010). Consequently, path dependence must not necessarily imply following through actions with no prudence but serve as a learning platform and making better choices.

2.5 Citizenship

Citizenship over the centuries has been referred to as individuals being part of an entity. Such unit recognized within the Greek city-state, the Roman Republic, the emergence of the state in 1648 and in regional integration terms illustrated in EU citizenship. Presently, citizenship is claimed within different settings such as a small association with common goals, the state and the supranational community.

The word citizen emanates from the Latin word ‘civis’ meaning member of the Roman Republic (Smith, 2001:1857-1858). Defining it under the legal notion, Smith (2001:1857-1858) refer to citizens as persons that belong to a political commune with rights to be protected by that entity (Smith, 2001:1857-1858). In a similar vein, Wiener (2003:397) asserts that “citizenship is about rights, access and belonging to a particular community”. Citizenship thus extends to the right to be in or out, participation, membership, a political process and has a legal scope (Barbalet, 1988 and Wiener, 2003).

In the words of Turner and Hamilton (1994)

“Citizenship is thus defined as a bundle of entitlements and obligations which constitute individuals as fully fledged members of a socio-political community, providing them with access to scarce resources”(Turner and Hamilton, 1994⁷).

Joppke, (1999: 632) sorts it out on the level of immigration with two meanings;

“As a legal status, citizenship denotes formal state membership (nationality). As an identity, citizenship refers to the shared understandings and practices that constitute a political community” (Joppke, 1999: 632).

⁷ see first page on General Commentary

In Marshall's classic, 'citizenship is explained at the nation-state level within three spheres, *civil* based on individual liberties such as speech, thought and property, *social*, the right of economic wellbeing and protection according to societal values and *political* rights of participation in electoral contests as candidate or voter' (Marshall, 1965:78 and Marshall, 1950:8). These three parts according to him developed in the course of time, the origin dates back to 1832 when civil rights was recognized followed by social and later political within a couple of centuries (Marshall, 1965:78 and Marshall, 1950:17-18). It must be recognized that civil and political rights as presented by Marshall is relevant to this study and may be applied within the supranational space.

Meehan (1993) presents various perspectives of citizenship that include rights of membership, civic rights, rights of royals, rights of men and women, obligation to defend in times of war and abide by legal statutes. While Williams (2006) notes citizenship within the nation-state where nationals refer to visitors or migrants as non-citizens. Williams (2006) and Matlosa, (2006) discusses the notion of regional citizenship of nationals of SADC states.

Although the notion of citizenship is not new, the formalization within the supranational entity is currently being conceptualized to provide more rights, privileges and powers for persons within that space. The case of the EU is obvious in its provision under the 1993 Maastricht Treaty that provides for citizenship of the Union based on national citizenship of a MS. 'In the EU citizenship rights include free movement, residency, and work in another MS,

participation in local level politics and European Parliament elections by voting and even contesting' (Kastoryano, 2005:695). This new phenomenon is being implemented within the EU and is set to trickle down or to borrow neo-functionalist term to spill over to other regional integration units. This notion of citizenship is not part of current discussions of SADC but may materialize in the long run.

In summary, the research takes note of the different perspectives of citizenship. It however distinguishes between two types of citizenship that is within the nation-state and the supranational space. Citizens or citizenship refer to persons living within a specific geographical space and in its economic or political community. In the case of southern Africa it denotes nationals of MS whereas non-citizens are persons who are not nationals of any SADC country. Additionally as discussed by these writers these citizens may have several rights, access, obligations and membership as may be agreed by SADC. It would be worthwhile for citizens of SADC to enjoy all these rights.

2.6 Individual and Institutional Actors

Key individual actors that are influential in shaping the integration process include heads of states and citizens of SADC, ministers of Tourism and Foreign Affairs and non-citizens that probably visit as tourists or for reasons that may impact positively on the region.

Institutional actors transform objectives into realities and include all institutional bodies established by SADC to formulate and implement its policies and programmes. These comprise

the Summit, SADC Secretariat that directly implement decisions of the Community, Tourism Coordinating Unit of SADC and RETOSA in charge of tourism promotion. Other actors include the SADC National Committees, Integrated Committee of Ministers and other institutional components set-up⁸ to facilitate implementation of programmes.

2.7 Chapter Summary

The section has given an overview of the literature landscape on particular issues of integration and perceived challenges. It also presented the conceptual framework that incorporates neo-functionalism, HI, citizenship, individual and institutional actors within SADC.

⁸ see table 2 under section 3.1 for an overview of SADC institutional structure

Chapter 3 SADC OVERVIEW AND PROTOCOLS

3.1 Synopsis of SADC

After placing the study within a conceptual framework, this section presents the institutional set-up of SADC. As is well known, SADCC became a reality after a series of meetings on 1st April 1980 in Lusaka.⁹ Its members were Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe (SADC, 2010). SADCC began with consultations in 1977 by heads of governments who sought for improved standards of living and cooperation in the area of economic and social development (SADC, 2010). The major driving force was to collaborate in various areas of development and reduce reliance on former apartheid South Africa (SADC, 2010).

On 17th August 1992, SADCC became SADC in Windhoek, Namibia (SADC, 2010). This was made possible with the approval of the SADC Treaty by the Summit of Heads of States and Governments to work towards further integration (SADC, 2010). The relevant aspect of the Community's vision is;

‘‘one of a common future, within a regional community that will ensure economic well-being, improvement of the standards of living and quality of life, freedom and social justice; peace and security for the peoples of Southern Africa’’ (SADC, 2010).

Furthermore, the goals of SADC are stipulated under Article 5 of the amended Treaty in 2001 and relevant aspects are to;

⁹ capital of Zambia

“promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially dis-advantaged through regional integration;
 promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective;
 consolidate, defend and maintain democracy, peace, security and stability;
 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;’
 ‘ensure that poverty eradication is addressed in all SADC activities and programmes;” (SADC, 2010).

To achieve its objectives it proposed to formulate strategies such as to “develop policies aimed at the progressive elimination of obstacles to free movement of capital and labour, goods and services, and of the peoples of the region generally within Member States” (SADC, 2010). SADC has over the years transformed from these areas of cooperation to broad policy guidelines. This includes the development of 24 Protocols that covers various political and socio-economic sectors such as tourism, culture, sports, transport, communication and human resource development (SADC. 2010). “Sectors are each co-ordinated by a Member State with some member states co-ordinating more than one sector” (SADC, 2010). Besides, the 15 year RISDP strategy document presents wide areas of cooperation, priorities and policies for SADC states towards deeper regional integration (SADC, 2010).

