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Advancing Integration and Development in Southern Africa





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H.E. Ambassador Dr Salif Sada Sall

AU Regional Delegate to Southern Africa



Africans, friends of Africa, development partners and dear readers, it is a great pleasure to welcome you to our 2014 latest edition of the African Union Southern Africa (AU-SARO) Bulletin. This year, AU-SARO continued to work towards the attainment of regional integration through various programmes.

Under the leadership of Her Excellency Dr Nkosazana Dlamini Zuma, the Chairperson of the AU Commission, the new AU Commission's Strategic Plan (2014/2017), focuses on crucial issues such as Sharing Knowledge and Information vital to Economic Development; improving peace and Security; accelerating Regional Integration; enhancing Policies on Humanitarian Response and Action; improving Gender Equality; and promoting Strategic Partnerships. In line with the new strategic plan, AU-SARO has carried out various programmes in Southern Africa that aim at contributing to the efforts towards the attainment of this framework in order to achieve a peaceful and prosperous Africa.

This year, AU-SARO has continued with its capacity building programme in the universities in Southern Africa, mainly University of Namibia and Universities in Mauritius. This programme is a result of inadequate awareness among African citizens on the continental integration agenda, especially at the grassroots level. This lack of knowledge often hampers citizens' tracking and understanding of AU's policies, programmes and decision making processes. This limits Members States effective participation in important international fora, and contribution to the continental organization matters. Thus, contributors on the AU Model seek to bring awareness among citizens about the importance of contributing to the acceleration of Economic Integration and Development in Africa. The students share experience on the whole AU Model Summit exercise which brings out understanding and appreciation of the operations of the proceedings of the African Union and its programmes, including those on Peace and Security, Governance and Human Rights, Trade and Regional Integration, and Development.

Socio-economic and Political Governance Development in Southern Africa is also an area of focus that AU-SARO concentrated on in 2014. Therefore, this issue contains articles that depict how the African continent is working towards consolidating democratic institutions and culture, and ensuring good governance and rule of law. It also portrays how women are performing in politics in Southern Africa, barriers to women participation in politics and policy recommendations that can allow more women winning elections. Additionally, it tackles Human and peoples' Rights issues, particularly those of the refugees. Finally, it shares the role that SADC has played in resolving conflicts in the Southern Africa region.

In this edition, Trade, Private Sector Development and Natural Resources Management is also emphasized. This part mainly focuses on economic integration, various initiatives by the African Union and RECs, and how the continental body works with regional blocs like the Common Market for Eastern and Southern Africa (COMESA) and Southern Africa Development Community (SADC) to promote private sector development and boost trade.

Science, Technology and Human Capital Development is very important part of the AU's Development Agenda 2063. In this issue, our invited contributors present an overview of the various mechanisms responsible for science and technology, and project initiatives aimed at promoting science, research and technology as a catalyst for development. In the same area, the publication also looks at the impact of Brain Drain on the continent with a focus on Southern Africa region. It provides factors leading to Brain Drain, the extent of the problem and the strategies of overcoming Brain Drain on the continent.

In a nutshell, this issue provides an overview of various Integration and Development efforts in Southern Africa that aim at contributing to the attainment of the vision of the founding fathers of the OAU/AU of achieving a Peaceful and Prosperous Africa.



African Union

at a glance in

Southern Africa



Delivering the AU's Mandate through capacity building programme

By Golie Nyirenda

Introduction

Sketchy knowledge of the African Union continental integration agenda in most African countries, especially at the grassroots level, often hampers citizens' tracking and understanding of the AU Policies, programmes and decision making processes. Information on regional integration and cooperation is not very well understood among some African citizens. This limits countries' effective participation in important international fora, and their contribution to the crucial continental matters. Recognising this awareness challenge, the new 2014/2017 AU Commission's Strategic Plan among others, focuses on sharing knowledge and information as it is vital to economic development. Similarly, the 2009/2012 African Union Commission Strategic Plan, emphasised the need for active participation and contribution of all segments of African society in continental development.

Thus, African Union Model Summit is an advocacy and capacity building programme that seeks to bring awareness among the grassroots about their role in contributing towards the acceleration of economic integration and development in Africa. The whole process brings out understanding and appreciation of the operations of the proceedings of the African Union and its programmes, including those on Peace and Security, Governance and Human Rights, Trade and Regional Integration, and Development. The programme enforces students' knowledge and understanding of the AU. The AU Model Summit is one of the programmes that the AU-SARO is implementing in line with its mandate, of popularising the AU within SADC region.

Objectives

The African Union Model Summit aims at sensitizing African countries on the necessity of developing solidarity and common fronts through promotion of awareness among the university students about the aims and objectives of the AU; enabling understanding of the role and functions of the various organs of the AU; and helping the students appreciate the linkages of the AU with other international bilateral and multilateral agencies. Therefore, the programme seeks to achieve the following objectives:

- Increase awareness of the role, organization, and performance of the African Union;
- Understanding the role and functions of the various organs of the AU;
- Understanding the system of deliberation in the AU;
- Understanding the implementation of resolutions; and understanding the linkages of the AU with other international bilateral and multilateral agencies.

Expected output of the Model African Union

The model summit is expected to assist students in broadening their understanding of:

- Key economic, social and political security issues facing the African continent;
- Patterns of cooperation between the African Union, the United Nations and other international organizations;
- Multi-various determinants, capabilities and constraints that shape the foreign policies of member states of the African Union;
- Patterns of cooperation and conflict that characterize intra-african diplomacy in search for solutions to continental issues;
- Impact of major powers' global policies on economic, social and political security issues facing the African continent as well as attempts to influence the policies of major powers in matters of common concern.

Format

The AU Model Summit was introduced as a strategy to advocate for AU policies and programmes in Africa through involvement of tertiary institutions. This is a simulation exercise of the proceedings of the African Union. It is a student based activity involving tertiary institute students assigning themselves to the African Union Member States in groups of four or five. The students represent all AU Member States in disparate disciplines in order to draw reflections on various opportunities and challenges confronting Africa's continental integration agenda. The participants among others, embody the Assembly, Executive Council, Peace



and Security, Economic Affairs and Social Affairs in the programme after studying individual AU Member States in areas of their economies, infrastructure, history, governance, electoral system, education, peace and security and politics. This helps them speak confidently as representatives of their respective AU Member States. Like the real AU Summit, the students delegates conclude with a document of decisions, declarations and communiqué that is forwarded to the AUC management through AU-SARO.

In 2010, the African Union Southern Africa Regional Office launched the AU Model Summit at Catholic University of Malawi (CUNIMA) as a medium for popularization of the AU and capacity building of the university students in Southern Africa. Thus, the programme is being replicated within universities in SADC, so far including University of Namibia in July 2014, and private and public universities in Mauritius in August 2014. This is in line with one of the core mandates of the office which is to advocate for the AU policies and programmes in Southern Africa.

Previous Summits

As highlighted earlier, the Catholic University of Malawi (CUNIMA) was the pioneer of the AU model Summit program that is championed by the AU-SARO in Southern Africa. CUNIMA held it from March 8-19, 2011, with approximately 160 students representing 53 African Union Member States. The students studied individual AU Member States in areas of economies, infrastructure, history, governance, electoral system, education, peace and security and politics among others. The delegates concluded with a document of decisions, declarations and communiqué [Assembly/MAU/Dec.1- 14 (I)] and a report that was submitted to the AUC, in which they called on AU-SARO to conduct similar events in other universities in Southern Africa.

It could be lightly said that the report by AU Model summit participants at CUNIMA that requested AU-SARO to hold similar event in other universities in SADC region, was adopted by the regional office as in 2014, it held the simulation exercise in University of Namibia and Universities in Mauritius.

In Namibia, AU-SARO and University of Namibia (UNAM) jointly held AU Model Summit from 15-17 July, on the theme: *“Prospects and Challenges of the Brain Drain and Brain Gain in Science and Technology, and Security and Humanitarian Interventions in Africa.”* Three hundred (300) students from 12 campuses of UNAM represented 54 AU Member States in the Model Summit which took place at the UNAM main campus in Windhoek.

Calling it the First Ordinary Session of the AU Model Summit in Windhoek, Namibia, the delegates recalled the Malabo Decision on Post-2015 Development Agenda Doc. EX.CL/836(XXV) and recognized the challenges African countries face regarding Brain drain and its

negative impact on the continent’s economy due to the loss of skilled human capital. The delegates extensively discussed ways of how to find lasting solutions to this problem. To this effect, the delegates noted the need for multi-disciplinary research institutions in areas of Science and Technology and Agriculture which can help increase food security in African countries.

Similarly, the two day AU model Summit in Mauritius held on 9-20 August, 2014, was jointly organized by the AU-SARO and the Mauritius Ministry of Tertiary Education, Research, Science and Technology at Mahatma Gandhi Institute in Port Louis, Mauritius. The student delegates were divided into subcommittees which looked at and deliberated on issues of Agricultural, Rural Development, Water and Environment; Finance, Monetary Affairs, Economic Planning and Integration; Transport, Transcontinental and Interregional Infrastructures, Energy and tourism; and Education Science and Technology. Two hundred sixty-five (265) student delegates from public and private institutions represented 53 AU Member States in the simulation exercise. The student delegates came up with Decisions, Declarations and Resolutions such as decisions on promoting Sustainable Agriculture through Education and Capacity Building; promoting Gender Equality through Access to Education; alleviating Poverty and Promoting Social Integration; and Social-economic Integration of the African Population to eradicate poverty among others.

Each AU Model Summit adopts and produces Decisions, Declarations and Resolutions which are submitted to the AUC top management for their information.

Future Model Summits

AU-SARO has planned to reach out to as many universities as possible in Southern Africa. So far, the office has conducted exploratory missions in some Member States in Southern Africa such as Lesotho and Zimbabwe where the response has been satisfactory. AU-SARO is yet to explore more Members States including Madagascar, Botswana, South Africa, Tanzania, Zambia and Seychelles, for possible AU Model Summit in 2015 and beyond.

Conclusion

The response on AU-Model Summit is overwhelming, depicting the fact that Africans are interested and willing to contribute to the efforts that aim at accelerating economic integration and development of the continent. This positive response has motivated the AU-SARO to take the simulation programme to more Member States in Southern Africa region.



Lessons learnt and benefits of AU-Model Summit: Empowering leaders of tomorrow



*Geoffrey Makhola
2011 AU Model Summit
participant,
Catholic University of Malawi*

Introduction

Knowledge is power, so goes the adage. This saying is being manifested in the former students of Catholic University of Malawi (CUNIMA) who were politically, socially and economically empowered by the African Union Model Summit programme that the African Union Southern Africa Regional Office (AU - SARO) held at the University from 18 -19 March 2011. The programme seeks to equip varsity students with governance and leadership skills in SADC region. Most of the CUNIMA students who participated in the programme are now occupying senior and junior positions in different companies and organisations.

Political benefits

The participating students were introduced to the principles of good governance, which they are currently applying to the day to day management of their companies and organisations. This is evident when in their leading role, they display respect of organisation's rules of the game, accountability as well as respecting other people's rights.

These young people still treasure the importance of free and fair election as they realise that election is the tool that strengthens democracy. Pragmatically, this was witnessed during the 2014 Malawi tripartite elections when most of the former CUNIMA students who participated in the AU model summit took part in the election process as Monitors for different organisations such as the Malawi Electoral Support Network (MESN), as well as local observers for the European Union Election Observation Mission (EU-OM).

Social knowledge

The AU model summit benefited those who participated at CUNIMA in realisation of the significance of environmental sustainability for the good of the next generation. This is vital simply because there is major outcry of climate change impact due to environment degradation, as such, the participants of AU model summit at CUNIMA appreciate the need to conserve our natural surroundings.

Additionally, one of the major problems in Africa is tribal war. From the AU model summit at

CUNIMA, participants obtained and are applying skills and knowledge on how to positively use the cultural diversity on the African continent and that there should be unity in diversity. The devastating effects of HIV/AIDS are also one aspect that AU model summit has shed more light in the minds of participants at CUNIMA. Currently, those that participated in the programme are able to lobby for accessibility of antiretroviral drugs. Furthermore, the AU model summit has made us aware that affected people are also human beings as such, have to be respected as such. As students in a developed country through AU model summit, we wore another face and we are able to realise how development is dwindling due to high prevalence of Gender Based Violence (GBV). Through the AU model summit, CUNIMA students have been equipped with skills to combat GBV through rights based approach and sensitisation methods.

High literacy level is a factor to the African underdevelopment. Through the AU model summit, we have learnt that every human being has the right to education in order to improve their living standards and quality of thinking for the development of our country Malawi and the continent at large. Through this simulation exercise, we have been enlightened that development is possible if there is increase in education accessibility, especially when the technical know-how is improved in order for learners to acquire better skill and knowledge.

Many of the issues that were raised during the AU model summit concerning our African continent and my country Malawi, were holistic, targeting human development, a situation that is regarded worthy for national and international interest. For instance, prioritising maternal, infant and child health in Africa agenda for sustainable development is important. These priority areas are championed through implementation of relevant national, regional, continental and global initiatives such as the Millennium Development Goals and the African Health Strategy and the Plan of Action on Sexual and Reproductive Health and Rights.



A group photograph of participants with the guest of honour, and university officials at Catholic University of Malawi

Economic awareness

As youth, we have also benefited a lot economically. The Model Summit has demonstrated that as young people, we need to be vibrant as we have a crucial role in contributing to the economic growth of the country (Malawi). Mostly, youth are ignored and excluded from key economic and development agenda. However, the AU Model Summit sensitised the participants at CUNIMA to be responsible citizens such as to avoid evading tax since the practice negatively affect economic growth in the country.

Unemployment is one of the factors behind the decline in economic and youth are the majority casualties in the high unemployment rate. The AU model summit at CUNIMA emphasised the need for our government to take an initiative and open up local and foreign trade through the removal of trade barriers and also maintain a good balance of both expansionary and contractionary monetary and fiscal policy to stimulate the country's economy.

The AU model summit has enriched us with positive thinking as it equipped us with the pro-social behaviour as well as thinking for others so that our education should benefit the entire nation. On thinking for others, AU model summit has brought holistic approach towards things whenever we are addressing the need for humanity. The programme has also equipped us with leadership skills as many of us will be involved in formulation and implementation of development policies. Therefore, there is need to display attributes of justice, respect rules of the game and need to serve

others.

International relations

In trying to achieve development in all sectors, AU model summit has enlightened on about the significance of international relations whereby all countries should come together in combating things like corruption, HIV/AIDS and conflicts. However, in achieving such international relations, AU model summit has also empowered us to realise the need to respect sovereignty of individual countries so that there is equal footing and not imposing decisions on other countries. Much more, the simulation programme has left us with appreciation of the vital role played by development partners as well as the UN agencies, which initially, most of us thought had little impact on our country and yet they play crucial role in socio economic activities of our country.

Capacity building

Lastly, my experience sharing will be incomplete if I do not acknowledge another great impact of the AU model summit on capacity building as most of those that participated in the programme are now participating in gender equality programmes, child protection activities and various economic activities, and national security, working in Malawi Defence Force as soldiers. This signifies that AU model summit indeed has benefited us quite a lot.

AU-Model Summit 2014 in Namibia: An experience of a life time



Kamarure Kaputu,
University of Namibia,
Chairperson of the AU Model Summit

One of the fathers of Pan-Africanism, Dr.Kwame Nkrumah ones said, “The best way of learning to be an independent sovereign state is to be an independent sovereign state” and that is what the AU Model summit had in mind. The University of Namibia (UNAM) in collaboration with the African Union Southern Africa Regional Office (AU-SARO), was honoured to host the African Union (AU) Model Summit 2014 that took place in Windhoek on 16th and 17th July 2014. The AU Model Summit in which I was the chairperson provides students drawn from all UNAM campuses across the country with a learning opportunity through role playing as Head of States and simulated a typical African Union Heads of State Summit on the theme: “Prospects and Challenges of the Brain Drain and Brain Gain in Science and technology, and Security and Humanitarian Interventions in Africa.” It was an experience not to be forgotten especially not by me.

As the chairperson of the AU Model summit 2014, I have learned that as a leader, one should think three steps ahead by working to master your own environment with the goal of avoiding problems before

they arise. Listening a lot is what makes an effective leader because you must be willing to work to understand the needs and aspirations of others by asking many questions, considering all options and by leading in the right direction. Furthermore, I have learned how hard it is to make decisions that are effective and crucial to the development of the African continent. It is indeed quite a hard and stressful situation, but very interesting especially for some of the delegates who are determined in leading Africa in years to come. We can not abscond from the lesson learned as a result of the summit, that there are challenges in Africa such as the “Brain Drain” and “Brain Gain” phenomena in science and technology and that we need to turn “Brain Drain” into “Brain Gain”. We can do this by creating the appropriate structures, processes and institutions, and equipping them with qualified personnel and skills. This process can stimulate the germination of ideas and technical skills and investing in science and technology that have a cascading effect on the entire economy.