Summary of Organs and Institutions¹⁰

The main organs and institutions of SADC include the Summit, Organ for Politics, Defence and Security, Tribunal, Council of Ministers, Standing Committee of Officials, Integrated

Committee of Ministers, Secretariat and National Committees. Two thirds of persons are needed to obtain a quorum for all meetings (SADC, 2010). In 1999 SADC initiated the Troika system and was legalized in 2001 under Article 9A of the amended SADC Treaty. The Troika comprises a chairperson, incoming chairperson and the outgoing chairperson (SADC, 2010). ‘This is to enhance efficiency and effectiveness in policy formulation and implementation’ (SADC, 2010). The Summit, Organ, Council, Integrated Committee of Ministers and Standing Committee of Officials employ this system (SADC, 2010). The working languages of the Community are English, French and Portuguese (SADC, 2010). Table 2 below discusses the main institutional actors;

¹⁰ see figure 2 under appendix for an abridged organogram

Table¹¹ 2: SADC Organs and Institutions

| | |
|--|---|
| Summit | Entails all heads of state and government. It has final power in terms of policy-making and meets once in year. |
| Organ on Politics, Defence and Security | Works in collaboration with the Summit and reports to the chairperson of SADC. Chairperson is rotated once a year like the Summit and a MS cannot hold both. |
| Tribunal | Guarantees compliance and interpretation of the SADC treaty and other instruments. Arbitrates on disputes referred to it. |
| Council of Ministers | Mostly Ministers of Foreign Affairs, Economic Planning and Finance. They manage the development of the Community and implement its functions. Meets twice yearly - February (to approve budget) and August (to prepare programme of Summit) |
| Standing Committee of Officials | Members are at the rank equal to the Council of Ministers and known as Permanent Secretaries. A technical advisory group to the Council of Ministers. |
| Integrated Committee of Ministers | Comprises two ministers from each SADC country and meets once annually. Supervises core areas of integration such as trade, industry, human development and special programmes. Provide policy initiatives to the Secretariat and have decision making powers to implement urgent strategies. |
| Secretariat | Manages day to day affairs of SADC. Involved in issues that include strategic planning and implementation of the conclusions of meetings by the organs and institutions of the Community. |
| National Committees | Consists of interest groups or persons from government and private sector. Specifically makes contributions into integration policies, programmes and implementation of such at the MS level. |

Source: SADC, 2010

¹¹ information on table 2 was obtained from the SADC website

3.2 The Member States

SADC¹² comprises 15 MS geographically situated in southern Africa as shown on Maps¹³ 1 and 2. Currently Madagascar has been suspended due to political crises (Møller, 2009:8). The headquarters is in Gaborone, Botswana. As shown on table 3 below all the countries have been colonized at a point in time. The first to gain autonomy was South Africa in 1910 and the last Namibia in 1990. Foreign languages¹⁴ used officially are English, French and Portuguese. There are numerous African languages spoken across the Community. Moreover, Seychelles is the least populated while Democratic Republic of Congo (DRC) is the most populated. The total population is around 260 million which is quite substantial.

¹² data used under section 3.2 is summarized from table 3 below or the SADC website

¹³ see appendix

¹⁴ English is the most dominant official language

Table 3: Overview of SADC Countries¹⁵

| Country Name /Date of Independence | Flag | Capital | Population | Languages |
|---|---|----------------|-------------------|---|
| 1. Angola (11 November 1975) |  | Luanda | 12.8 million | Portuguese (official), Bantu, etc. |
| 2. Botswana (30 September 1966) |  | Gaborone | 2 million | English (official), Setswana, etc. |
| 3. DRC (30 June 1960) |  | Kinshasa | 68.7 million | French (official), Lingala, etc. |
| 4. Lesotho (4 October 1966) |  | Maseru | 2.14 million | English (official), Sesotho, etc. |
| 5. Madagascar (26 June 1960) |  | Antananarivo | 20.7 million | English, French & Malagasy (all official) |
| 6. Malawi (6 July 1964) |  | Lilongwe | 15 million | English (official), Chichewa (national), |
| 7. Mauritius (12 March 1968) |  | Port Louis | 1.3 million | English (official), Creole etc. |
| 8. Mozambique (25 June 1975) |  | Maputo | 21.7 million | Portuguese (official), Emakhuwa, etc. |
| 9. Namibia (21 March 1990) |  | Windhoek | 2.1 million | English (official), Afrikaans , etc. |
| 10. Seychelles (29 June 1976) |  | Victoria | 88 thousand | English (official), Creole, etc. |
| 11. South Africa (31 May 1910) |  | Pretoria | 50 million | English, IsiZulu, Afrikaans, etc |
| 12. Swaziland (6 September 1968) |  | Mbabane | 1.35 million | English & Siswati (all official) |
| 13. Tanzania (26 April 1964) |  | Dar es Salaam | 41 million | Swahili, English (all official), Arabic, etc. |
| 14. Zambia (24 October 1964) |  | Lusaka | 11.8 million | English (official), Bemba, etc. |
| 15. Zimbabwe (18 April 1980) |  | Harare | 11.4 million | English (official), Shona, etc. |

Source: SADC, 2010 and the World FactBook, 2010

¹⁵ see the SADC website and the World FactBook for specific data on these countries

3.3 Overview of Protocols

The relevant aspects of the two Protocols are summarized in the following sub-sections. The Protocol on Tourism has been ratified and various aspects are being implemented by MS and RETOSA. The institution implements the univisa programme in collaboration with SADC countries and markets tourism within the sub region. On the other hand, the draft Protocol on the Facilitation of Movement of Persons was approved by seven¹⁶ MS in August 2005 in Botswana. These include South Africa, DRC, Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe. However, it needs to be ratified by at least nine countries before it becomes legally binding.

3.3.1 Protocol on the Facilitation of Movement of Persons¹⁷

Efforts at formulating the Protocol commenced in 1993. This went through several drafts and alterations. It was finally approved on 18th August 2005 in three languages - English, French and Portuguese. The protocol serves as a basis for economic integration, a fulfillment of provisions under the Community's treaty and in line with measures of the AU to facilitate movement of persons on the African continent (SADC, 2010). It also 'recognizes the participation of citizens to enjoy free movement, in the area of visa-free entry, residence and establishment in southern Africa' (SADC, 2010).

¹⁶ see appendix for the signature page

¹⁷ see the SADC website for the full document of the protocol. Data under this section is culled from the same source or SADC website quoted or paraphrased

In the framework of the protocol, ‘‘citizen means a person who is regarded as a citizen under the laws of any Member State’’ (SADC, 2010). It calls for the establishment of a population register for both citizens and permanent residents. Persons may be expelled per reasons stated in the protocol such as national security. In times of emergency such as health threat or security, in a MS the protocol shall be suspended. Additionally, disputes are settled first through the chairperson of the Organ, then the Summit and finally the Tribunal (SADC, 2010). Below are the goals of the protocol;

‘‘The overall objective of this Protocol is to develop policies aimed at the progressive elimination of obstacles to the movement of persons of the Region generally into and within the territories of State Parties’’ (SADC, 2010).

‘‘The specific objectives of this Protocol in relation to every citizen of a State Party are to facilitate:

- (a) entry, for a lawful purpose and without a visa, into the territory of another State Party for a maximum period of ninety (90) days per year for bona fide visit and in accordance with the laws of the State Party concerned;
- (b) permanent and temporary residence in the territory of another State Party; and
- (c) establishment of oneself and working in the territory of another State Party’’ (SADC, 2010).

The agreement provides the following on harmonization,

- ‘‘(a) harmonisation of their laws and administrative practices so that citizens of State Parties are able to enter the territory of another State Party for a maximum period of ninety (90) days per year for bona fide visits;
- (b) standardisation of immigration forms used by travelling citizens of State Parties;’’ (SADC, 2010).

- ‘‘(e) by way of bilateral agreements between the State Parties concerned, issuance of a uniform and simple border permit/border pass to citizens of State Parties who reside in the border areas of the territories of such State Parties;
- (f) abolition of visa requirements where they still exist, provided that where visas are regarded as necessary, they shall be issued gratis at the port of entry;’’ (SADC, 2010).

3.3.2 Protocol on Tourism¹⁸

The protocol was approved in 1998 and gained final endorsement on 26 November 2002 (RISDP, 2004). It is written in English and Portuguese. An amendment can be made by three quarters of the members of the Summit. Among the objectives of the protocol includes the following;

“To use tourism as a vehicle to achieve sustainable social and economic development through the full realisation of its potential for the Region;

To create a favourable investment climate for tourism within the Region for both the public and private sectors, including small and medium scale tourist establishments;

To aggressively promote the Region as a single but multifaceted tourism destination capitalising on its common strengths and highlighting individual Member State's unique tourist attractions;

To facilitate intra-regional travel for the development of tourism through the easing or removal of travel and visa restrictions and harmonisation of immigration procedures;” (SADC, 2010).

The protocol encourages SADC countries to facilitate travel and do away with such challenges. Additionally, MS must develop tourism initiatives within the region. In line with this, the following proposals were approved as part of the objectives of the protocol;

“b. having visa requirements for regional tourists who wish to enter their territory as visitors, abolished, in furtherance of existing and future SADC Protocols;

c. having a tourism univisa which will facilitate movement of international tourists in the region in order to increase the market share and revenue of the region in world tourism on the basis of arrangements to be negotiated and agreed upon by Member States;

d. removing obstacles to the development of tourism, travel and other impediments and to harmonise legislation relating thereto;

e. providing appropriate facilities related to the travel of disabled and handicapped persons and senior citizens” (SADC, 2010).

In addition, “Member States shall harmonise tourist registration documents in their respective countries such as visa application forms, entry - exit forms, and other statistical

¹⁸ information under sub-section 3.3.2 is from the Protocol on Tourism or the SADC website

documents’’ (SADC, 2010). As an institutional actor RETOSA was established in 1998 and tasked to among other issues coordinate with MS to implement the protocol.

3.4 Chapter Summary

The section presented the institutional framework of SADC including an overview of the 15 nations. It also provided a summary of the Protocol on the Facilitation of Free Movement of Persons and Protocol on Tourism.

Chapter 4 DATA PRESENTATION AND ANALYSIS

4.1 The Verdict

After an overview of the institutional framework of SADC, this section summarizes the views of respondents. It must be noted that views on SADC regarding the conception of a political community and free movement of persons were mixed. While some were optimistic others were very pessimistic. For instance, in the words of a citizen “*SADC is useless*” to another “*it is ineffective and a waste of resources*”. On a more positive note both citizens and officials of SADC perceive it as an important grouping that can foster and coordinate efforts for harmonization of its policies especially on free movement of persons and citizenship in the supranational setting.

SADC was viewed as pursuing a neo-liberal agenda. It must therefore make practical the policy of free movement of persons, because it is in line with its objectives. Respondents noted that less restriction in movement of persons results in facilitating the creation of the political union, increased trade and other socio-economic benefits for citizens and countries of SADC. South Africa was cited as a major beneficiary from this arrangement as her products are found in almost all SADC countries but the reverse is not the case. This is largely due to competition and the low quality of products.

4.2 The Bottlenecks

Views were not uniform during discussion of the puzzle with respondents because others encountered no problem in so far as they had a passport. This highlights the inconsistencies on the issue of entry conditions. That is, whereas others are able to move freely because no visa is required others cannot because of same restrictions. Officials interviewed had a SADC diplomatic passport so are able to move freely with no difficulties. They even claimed citizenship because of rights of access and membership to other countries in the sub region.

The process of visa acquisition was complicated and could take more than a month. Non English speaking countries like DRC and Angola were mentioned as strictly requiring visa before entry. Non-citizens confirmed that although they had wanted to visit other SADC countries as tourists it was not possible because they needed a visa for every MS.

Various reasons were attributed for the inability of MS to harmonize entry conditions. This includes reasons cited under the literature landscape such as lack of political will and economic disparities among MS. Respondents also stressed fear of citizens flocking from poor milieu to more prosperous states. The case of Swaziland, Lesotho, Zimbabwe and DRC was often cited due to poor security and socio-economic conditions. The issue of goods dumping that may impact negatively on some countries was also highlighted.

Respondents noted the criterion for membership. Countries join SADC due to the geographical location and not under any specific conditions. As such countries become members despite their socio-economic and political differences. Accordingly, if entry conditions are harmonized, it is only logical for citizens and non-citizens to move towards better settings that make MS reluctant to commit to the process.

As observed in Chapter 2, the specific case of South Africa as a big player in the implementation process was confirmed. It was emphasized that it holds the key to the success of harmonization of entry conditions or any further political integration. Additionally, it has a highly developed economy and according to non-citizen respondents *“it is not an African country or it does not look like an African country”*. Another said *“I felt I was in an European country during my entire stay”*. These sentiments underline the level of development and why persons within and out of SADC flock to its terrain.

4.3 A Glance into the Future

In view of the challenges, respondents were asked to suggest mechanisms on the way forward and how to successfully implement the policy initiatives. Respondents called for appropriate institutional framework within the SADC to help in the implementation process. That is, strengthening the SADC Secretariat and a body that would purposely work towards harmonization of entry conditions. Such an institution would work towards tightening border security to prevent robbery, corruption, illegal migration, dumping and other vices.

Respondents suggested a minimum level of key economic indicators for each MS before entry conditions are harmonized for reduced influx of citizens to other SADC countries. Thus in situation where economic conditions are similar it may serve as a disincentive to move to another territory. Specific economic indicators mentioned include GDP, inflation, unemployment and low debt.

Also, respondents called for commitment and prioritization by MS to the integration agenda. This may foster unity and cooperation in further integration towards a political union. Political will, changing attitudes and sacrifice are requisite for MS to ensure successful harmonization of entry conditions and free movement of persons. Additionally, more and fruitful consultation among MS rather than a hurried approach as have been the case over the decades was proposed.