The investment in Diaspora activities will see new efficiencies leading to the professionalization of both public sector institutions and businesses, thereby enhancing economic development, augmenting the country’s human capital resources and institutional capacity. Furthermore, such exposure creates a psychological effect which can domino into rapid business growth and activity. The “brain gain” in Africa has the potential to create a number of financial, institutional, and societal benefits. Considering the current low levels of development on the continent, the transformative effect of any marginal change in this regard is simply massive. Efforts such as businesses begin to grow and become more profitable and this can foster the growth of the middle class, create a wider tax base, and create a more active and vibrant civil society, all of which bring a long-term benefit to a country.

On the other hand, security and humanitarian intervention remains developmental constrains and the concept of intervention which runs concurrently with security especially in Africa, is as it was when the cold war ended. Intervention in Africa will mean cooperation, unity and peace giving birth to security.



A participant contributing to the deliberations during the Summit
in Namibia



AU Model Summit 2014 “Heads of State” with the guest of honour, Honourable Theo-ben Gurirab, Speaker of Namibian National Assembly; Deputy Minister of the Ministry of Foreign Affairs of the Republic of Namibia, Hon Peya Mushelenga; Vice Chancellor of UNAM, Prof. Lazarus Hangula; Former AU Commissioner for Social Affairs, Mrs Bience Gavanas; UNAM officials; and Dr Salif Sada Sall, AU-SARO Regional Delegate to Southern Africa.

Africa ought to hold hands in a common struggle if we are to attain security and humanitarianism. Therefore, avoiding western consultations, for a united Africa has the potential to achieve greater security for African populations with the ideology of Pan-africanism at heart by providing African solutions to African problems.

The AU Model summit is an important platform in which African students engage in the decision making process which prepares them as ideal leaders to the real case scenario. This is important in grooming young leaders and maybe getting ready for the new future leadership of 2063. The AU Model summit brings a greater understanding of the operations of the African Union through first hand experience in leadership and strategic high level decision making. We can proudly say that we are much open minded and have learned the African Union’s origin, vision and mission as well as its operation in relations to its challenges and how they can be solved. After all, politics involves the resolutions of conflicts by non violent means and that is through negotiations, great communication and cooperation.

As a media student with keen interest in political reporting (international relations included) as well as currently being a youth leader, this experience focused on international politics in which my interest is. Thus, the skills and experience I obtained from this summit will be used in future when I hopefully become the Chairperson of the African Union Commission. Not only in that environment, but also knowing how to

communicate and work as a team in any organisation in which I find myself in as well as using the effective leadership knowledge which is very important in any organisation set up.

The AU Model summit is a learning process, an experience of a lifetime, building your inner self and realising your human potential. It is where you get to know yourself better and setting goals for your future in leadership positions. Thus, developing Africa in achieving the goal of transforming into the “United States of Africa” is key. In the same vein, I cordially invite all African University students to engage in this initiative and get closer to the administration of the AU, making decisions that might change Africa for good and being part of building “a united and strong Africa”. Not only are you doing it for yourself, but specifically for the African people and the world in general.

Consequently, the summit was an immense success and I would not mind going through it again but what could be improved is better planning and organisation by having early training and preparation of the delegates in order to get a clear picture of the procedures and proceeding of the summit. Nonetheless, I personally thank the African Union Southern Africa Regional Office (AU-SARO) and the University of Namibia (UNAM) for this important and powerful initiative that will see Africa into an economic world power in years to come.



African Union Model Summit 2014 in Mauritius: An opportunity for growth, knowledge and expansion for a better Africa



Keshwar Lobin
Head of Delegates of Benin ,
Mauritius Model Summit, 2014

I had the privilege to take part in the first Model African Union Summit held on 19th and 20th August 2014 and organised by the Minister of Tertiary Education, Science, Research and Technology of Mauritius in collaboration with AU-SARO. I was the Head of a 5-member delegation representing the Republic of Benin.

As a leader, I was able to coordinate my team's work and efforts, identify its strengths and weaknesses, motivate my team members and learn to be responsive to the group's needs. We had to listen and communicate effectively, maintain a positive attitude, be honest in our work and have sharp perception. In the process, we develop a passion for the role and build up confidence as we had to carry and defend our resolutions. In my personal role as a representative in the Executive Council, I had to tackle a crisis situation and contribute to finding out solutions.

The summit was indeed a unique platform for me as a student and a future leader. It helped me develop my communication and problem solving skills, strive to be more independent, learn the role, organisation, functions and minutiae of the AU as well as to prepare us, as tomorrow's leaders, policy makers and diplomats. The summit made me feel like real Ministers representing countries and to find out solutions for the welfare of the nations.

I have just completed my undergraduate degree in Agriculture (Specialising in Land & Water Management), and the proposed



Presentation of Best Delegate Awards: Right to Left, AU Regional Delegate to Southern Africa Dr Salif Sada Sall presenting an award to a Head of Delegation of one of the winning team at the AU Model Summit in Mauritius, Minister of Tertiary Education, Research, Science and Technology , Honorable , Dr Rajeshwar Jeetah, Chairperson of the AU Model Summit, Mr Yashraj Rohan Bhudoye, and Deputy Chairperson, Miss Deena Bhooyroo.

“It helped me develop my communication and problem solving skills, strive to be more independent, learn the role, organisation, functions and minutiae of the AU, to prepare us, as tomorrow's leaders, policy makers and diplomats”



Participants with the Guest of Honour, AU-SARO officials, Mauritius government officials, university representatives and other guests during the official opening of the AU-Model Summit at Mahatma Gandhi Institute in Port Louis, Mauritius

theme in the Executive Council titled as “Sustainable Development” matched my studies very well.

In the future, if I get the opportunity to be part of the real African Union Summit or similar fora, I will be at ease to prepare resolutions and address the members since the Model Summit helped me become acquainted with the technical terms and protocols. It will also help me be more confident expressing views and opinions.

A jury panel selected 10 Best Delegations based on team performance and it was an honour to be among one of the ten for the first ever Model African Union Summit for university students in Mauritius. The hard work and strong commitment of my team were rewarded. However, most importantly we have been able to express ideas and propose solutions for Africa’s problems through the different Specialised Technical Committees (STCs), and this brought us satisfaction and contentment. Once the aim was set, hard work, regularity, commitment and positive attitude made it possible.

The guidance from our team mentor Mr. Shane Hardwar, faculty member of at the University of Mauritius, and help from Mr. Raj Gaya, local consulate of Benin were very precious. The Summit created an environment where the delegates got to know each other and also share information in a formal and diplomatic way. The Summit is the ideal platform for the delegations to learn about the problems being faced by the countries they represented. Additionally, having four different STCs plus one head of delegation allowed the delegates to become familiar with different sectors areas. While consolidating our resolutions with other country delegates, we were able

to identify similar issues and proposed common solutions. The different delegations cooperated strongly and worked together for a better future. Students should make it a must to be part of the summit in the oncoming years. It will help them develop skills and make them confident in their debating skills. Furthermore it will help them become more diplomatic and become more concerned about the future Africans.

I hope one day to part of the real summit in Africa and be able to make use of the knowledge and experience gained in my degree course to help African countries achieving a brighter future.

“The summit was indeed a unique platform for me as a student and a future leader”

AU-SARO invited to the State of the Union (SOTU) discussions “What do citizens benefit from the affairs of the African Union?”



Dr Salif Sada Sall, AU Regional Delegate to Southern Africa,(3rd L), participating in the State of the Union panel discussion in Lilongwe, Malawi

The African Union Regional Delegate to Southern Africa, Dr. Salif Sada Sall participated as a panelist at panel discussion organized by the Malawi Economic Justice Network (MEJN) and the Eye for Development on the State of the Union (SOTU) Malawi Project. The panel discussion held on 25th March in Lilongwe, Malawi was organized under the topic “What do citizens benefit from the affairs of the African Union (AU).”

The SOTU Malawi project is part of a wider continental campaign project launched by the State of the Union Coalition in 2009 composed of civil society organizations from ten African countries. SOTU was started with the aim of tracking implementation of key democratic governance, economic, social and political policy decisions and instruments including AU Charters and protocols. SOTU also engages in research and advocacy work at national continental level with the aim of accelerating national level implementation of 16 key AU decisions concerned with democracy, social and economic rights.

The panel discussion, the first organized in Malawi was broadcast live on Zodiak Radio Station in Malawi reaching both urban and rural listeners and used interactive call-in

and SMS format to facilitate participation from people from all walks of life. Panelists included representatives from government departments, civil society organizations as well as academics in Malawi.

The panel discussion gave each panelist an opportunity to state their opinion regarding the topic of “What do citizens benefit from the affairs of the African Union.” Dr.Sall, as part of his presentation highlighted that the AU takes ratification of the AU Charters and Protocols very seriously and keeps track of ratifications through the Legal Department of the African Union. Lists of the Charters, countries who have signed, ratified and deposited their commitments can be found on the African Union webpage and is continually updated. He further added that the AU at every summit allows countries who have not yet done so the opportunity to ratify and deposit their various commitments to the AU legal instruments. Dr. Sall remarked that he is “encouraged by the panel discussion because it is through these discussions that citizens can hear, discuss and ask questions which they may otherwise not have the opportunity to do.”

Discussing what citizens benefit from the AU, Dr.Sall said that citizens through the various protocols

“The AU at every summit, allows countries who have not yet done so the opportunity to ratify and deposit their various commitments to the AU legal instruments”

and charters which are legally binding on States, can be assured that the AU for example through the Charter on Democracy, Elections and Governance will sanction countries where an unconstitutional transfer of power has taken place thereby safeguarding citizens right to choose their leaders either directly or indirectly. Further, the citizens through the African Court for Human Peoples Rights can hear citizen complaints against Member States provided that they have exhausted all legal avenues of their respective countries. “It is however the responsibility of Member States to implement and domesticate the Charters and protocols in their national policies and legal frameworks”, Dr.Sall added.

He continued that for various reasons such as financial constraints Member States may be unable to fully implement AU decisions within their national policies but it is hoped all AU decisions can be adhered to by Member States.

An interactive questions and answer session followed the presentations of panelists with listeners of the live broadcast from various parts of Malawi phoning in or sending their comments to the SMS line made available by Zodiak Radio Station. It can be noted that some citizens lamented the lack of information that is available to them to regarding what happens at AU summits and the commitments that governments may make on their behalf. Whist others remained optimistic about the Africa and the route its citizens are collectively embarking on.

Mr. Dalisto Kubalasa, Executive Director of Malawi Economic Justice Network thanked all participants and in particular the regional representative for shedding more light on the African Union. He vowed to continue organizing similar events where these important issues can be further debated and discussed to empower citizens to ultimately accelerate the implementation of AU Charters and Protocols at national policy level.

AU-SARO and NBCC-I sign MoU on budgetary and technical support for 2014-2017 programmes



AU Regional Delegate to Southern Africa, Dr. Salif Sada Sall (left) and President and CEO of NBCC Affiliates, Dr. Thomas Warren Clawson signing the MoU at the AU-SARO offices in Lilongwe, Malawi

The African Union Southern African Regional Office (AU-SARO), on 22 January 2014, behalf of the African Union Commission (AUC) signed a Memorandum of Understanding (MoU) with an American based organization, the National Board of Certified Counselors, International (NBCC-I), to achieve collaboration in the expansion of counseling and guidance services in Africa through the Africa Union. In the context of the MoU, NBCC-I will provide technical and financial support (as approved by AU Member States) for the implementation of AU-SARO 2014-2017 results based broader programmes. In turn, AU-SARO will incorporate and implement the NBCC programme for youth development, guidance and counseling and Mental Health Facilitation (MHF) for Africa in its Annual Work Plan within the framework of AU-SARO's approved results based broader programmes of 2014-2017.

NBCC is the largest professional counseling certified body in the world and thus through its division NBCC-I is

working with organizations around the world to continue the expansion of standards of practice, credentials of counseling globally, and developing mutually beneficial collaborations.

The Minister of Education, Science and Technology of Malawi, Honourable Lucious Kanyumba, MP attended the signing ceremony as the guest of honour. The event was also attended by Deputy Minister of Foreign Affairs and International Cooperation of Malawi, Honourable Abel Kayembe and other officials of the two ministries. Other guests included African Union Ambassadors to Malawi and the Guidance, Counseling and Youth Development Centre for Africa (GCYDCA) and members of the media.

In his welcome remarks, Dr. Salif Sada Sall said the African Union Commission entered into agreement with the NBCC-I upon understanding that the two organizations share the same vision of developing African youth through guidance, counseling and Mental Health Facilitation (MHF).



Further Dr Sall underscored the point that the AUC proudly recognizes and appreciates the unwavering commitment and dedication of the NBCC-I to develop youth in Africa. “AU-SARO has noted with great appreciation the role the NBCC-I have played in professionalizing and institutionalizing guidance and counseling in African countries”, he said. He further added that “I am convinced that the co-operation and collaboration between the AU and NBCC through this Memorandum of Understanding will serve the common objectives of the two organisations and enhance their effectiveness in the development of African countries”.

Explaining the background to the MoU, Chairman of the NBCC-I Board of Directors, Dr. Joseph Douglas Wehrman, said the NBCC International, agreed to the MoU with the AU-SARO on 3rd September, 2013 after recognizing the AU-SARO’s commendable mandate of maintaining relationships between the AU and its Member States and other important stakeholders such as the Guidance, Counseling and Youth Development Centre for Africa (GCYDCA). GCYDCA and NBCC International have a long standing cooperative working relationship.

He added that the Mental Health Facilitator program (MHF), is one of the NBCC-I’s activities that is carried out in collaboration with local partners such as educational institutions, government agencies or private enterprises.

According to the President and CEO of NBCC and Affiliates, Dr. Thomas Warren Clawson, the MHF tries to correct the imbalance between mental health care and resources. “Even in wealthy countries, there are not enough trained care providers. Added to that, unmet mental health needs are costly both socially and economically.”

The Vice President, Wendi Karen Scheweiger further expanded by saying that the MHF program is designed to improve access to community-based mental health care. Basically, the MHF program comprises a training framework and a defined set of counseling skills, and generates a registry of individual with expertise gained from the training.

“The training component aims at preparing individuals for a variety of basic mental health situation in multicultural and multidisciplinary context” said Scheweiger. She added that, “due to the nature and focus of the program, its design, and involves counselors, psychologists, psychiatrists, nurses and members of related professionals.”

*“Even
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AU-SARO 2014 Pictorial focus



AUC Commissioner for Rural Economy and Agriculture of the African Union, H.E. Mrs Tumusiime Rhoda Peace with AU-SARO staff, CTTBD staff and her entourage after a briefing session by CTTBD officials before the launch of the CTTBD.



UN Women Resident Representative to Malawi, Alice H. Shackelford, Paying courtesy call to the AU Regional Delegate to Southern Africa.



Africa Group diplomats at a Luncheon at the AU Residence in Lilongwe.



Briefing of the AU Election Observer Mission to the May 2014 Tripartite Election.



African Union has been participating in capacity building activities of the university students in Southern Africa. AU Regional Delegate Dr Salif Sada Sall joins the academicians in a graduation procession of Catholic University of Malawi (CUNIMA)



Africa Centre for Youth Guidance, Counseling and Development (CGYCD) Executive Director, Prof Kenneth Hamwaka accompanying CGYCD visitors from Nigeria at a courtesy call to AU-SARO.



World Vision International Southern Africa and World Vision International Australia officials paying courtesy call to AU-SARO.



Socio-economic & Political Governance Development in Southern Africa



African Union Election Observer Missions: Deepening democratic values and governance in Africa

Introduction

Starting in the late 1980's, various parts of the world including countries in Eastern and central Europe experienced fundamental changes in the political and societal spheres. Southern Africa during this time was still in the grip of white minority rule in South West Africa, Namibia and South Africa. The resurgence of democratic values in the rest of the world; the ending of the cold war; and breakup of the former Soviet Union, did not only impact societies in Eastern Europe. The winds of change also affected the African socio-economic and political landscape across African societies. Countries who were governed as one party states embraced multi-party democracy, and principles of universal adult suffrage with most countries in Africa holding elections in the early 1990s.

Africa's commitment to democratic governance

In step with the changing world as well as changes in the mindset of African peoples, African leaders met and further adopted two important charters in 1990 that focused on enhancing democracy through the participation of citizens in Africa's future trajectory. In July 1990, African leaders adopted the "Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World". The declaration committed African leaders to further take on board Africa's socio cultural values and further the democratization of Africa. The African Charter for the Popular Participation in Development and Transformation endorsed by the African Heads of State in the same year further underscored the recognition of the need for peoples' participation in the development of the continental key principle of democracy. The Cairo Agenda for Action adopted in 1995 further expressed the need for among other things free and fair elections.

Africa entered the 1990's firmly on the path of democratic reform with many countries, all across the continent, embracing multiparty democracy and recurrent elections. Leaders mindful of keeping up the momentum of these changes further adopted the Algiers Declaration (1999) which condemns unconstitutional changes of governments as well as the Lome Declaration 2000 which went further to adopt punitive measures for unconstitutional changes in governments as well as detail common values for democratic governance.