4.4 Thinking Aloud

After consideration of both primary and secondary data, it has become obvious that there is no specific answer to the research query. It is apparent that there are bits and pieces of explanations for the inability of SADC to harmonize free movement of persons within southern Africa. That is, there are various reasons why the relevant aspects of the free movement of citizens and non-citizens provided for by the Protocol on Tourism have not been implemented and why the Protocol on the Facilitation of Movement of Persons has not been ratified. In summary, the failure of SADC to harmonize entry conditions across the sub region could be placed within the realm of political, legal, security and socio-economic reasons.

Political

SADC leaders seem to be living through the process of only copying integration efforts like the European model and others on the African continent. The texts of its protocols are similar to other settings. But like those on the continent, it constitutes agreements on paper where no practical efforts are made to implement any objective. Perhaps, the Presidents are contented to attend meetings and make resolutions but in reality not much happens within the integration arena.

An important notion of neo-functionalism is the active engagement of non governmental actors to push the integration agenda. Although the treaty of SADC provides for such collaboration there is no policy to that effect but non binding cooperation (RISDP, 2004). Within SADC, as observed by Söderbaum (2007:331-332), NGOs are muted, corrupted and only those with favourably views are consulted. In this milieu, the agenda of a political community, especially a visa free SADC and its urgency may not be vehemently driven. It may always be on the sidelines because there are no legal obligations or institutional mechanisms.

Neo-functionalism also requires loyalty by all actors to create that political union but this seems to be missing with integration in southern Africa. Leaders have only paid lip service and not actively abided by their own regulations. As strategic actors, political leaders have an influential role in making possible the impossible. A directive by each head of state and with the appropriate institutional mechanism could make a difference. As it is now, there is no

commitment and political will to implement this specific policy initiative. As Hammerstad (2005:73) puts it the integration process is ‘modest.’ Additionally, integration requires giving up some level of autonomy and sovereignty which appears to be missing.

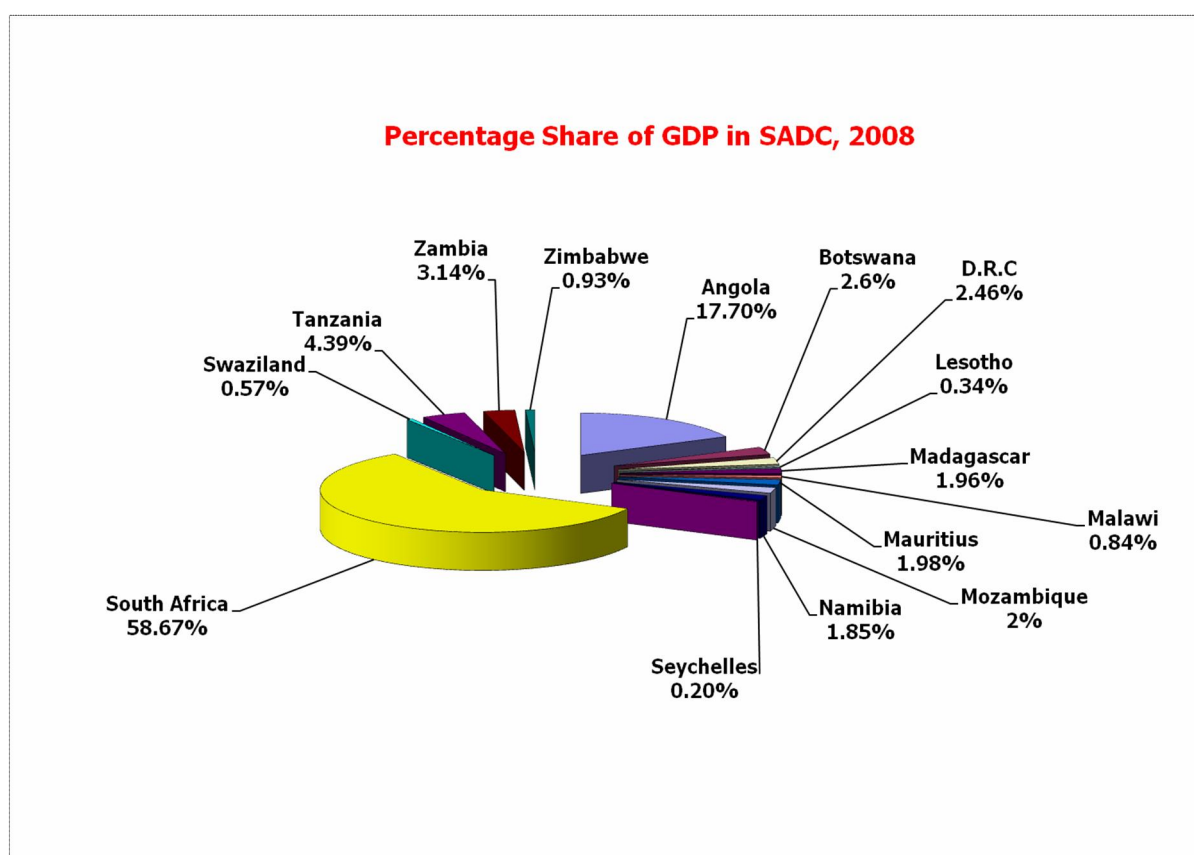
Individual and institutional actors within SADC appear to operate on the level of cost benefit basis with fewer losses. As observed on table 1 each state has selected countries it may require visa from with no recourse to SADC policy. Particularly, each SADC country requires a visa from the DRC possibly because of the war and Angola almost suffers same fate due to it's prolong conflict which is now over. It is only Namibia that does not require visa from Angola. Accordingly, countries are more likely to implement aspects of policies where there are gains.

In addition, within the institutional framework, SADC is handicapped in terms of requisite human and financial resources. This affects the integration process as without these resources it is difficult to make any headway in terms of policy development and implementation. Individual actors are especially important in making policy a reality, According to Nathan (2006:619-620) the integration process is mostly funded from donor sources. This is confirmed by SADC (2010) when it notes that about 90% of its programmes are funded from foreign donors. This amounts to about US\$8.09 billion (SADC, 2010). Additionally, it may influence integration in ways not intended by SADC. It might also slow down the process as without financial resources not much can be executed. In a situation where members depend

on donor funds it signifies that these states are financially weak and may not have the capacity to implement programmes of the Community and that aspired political commune.

The success or failure of a policy on free movement of persons and citizenship depends on few states within the region like Botswana and Namibia. These states have opposed such efforts previously and likely to place impediments due to their level of development. In a similar light, South Africa is not likely to agree or be committed to any free movement agenda with an almost 60% share of GDP as shown on Figure 3 below.

Figure 3: Share of GDP¹⁹ within SADC



Source: SADC, 2010

¹⁹ data was obtained from the Librarian of the Public Relations unit, SADC

This is substantial, in comparison with such chunks of GDP of other MS. Similarly, with the disparities in development of MS, it will be difficult to make any headway in any policy on free movement of persons. It is no surprise that the Protocol on the Facilitation of Movement of Persons is referred to as for South Africa. This is because after it had gone through several adjustments over the years, it made final inputs to the approved policy document. As respondents admitted, it is different from its neighbours as such it poses a peculiar challenge to the integration process and that political community.

Legal

The Protocol on the Facilitation of Movement of Persons has been approved but not ratified so cannot be implemented. This means that harmonization of entry conditions cannot progress so does the political community without any authorized legislation. Secondly there is no legal framework with civil society and other business actors to push the idea of free movement and citizenship. This is a key notion of neo-functionalism and without it political integration is likely to be sluggish. Presently there is only an informal arrangement that is not binding.

Thirdly, RETOSA implements the free movement agenda for citizens and non-citizens under the Protocol on Tourism. No relevant initiatives have been developed within the sphere of free movement apart from the Protocol. The sectors' five year strategic plan is outmoded and needs review (RISDP, 2004). More specifically, there are attempts to implement the univisa agenda and possibly to make it effective during the 2010 World Cup in South Africa but this

is yet to materialize. This is evident in campaigns and programmes such as the SADC World Cup Logo.²⁰

Security

There are some security issues in the sub region that could be attributed and hinder the conception of a political community. Almost all governments within southern Africa have been colonized and most of them gained independence or freedom from liberation struggles as such the urge to protect borders and not loose control is imperative. South Africa fought decades of apartheid while Zimbabwe lived through years of an independence struggle from the 1960s till 1980.

Conflict situations are a hindrance to the integration process such as inability to build infrastructure, trade and move freely within a geographical setting. Currently, there is a raging war in the DRC which has been ongoing for more than two decades. Obviously the product of war is refugees and instability that makes persons move out than stay in a war torn country. As a result, there is an influx of refugees to other countries especially Tanzania. Zimbabwe had three contentious elections in 2000, 2002 and 2008. The result has been clashes, political strife and movements to other SADC countries particularly to Botswana and South Africa. Previously Angola lived through a long conflict and there was some power struggle or an uprising in Lesotho in 1998 but SADC resolved the issue amicably. Additionally, there is fear

²⁰ see figure 4 under appendix

of increased crime by persons who could take advantage of the policy to enter supposedly peaceful and prosperous countries to commit offences.

Socio-Economic

As neo-functionalism asserts, economic integration is a result of political integration or vice versa (Jensen, 2003:84 and Rosamond 2000:52). Under the literature landscape and as corroborated by respondents, there are socio-economic differences. It is therefore likely to negatively influence the political integration agenda. This is evident on tables 3 and 4 which highlight the differences in population and GDP. This explains why some countries are reluctant to open up. Specifically, there are highly populated and poor countries like DRC and Zimbabwe as well as rich countries but with less population such as Namibia, Mauritius and Botswana.

Table 4: Fact Sheet 1 SADC Countries

| Country | GDP (per capita) (2009) | Inflation Rate ²¹ (2009) | External Debt (2009) | Poverty Level | Literacy Rate |
|----------------|--------------------------------------|---|--|--------------------------------|--------------------------------|
| Angola | \$8,900 | 13.1% | \$12.83 (billion) | 40.5% | 67.4% |
| Botswana | \$13,100 | 7.3% | \$1.651 (billion) | 30.3% | 81.2% |
| DRC | \$300 | 16.7% | \$10 (billion) | - | 67.2% |
| Lesotho | \$1,700 | 8.5% | \$581 (million) | 49% | 84.8% |
| Madagascar | \$1,000 | 8% | \$2.054 (billion) | 50% | 68.9% |
| Malawi | \$900 | 8.5% | \$1.091 (billion) | 53% | 62.7% |
| Mauritius | \$12,400 | 3.4% | \$4.567 (billion) | 8% | 84.4% |
| Mozambique | \$900 | 3.5% | \$4.159 (billion) | 70% | 47.8% |
| Namibia | \$6,400 | 8.8% | \$1.184 (billion) | - | 85% |
| Seychelles | \$19,400 | 34% | \$1.25 (billion) | - | 91.8% |
| South Africa | \$10,100 | 7.2% | \$73.84 (billion) | 50% | 86.4% |
| Swaziland | \$4,400 | 8.5% | \$534 (million) | 69% | 81.6% |
| Tanzania | \$1,400 | 11.6% | \$7.07 billion | 36% | 69.4% |
| Zambia | \$1,500 | 13.5% | \$3.313 billion | 86% | 80.6% |
| Zimbabwe | - \$100 | 5.1% | \$5.821 billion | 68% | 90.7% |

Source: The World FactBook, 2010

Poverty levels are high as observed in the RISDP (2004). Similarly, the economic outlook of many SADC countries falls short of meeting the minimum standards²². Additionally, inflation, GDP and unemployment statistics reveal some disparities.²³ But overall, South Africa has comparatively better indicators for economic performance than most SADC countries. People from poorer countries are more susceptible to migrate to more economically advanced nations in search of better opportunities. For this reason, it is only natural that nationals of Zimbabwe,

²¹ inflation rate and external debt for DRC is based on 2007 estimates

²² see table 4 above

²³ see tables 4 and 5

Mozambique, Lesotho and Swaziland would migrate to South Africa or other rich milieu. This finding confirms the information derived from respondents.

Though there are no confirmed statistics on migration, the number of people who migrate could range from several hundreds annually to millions over a number of years. It is also important to highlight that movement to other SADC countries may not necessarily be for economic reasons as persons travel for holidays, medical emergencies, shopping and visit family and friends.

Table 5: Fact Sheet 2 SADC Countries

| Country | Unemployment Rate | Labour Force | Life Expectancy (years) | Age Structure (15-64 years) |
|----------------|--------------------------|---------------------|--------------------------------|------------------------------------|
| Angola | - | 7.769 (million) | 38.2 | 53.7% |
| Botswana | 7.5% | 685,300 (thousand) | 61.85 | 61.4% |
| DRC | - | 23.53 (million) | 54.36 | 50.6% |
| Lesotho | 45% | 854,600 (thousand) | 40.38 | 60.2% |
| Madagascar | - | 9.504 (million) | 62.89 | 53.5% |
| Malawi | - | 5.747 (million) | 50.03 | 51.9% |
| Mauritius | 7.8% | 594,000 (thousand) | 74 | 70.4% |
| Mozambique | 21% | 9.77 (million) | 41.18 | 52.8% |
| Namibia | 5% | 716,000 (thousand) | 51.24 | 60.2% |
| Seychelles | 2% | 39,560 (thousand) | 73.02 | 70.1% |
| South Africa | 24% | 17.32 (million) | 48.98 | 65.8% |
| Swaziland | 40% | 457,900 (thousand) | 47.85 | 57.9% |
| Tanzania | - | 21.23 million | 52.01 | 54.1% |
| Zambia | 50% | 5.398 million | 38.63 | 52.6% |
| Zimbabwe | 95% | 3.84 million | 45.77 | 52.2% |

Source: The World FactBook, 2010

South Africa has long since the 19th Century been a destination for migrants (McDonald, et al. 2000, Williams, 2006, Lurie, 2006 and Matlosa, 2006). The sources of migrants go beyond the region to include people from other parts of Africa, Eastern Europe and Asia. These persons basically immigrate to South Africa either in search of employment opportunities or establish enterprises. As a result of the political and economic upheavals in Zimbabwe, there are reports of increasing movement to South Africa. This is what Trimikliniotis, et al. (2008) refers to as the 'Mugabe Tsunami'.