The OAU's First Election Observer Mission

As early as 1981, the right of every citizen to participate freely in the government of his or her



Brenda Kok,
Communications Officer,
AU-SARO

country, either directly or through democratically elected representatives, was recognized in the African Charter on Human and Peoples' Rights. When United Nation Security Council implemented Resolution (435) 1978 to oversee Namibia's independence from apartheid South Africa in 1989, the Organization of African Unity undertook its first election observation mission. The OAU sent an observer mission to join its UN counterparts to observe the referendum on self-termination in line with its assertion in the Charter on Peoples and Human Rights. Throughout the 1990's, the OAU observed the elections of a number of its member states, though it was limited in scope. However, the OAU continued to provide electoral technical assistance whilst building its capacity and expertise in the area of election management.

A New Era for OAU/AU Election Monitoring Begins

With countries in Africa entering the new millennium having experience of elections and democracy and placing human rights at the center of Africa's development agenda, leaders embarked on transforming the Organization of African Unity to the current African Union and in Durban in 2000, the African Union was inaugurated. The African Union, in its constitutive act declares that the organization shall promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and rule of law. The new era for Africa had thus begun with a more robust continental organization tasked with monitoring and assisting countries in strengthening their democracies. The enthusiasm around the formation of the AU and its new outlook and commitment to deepen democracy, also led to decision by the Council of Ministers through the Durban Declaration in July 2000 to establish a unit to observe elections. In 2006 the Democracy Electoral Assistance Unit (DEAU) was established under the Department of Political Affairs. The mandate of the Unit is to coordinate and observe elections as well as provide electoral assistance. The establishment of the DEAU is an important milestone in creating a more technical and standardized approach to elections which was observed to be missing from the OAU election monitoring missions in the 1990s.



AU Election Observer Mission to Malawi 2014 Tripartite Election at a briefing in Blantyre before deployment to various places in the country

Legal and regulatory frameworks for AUEOMs

Two important documents which underpin the African Union's election observer missions include, the Durban Declaration on the Principles Governing Democratic Elections in Africa (2002) and The African Charter on Democracy, Elections and Governance (2007) were adopted. The Durban Declaration sites democratic elections as the only means of authority for governments. It also places responsibilities on Member States to take all steps to implement the declaration including establishing electoral management bodies, legal frameworks in which electoral matters such as voter requirements, registration and disputes can be dealt with as well as safeguarding civil liberties such as freedom of speech and assembly.

The African Charter on Democracy Governance and Elections and Governance is a legal instrument binding Member States to the commitments set forth in the charter. The Charter which came into effect in February 2012, among other things commits African governments to condemn unconstitutional change of government, commit to representative governance and the holding regular, free, fair and transparent elections. In terms of election observation the charter commits states and state actors to (a) Establish independent & impartial electoral management bodies; (b) Establish national mechanisms for dispute resolution; (c) Ensure fair use of state resources, especially media; (d) Put in place a code of conduct for electoral stakeholders; and (e) Acceptance of election results.

The Charter gives value to the work of election observers as it makes the direct link between elections and democratic governance. Of particular significance is that Article 29 of the Charter which specifically looks at the role of women in elections and mandates states to enhance participation of women in electoral processes at all levels.

To further enhance professionalism in elections observer missions, the African Union drafted Election Observer Mission guidelines in line with the decision taken by the Council of Ministers in Yaoundé, Cameroon in

1996. These guidelines spell out the criteria for election observer missions, mandates and obligations of both Member States and observer missions and what an AU election observer mission will look at during their mission.

The African Union also adopted a code of conduct for election monitors and has developed a comprehensive African Union Observer Manual which details the AU election monitoring methodology, responsibilities and the ethical behavior that election observers should adhere to thereby strengthening the credibility and impact of observer missions on Member States and the implementation of democracy in Africa.

Conclusion

African lead observer mission have come a long way since the late 1980s and early 1990s when the OAU first took on the crucial role of monitoring elections to safeguard the democratic rights of African citizens and to strengthen and solidify shared African values. With several Charters in place, in particular the Charter on Democracy, Governance and Elections, the formation at the African Union Commission of a dedicated unit responsible for observing elections and providing electoral assistance as well as a comprehensive observer manual used by observers in the field, there can be no doubt about the commitment of the Africa Union and its Member States to the continued professionalization of election monitoring and the impact it has on enhancing democratic governance.

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Elections in Southern Africa : Exercising citizens' rights to elect leaders of their choice

By Brenda Kok

Introduction

Six countries in the Southern Africa Region in 2014 held elections for various public offices and engaged their citizens to choose either directly or indirectly their preferred leaders.

The election calendar started off with the national and provincial elections in South Africa which took place on 8 May 2014, followed by Malawi's tripartite elections (Presidential, parliamentary and local government elections) on 20 May 2014; presidential, parliamentary and provincial elections in Mozambique on 15 October; parliamentary elections in Botswana on 24 October 2014; presidential and national assembly elections in Namibia on 28 November as well as parliamentary elections in Mauritius on 10 December 2014.

The African Union was invited to observe the elections in all six countries in Southern Africa and the African Union Chairperson, H.E. Dr Nkosazana Dlamini-Zuma authorized the deployment of African Union Election Observation Missions (AUEOM) either long term observer (LTO) missions, short term observer (STO) missions or both, to observe elections in these Member States, in line with the Charter on



2014 Presidential Election in Namibia became the first to use Electronic Voting in Africa: It is believed that the technology speeds up counting and reduce queues. An old woman exercising her right to vote. (Electoral Commission of Namibia)

Democracy, Elections and Governance (2007).

The outcome of these elections resulted in three new presidents for the Southern African nations of Malawi, Mozambique and Namibia as well as a new prime minister for Mauritius.



AU Commission Chairperson, H.E. Dr Nkosazana Dlamini-Zuma addressing Election Observer Team to the Malawi 2014 Tripartite Elections before deployment while also responding to questions from the media in Blantyre, Malawi. She was in company of the Head of AU Election Observer Mission to Malawi 2014 Tripartite Elections, former Namibia President, Sam Nujoma; AU Regional Delegate to Southern Africa, Dr Salif Sada Sall; and AUC Director of Political Affairs, Dr Khabele Matlosa.

Overview of Elections in Southern Africa

South Africa: National and provincial elections



H.E. Jacob Gedleyihlekisa Zuma
President of the Republic of
South Africa

South Africa uses a proportional representation voting system based on political party lists (PR List) at the national, provincial levels and local level. A contesting political party receives a share of seats in Parliament and in the provincial parliament in direct proportion to the number of votes cast for it in the election. Voters don't vote for individuals, but for a political party, which decides on members to fill the seats it has won. At local government level South Africa uses a mixed PR and ward constituency system which allows the electorate to vote for a political party and ward councilor. Elections take place every 5 years and the presidential term of office is limited to two terms.

In 2014, South Africa held national and provincial elections, with local government elections to follow in 2016.

The outcome of the 8 May 2014 elections saw the incumbent, President Jacob Zuma re-elected by his party, the African National Congress (ANC) who also hold the majority of seats in the National Assembly (264 out of 400 seats) as the president of South Africa, allowing him a second term of office, a position he has held since 2004.

Malawi: Tripartite Elections (Presidential, Parliamentary and Local Government)



H.E. Arthur Peter Mutharika, new
President of the Republic of Malawi

Malawi has a First -Past- the- Post (FPTP) electoral system with no provision for a run off. The president is directly elected at the same time as the parliament. In 2014, Malawi for the first time undertook local government election concurrently with the presidential and parliamentary election which was then branded as the tripartite elections. Elections take place every 5 years with the presidential term limited to two terms in office. The president also chooses a running mate who once the presidential candidate is successfully elected becomes the Vice President. Individual standing as independent candidates as well as those from political parties contested all three elections in 2014.

Malawi's previous presidential election had taken place in 2009, with H.E. Professor Bingu wa Mutharika, founder of the Democratic Progressive party (DPP) was re-elected to serve a second term in office. However he had not run as a candidate for the United Democratic front which was the party he belonged to when he was first elected president in 2004. President Bingu passed away suddenly in April 2012, midway through his second term and as per the constitution of the Republic, the Vice President Dr. Joyce Banda become Malawi's and the Southern Africa's first female president. Dr. Joyce Banda had in 2011 started her own political party the Progressive Peoples Party (PP) and thus the

The outcome of the 20 May 2014 presidential election concluded with the victory for Professor Arthur Peter Mutharika from the Democratic Progressive Party (DPP) elected as president. He was sworn in on 31 May 2014 and his inauguration was held on 2 June 2014.

Mozambique: Presidential and parliamentary Elections



H.E. Filipe Nyusi, new President of the Republic of Mozambique

Mozambique runs its National Assembly elections using the proportional representation system, whilst for presidential candidates 50 percent of the vote is required to be declared the winner. Failing a 50 percent majority, a run-off between the two strongest candidates may take place to elect the president. Presidential and Assembly elections are held concurrently every five years.

The Incumbent H.E. President Armando Guebuza from Frelimo served two terms in office and in line with the constitution did not stand in the 15 October 2014 polls. Mr. Filipe Nyusi of the governing Frelimo party was named the victor in the presidential election and took 57 percent of the vote and will be sworn in as president in January 2015.

Botswana: Parliamentary Elections



H.E. Ian Seretse Khama, President of Botswana

Botswana employs a First-Past-the-Post (FPTP) electoral system and elects the National Assembly and Local Councils concurrently. Elections are held every 5

years and the president who is elected by the National Assembly is limited to two terms in office.

The incumbent President H.E. Khama was sworn in for a second term in office on 28 October 2014, following the polls on 24 October 2014. President Khama's party the Botswana Democratic Party won which won 37 of the 57 seats in the National Assembly.

Namibia: Presidential and National Assembly Elections



H.E. Hage Geingob, new President of the Republic of Namibia

The proportion representation electoral system is used to elect the National Assembly in Namibia whilst the president is elected directly through absolute majority. Presidential and national assembly elections take place at the same time. The president is elected for a period of five years with a two term constitutional limit in place.

Incumbent President Hifikepunye Pohamba was unable to stand for re-election due to the two terms constitutional limit. Mr. Hage Geingob candidate of the ruling SWAPO party emerged victorious in the 28 November 2014 presidential elections with 87% of the vote. SWAPO also won the National Assembly elections, taking 80% of the vote.

Mauritius: Parliamentary Elections



H.E. Rajkeswur Purryag,
President of Mauritius

Mauritius employs a First– Past the Post electoral system for parliamentary elections. The President is elected by the National Assembly for a period of 5 year, whilst the prime minister is appointed by the president also for a five year term.

The 10 December parliamentary elections saw the Alliance Lepep headed by former President Sir Anerood Jugnauth achieve victory in the polls. Alliance Lepep took 47 of the 62 seats in parliament. President Rajkeswur Purryag appointed Sir Anerood Jugnauth as Prime Minister on 15 December 2014.

Southern Africa 2014 Election Briefs

Country	Election Type	Date	Outcome on Leadership
South Africa	National and Provincial elections.	8 May, 2014.	N/A
Malawi	Tripartite elections (Presidential, parliamentary and local government elections).	20 May, 2014	H.E. Peter Mutharika became new president
Mozambique	Presidential, parliamentary and provincial elections.	15 October, 2014	H.E. Filipe Nyusi became new president
Botswana	Parliamentary elections.	24 October, 2014	N/A
Namibia	Presidential and national assembly elections.	28 November, 2014	H.E. Hage Geingob became new president
Mauritius	Parliamentary elections.	10 December 2014	N/A

Elections 2014 : Gender based reflection and analysis of elections in SADC

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Introduction

Malawi now has one of the SADC lowest rates of political representation of women. From being the second country in Africa with a female President to 24% women in Parliament, Within the SADC region, as of now, only Botswana, Swaziland, Zambia and DRC have less numbers of women in Parliament.

The Tripartite Elections on 20th May 2014 have resulted in 16% of women in Parliament (32 women) and 12% in local councils (56) and no female president or Vice-President. Malawi nonetheless has a female deputy speaker.

For the record, in 2004, there were 155 female candidates, in 2009, there were 234 female candidates, while as in 2014 there were 260 female candidates. Some very small increase in that regard is noticeable but not relevant. There is high expectation of the women elected since their professionalism and experience may bring new dimensions and perspectives to women's political participation in Malawi.

The country context underlines some quite staggering figures: one of the highest number of child marriages in the world, where on average, one out of two girls in Malawi will be married by their eighteenth birthday), one of the highest maternal mortality rates (460 per 100,000), 180 new HIV infections per day with 126 deaths, and the girls drop out rate stands at 15% between grades 5 and 8. These gender inequalities are impacting directly on the achievement of the MDGs, where 4 MDGs out of 8 will not be achieved (MDG 1,3,4 and 5).

Steady progress on women political participation had been made in Malawi: from 6% women members of Parliament in 1994 up to 24% in 2004 showing effective

“Gender inequalities are impacting directly on the achievement of the MDGs”

strategies and focus by private and public stakeholders. At the same time, political parties structures, fell away in enabling the progress of women at institutional level. The original draft of the Gender Equality Act included quota for political parties but the quota was removed in the final version passed in 2013.

The number of independents elected to the new Parliament and local councils is further evidence political parties are not always effective in terms of representing political aspirations and mediating those at constituency and ward level. There are 25% independents in Parliament, of which 12 are female.

In this regard, UNDP and UN Women signed in 2013 a joint program with the Ministry of Gender, Children and Social Welfare on Political Empowerment of Women for 4 years therefore including 2014 tripartite elections and the 50:50 campaign as well as preparation for subsequent elections. No external funding was raised up to now for this and UNDP and UN Women used their core funding to support activities in preparation for the elections.

Following the SADC Gender Protocol target of 50:50 men and women by 2015 - the 50: 50 campaign supported by civil society organisations, government and the UN since 2000, kept very strong focus on Parliamentarian and Local government elections with no focus on President (where there were 2 female candidates). It provided strong lobbying and regular follow up with main political parties including a communiqué early last year signed by main political parties calling for increase attention and inclusion of

women, as well as trainings for all female candidates for parliament and local councils. Financial and material support was also provided to all female candidates (after the primaries) for Parliament and local councils.

The 50-50 campaign should have started earlier and been maintained as an ongoing program after the 2009 elections. The campaign should have been better focused, ensuring clear messages to counterbalance the negative women's stereotype. Furthermore, Donors and others could have supported much more of what was made available and a lot of reflection is being made in this regard. What is clear is that there has to be regular advocacy and capacity building effort, advocacy for quotas and revision of electoral system are a must for Malawi.

Underscoring one of the development contradictions in Malawi, while everyone recognizes the girl child as key to development of this country, Malawi has the highest child marriage in the world, high early pregnancy and high girls school drop out rate, very high maternal mortality. But how many donors are directly supporting women political participation and specific efforts in this regard? Not many! Education and girl child is key but needs to go together with a politically friendly environment for both men and women, where efforts are harmonized, gender equality priorities are integrated and institutions are held to account.

Having a female President (April 2012-May 2014) brought clearly strong dynamic of prejudice and resistance to a women leading and much rhetoric was devoted to her being a woman more than substantial

Table 1: Female participation in countries that recently held elections

SADC country	Head of state (F/M)	%age in parliament	%age at Local Government.	% in cabinet
Malawi	M	16.5	12	15
South Africa	M	40	Yet to be conducted	41
Mozambique	M	Yet to conduct	38	32
Zimbabwe	M	38	16	12
Seychelles	M	44	No elected local govt.	27

Source: SADC Gender Protocol 2014 Barometer, Gender and governance

issues and decisions. When Dr. Joyce Banda announced she would attend the funeral of Mandela, the newspaper cartoon showed her as part of the women group in the back cooking for the funeral. A clear attempt to diminish and reduce her leadership and representational role.

The former President played the gender card and ensure that women would join hands together more than dividing across political parties and Regions. It will be left to history to judge, women came out as a more divisive group than cohesive, with tellingly no common message for the tripartite elections. A Lost opportunity for sure!

The economic side of elections in terms of costs and financial investments for the campaign is a key factor that often plays against women who have limited access and control to finances. The use of handouts and cash handouts as political tool is to be urgently reviewed and considered for abolition as is in other African counties.

Trends of women participation in elections: Performance of women in SADC region countries

Recently, five SADC countries held elections and these are Malawi, South Africa, Mozambique, Zimbabwe

and Seychelles. Between August 2014 and the end of 2015, five more SADC countries, Botswana (local and National), Mozambique (National), Namibia (National), Mauritius (National) and Tanzania (National and local) are due to hold elections.

During elections 2013/14, women representation in parliament increased in Zimbabwe and in Local Government Elections in Mozambique but dropped in parliament in South Africa and Malawi, and in Local Elections in Zimbabwe and Swaziland. Malawi held Local Government Elections for the first time in several years, but only achieved a 12 % representation of women. South Africa (tenth) and Seychelles (Fifth) are the only SADC countries in the top ten Global ranking of women parliamentarians around the globe.