This is attributed to the good economic situation in that country as compared to other countries. South Africa's share of GDP within the region is almost two-thirds as much as the entire GDP of the other countries²⁴ put together. A subsequent increase in the labour force with no corresponding expansion in the opportunities available has resulted in increases in the poverty level. Table 4 amply captures the economic outlook of SADC where poverty level in South Africa is as high as 50% of the population. One consequence of these high poverty levels has been an increase in inflation of about 24%.

To curb this problem, South Africa has resorted to implementing tough, though outdated immigration measures and policies, despite the economic benefits migrants sometimes bring to nations (Trimikliniotis, et al., 2008 Williams 2006 and Matlosa 2006). Accordingly, if South Africa continues to play a lead role by virtue of its political and economic might not

much would be achieved in harmonization of entry conditions or any further political integration.

4.5 Chapter Summary

The chapter answered the research query by initially presenting the views of respondents on possible challenges and solutions. Finally, it incorporated the theoretical and empirical analysis to explain the issues thwarting efforts by SADC to harmonize entry conditions and further political integration. These reasons are summarized as political, socio-economic, legal and security concerns.

²⁴ see figure 3 above

Chapter 5 CONCLUSION

5.1 Concepts and Reality

With issues for the lack of harmonization of visa requirements explained, it is now vital to examine the connection between perception and actuality. Aspects of **Neo-functional** thinking are transformed into reality within the integration agenda of SADC. The concept of spill over is evident in the change from SADCC to SADC in 1992 to a higher level of cooperation although both units are regional bodies. SADC has expanded from a mere treaty at establishment to the development of various protocols towards integration in various sectors such as tourism, trade, transport and communication. Although, there is no supranational body with ultimate decision making powers, there are a variety institutions and cooperation at the regional level. More specifically, RETOSA operates within the regional space to market, promote tourism and implement the univisa system. However, SADC is yet to attain the political union that the theory seeks to construct.

Presently, loyalty and NGO coordination is almost missing and neo-functionalism proposes that integration is likely to be slow or encounter challenges. Moreover, the feeling of belongingness and loyalty by citizens to drive forward harmonization of immigration policies is non-existent and must be incorporated in forging for further political integration. But as the theory suggests integration is a long term course and as Lindberg (1963) notes it is a procedure. SADC may therefore need a lot of time to arrive at the final gate and especially to conclude measures at harmonization of entry conditions. The EU started integration after the Second World War but it is still ongoing more than 60 years after with no supranational entity

that has final decision making powers. An important point to note and which the theory falls short off is the role of national actors that has been increasing over the decades and is accurate for SADC. Even though there are calls for further political integration it is only at the control of states.

HI could be understood in terms of various regional level institutions established within SADC. Also, SADC enacts its policies in line with other regional institutions and international conventions such as ECOWAS and the EU. The similarities in its operations, legal texts and policy initiatives compared to other regional bodies are obvious. For example, free movement of citizens are policies within the EU and other regional level organizations in Africa. This might have constrained its operations and policies or served as source of learning.

Secondly, importance of institutions is reflected in the mix of these under the umbrella of SADC implementing various policies and projects. The role of SADC Secretariat, Council of Ministers and the Summit cannot be over emphasized in the policy formulation and implementation process. Additionally, the active role of RETOSA may be observed on its website marketing SADC as the preferred destination. Though institutions may constrain choices, it ensures continuity, puts issues within a perspective and is a learning platform for individual actors. It must be noted that SADC drives integration through sectoral development and within an institutional framework that is admirable.

Citizenship has over the centuries gone through phases from membership of city-states to its current claim within a political community such as the EU and SADC. However, for the latter not much has been done to make practical the concept within its modern meaning. At best it is a group of states that have began the process of brainstorming and has no legal basis. This is because the beginnings of citizenship, belonging and right of free movement are not in place. The same goes for non-citizens as they cannot move within the region without a visa for each SADC country. In reality, there is not much to say about citizenship with the exception of a SADC passport for officials of the Community. Hence, the component of citizenship that includes belonging, rights, access, identity, opportunities and obligations is absent and remains within the realm of theory.

5.2 Prospective Research Areas

The study has brought to light issues for further research. It dealt with harmonization of entry conditions and citizenship within SADC. It would therefore be interesting for researchers to carry out a comparative analysis of this study area in Africa or South America. Among other issues these comparative studies could take up the issue of the entire free movement idea of integration that is of goods, services and capital.

As confirmed by the research, the relationship between SADC and NGOs is almost non-existent. Such association according to neo-functionalist thinking is key to moving forward any integration process. It is therefore essential to explore reasons for the lack of an official policy despite the legal stipulation for such an arrangement under Article 23 of the SADC Treaty.

SADC has 24 protocols under various sectors that fall under the four clusters namely ‘trade, industry, finance and investment, infrastructure and service, food, agriculture and natural resources and social and human development and special programmes’ (RISDP, 2004: 38). These protocols seem too many and a review of the effectiveness of these could be a unique research area. More explicitly, an in-depth look into protocols that have not been delved into could be worthwhile for researchers.

5.3 Wrapping Up

The spotlight of this research has been to explain the failure of SADC to harmonize entry conditions within southern Africa for citizens and a more relaxed entrance for non-citizens. It has argued on the premise that citizens of SADC are nationals of MS. That, any notion of free movement of persons and citizenship ought to be within a legal framework.

Besides, the study notes the significance of harmonization of entry conditions and citizenship in line with attempts by supranational bodies to work towards political integration. This has been discussed in practical terms and within a conceptual framework that comprised neo-functionalism, HI, citizenship, individual and institutional actors. Accordingly, the study has engaged with the idea of free movement of persons and citizenship within the political community at the regional level.

As established, the issues are bigger and can be grouped within the political, legal, security and socio-economic challenges. These constraints may need to be dealt with before harmonization of entry conditions could be achieved or that ultimate goal of political integration. It must be acknowledged that the problems are short, medium and long term and ought to be tackled within that frame.

Although, some of the problems may be handled within the long term, it is important to speed up the process because in a globalized world changes occur rapidly and SADC cannot sail while others fly. It cannot afford to maintain barriers of this nature for its citizens and non-citizens whose travel within SADC has a positive impact on the sub region. Moreover, issues of disparities deserve a lot more attention because it is at the heart of the problem.

Other issues that may be sped up include the need for the Summit the highest decision making body of SADC to be committed to the integration process especially in the area of the creation of a political community and improve institutional mechanisms. It is also essential to build capacity for its human resources and the private sector, engage formally with NGOs and citizens so that they can influence policy. According to neo-functionalism, loyalty and involvement of all is imperative in the process of political integration. On a final note, there is the need to establish an institution to implement harmonized entry conditions and another to monitor and evaluate SADC policies and programmes across the sub region on bi-annual basis.

Again, South Africa merits mention due to its significance to the political integration agenda. Unlike the EU that has a number of major players it appears to be the sole actor in the region. It therefore holds the key to the integration process especially in the implementation of free movement of persons and the notion of citizenship. Additionally, geographically it has Lesotho within its belly and Swaziland at the edges. This makes it very influential apart from its economic powers and other advantages. On what role South Africa should play or measures to undertake, is a challenge and needs further brainstorming and reflection.

Lastly, harmonization of entry conditions is the foundation for the notion of citizenship and that desired political union. It is appropriate for SADC to reconsider the whole notion of free movement of persons under a new legal arrangement for citizens and non-citizens similar to the EU model. This is because it is more advanced in the implementation process and appears to be working despite the difficulties. SADC could formulate this policy to suit local conditions so there are fewer problems.

Citizens could enjoy liberties at the regional level such as right to vote, contest elections, choice of residence and move freely across the region with no restrictions. In addition, citizens within this borderless region may enjoy Marshall's civil rights or any other rights decided within the supranational space. This could commence with the extension of a SADC passport to ordinary citizens. Non-citizens may enjoy rights as stipulated under the univisa system and entitled to stay at most 120 days in any SADC country with an entry visa.

These propositions seem unthinkable within SADC but are critical to the entire integration process. It is also vital towards the establishment of that ultimate political community and other multiplier effects that is associated. Additionally, these measures could be beneficial for citizens, business and national actors. It must therefore be stressed that these are radical ideas that ought to undergo careful thought, placed within a legal framework and implemented in the long term.

Notes

Chapter 3 is mainly restricted to data from the SADC website because information from books, articles and other sources are outdated or copied from the same source.

Specific indicators on tables 4 and 5 are from recent years and may not necessarily be uniform unless stated. For example poverty level may not necessarily be from the same year.

The range for age structure on table 5 is selected because this is the energetic population that are likely to move to other geographical settings.

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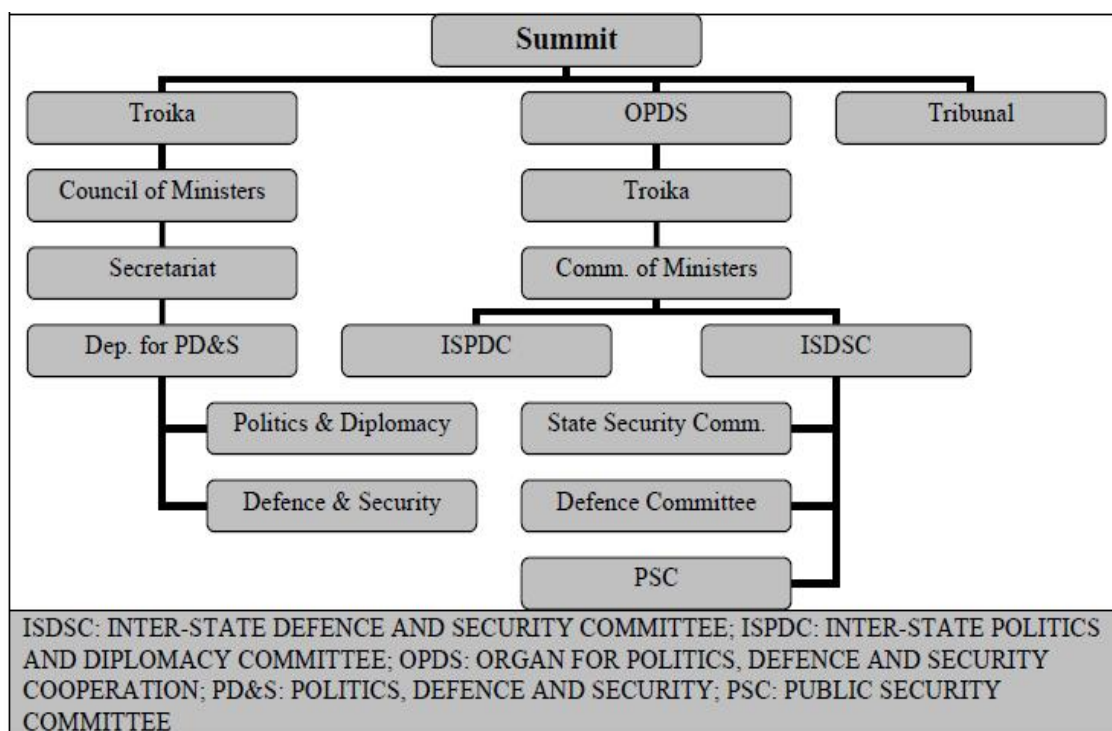
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Appendices