Regionally, no country in SADC has reached the 50 % target representation of women in recent parliament or local government elections. The overall representation of women in parliament within SADC hit its highest at 26 % in 2014 from 24 % in 2013. There are only 6 countries that managed to achieve over 30 % of women representation in parliament. Seychelles is the country with the highest (44 %) female representation in parliament while Botswana is the least in the region with 10 %.

Table 2: Female participation in SADC region countries

	Parliament	Local Govt.	Cabinet
Average % of women	26	24	21
Number of countries achieved over 30 %	6	5	2
Highest (country %	Seychelles (44%)	Lesotho (49%)	South Africa (41%)
Lowest (country %	Botswana (10%)	Madagascar, Zambia (6%)	Mauritius (8%)

Source: SADC Gender Protocol 2014 Barometer, Gender and governance.



The average percentage of women representation at local level in 2014 is at 24 % from 28 % in 2005. Only 5 countries in SADC managed to attain 30 % representation of women at local government level. Lesotho is the country with highest female representation of women at local government level (49 %) while Madagascar and Zambia have the lowest (6 %).

At ministerial level, the average percentage of women representation in cabinet is 21 %. Only 2 countries have achieved the 30 % women in cabinet. South Africa has the highest female cabinet representation of 41 % while Mauritius has the lowest (8%).

SADCs only woman head of state ever, Dr Joyce Banda lost her presidency in the Malawi 2014 tripartite general elections. This means that SADC no longer has female head of state

Obstacles and support to women's participation

Socio-cultural barriers: culturally women are perceived as subordinated and incompetent and men as natural leaders. This stereotypical and culturally negative attitude towards women characterised by rejection, lack of acceptance and oppression from both men and women affect women's effective participation and to some extent scares them away from politics. Religious cultural prejudices reinforce beliefs which portray a man as leader of the house. Further, a culture of violence and sexual harassment discourage women to participate in political process.

Lack of capacity: the majority of women have low levels of education achievement as compared to men as a result most of them do not have the required qualifications to take part in active politics. This discourages those who are interested and reduces the participation of women in politics. Further, women lack the requisite skills necessary for them to effectively participate in politics. Politics requires managerial, public speaking, negotiating and image presentation skills. Lack of these in most women affects their effective participation and often leads to their low participation in politics. Knowledge of rights and laws is also generally low among women. Many women are not fully conversant with laws and policies that provides for political and legal empowerment. Although awareness is increasing in some countries, access and detailed use of such knowledge remains low.

Financial obstacles: the large population of poor people in Africa is made up of women than men. In light of the handouts syndrome, women find it difficult to compete financially with men during campaigns. The little resources they have do not last for the whole period of

the campaign and this leads to their poor performance in elections.

Legal obstacles: effective participation of women is also hampered by gaps that are embedded in electoral laws. For example, in most African countries, the electoral laws do not provide for:

Gender principles such as equality and non discrimination as guiding principles

Affirmative action in favour of women

Gender guidelines for the demarcation of constituencies and wards

Gender equality principles as a precondition for registering political parties

The regulation of party primaries where women are disadvantaged.

The regulation and gendered use of donor funding

The mainstreaming of gender so as to ensure equal participation of men and women in election observation process.

Mechanism for the purpose of outlawing and curbing discriminatory cultural practices which exacerbate low participation of women

All these work to the disadvantage of women and contribute to the continued low levels of women's participation in politics.

Low access to information: due to their low economic stamina, women face difficulties to take advantage of the modern informational technologies so as to avail themselves of information necessary for their effective participation in politics. This affects them negatively.

Greater family responsibilities: women are traditionally known to be family care-takers. While men are out there campaigning for elections, women must first handle family responsibilities before leaving for campaign. This puts men at an advantage over women. Women also feel exhausted due to the burden which they already bear at home. The end result is poor performance of women. Some women do not even attempt to participate as they are discouraged by the inconveniences involved.

Media related obstacles. The media is viewed by most women as hostile to female candidates. Radios and newspapers for example single out mistakes made by female politicians and make use of the same in a manner that becomes embarrassing and discouraging to women. Further, media coverage is not equitable. There is more coverage of issues relating to male politicians than female politicians during campaigns. Sometimes women face informal discrimination manifested in their inability to get on the air at all. Even when airtime is carefully regulated, the price of advertising may be beyond the reach of



women candidates. This gives an added advantage to men, making them more popular than women.

Obstacles to women participation in elections as election observer team members. In many countries, election observer teams are composed of Members of Parliament. And in the case of Malawi for example, Parliament has 32 female MPs alone out of the 193 seats representing about 17 percent. This has a direct bearing on the composition of election observer teams to foreign countries.

Way forward: Proposed measures for enhancing women participation

a. Governments should

- i. Ensure that political party laws and other election-related legislation do not directly or indirectly disadvantage women:
 - Gender principles, equality and non-discrimination, should be guiding principles;
 - Affirmative action in favour of women should be considered;
 - The demarcation process of constituencies and wards should be engendered ;
 - Gender principles should be guidelines for registering political parties;
 - Gendered Laws should be enacted for the regulation of party primaries
 - Gendered Law should be enacted for regulation and use of donor funding
 - Law should enacted outlawing discriminatory cultural practices.
 - Ensure gender mainstreaming in election observation process to level participation of males and females.
- ii. Enact legislation requiring political parties to adopt democratic procedures for their internal operations, such as primaries, use of party funding etc.
- iii. Implement temporary special measures requiring political parties to include a substantial proportion of women high on their candidate lists;
- iv. Provide incentives for political parties to promote women candidates, including resources, training and increased access to broadcast time.
- v. Governments should also provide increased airtime on public radios for women in politics to enable voters to make informed assessments at election time of the overall performance of political parties, including their support of women who have been elected as representatives.

b. Donors should

- i. Ensure that gender is included in guidelines and policies and is a pre requisite for election programme

funding and impact monitoring and evaluation.

- ii. Provide advice on legislation, electoral systems and best practices that can advance women's participation in the electoral process
- iii. Assist in the training of women candidates;
- vi. Provide training to political parties, journalists, security forces and others to convey the importance of women's political participation and gender sensitivity;
- v. Help establish and support cross-party cooperation among women;
- vi. Provide support and training to women who have been elected to office to enable them to function more effectively in their new roles.

c. NGOs and the Civil Society Organisations should

- i. Ensure that their programmes are coordinated and implemented in a gender-positive manner and that they have sufficient internal gender capacity to do so.
- ii. Identify women willing to run for office;
- iii. Provide training and other types of support for women candidates and women in political and public office;
- iv. Lobby to ensure issues of special concern to women are addressed in political party;
- v. Develop cross-party networks of women;
- vi. Develop and disseminate gender-sensitive messages for voter and civic education;
- vii. Advocate for improved media coverage of women's issues and women candidates
- viii. Put in place clear mechanisms to influence government and political parties to adhere to national commitments to fulfil gender equality objectives and demand greater accountability on the same
- ix. Lobby for legislative changes to electoral laws and systems to advance women's empowerment;
- x. Persuade international donors to support projects aimed at advancing women's political participation especially in between elections.

d. The Media should

- i. Have a code of conduct or policy that recognizes gender equality as an important aspect of democracy and is committed to report on gender equality in relation to an election;
- ii. Provide gender-sensitive coverage of elections, avoiding negative stereotypes and presenting positive images of women as leaders;
- iii. Provide women candidates with as much airtime and print space as that given to men;
- iv. Focus attention on issues of special concern to women in news programming;



- v. Recognize gender issues, such as domestic violence and discriminatory customary laws and practices, as important electoral issues
 - vi. Undertake voter and civic education programmes aimed specifically at women.
- e. Political Parties should**
- i. have the constitution, manifesto, policies and structures of each political party incorporated gender equality and women's empowerment objectives to ensure equal representation and participation of women and men in decision-making at all levels;
 - ii. have procedures to select candidates for decision-making positions within the party structures, as well as for the nomination to presidential, parliamentary, provincial and local government positions, that allow for gender equality between women and men ;
 - iii. have programmes to ensure an increased number of women in party decision making structures at all levels and for the nomination to parliamentary provincial and local councils so that a minimum target of at least a reserved quota of women in such bodies is achieved;
 - iv. include commitments to promote gender equality as a priority issue in their manifestos and campaign platforms;
 - v. have awareness raising, training and capacity building programmes, specifically for women members, aimed at enhancing their capacities and competences;
 - vi. Set norms and standards aimed at promoting the position of women and preventing physical, sexual and verbal harassment of women.
- f. Society should**
- i. Prioritise education of all children regardless of gender so that children become responsible citizens capable of effectively participating in decision making;
 - ii. Treat women on equal basis with men;
 - iii. Ensure that women do not singlehandedly handle family responsibilities so as to allow them to have time for politics.
 - iv. Showcasing good examples of families who treat male and female children equally) so that others can emulate.

“The Protocol to the African Charter of Human and Peoples’ Rights of Women popularly known as the Maputo Protocol, guarantees comprehensive rights to women including the right to take part in the political process and decision making with men”



ANNEX: International and regional frameworks applicable to Malawi

International frameworks

Universal Declaration of Human rights (UDHR)

The UDHR recognizes that all people, men and women are equal before the law and are to equal protection of the law without discrimination (Article 7). It further recognizes that all human beings have political rights which include the right to take part in the government affairs and right to have equal access to public service in his or her country (Art. 21).

The International Covenant on Civil and Political Rights (ICCPR)

Article 26 of ICCPR guarantees the right to equality before the law. It also recognises the right to equal protection before the law and not to be discriminated against on any basis including sex. Further article 25 of this convention recognises and guarantees to every citizen the right and the opportunity, without any of the distinctions and without unreasonable restrictions to take part in the conduct of public affairs, to vote and to be elected at elections and to have access to public service in his country.

Convention on the Elimination of All Forms of Discrimination (CEDAW)

CEDAW provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life, including the right to vote and to stand for election, as well as to hold public office at all levels of government (Article 7). States parties agree to take all appropriate measures to overcome historical discrimination against women and obstacles to women's participation in decision-making processes (Article 8), including legislation and temporary special measures (Article 4).

The Beijing Declaration and Platform of Action (1995)

This was adopted in Beijing, in September 1995. The governments having been convinced that women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace, committed themselves to implement the Platform for Action, ensuring that a gender perspective is reflected in all their respective policies and programmes.

The Human Rights Conference in Vienna (1993) On 25 June 1993, representatives of 171 States adopted by consensus the Vienna Declaration and Programme of Action (VDPA) of the World Conference on Human Rights for the purpose of taking new steps to promote and to protect the rights of women including political rights.

The Fourth World Conference on Women in Beijing (1995) This brought attention to the persisting inequality between men and women in decision-making. The Beijing Declaration and Platform for Action recognizes women's unequal share of power and decision-making as one of the twelve critical areas of concern. The Platform for Action outlines concrete actions to ensure women's equal access to, and full participation in, power structures (Strategic Objective G.1), and to increase women's

capacity to participate in decision-making and leadership (Strategic Objective G.2)

Resolutions

1. **The Security Council Resolution 1325 on Women, Peace and Security of 2000**, reaffirmed the commitment to achieve gender equality in power and decision-making in political affairs. The resolution called for the integration of a gender perspective into the negotiation and implementation of peace agreements.
2. **General Assembly Resolution 58/142 on Women and Political Participation of 2003** urged Member States to eliminate all discriminatory laws in their national legislatures, counter "negative societal attitudes about women's capacity to participate equally in the political process" (Para. 1d), and "institute educational programmes...in the school curriculum that sensitize young people about the equal rights of women" (Para. 1g)

Regional frameworks

The African Charter on Human and peoples' Rights of Women. The charter recognises the right of every individual to be treated equally and not to be discriminated against on any ground including gender (article 3 and 2). Further it guarantees every individual the right to participate in the governance of his or her country, and the right to equal access to the public service of his or her country (art. 13).

The Protocol to the African Charter of Human and peoples' Rights of Women. The Protocol to the African Charter of Human and peoples' Rights of Women popularly known as the Maputo Protocol, guarantees comprehensive rights to women including the right to take part in the political process and decision making with men. It further provides that states shall take positive actions to promote participation of women in politics through affirmative action, enabling legislation and any other measures (article 9).

African Union solemn Declaration on Gender Equality. A formal declaration adopted by heads of states and government of African Union in July 2004, and which having registered its concern about the low levels of women participation in social, economic and political structures calls on member states to expand and promote the gender parity principle in all spheres of national life, including in political decision making.

The SADC declaration on Gender and Development. Under 8 of this instrument, the Heads of state and government committed themselves and their respective countries to, inter alia ensuring the equal representation of women and men in the decision making of member states and SADC structures at all levels and the achievement of at least 30% target of women in political and decision making structures by the year 2005. In its later review, the protocol was adopted by SADC Heads of state and Government in 2008 requiring states to enshrine gender equity and equality in their constitutions and ensure these rights are not compromised by any provisions laws or practices. It also recommends that states parties shall endeavour that by 2015 at least 50 per cent of decision making positions in the public and private are sectors are held by women, including the use of affirmative action.

The AU: Long walk with refugees



AFRICAN UNION
A United and Strong Africa



By George Kuchio
UNHCR Representative, Malawi

The adoption of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, by African Heads of State and Government at its 60th Ordinary session in Addis Ababa on 10th September 1969, is perhaps the best decision the continent ever made on refugee protection.

The broader Convention, in an astute manner enunciates a protection regime unique to the continent, which over the years has enabled displaced people enjoy asylum without the rigours of individual status determination that is not only laborious, but that perhaps would never have been possible with the kind of refugee situations the continent has experienced.

The Preamble to the Convention is carefully worded recognizing that refugee problems are a source of friction among Member States and that the Member States in framing the Convention were aware of this discord and intended to address it. Our leaders at the time were aware that much as there were subversive elements bent on waging war against their countries abroad, there were persons in genuine need of protection, who deserved humanitarian asylum. It was not also lost to the proponents of the Convention that international instruments such as the Universal Declaration of Human Rights affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination.

But perhaps, more importantly in drafting the Convention, it was not lost on the framers that the UN 1951 Convention relating to the status of refugees and its 1967 Protocol were the basic universal instruments governing refugee status.

While the OAU Convention heavily borrows from the 1951 UN Convention on the definition of the term “refugee” it widens this definition in the African context recognizing that persons who flee external aggression, occupation, foreign domination or events seriously disturbing public order will be deemed refugees.

The other unique and interesting provision of this Convention is found at Article V of the regional law,

which dwells on voluntary repatriation. The Convention underlines the voluntary nature of return to the country of origin, factors actuating flight having petered away, pointing out that no refugee shall be forced to return against his/her will. Countries of return and asylum are enjoined to ensure safe return of refugees, with the country of origin facilitating reintegration of the returnees with full rights as citizens. The countries of origin are cautioned against penalising refugees upon return with the additional provision in the law that refugees who spontaneously return will be provided with all assistance by the both the countries of asylum and origin.

It is clear reading the provisions of this Article, to see the genesis of tripartite frameworks that form the basis of voluntary return today between the host country, country of origin and UNHCR.

The AU, and its predecessor, OAU over the years, has been a good partner to the international community in addressing refugee problems on the continent.

More however needs to be done and a strong political will be required in tackling the perennial refugee situation on the continent, in particular the now dangerous and often fateful attempt across the Mediterranean to dock on Lampedusa and elsewhere. It is good to note that the AU no longer talks of “noninterference” in sovereignty State matters, but rather “non-indifference” toward such matters. Refugee situations on the African continent have mainly been spurred by the following reasons:

- i. Non respect for democratic institutions and poor human rights records,
 - ii. Ethnicity, and
 - iii. Civil strife.
- i. **Non respect for democratic institutions and poor human rights records**

The AU must raise the bar of its membership’s respect for universal suffrage. Acts of bungling elections, rigging or the conducting of sham elections to



The long walk with refugees. Picture courtesy of UNHCR

perpetuate rule not mandated by the masses should be a thing of the past. The AU must show strong intolerance of Member States in its midst who resort to such pretence with clear sanctions in place to deter this archaic practice that is fast eroding democratic institutions on the continent. Member States that violate the rights of its citizens should not be spared either. In this regard, Europe and America should not be looked at as enemies, but rather friends of Africa, if their continued positive engagements with African States are tied to regimes' respect of human rights. The AU must endeavour to stop the trek across the continent to Lampedusa and other destinations, that has led to hundreds of deaths in the Mediterranean.

ii. Ethnicity

The prolonged civil war in Somalia, the genocide in Rwanda and strife in Burundi, the near balkanization of Cote d'Ivoire and post-election violence in Kenya, the unfolding situation in Mozambique, to name but a few scenarios, have all been occasioned by ethnicity. The AU has a lot of work to do here in convincing a number of its Member States that ethnicity is not only primitive, but a vice that modern Africa needs to put behind it.

iii. Civil Strife

The proxy war in the Democratic Republic of Congo that has led to untold suffering of innocent civilians, many of whom are women and children, should not be tolerated either. This shameful incursion that has led to the displacement of over 800,000 people since April 2012 with many civilian lives lost, must be brought to an end. In this regard, President Jakaya Kikwete of the United Republic of Tanzania deserves accolades and not condemnation for having urged the protagonists to talk to each other and end this misery. If Anwar Sadat made peace with Menachem Begin, forgiveness, sanity and sobriety are possible.

It is not too late in the day for the "long walk of the AU with refugees" to come to an end.

Vanishing asylum space : Case of Malawi, the “Warm Heart of Africa”

Malawi, a densely populated country of 118,484 square kilometers, is renowned for her hospitality, affable and tolerant people, thus leading to her well-earned self-description as the “warm heart of Africa”. As regards matters relating to asylum, Malawi perhaps over the years, has embodied the aspirations of the founding fathers of modern Africa, when the broader 1969 OAU Convention relating to specific aspects of refugee problems in Africa, was adopted.

While independent African States were fiercely critical of Malawi for maintaining good relations with the then apartheid South Africa, as opposed to the tough stance taken by what were then known as frontline States, which included Zambia, Mozambique and later Zimbabwe, it cannot be denied that Malawi hosted many people on the continent in need of refuge, at one point hosting over half a million Mozambicans.

In spite of the fact that while acceding to the 1951 Convention relating to refugee status, Malawi made reservations to the following Articles of the Convention;

- i. Article 7 (exemption from reciprocity),
- ii. Article 13 (rights relating to movable and immovable property),
- iii. Article 15 (right of association),
- iv. Article 17 (wage earning employment),
- v. Article 19 (Liberal professions),
- vi. Article 22 (public education),
- vii. Article 24 (labour legislation and social security),
- viii. Article 26 (Freedom of movement), and
- viii. Article 34 (naturalization).

In practice, over the years refugees owned property in Malawi, enjoyed freedom of association and were able to attain wage earning employment. Professional refugees such as teachers and doctors were also able to engage in employment in Malawi and public schools, to date, still admit refugee children.

The encampment policy remains on paper as a restriction to refugee movements outside the camp, in actual fact, many refugees stay outside the camp and continue to enjoy ample freedom of movement in the country.

Admittedly, over the years Malawi remained a haven for persons in need of international protection and was the epitome of the Pan African vision for the protection of uprooted people on the continent. In this regard however, it ought to be borne in mind that the refugee situation on the continent was deemed alien to the then newly independent States of Africa, after many years of struggle under the yoke of colonialism to attain



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independence. A refugee situation was looked at as a calamity that had been visited upon continent by foreigners, the enemy as it were, namely colonialists who by inhabiting African countries that were yet to attain independence, or majorly rule as was the case with South Africa. They were seen as displacing Africans so as to plunder their resources. In the vision of the founding fathers, the emancipation of the entire continent would perhaps do away with refugee situations, which would be a thing of the past.

In this context, generous and benign institutions of asylum were not limited to Malawi alone, but were to be found in countries such as today's United Republic of Tanzania, Zambia, Uganda (which to date has maintained the same spirit, albeit with limited restrictions as relates to local integration as a solution and right to work) and to a much lesser extent Kenya which used to provide local integration to few refugees, who were known as “full status refugees”. This phenomenon in respect to Kenya has long petered away.

So then, like the late renowned African scribe Chinua Achebe, may put it; “where did the rain begin beating us” leading to the vanishing of asylum space in Malawi and many a country in Africa today, such as the United Republic of Tanzania, pray?

Several reasons may account for the hostile climate afoot toward refugees today.

Protracted refugee situations

Were the founding fathers of Africa, most of who, if not all, have passed on now, able to resurrect from their graves, they would no doubt be bitterly disappointed with the protracted refugee situation on the continent. This would be more so, if privy to the fact that the situation has not only been exacerbated, but has been fuelled by conflict, civil strife, violation of human rights and lack of respect for democratic institutions **in independent African States**.

In fact in the 44 years since the OAU Convention was adopted, the refugee situation in Africa has grown more than ten times from a population of some 700,000 people then, to a population of over 7,000,000 refugees.

The obtaining situation has not only led to donor fatigue, but tried the patience of refugee hosting countries as well.



Leader of Congolese Refugees at Dzialeka Camp in Malawi, delivering a speech during 2014 World Refugee Day commemoration.

Mixed migratory movements

The composite flow of persons, many not in need of asylum, but greener pastures, as we have seen in Malawi, where many a person who lay a claim to refugee status merely have the intention to recuperate in a refugee camp and vanish after some sojourn, has led to refugee hosting countries to question genuine needs for refuge.

Declining fortunes

African countries of the 1960s have undergone immense transformation since the times of the OAU. A lot of water has passed under the bridge since the days of Kwame Nkrumah, Sekou Toure, Julius Nyerere, Léopold Sedar Senghor, Patrice Lumumba and our other leaders. High population growths, unfulfilled promises, chronic poverty, with more people in need of resources and employment, but with declining economies, are problems that have led to the relegation of refugee matters to the bottom of the agenda of many African countries.

Terrorism

The emerging threat of terrorism, with refugee camps seen as concealing terrorist activities as is the case in Kenya now, does not help in expanding the asylum space as known to us before.

Xenophobia

All the above issues have led to refugees being looked at as persons not in need of refuge, but rather the host population's competitor or enemy, in the quest for scarce resources, employment and a threat to the security of host countries.

All is however not lost and the AU with the support of UNHCR, should do all in its power not only to arrest the vanishing asylum space, but reclaim the hitherto space of yester years, we remember with nostalgia.

A two pronged approach is required in dealing with the matter at hand; the strengthening of democratic institutions and rule of law, which will prevent flights of people to seek asylum, and need to persuade countries on the continent, that asylum is a humanitarian act and should be seen so, for as long as the need for it lasts.

The role of RECs in preventing and resolving conflicts: The experience of SADC



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Introduction

Conflict resolution, through effective approaches by Regional Economic Communities (RECs) and Regional Mechanisms (RMs) remains ideal as the former UN Secretary General, Boutros Boutros Ghali noted in his report titled “An Agenda for Peace, Preventive Diplomacy, Peace-making and Peace-keeping.” Ghali’s report in 1992, acknowledged that regional arrangements or agencies in most cases possess a potential that should be utilized in servicing functions of preventive diplomacy, peace keeping, peacemaking and post-conflict peace building.

It is obvious that the role of regional groupings differ from one region to the other, late a lone the security arrangements are also varied from REC to REC and/or from RM to RM depending on the resources and leadership. The classic neofunctional theory believes that regional integration is the catalyst for peace hence most regional bodies are formed with the very understanding that neighbours are better off if they are friendly and do not fight wars, and support each other to solve problems (EU Model). Thus, regional blocs believe in diplomacy, economic and cultural exchange, and soft power rather than military means.

Additionally, ECOWAS model perceives the regionalization of conflict as a reason for creation of regional bodies. This suffices to say that regional bodies have an interest to prevent, contain or solve violent conflicts in their region because of the disastrous humanitarian and development effects and because of the spillover effects into the region (Hettne, 2008).

The EU and ECOWAS models are not necessarily in contradiction; rather, the two regions have different conflict experience levels, hence different contextualization of regionalization. According to Mary and Jon (1998), it is believed that regional organizations such as the African Union (AU), and sub-regional organizations in the likes of Southern Africa Development Community (SADC), East African Community (EAC), Economic Commission of West African States (ECOWAS), Economic Commission of Central African States (ECCAS) and Inter-governmental Authority on Development (IGAD) among others, are cheaper way of dealing with conflicts in Africa.

Probably this is why in 2002, the African Union in collaboration with the Regional Economic Communities (RECs), established the African Peace and Security Architecture (APSA) to deal with prevention, management,

resolution of crises and conflicts, and post-conflict reconstruction and development in Africa (AU, 2002). The AU Heads of State and Governments, in July 2002 in Durban adopted the Peace and Security Council (PSC) protocol, which entered into force in December 2003 and is the main pillar of the APSA. APSA institutional structure includes provisions for a Panel of the Wise, Continental Early Warning System (CEWS) and African Standby Force (ASF) (PSC Protocol, 2004). The PSC Protocol also provides for partnerships between the AU and the United Nations (UN) and other relevant international stakeholders.

Background to SADC involvement in peace efforts in Southern Africa

Politics was not a priority when the precursor to SADC, the Southern African Development Coordination Conference (SADCC) was formed in 1980s. This excluded political, and peace and security issues from its agenda and focused on economic development. Thus, security issues protected an informal alliance of countries willing to counter South Africa’s military hegemony and support the armed liberation movement, called the Front Line States (FLS). This division continued with the foundation of Southern Africa Development Community (SADC) in 1993, whose entire focus was economic issues, and created a separate structure, the Organ on Politics, Defence and Security Cooperation (OPDSC) to deal with security issues. Despite the Organ functioning at the level of heads of state, in 2001 SADC Heads of State agreed that the OPDSC should report to the SADC Summit of Heads of States. Thus, a Protocol on Politics, Defence and Security Cooperation was adopted and set out issues which the SADC Summit should address, including issues relating to peace and security cooperation. Although these issues were due for implementation through the 2004 adopted Strategic Implementation Plan for the Organ (SIPO), it is only few years ago that a comprehensive plan for peace and security management in the SADC region was agreed.

According to SADC 2001: article 2, SIPO’s objective is to promote regional cooperation on



matters related to defence and security; preventing, containing and resolving inter- and intra state conflict by peaceful means, 'enforcement action ... as a matter of last resort ...', only with the authorization of the United Nations Security Council'; promotion of democracy and human rights, promoting cooperation between police and state security services, encouraging the implementation of UN and other international treaties on arms control, disarmament and peaceful relations between states, and developing peacekeeping capacities.

It should be noted that SADC comprises both richest and poorest countries. The richest being South Africa while the poorest; landlocked and island states; states with some of the largest populations being the Democratic Republic of Congo DRC and the smallest population like Seychelles. Though in different ways and by various imperial countries, all the 15 SADC member countries have been colonized either by Portugal, France, Britain, and Germany. These colonial histories have had impact on the response to peace and security in the region. This is to say that the legacies left by these colonizers have left important legacies in terms of culture, language and political systems, which also have a bearing on peace and security initiatives. It is also evident that liberation struggles also took different forms- some, countries laboured under settler colonialism and got independence through bloodshed while managed to get liberation from their colonial masters without violence.

Key Peace and Security issues in Southern Africa

Although it is understood that Southern Africa remains one of the most parts of the continent with relative peace, the region is not too calm to ignore peace and security mechanisms that the rest of the continent takes on.

The region faces a range of evolving peace and security threats, including maritime security and piracy, cyber and technology-driven security threats, and socio-economic unrest. Additionally, SADC has not been completely spared from tensions within countries; between member states, resource deficits, citizens' exclusion, social discontent and limited internal and external coordination. Different scholars have cited that structural governance deficits and politicised security sectors exacerbate conflict in the region. Like other parts of the African continent, unconstitutional changes in government, contested elections and violations of the region's electoral code are also some of the peace and security issues in southern Africa.

So far Southern Africa has experienced conflict in Madagascar (coup), Democratic Republic of Congo (civil wars), Zimbabwe (land and election disputes), and Lesotho (coup attempt). SADC has clearly been seen

working towards resolving crisis situation in all these countries and has realized positive results.

Implementation of Peace and Security Architecture in Southern Africa

Compared to other challenges on the continent, Southern Africa is regarded as relatively peaceful, which affords it an important opportunity to build and consolidate its peace and security capacity. There have been comprehensive protocols and agreements by the continental body, the African Union to which all SADC Member States are also members. SADC has made several efforts to implement these frameworks.

SADC's culture of political solidarity among member states, remains fostered by a common liberation struggle history and a stated commitment to non-interference in the internal politics of others. However, that does not entail the organization should not help bring peace in countries where security has been threatened. High-Level Panels have become the dominant approach of mediation at the continental level by both AU and RECs. SADC has employed mediation to resolve conflicts that have been tested in Zimbabwe, Lesotho and Madagascar. Both serving and former Heads of State have been assigned to mediate in conflicts that have erupted in SADC. Thabo Mbeki and Jacob Zuma both in a capacity as serving presidents of South Africa, mediated in Zimbabwe conflict, while former Head of State of Botswana, Ketumile Masire mediated in Lesotho, while Mozambican former president Joaquim Chissano was the lead mediator in Madagascar. Although these mediators were assigned by SADC, they have been reporting to the AU as well on the progress and way forward.

Additionally, SADC helped resolve the 2009 Zimbabwe election crisis by facilitating the formulation of the Government of National Unity (GNU) which brought in the opposition leader, Morgan Tsvangirai as Prime Minister and H.E Robert Mugabe as president. SADC did not sit back either when Madagascar experienced leadership crisis. The regional bloc facilitated the formulation of a constitutional government by helping the Malagasy people going to polls in 2014, which ushered Hery Rajaonarimampianina to power. In 2014, SADC intervened in Lesotho by bringing the two conflicting parties to a negotiation table which resolved the matter by agreeing to hold an early election in February 2015.

SADC conflict resolution efforts also incorporate military interventions to protect civilians in conflict zones. SADC launched Operation Boleas, a military invasion led by South Africa through its South African National Defence Force into Lesotho to quell a coup d'état. Although, SADC needs to expand its humanitarian and disaster management roles, it has Standby Force in place which has demonstrated its readiness for deployment and has successfully conducted joint exercises for instance in DRC. The Heads of State of SADC on 9 November 2008,

agreed to immediately deploy both a team of military experts to assess the escalating violence in eastern DRC as well as an additional team to evaluate the situation on the ground. To this effect, SADC has been involved in various efforts to bring peace in DRC with its borrowed idea of the UN Intervention Brigade from the International Conference on the Great Lakes Region (ICGLR) being one of the iconic and successful initiatives. The initiative contributed to renouncing of M23 activities on November 2013. Additionally, despite relationship challenges with other regional blocs due to multiple memberships of some of its members, SADC played a great role in achieving the long awaited 2012 Kampala dialogue which was agreed upon on 12th December, 2013.

In 2010, SADC established an Early Warning System to pick conflict signals arising in the region and use them for conflict prevention. Actually, the early warning system at SADC like other early warning systems such as at COMESA, ECOWAS, IGAD, among others, work hand in hand with the Continental Early Warning system (CWARN) at the African Union Commission. Although, decision-making is consensual and rests solely with the Heads of State and Government and Ministerial Committees, the Early warning System feeds into the decisions that SADC Heads of State make regarding conflict prevention and resolution.

SADC have been deploying Election Observer Mission to countries where elections are held in Southern Africa and the missions' reports also help to plan for security mechanism for future elections in the regions.

Conclusion

Despite obvious challenges, political solidarity exists in Southern Africa that's why SADC Member States have been able to come together with for instance, SADC Standby Force to help bring peace in conflict courtiers like DRC. Convincing political leaders in Zimbabwe for a Government of National Unity (GNU) in 2009, and facilitation of a constitutional government in Madagascar in 2014 also due to the team spirit that exists among the SADC Member States. SADC has also been deploying Election Observer Mission to countries where election have been held in Southern Africa, whose outcomes have been helping in charting way forward for other elections in the same countries or other neighbouring countries in the region.

All in all, SADC gained strengths from the continental body, the African Union, which has formulated a number of frameworks, protocols, and treaties that regional mechanisms implement to ensure that peace and security prevail in their respective regions.

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The role of Family Farming in eradicating hunger, providing food security and nutrition, and improving livelihoods: Key Message from FAO



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The United Nations General Assembly has designated 2014 “International Year of Family Farming.” This is a strong signal that the international community recognises the important contribution of family farmers to world food security. FAO is honored to coordinate the International Year, taking forward an idea proposed in 2008 by the World Rural Forum. The International Year has since gained many supporters. The International Year recognizes the role family farmers play in food security and nutrition and sustainable development.

Worldwide, family farmers provide food, employment and income for billions of people.

At the same time, let’s not forget that over 70 percent of the food insecure population lives in rural areas of developing countries. They include family farmers, especially subsistence producers. In fact, not too long ago, family farmers were often seen as the subject of social policies and not as productive actors. They were considered part of the hunger problem. This is the mindset we need to change with the International Year of Family Farming. Family farmers are not part of the problem. They are part of the solution for food security and sustainable development.

Family farming is the main form of agriculture worldwide.

There are over 400 million family farms in the world. And in a FAO sample of 93 countries, they make up on average 80 percent of all holdings.

Differently from large-scale specialized farming, they usually run diversified agricultural activities which help preserve natural resources.

Family farmers have, over generations, preserved and perfected many practices and technologies that can support agricultural sustainability.

For example, through innovative land management techniques family farmers have consistently succeeded in maintaining production on often marginal lands.

They recover and preserve traditional food crops, safeguarding biodiversity and contributing to healthier and more balanced diets.

Support to family farming has already been fundamental in enabling many countries to achieve the first Millennium Development Goal before 2015. It can help many more and have a positive effect that will carry over to the post-2015 period. Our future depends on equitable, efficient and sustainable agriculture and food

systems. These systems greatly depend on vibrant and prosperous family farming sectors in all regions of the world.

Five key areas in which we should support family farming.