Figure 2: Simplified Organisational Structure of SADC

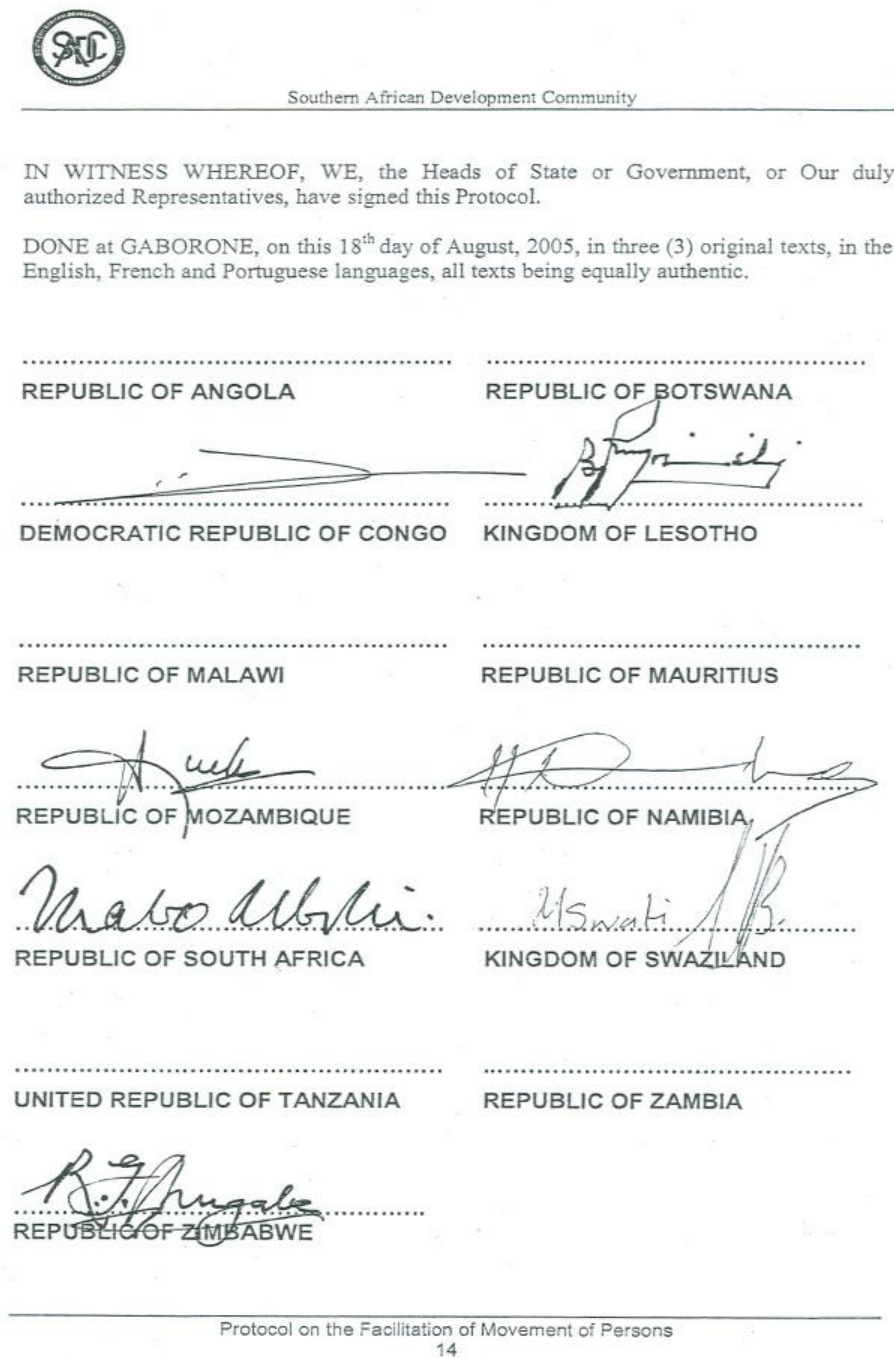


Source: Møller (2009:9)

Figure 4: SADC World Cup Logo



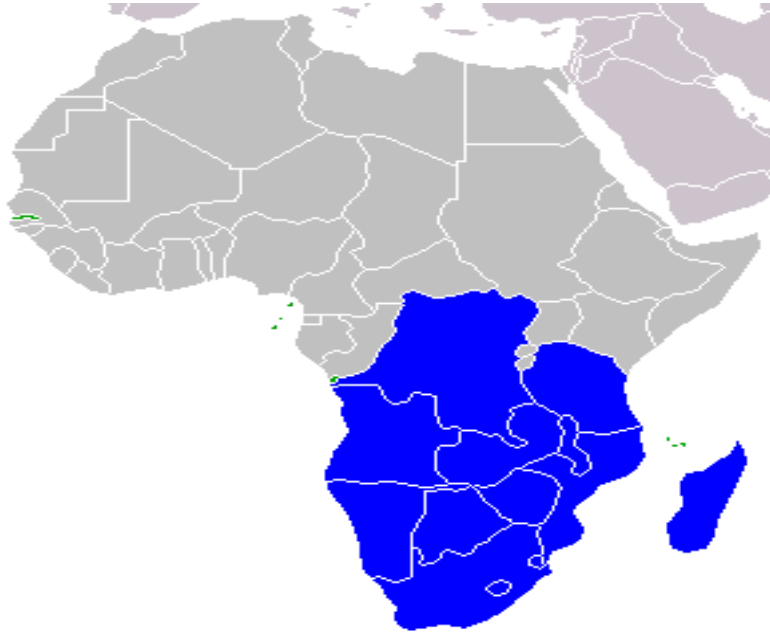
Source: SADC, 2010

Figure 5: Signatories²⁵ Protocol on the Facilitation of Movement of Persons

Source: SADC, 2010

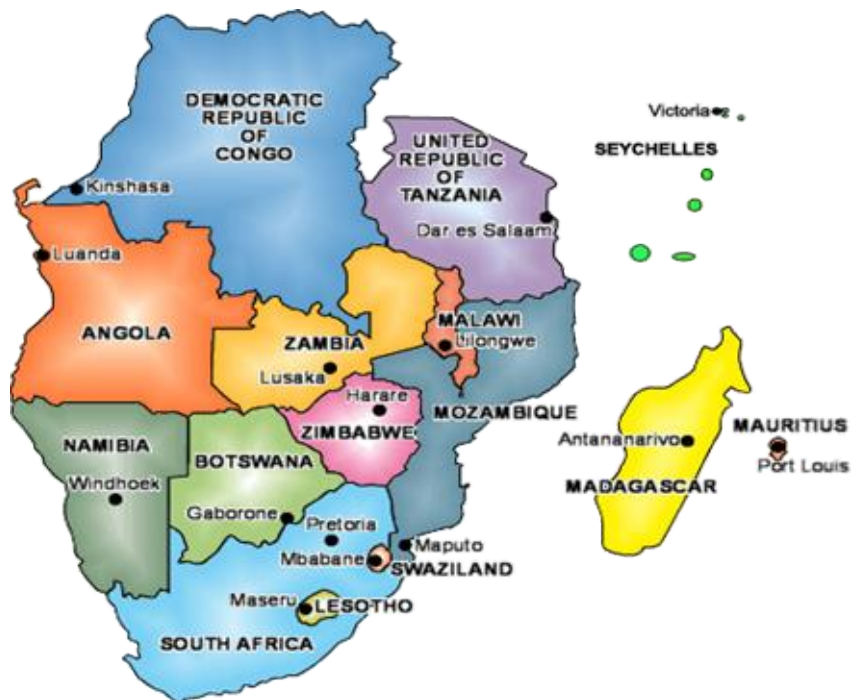
Map 1: Map²⁶ of SADC

²⁵ certified text of the Protocol was acquired from the Librarian of the Public Relations unit, SADC



Source: Møller (2009:21)

Map²⁷ 2: SADC Countries



Source: SADC (2010)

²⁶ area shaded blue

²⁷ map was obtained from the Librarian of the Public Relations unit, SADC