1. Technical assistance and policies that support the production and productivity increase of family farms;
2. Placing appropriate technologies within their reach;
3. Improving their access to land and water, credit and markets;
4. Creating an enabling environment for further investments;
5. Strengthen family farmer and smallholder associations cooperatives and other organizations.

Rural women are the backbone of family farming and rural families throughout the world. They need to be empowered and recognized as key actors for rural development.

And the youth represent the future of farming. They need to be motivated to keep farming. The family guidance and knowledge transmitted between generations are priceless and would take decades to substitute.

Guaranteeing the tenure rights of family farmers should be accorded special significance. In this regard, the implementation of the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, approved in 2012 in the Committee on World Food Security would help safeguard the rights of people to own or access land, forests and fisheries. They will directly benefit family farmers all over the world.

Impact that family farming has on local development:

Family farmers play a pivotal role in local production and consumption circuits, not simply in fighting hunger but also by creating a variety of jobs, and stimulating local economies.



Family farming: Serving as a solution for food security and sustainable development.

Family farming helps generate a virtuous circle and is the basis of rural development in many countries. Each one of us here has an important part to play in helping family farming fulfill its potential and make this International Year a success: governments, the private sector, research and academic institutions, international agencies, civil society and non-governmental organizations, and farmer associations themselves.

Key objectives we want to accomplish during the International Year of Family Farming:

1. support the development of policies conducive to sustainable family farming;
2. Increase knowledge, communication and public awareness;
3. Better understanding of family farming needs, potential and constraints and ensure technical support;
4. Creation of synergies for sustainability.

Support to Family Farming

For many years and in many parts of the world, small-scale farmers, pastoralist families and fisher folk, among other groups, were viewed as part of the problem of hunger.

That could not be further from the truth. Family farmers already are the main food producers in most countries. And they can do even more with the right kind of support.

Our job is to create the conditions so they can

blossom. This means transforming subsistence farmers into efficient and productive actors. This means improving access to financial services, training, mechanization and technology that are adapted to the needs of family farmers: the climatic and geographic conditions, to their stage of development, socially and culturally acceptable and economically feasible.

It means improving the connection of family farmers to markets so their production generates additional income to satisfy other basic needs.

There are many examples of how we can make this work, of how we can support the business of small farms.

Financial inclusion strategies such as National Financial Inclusion Framework launched last December in Tanzania are ways to ensure that small-scale farmers have access to credit and other services to support their production and marketing of products.

In Sierra Leone, the Smallholder Commercialization Program with its Farmer Field Schools and farmer-run Agricultural Business Centers are helping some 80 thousand farming families make this transition.

Such actions support the entrepreneurial spirit that every farmer has. We increase local food availability and food security. We improve livelihoods and we stimulate job creation throughout the agricultural value chain.

In short, we make agriculture the engine for growth that Africa needs.

Africa has seen unprecedented growth in recent years.



Economic growth, however, is not always inclusive and does not automatically translate into greater food security. This is true around the world, and also for Africa.

Generally speaking, economic growth takes longer to reach rural areas. And, within rural areas, women and youth are usually more vulnerable.

The challenge here can be expressed in simple terms.

How can we make economic growth benefit the rural areas that concentrate most of the poverty and food insecurity? And how can we ensure that these benefits are shared with the most vulnerable: women and youth? These are the kind of questions that we need to answer.

That is why FAO works to help. It is also one of the reasons why many African countries have already reached the First Millennium Development Goal hunger target of reducing by half the proportion of undernourished people between 1990 and 2015.

These countries include Algeria, Angola, Benin, Cameroon, Djibouti, Ghana, Malawi, Niger, Nigeria, Sao Tome and Principe, and Togo. Their success in meeting the MDG hunger target was recognized at the FAO Conference in June 2013. But despite individual success stories, as a whole, Africa needs to step up its efforts: more than one out of every 5 of its citizens is still denied the right to food. Africa can change this situation.

Most of the 10 fastest growing economies in the world are in Africa.

The challenge is to make this growth more inclusive. Agriculture, rural development, women and youth are key elements for this.

The African population today is mainly rural and expected to continue so for the next 35 years. Many of rural households are headed by women. At the same time, 75 percent of the Africans are 25 years old or younger.

Agriculture is the only sector of the economy capable of absorbing this workforce. We need to support young people to get engaged in the agriculture sector and become entrepreneurs.

Combine these factors and we can see that there is no inclusive and sustainable way forward for Africa without women, youth and agriculture.

We also must recognize the vulnerability of poor rural families: any shock can push them back into extreme poverty. To avoid this, productive support needs to be coupled with social protection. Ethiopia and Malawi were the first African countries to invest in social protection and productive safety nets and are reaping the benefits. And Senegal and Togo, are amongst those that recently launched social protection strategies.

It is encouraging to see how countries are adopting a more holistic approach to food security and nutrition that also includes the education and health sector. Family farming and agriculture are also central to sustainability. In the past decades food production has increased.

However, this growth was made possible by the use of input intensive technology. And it has its cost: damage to soil quality, land and water degradation and loss of biodiversity.

In a time in which we are seeing the effects of climate change and in which we are facing increasingly violent and unpredictable climatic events, business as usual is not an option.

The future of agriculture depends on the same innovative thinking that led us to increase production with the Green Revolution. But it also needs to be adapted to today's challenges: increase food production in a sustainable way. And nothing comes closer to the paradigm of sustainability than family farming.

By using innovative such as building terraces and adopting conservation agriculture and zero-tillage practices, family farmers have succeeded to maintain and increase production on often marginal lands. In Zambia, for instance, women farmers using conservation agriculture were able to increase production, productivity and sell surplus. For Ms Martha Mvula, one of the women farmers participating in this program, the results are easy to see. It means producing enough to feed her nine children and generate enough additional income to enroll them in school and buy the learning materials they need, improve

“Family farmers are not part of the problem. They are part of the solution for food security and sustainable development”

African Centre for Ticks and Tick-borne Diseases: Spearheading tick-borne disease control efforts in Africa

The Centre for Ticks and Tick-borne Diseases (CTTBD) based in Lilongwe, Malawi previously known as the Vaccine Production Centre (VPC) is a wholly self-funded African institution operating under the African Union's Inter-African Bureau for Animal Resources (AU/IBAR). In 2001 CTTBD was registered with the Government of Malawi as a Trust, governed by a Board of Trustees, composed by Directors of Veterinary Services of many African Countries. The Centre provides demand-driven support services in the control of ticks and tick-borne diseases through the production of quality-controlled vaccines, provision of appropriate training in delivering control strategies and relevant research in the field of ticks and tick-borne diseases.

Tick-borne diseases (TBDs) are known to be one of the major constraining factors to the development of the livestock industry especially in Africa. East Coast fever (ECF) is the most deadly of the TBDs as it kills millions of cattle annually but it can be controlled with the use of vaccines. ECF was first recognised in southern Africa when it was introduced at the beginning of the 20th century with cattle imported from eastern Africa where the disease had been endemic for centuries. It caused dramatic losses with high cattle mortality. It has persisted in 11 countries in eastern, central and southern Africa – Burundi, Democratic Republic of Congo, Kenya, Malawi, Mozambique, Rwanda, Sudan, Tanzania, Uganda, Zambia and Zimbabwe. The disease devastates the livelihoods of small-scale mixed crop-and-livestock farmers and smallholder and emerging dairy producers, as well as pastoral livestock herders.

On the 5th of December 2014, CTTBD in collaboration with the Global Alliance for Veterinary Medicines (GALVmed) officially launched the centre at a function held at its premises along the Likuni Road, next to the Central Veterinary Laboratory (CVL) in Lilongwe. CTTBD, as a centre of excellence in ECF vaccine production within the region, has adopted a new approach to improve its operations and enhance its sustainability. Central to this are the development of a new five year Strategic Plan 2014-2019, the adoption of a market expansion drive to cover new areas outside the traditional ones, the product expansion drive, and process improvement through acquisition of modern equipment, infrastructure development and use of modern research in the production of the ECF vaccine.

Therefore, the official launch of the centre is very strategic and answers to the Millennium Development Goal of ensuring food and agriculture security as a way of reducing poverty and creating sustainable livelihoods. The centre was launched at the right time to enhance the

prevention of ECF in the region when many governments, partner organizations, and communities members are working towards building and realizing the potential of the livestock industry to save human lives and address poverty.

The objectives of the launch included; to launch a revamped institution with modern and state of the art equipment, infrastructure, skilled human resources and a business approach; to launch the East Coast Fever (ECF) vaccine; to position and market CTTBD as a viable and commercial entity; to raise public awareness and make confirmation of AU operational takeover of CTTBD; and to profile GALVmed as a true African Partner in livestock development .

In order to consolidate synergies and build a critical mass against East Coast Fever (ECF) in the region, CTTBD works closely with government ministries and departments, donors, non-state players, local livestock farmers and concerned community members to produce and market quality and affordable ECF vaccine. Representatives of these state bodies and institutions have been invited to this auspicious occasions where the guest of honour will be Honourable Dr Allan Chiyembekeza ,the Minister of Agriculture, Irrigation and Water Development from Malawi. Among others, CTTBD has invited distinguished delegates from the African Union, members of the diplomatic corps present in Malawi, members of the press and community members.

Of particular importance is the presence of the delegates from the African Union especially the Commissioner for the Department of Rural Economy and Agriculture (AU-DREA). In July 2012 there was an African Union Heads of State summit where it was approved that the Centre for Ticks and Tick Borne Diseases (CTTBD) be integrated into the Department of Rural Economy and Agriculture (AU-DREA). It was agreed that the African Union should set up a team to make a diligence visit to CTTBD and conduct an administrative assessment to give guidance on the logistics of the incorporation. It is envisaged that the CTTBD will be fully integrated into the African Union under the Department of Rural Economy and Agriculture in the near future.

During the launch, CTTBD in collaboration with GALVmed organized a number of activities to showcase what the centre has been doing to produce the ECF vaccine as well as other activities that the centre undertakes. This included keynote address to the delegates on the history of the centre from the time it as established, the operational changes that have been effected up to the present state. Senior representatives of the centre led the delegates in a tour of the facility to particularly appreciate how the ECF vaccine is produced.

African Union Centre for Ticks and Tick-borne Disease launched in Lilongwe, Malawi

The Africa Centre for Ticks and Tick-Borne Diseases (CTTBD) was on 5th December, 2014, officially launched in Lilongwe, Malawi. The centre was established by the African countries in 1967 with support from the Organisation of African Unity (OAU); UNDP regional programme under the then East African Community (EAC) to spearhead tick-borne disease (TBD) control efforts on the continent through production of quality assured vaccines for tick-borne diseases; assistance in the investigation and control of tick-borne diseases; training in epidemiology and livestock disease control strategies and research; and backup services to tick-borne vaccine application in the field. In July 2012, the Heads of State and Government Summit to integrate the CTTBD into the AUC structures following a number



H.E. Mrs Tumusiime Rhoda Peace , Commissioner for Rural Economy and Agriculture of the African Union, delivering her speech at the launch of the Centre, in Lilongwe, Malawi

“The launch of CTTBD has a direct bearing on the realisation of the goals of the Malabo Declaration as the ECF vaccine that the centre produces, has great potential in contributing to Food Security and poverty reduction...”

of operational and management changes that the centre has undergone.

Attending the launching event, Commissioner for Rural Economy and Agriculture of the African Union, H.E. Mrs Tumusiime Rhoda Peace was accompanied by the AU Regional Delegate to Southern Africa (AU-SARO), Dr Salif Sada Sall. In her remarks, Commissioner Tumusiime applauded the transformative power of partnership between the Global Alliance for Livestock Veterinary Medicines (GALVmed) and the Centre for Tick and Tick Born Diseases (CTTBD) that led to the refurbishment of CTTBD. “The success story started when GALVmed, with support from the Bill and Melinda Gates Foundation (B&MGF) and UK Government committed to invest US\$7 million into the refurbishment of Centre and installation of the state of

the art equipment, in addition to capacity building through training of local expertise at the centre.” said Commissioner Tumusiime.

She added that the relationship between GALVmed and the African Union Commission (AUC) has been extended to other technical offices of the AUC, including the Inter African Bureau for Animal Resources (AU-IBAR), the Pan African Vaccine Centre (AU-PANVAC) and the African Union Pan African Tsetse and Trypanosomiasis Eradication Campaign (AU-PATTEC), and to other strategic areas of intervention of the Department of Rural Economy and Agriculture.

Commissioner Tumusiime said farmers remain primary source of livestock produce such as meat and dairy products on the continent, and the CTTBD launch marked a significant historical landmark which would ensure that the dire needs of the farmers for an effective control of ECF through vaccination is met. She then informed the guests that the outcome of 2014 AU Year of Agriculture and Food Security was expected to unlock opportunities

for youth and women in the lucrative agri-food value chain.

The African Union has been commemorating 2014 as the Year of Agriculture and Food Security and African Heads of State and Government in June adopted a Declaration at the Third Ordinary Session of the AU Assembly in Malabo, Equatorial Guinea, on Accelerated Agricultural Growth and Transformation for shared prosperity and improved livelihood. This according to the Commissioner demonstrates commitment among the Heads of State and Government to ensure that the agricultural growth and transformation process is inclusive and contributes at least 50% to the overall poverty reduction target. “It also creates and enhances the necessary appropriate policy, institutional and budgetary support and conditions to realize the goal of ending hunger by 2025.”

The Commissioner also said the launch of CTTBD has a direct bearing on the realisation of the goals of



Malawi Minister of Agriculture, Irrigation and Water Development, Dr. Allan Chiyembekeza officially launching the Centre in Lilongwe, Malawi



AUC Commissioner Rhoda Peace (2nd L); Malawi Minister of Agriculture, Irrigation and Water Development, Dr Allan Chiyembekeza (3rd L) and other dignitaries being taken through vaccine production process by a CTTBD officer during the launch of the Centre.

the Malabo Declaration as the East Coast Fever vaccine (ECF) that the centre produces, has great potential in contributing to Food Security and poverty reduction by addressing one of the key constraints in this regard.

The Commissioner said AUC was aware that the centre had experienced severe financial constraints over the past ten years and was pleased to note that through the moral and political support of the countries that constitute the Board of Trustees, the Centre had survived these trying times. At this point, she commended the governments of the Republic of Burundi, Democratic Republic of Congo, Kenya, Malawi, Mozambique, Rwanda, Sudan, Tanzania, Uganda, Zambia and Zimbabwe for their sustained support.

Launching the Centre, Guest of honour, Malawi Minister of Agriculture, Irrigation and Water Development, Dr Allan Chiyembekeza commended CTTBD efforts to improve livestock production in Southern and Eastern Africa. He also added that he was pleased that the EFC Muguga cocktail vaccine previously produced in Kenya is now being produced in Malawi and hopes that more Malawian farmers will be able to access the vaccine which will significantly enhance the livestock and livelihood of grassroots and small scale farmers.

Also present at the launch were the Kenyan Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries, Mr. Felix Koskei, Ugandan Minister of State, Ministry of Agriculture, Animal Industry & Fisheries, Dr. Bright Rwamirama, Chief Executive Officer of GALVmed, Dr. Peter Jeffries, Acting Director of CTTBD, Members

of Diplomatic Corps chief veterinary officers from member states, officers from CTTBD and AU-SARO, and representatives of farmers.

In his remarks, Kenyan Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries, Mr. Felix Koskei said the launch of the CTTBD centre provided an excellent facility for sustainable vaccine production for the region. "I hope it will meet the aspiration of the cattle keeping community in the region by continuously producing quality ECF vaccines at an affordable price." He called on partners to mobilise resources and adequate support for the centre in order to fulfill and meet the farmer's demands.

Emphasising the importance of livestock protection in the region, Ugandan Minister of State, Ministry of Agriculture, Animal Industry & Fisheries, Dr. Bright Rwamirama,

According to the CTTBD Acting Director, Dr. Nkhwachi Gondwe, the development of a quality assured vaccine against ECF has led to improved productivity of the dairy sector, most notably the small holder dairy programmes in the affected countries. Gondwe said that the vaccine has already been officially registered in Tanzania, Kenya and Malawi with other countries such as Uganda in the process of doing the same and reliable vaccine distributors have been identified, trained and officially accredited in the four countries.



**Trade, Private Sector
Development
&
Natural Resources
Management**

Regional Integration in Africa: A Focus on Tripartite Agreement of COMESA-SADC-EAC

Introduction

Africa is now on the march to economic growth and transformation. Many of the fastest growing economies are now in Africa and significant progress has been made to reduce poverty and raise life expectancy. Prior to the current epidemic of Ebola in some West African countries, fewer people were dying in Africa than before from preventable diseases. More farmers are able to get their products to markets and obtain fair prices.

The World Bank observes that economic growth in Sub-Saharan Africa is likely to reach more than 5 percent on average in 2013-2015 as a result of high commodity prices worldwide and strong consumer spending on the continent, ensuring that the region remains amongst the fastest growing in the world. The Bank also notes that in 2012, about a quarter of African countries grew at 7 percent or higher and a number of countries, notably Sierra Leone, Niger, Cote d'Ivoire, Liberia, Ethiopia, Burkina Faso and Rwanda, were among the fastest growing in the world. After two decades of sustained growth, if you adjust for inflation, Sub-Saharan Africa's GDP has more than doubled.

Trade, has played a role, to service the rapid growth in commodities abroad and massive increase in domestic demand within the continent of Africa. The past decade has seen a dramatic decline in poverty globally in the course of human history; and this has happened through trade, investment and Africa has also made progress and benefited in this respect.

Regional integration of African economies has intensified and provided the impetus for increased intra-African trade. Analysis by the African Development Bank shows that while intra-African trade remains modest, it more than doubled between 2005 and 2011 from US\$ 49 billion to US\$108 billion. The Study notes that in fact trade between African countries grew faster than Africa's exports to the rest of the world during this period. It is estimated that in 2010, 16% of Africa's exports went to other African countries, more than the 10% often cited by papers.

The continent has established a number of regional integration initiatives in order to promote trade and investment and expand intra-African trade. They include the Common Market for East and Southern Africa (COMESA), Southern Africa Development Community (SADC), East African Community (EAC), Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS), and IGAD. Today, there is a strong consensus among African leaders that regional



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integration is indispensable to unlock economies of scale and sharpen competitiveness. The continent is committed to regional integration and among its goals is the creation of a "Free Trade Area", a "Customs Union", a Central Bank" and a "Common Currency".

Under the leadership of the African Union and regional communities, African countries have agreed on a Framework, Road Map and Architecture for Fast Tracking the establishment of the Continental Free Trade Area (CFTA) and the Action Plan for Boosting Intra-African Trade, with the understanding that the High Level African Trade Committee (HATC) will provide a facilitating role and unlock any blockages that might arise.

African countries have also agreed that the CFTA should be operationalized by the indicative date of 2017, based on the framework, Roadmap and Architecture, with the following appropriate milestones: Finalization of the COMESA-SADC-EAC Tripartite FTA initiative by 2014; Completion of FTA(s) by Non-Tripartite RECs, through parallel arrangement(s) similar to the COMESA-SADC-EAC Tripartite Initiative or reflecting the preferences of their Member States, between 2012 and 2014; Consolidation of the Tripartite and other regional FTAs into a Continental Free Trade Area (CFTA) initiative between 2015 and 2016; Establishment of the Continental Free Trade Area (CFTA) by 2017 with the option to review the target date according to progress made.

The Tripartite Agreement of COMESA-SADC-EAC

The African Union countries have committed to establish an "African Economic Community", with a "Single Currency" by 2023. An important building block of this proposed continental organization has been the launching of negotiations for a Tripartite Agreement between Common Market for East and Southern Africa (COMESA), Southern Africa Development Community (SADC) and East African Community (EAC). The Tripartite is an umbrella organization consisting of three of Africa's Regional Economic Communities (REC's), namely: the East Africa Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC).

It was established in 2005.

The overarching objective of the Tripartite is to contribute to the broader objectives of the African Union (AU), namely accelerating economic integration of the continent and achieving sustainable economic development - thereby alleviating poverty and improving quality of life for the people of the Eastern and Southern African Region. As such, the Tripartite works towards improving coordination and harmonisation of the various regional integration programmes of its member REC's.

African leaders are making landmark commitments to boosting intra-African trade. First was the landmark decision by COMESA, SADC and EAC to establish a single Free Trade Area. The launch of this tripartite FTA initiative covering 26 African countries, representing more than half of AU membership, with a combined population of 530 million (57% of Africa's population) and a total GDP of \$630 billion or 53% of Africa's total GDP has galvanised interest towards a much broader Continental FTA. Accordingly, AU Ministers of Trade, at their 6th Ordinary Session in Kigali in November 2010, after due assessment of the progress made in the implementation of FTAs and Customs Unions in the various RECs, recommended the fast-tracking of the establishment of an African FTA to unlock the trade potentials of the continent and position it adequately in the global trading arena.

However, expanding trade amongst the three RECs has been a challenge mainly due to overlapping memberships by the Member States. The EAC, which is already a Common Market, has four Member States in COMESA and one Member State in SADC. Five of the SADC Member States are members of the Southern African Customs Union (SACU). There are, therefore, ten countries in the region that are already members of customs unions. All the ten Member States are also involved in negotiations aimed at establishing alternative customs unions to the ones they currently belong to.

COMESA and SADC have seven Member States in common that are not part of a customs union but are involved in preparing customs unions. Therefore, of the twenty-six countries that constitute the combined membership of COMESA, SADC and EAC, seventeen (or almost two-thirds) are either in a customs union or participating in negotiating an alternative customs union to the one they belong to or are in the process of negotiating two separate customs unions which would be contrary to WTO rules. It is in the context of the foregoing challenges that the three RECs saw the need to initiate a process of coordination and harmonization of their regional integration programmes.

The Second COMESA-SADC-EAC Tripartite Summit took place on 12 June, 2011. Heads of State and Government of the Common Market for Eastern and Southern Africa (COMESA), the East Africa Community (EAC) and the Southern Africa Development Community (SADC) came together in Johannesburg,

“African leaders are making landmark commitments to boosting intra-African trade”

South Africa to discuss regional economic integration for improved trade performance and sustainable growth. A major outcome of the Summit included the official launch of negotiations for the establishment of an integrated market / Free Trade Area (FTA) consisting of the 26 countries of COMESA, SADC and EAC.

The Summit reached agreement on the negotiating principles, processes, scope and institutional framework for negotiating the Tripartite FTA. A roadmap and time lines for establishing the FTA were also agreed upon. The first phase of negotiations would address tariff liberalisation, rules of origin, customs cooperation and customs related matters, non-tariff barriers, sanitary and phytosanitary measures, technical barriers to trade, trade remedies and dispute settlement. The second phase will focus on negotiating trade in services and trade related issues, including intellectual property rights, competition policy and trade development and competitiveness. Facilitating movement of business persons within the region will be negotiated in parallel with the first phase.

A time line of 36 months was set for completion of the first phase of negotiations. During the next 6 – 12 months, countries were required to complete the preparatory phase of negotiations. During the preparatory phase, countries were to exchange information, adopt the terms of reference and rules of procedure, as well as the schedule of negotiations, establish a monitoring and evaluation mechanism and prepare national negotiating positions for core FTA items.

The Tripartite is making significant efforts to include the private sector in these negotiations. East African Business Council (EABC) the private sector umbrella body in EAC region commissioned a study on the Implications of COMESA-EAC-SADC FTA to EAC Private Sector. Informed by the study the, EABC prepared the position paper on private sector views. The EABC recommended that the Tripartite FTA should



adopt simplified and harmonised Rules of Origin (RoO); Tariff liberalisation should take into account the industrial development levels of the member countries; a sensitive list should be provided for but the real value of trade covered by sensitive products in a TFTA should be bound at its current level. This would mean that the natural growth of production and trade would lead to the proportion being conducted under a sensitive list declining over time.

The private sector has also proposed that a supranational body for dispute resolution, including enforcement of non compliance should be established; the TFTA should adopt harmonised road transport regulations and charges under the transit regime; the TFTA should adopt legally binding rules with sanctions in order to enforce the removal of NTBs; and while Comesa and SADC are more focused on market integration, the EAC should also put in addition, emphasis on the other two pillars of the TFTA, mainly in infrastructural and industrial development; and that a scheme to facilitate the entry of business visitors should be established similar to the Asia Pacific Economic Cooperation (APEC) Business Travel Card.

African leaders and stakeholders are optimistic that increased trade through initiatives such as the Grand COMESA-SADC-EAC FTA and other potential inter-RECs' FTAs will quickly transform into a continental free trade area, the benefits of which could be enormous. It will enlarge markets for goods and services, eliminate the problem of multiple and overlapping memberships, enhance customs cooperation and broader trade facilitation, promote harmonization and coordination of trade instruments and nomenclature, and broader relaxation of restrictions on movement of goods, persons and services. The collaboration and cooperation of RECs through the Continental FTA should further improve regional infrastructure and consolidate regional markets through improved interconnectivity in all forms of transport and communication as well as promote energy pooling to enhance the regions' competitiveness. Finally, the continental FTA will help fast track the realization of the Abuja Treaty's vision of an African Common Market, and ultimately, the African Economic Community (AEC).

Conclusion

African countries have been making concerted efforts to be effectively integrated in the world economy and global trade as well as expand intra-African trade. However, they still face formidable challenges which need addressing. These challenges include the need to reform and re-orient economic, financial and trade policies in order to support investment and sustainable economic growth; the need to improve infrastructure, such as roads and other transport networks, electricity supplies in order to support production and trade; the importance of removing policy, institutional and technical

barriers to intra-African trade; the need to adopt policies that will allow African countries to become partners in global and regional value chains; the importance of African countries bridging the "digital divide" in order for them to participate in technology products, which have become an important component of global trade.

The COMESA-SADC-AEC Tripartite Arrangement has been proclaimed as representing best practice in regional integration efforts in Africa, which other regional economic communities should endeavour to emulate. During the Second Summit held in Johannesburg, South Africa in June 2011 countries of the Tripartite signed the Declaration Launching the Negotiations for the Establishing of the Tripartite Free Trade Area; adopted the Roadmap Establishing the Tripartite FTA Negotiating Principles, Processes and Institutional Framework. The Tripartite FTA comprises of three pillars: market integration, infrastructure development, and industrial development. The movement of business persons will also be negotiated under a separate track.

African countries are making progress in many of these areas, but more can be done. African countries have adopted too many declarations and resolutions agreeing to deal with impediments to effective participation in global and regional trade by these countries, but what has been lacking is action. A litany of measures aimed at curbing behind-the-border trade constraints; improving trade facilitation and logistics; and reforming customs unions and other regional trade institutions continue to languish in drawers, awaiting implementation. Recently, however, a new spirit has arisen in many parts of Africa to address these challenges that impede Africa's integration in the global economy and to expand intra-African trade.

These countries recognize that promotion of intra-African trade is a fundamental factor for sustainable economic development, employment generation and effective integration of Africa into the global economy. They also know that more efforts are needed at both the policy, institutional and technical levels for these economies to be an integral part of the global economy and trade.

The African Union, the African Development Bank, the United Nations Economic Commission for Africa and regional economic communities are providing a new impetus for the drive to get African countries moving for the continent to become an important player in the world economy and global trade. African countries are showing a new commitment and determination to implement the continental and regional integration agendas they have adopted and agreed upon, including those under the COMESA/SADC/EAC Tripartite Arrangement. Progress made in implementation of the COMESA/SADC/EAC Tripartite Agreement is a vivid example of renewed impetus for regional integration in Africa.

The COMESA Competition Commission: Embracing the Regional Market Regulator



The COMESA Competition Commission has been probably the most talked about competition authority in the past 20 months. Its fame has resonated across the competition world. The combination of outstanding advocacy work carried out by the Commission and the wider stakeholder views on the merger control provisions of the COMESA Competition Regulations has brought the world to be attentive to the existence of the new competition enforcement regime in COMESA.

Having achieved the fame very few competition authorities in the world can match, the task ahead of the Commission is to steer itself into a universally respectable competition agency that carries out its enforcement activities using tools that meet international best practices.

The New Regional Competition Enforcement Agency is Born

On 14th January, 2013, COMESA witnessed yet another milestone in its pursuit of deepening the regional integration agenda. This day, the COMESA Competition Commission (“the Commission”) officially opened its doors to the public signaling the commencement of the enforcement of the full spectrum of competition provisions embodied in the COMESA Competition Regulations (“the Regulations”) such as merger control, restrictive business practices, cartels and consumer protection. The Commission, established under Article 6 of the Regulations, became only the second operational regional supranational competition authority in the world after the European Competition Commission.

The Treaty Foresight

The drive to regulate competition in the COMESA has its origin under Article 55 of the COMESA Treaty under which Member States agreed to prohibit any practice that negates the objective of free and liberalized trade by specifically prohibiting any agreement or practice whose object or effect is to prevent, restrict or distort competition within the Common Market. The inclusion of this Treaty provision was in recognition that the benefits of market integration would only be achieved in a dynamic competitive market environment devoid of new market barriers erected in place of these being dismantled.

The framers of the Treaty realized that despite the removal of the traditional trade barriers such as tariffs and quotas, the benefits of a single market may be stifled by anti-competitive practices. They realized that market conducts by private companies such as cartels, abuses of a dominant position and other forms of restrictive conducts can be just as effective in curtailing market entry as do the government regulations hence

the need to complement the privatization and deregulation drive with an effective competition policy that guards against a transition from government promoted to private sector induced monopolies.

The regional competition framework was, therefore, necessary considering that such anti-competitive business practices knows no borders hence the national laws face jurisdictional limitations to counter the cross border tide strengthened by the wave of globalization of businesses. This inherent weakness in the national laws called for a new form of legislation with extraterritorial jurisdiction to effectively address such cross boarder practices.

The Treaty Propagated the Regulations

Article 55(3) of the Treaty gave birth to the Regulations of 2004 as a legal framework for the regulation of competition in the Common Market. The Regulations deal with conduct by private and public persons which have an appreciable effect on trade between Member States and which restrict competition in the Common Market. The Regulations were, therefore, promulgated in realization that an efficient and integrated Common Market cannot thrive in an environment where firms engage in restrictive business practices. The primary purpose of the Regulations is, therefore, to ensure the efficient operation of the markets as a prerequisite to enhancing the welfare of consumers. The Regulations set down minimum standards and allows firms to penetrate the Common Market and establish themselves without barriers or restrictions, thereby facilitating intra regional trade and market integration.

Co-existence Between the Regional and National Competition Laws

With the adoption of the Regulations and Rules, there are now two separate legal regimes which govern the enforcement of competition in the Common Market namely the national competition laws comprising the national legal orders within the respective Member State, and the regional legal framework comprising the body of legal rules created at COMESA level. The national order



applies to the enforcement of anti-competitive practices emanating at national level while the regional framework is invoked where the transaction has cross boarder effect.

The regional framework and the national orders are, therefore, complementary regulatory regimes pursuing similar objectives. The national competition laws apply to transactions or conduct having an impact in one national jurisdiction while the regional law complements the jurisdictional limitations of the national laws by having extra territorial enforcement powers over cross boarder transactions and conducts through offering a “one stop shop” approach to dealing with notifications and complaints of cross boarder nature. On the part of the business community, this “one stop shop” approach saves time and resources that would otherwise have been committed to dealing with multiple jurisdictions on similar notifications or complaints.

Functions and Powers of the Commission

In accordance with Article 2 of the Regulations, the purpose of the Regulations is to promote and encourage competition by preventing restrictive business practices and other restrictions that deter the efficient operation of markets, thereby enhancing the welfare of the consumers in the Common Market, and to protect consumers against offensive conduct my market actors. With regard to the specific functions of the Commission, Article 7 of the Regulations states that the Commission shall apply the provisions of these Regulations with regard to trade between Member States and be responsible for promoting competition within the Common Market. In order to accomplish the foregoing, the Commission shall carry out the following functions:

- monitor and investigate anti-competitive practices of undertakings within the Common Market, and mediate disputes between Member States concerning anti-competitive conduct;
- regularly review regional competition policy so as to advise and make representations to the Council with a view to improving on the effectiveness of the Regulations;
- help Member States promote national competition laws and institutions, with the objective of the harmonisation of those national laws with the regional Regulations to achieve uniformity of interpretation and application of competition law and policy within the Common Market;
- co-operate with competition authorities in Member States;
- co-operate and assist Member States in the implementation of its decisions;
- provide support to Member States in promoting and protecting consumer welfare;
- facilitate the exchange of relevant information and

expertise;

- enter into such arrangements as will enhance its ability to monitor and investigate the impact of conduct outside the Common Market but which nevertheless has, or may have, an impact on trade between Member States;
- responsible for developing and disseminating information about competition policy and consumer protection policy;

Co-operate with other agencies that may be established or recognised by COMESA to monitor and regulate any specific sector.

In carrying out its duties as assigned to it by Article 7 of the Regulations, and by the powers adopted under Article 8 of the Regulations, the Commission may undertake all necessary investigations into undertakings and associations of undertakings. To this end, the Commission is empowered to examine the books and other business records; take copies or extracts from books and business records; ask for oral explanations on the spot; and enter any premises, land and means of transport of undertakings.

Not Everything About Commencement Has Been Rosy

The commencement of operations of the competition has not been without its challenges. As with any new institution, there have been teething problems which required the appropriate gel to sooth. The Commission registered a wide range of concerns from stakeholders regarding its merger control provisions particularly with regards to the merger notification fees which were deemed to be on the higher side, the absence of the merger notification thresholds, and requirement to notify a transaction even where regional nexus could not be established. The Commission’s enforcement drive has also been affected by the lack of domestication of the Treaty and Regulations by the Member States.

The Commission has over the period strived to address these concerns with a view to create a universally respected, supra-national competition authority. Among the key tasks that preoccupied the Commission over the period was, therefore, the development of enforcement instruments based on international best practices. The formulation of the guidelines on the interpretation of various provisions of the Regulations has enhanced the image of the Commission among the users of the regional competition enforcement regime. In addition, the willingness of the Commission to engage stakeholders across the globe in its enforcement activities has attracted applause from the legal fraternity, business community, competition law practitioners etc. Through these efforts, the Commission is now widely

known and widely quoted across the competition world.

Success amid Challenges

Despite the challenges, the commencement of operations of the Commissions has been largely a success. Notifications of mergers and other forms of acquisitions have been on the rise signaling the confidence that the stakeholders have in the system. The business community has continued to respond positively to the advocacy work carried out by the Commission.

The Commission has also registered success in its advocacy work in Member States which is critical to enhancing competition culture in the Common Market and ensuring that Member States fulfill their Treaty obligations with regard to the domestication of the Regulations. During the period, the Commission has made great strides in advancing its mandate, both in terms of the breadth and depth of its work products as well as the use and implementation of this work product by the Member States. The Commission's informal working methods consisting of open discussion and mutual trust that lead to broad based consensus have proved highly effective in creating work products that have been well received by the Member States. The Commission's vision, strategy and values set out its ambition to be consistently one of the leading regional competition and consumer protection agencies in the world, with reference to five goals namely: enhanced member engagement; improved hands-on assistance to Member States; greater visibility for competition policy and principles; extending "competition frontiers" (a reference to increasing competition in markets, rather than extending the scope of competition law); and achieving professional excellence.

Realizing that the Regulations, which were adopted in 2004, may not be up to date to address the modern competition enforcement challenges, the Commission engaged the World Bank through a technical assistance programme) to explore in greater detail the issues raised by the stakeholders relating to the shortcomings in the principal Regulations and Rules. The Commission, through such consultations with stakeholders, identified areas which require amendments/revision to the Regulations based on the recommended best practices on merger notification and review procedures. The exercise was aimed at obtaining recommended practices in designing reforms to merger thresholds, review periods and the scope of application of the Regulations. These amendments are designed to bring about greater consistency, efficiency, and effectiveness to the multijurisdictional merger review process, benefiting national competition agencies, merging parties, and consumers across the Common Market. The Consultants engaged through the assistance of the International Finance Corporation (IFC), has commenced work and the amendments are expected to be adopted by the Council of Ministers in 2015.

Recognising the importance of capacity building in the implementation of competition policy, one of the Commission's initiatives during the period was to revise

“The Commission has also registered success in its advocacy work in Member States which is critical to enhancing competition culture in the Common Market and ensuring that Member States fulfill their Treaty obligations...”



a work plan reflecting the needs of Member States in sharing experience in competition advocacy and market studies. In this regard, the Commission teamed up with other international organisations such as CUTS to examine in greater detail Member States experiences in conducting market studies as part of the advocacy effort, with a goal of developing good practices for conducting such studies.

As an important complement to its law enforcement mission, the Commission was engaged in competition and consumer protection advocacy before other policy makers, including state legislatures, national competition authorities, and professional organisations such as law societies. In response to requests or where public comments are sought, the Commission has issued advocacy letters, comments, and amicus briefs. Further, to promote transparency and encourage compliance with the law, the Commission has issued guidelines to provide guidance regarding the application of the Regulations.

Cognisant of the enormous amount of enquiries about the Regulations coming from the lawyers from various Member States and indeed the critical role that lawyers play in ensuring compliance with the competition laws, the Commission embarked on the process of sensitizing the lawyers, through public debates, aimed at clarifying on the provisions of the Regulations and the enforcement mechanism of the same. Such public discussions have been conducted with the Law Societies of Egypt, Ethiopia; Kenya; Mauritius; Swaziland; Uganda; Zambia and Zimbabwe.

In order to ensure an enhanced working relationship between the Commission and the Competition Authorities of Member States, the Commission organized two Regional Workshops on the Working Relationship between the Commission and Competition Authorities of Member States which were held in Lusaka, Zambia and Ezulwini, Swaziland respectively. The workshops attracted the participation of most national competition authorities. Among the key issues deliberated at the workshop include the Treaty obligations of Member States in ensuring that the Regulations are enforceable in the respective national territories.

The Commission also recognises that it cannot limit its activities or vision to its own borders, hence it has devoted significant efforts to international activities. As with the Commission's dealings with domestic agencies, these efforts include engagement on policy initiatives and practices as well as enforcement cooperation. To this end, the Commission has participated and made key addresses to the Chatham House (London); the London Competition Forum 2013 (London); the ICN (Warsaw); the IGE (Geneva); the Africa Mergers & Acquisition Forum (London). The Commission has also undertaken special visits to reputable law firms such as Clifford Chance (London); Webber Wentzel (Johannesburg); Bowman Gilfilan (Johannesburg) where the Commission

presented on the progress it has made since the commencement of operations.

Nurturing the New Broom

Given the massive benefits of regional competition policy as explained in this article, It is imperative that stakeholders render their full support to the implementation of the Regulations as they are pivotal to the attainment of the Common Market economic integration agenda and enhancing the competitive edge of the Common Market through the creation of a conducive environment for doing business. More importantly, COMESA should be proud to be the first regional economic block on the continent to have a fully operational regional competition authority, a fit which other comparable economic blocks have been unsuccessful to achieve.

“COMESA should be proud to be the first regional economic block on the continent to have a fully operational regional competition authority...”

Do we Really Need Merger Control in COMESA?

The term merger control refers to a set of laws and policies that are used to monitor, investigate and regulate mergers and acquisitions taking place in a given geographical dispensation or what our learned colleagues may refer to as jurisdiction. Merger control is part of competition law, which is but part of broader public laws affecting business, markets and the economy. Therefore, to put merger control in context, we need to consider how merger control relates to the achievement of competition policy objectives in general as well as to broader economic policy objectives. Merger control works prospectively. It seeks to restrain those mergers, which if allowed to go forward, would likely reduce competition. Most people question why in merger analysis the focus is on what has not yet occurred. I was asked the same questions by a very vibrant audience of students at University of Zambia when I was invited to give a talk on the regulation of market structures in 2012. My simple answer to this question was that this is the difference with prohibitions on anti-competitive agreements and abuses of market power. Such prohibitions operate mainly *ex post* in as much as they penalise unlawful past actions but may also operate prospectively via their deterrent effect. However, before we delve in the details of the article, I invite us to define what a merger is.

While the terms merger, acquisition and takeover may have different definitions and meanings in some pieces of legislation like company law, they are generally used interchangeably in competition law. In view of this, the term merger for purposes of this article has been used to cover all transactions where there is a fusion of two or more firms. Simply put, a merger occurs when two or more firms that were independent before the merger cease to be independent post merger. Some may therefore ask, what is wrong with this occurrence and indeed do we need to regulate such conduct? Some may even perceive this regulation a punishment on the merging parties through regulatory burden and probably a waste of public resources by the institutions created to pursue this purpose.

To address the above concerns, it is imperative for us to have a basic comprehension of competition law, a broader subject and legislation to which merger control is a subset. Competition laws are those laws that are enforced to eliminate restrictive business practices, which prevent firms from competing freely in the market place. Firms in the market place can sometimes engage in conduct that prevent, restrict or



Willard Mwemba,
Manager
Mergers and Acquisition
Division of the Commission

distort competition to the detriment of consumers. When firms restrict competition, the incentive to be efficient and to innovate is significantly diminished and this results in poor quality products, lack of choice and higher prices for the consumers. One way in which firms can achieve this end of restricting competition is through mergers. I should emphasize here that this article does not in any way imply that all mergers are harmful to the process of competition. Indeed most of them do not harm competition and some of them may even enhance competition. This is the reason why more than 90% of all mergers handled by competition authorities worldwide are cleared or approved.

When firms merge, the number of competing firms in the market reduces and presumptively this reduces the levels of competition in the market place. Therefore, merger control is aimed at preventing those mergers that would result in one or few firms attaining market power, i.e the ability to behave in a manner that is detrimental to the process of competition and ultimately consumers. Firms with market power may engage in excessive pricing for consumer products among other market abuses without regard to the reaction of the competitors and consumers. The foregoing shows that mergers result in altering the market structures and the focus of attention of merger control is the likely future structure of the market post-merger. Merger control aims to prevent mergers that alter the market structure in a manner that enables firms to attain market power and engage in abuses to the ultimate detriment of consumers.

I am tempted to add to this article the need for cross-border merger control. The general principle of law is that national merger laws only apply to mergers taking place within the borders of their countries. This means that if there is a merger between two firms domiciled in one country but having an effect in another country, it may be difficult to prohibit such a merger using the laws of the country where the effects of the merger are felt. This is because most national laws lack extra territorial application i.e the application of one country's national laws in another country's territory. Even for national laws that have a provision on this extra-territorial application, it may be difficult to enforce these laws. Countries have also attempted to come up with memoranda of



understanding to address this problem but even these appear not to be very effective in all cases as they do not have a strict legal binding effect and they usually depend on the personal relations of individuals at the helm of respective competition authorities at any one given time. In view of this, the effective mechanism is the establishment of a regional competition authority which emanates from a Treaty that binds the Member States. In this case, the Member States agree that certain mergers of a certain size and with cross-border effect should be handled by a regional competition authority.

In the Common Market for Eastern and Southern Africa (the “Common Market”), the Treaty establishing the Common Market for Eastern and Southern Africa (the “Treaty”) under Article 55 have promulgated the COMESA Competition Regulations (the “Regulations”). The Regulations under Part IV have the jurisdiction or authority to regulate all mergers where the parties operate in two or more Member States and which are likely to have an appreciable effect on trade between Member States and would restrict competition in the Common Market. Therefore, the Regulations would address the issue of having merging parties domiciled in one Member State but having effects in another Member State.

In conclusion, the case for merger control in a liberalised economy cannot be overemphasized. The benefits of having a merger control regime by far outweighs the risk of not having one through the harmful effects on the market that may result from some mergers. It is my hope that the consumers, business society and all stakeholders reading this article have appreciated the need for merger control and would be vigilant to report mergers that are not notified with the regional competition authority for mergers that involve two or more COMESA Member States or indeed the national competition authorities.

“The effective mechanism is the establishment of a regional competition authority which emanates from a Treaty that binds the Member States”

The Banking sector: A tool for preventing corruption and money laundering in SADC region



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In developing countries the banks are key players in the economic system. They are the main partners for investors and the private sectors to grow and develop their businesses. Therefore governments and regulators set-up clear policies to harmonize the environment of the financial market and the banking service in general to protect consumers and local and international investors. However, the last 20 years, many international banks have been fined for money laundering or failing to cooperate or to provide information during investigation or for weak anti-money laundering (AML) policies and procedures. It is obvious then that preventing money laundering is very challenging and this should be one of the top priorities for banks for their reputation but also for countries. Within the SADC region, the governments and the SADC Banking association should deploy the efforts to prevent money laundering from illegal activities and to protect the funds allowed for the collective interest.

Therefore, governments have to apply the laws and regulations regarding the anti-money laundering policies. And sanctions should be imposed for banks that are not in line with the standard regulations. The top managements as well as the employees at different levels of the banks need to have a high level of ethic and be convinced of the importance of financial crimes and their consequences in the daily life of the citizens.

The principal foundation for international efforts in the area of combating money laundering and terrorist financing is formed by the 49 Recommendations of the Financial Action Task Force (FATF) on Money Laundering. FATF is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction (<http://www.fatf-gafi.org/>). This includes the 40 Recommendations on combating money laundering and terrorist financing, as well as the 9 Special Recommendations relating to terrorist financing.

The common tools used by the banks and part of these recommendations are:

- Know Your Customer (KYC) Policy
- Enhanced transaction monitoring/reporting suspicious transactions
- Identification of Politically Exposed Persons (PEP's)

The Know Your Customer (KYC) Policy

The obligation to fulfill the Know Your Customer forms is the basis of the fight against money laundering and terrorist financing and could be considered the first line of defense in the fight against these scourges. In most jurisdictions, KYC is a legal obligation requiring that the banks carry out the procedures of due diligence on-boarding a new client or reviewing of relationships with existing clients. When the banks accept a new customer, they should be aware that their reputations could be affected and they could be faced to regulatory and legal sanction. Therefore, they should be comfortable with the identity of the client and the real beneficiary owner of the account, what is his source of wealth? And what is the perspective of this new account as well as the amount, the nature and frequencies of the transactions in this account. A due diligence is mandatory and need to be done before opening the account. This requirement is valid for both individual or entities account. From this stage the clients could be classified as per their risk related to their business, the country of the business, and the high risk clients should be highlighted. And the banks have to update the information that they have in their system, and review the risk with their clients.

Identification of Politically Exposed Persons (PEP's)

As per the Financial Action Task Force (FATF) the Politically Exposed Persons (PEP) could be defined as:

- **Domestic PEPs:** individuals who are or have been entrusted domestically with prominent public functions, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials.
- **International organization PEPs:** persons who are or have been entrusted with a prominent function by an international organization, refers to members of senior management or individuals who



have been entrusted with equivalent functions, i.e. directors, deputy directors and members of the board or equivalent functions.

Family members are individuals who are related to a PEP either directly (consanguinity) or through marriage or similar (civil) forms of partnership.

Close associates are individuals who are closely connected to a PEP, either socially or professionally.

As per the same source (FATF): due to their position and influence, it is recognized that many PEPs are in positions that potentially can be abused for the purpose of committing money laundering (ML) offences and related predicate offences, including corruption and bribery, as well as conducting activity related to terrorist financing (TF). This has been confirmed by analysis and case studies. The potential risks associated with PEPs justify the application of additional anti-money laundering / counter-terrorist financing (AML/CFT) preventive measures with respect to business relationships with PEPs.

Enhanced transaction monitoring

This is a critical and very technical process of the anti-money laundering. Price Water Cooper (PWC) describes it as per below: the purpose here is to identify and flag suspicious activities from the client's transactions data. It is generally a two stage process whereby first, instances of potentially suspicious behavior are identified and these instances of potentially suspicious behavior are reviewed by an analyst to determine if, ultimately, as Suspicious Activities Report (SAR) should be filed.

To identify potentially suspicious behavior, most large institutions have implemented an automated AML transaction monitoring system. It filters, compiles and summarizes transaction data, and "flags" instances of potentially suspicious behavior (called "cases"). Flagging is accomplished by implementing of AML "scenario" that fall into broad categories:

- Rules-based scenarios identify specify patterns of behavior by comparing transactional activity to algorithms that mimic known AML behavior patterns.
- Statistical profiling scenarios identify unusual activity by modeling norms of client activity or segment activity over time and identifying outliers as potentially suspicious.

In the second stage of transaction monitoring (after activity has been flagged), cases are reviewed by AML analysts who investigate the activity using internal and external information sources, including, for example, transaction and party information, watch lists of known or suspected money launderers, and lists of trusted entities. The case is either cleared or escalated, potentially to the point where a SAR is filed and client profile and risk information may be updated if necessary.

One the 49 recommendations of The FATF, the

financial institutions, their directors, officers and employees should be:

- protected by law from criminal and civil liability for breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, if they report their suspicions in good faith to the FIU, even if they did not know precisely what the underlying criminal activity was, and regardless of whether illegal activity actually occurred; and

“To identify potentially suspicious behavior, most large institutions have implemented an automated AML transaction monitoring system”

- prohibited by law from disclosing (“tipping-off”) the fact that a suspicious transaction report (STR) or related information is being filed with the FIU.

AML in Southern Africa

In 2012, the KPMG released a survey related the Anti-money Laundering (AML) in Africa. The result can help to understand how the banks react regarding the AML issue. 47% of the banks that responded to the survey are from the Southern Region of Africa. It was highlighted that 67% of the board members of these banks take a high interest in the AML matter. And 46% of the respondents in Southern- Africa sub-region indicated that the AML issue is discussed at least once per month by senior management.

56% of respondents indicate that they review their AML policy yearly with 22% indicating that they review it once every two years. 10% indicated that they have not reviewed their AML policy since its incorporation.

85% percent indicated that they follow a risk-based approach. For the Southern sub-region, the three factors rated the highest are below: the nature of the customers’ business and background (94%), PEPs ‘status (92%), Nationality/country of registration of the customers (88%). And 54% indicated that they review the risk categorization of their customers when a specific event occurs, such as a change in customer detail or transaction patterns. 29% conduct reviews on an annual basis.

90% indicated that they have specific procedures for identifying PEPs, of those respondents, 24.5 % depend on branch staff for identification, while 17% rely on commercial lists only. 51% indicate that they use a combination of internal and commercial lists, and depend on branch staff to identify PEPs.

86% of respondents indicates that they conduct sanctions screening prior to account opening.

On a scale of 1 to 5 (5 being highest satisfactory), 51% rated their transaction monitoring system at a score of 3 and below, with 10% rated their system as very satisfactory. 74% still relied to the vigilance of their staff to report suspicious activity.

40% of respondents indicated that they provide role-specific training imparted by internal trainers using internally developed training material, with 68% stating that they provide staff with AML training on an annual basis.

There is need to grater consultation and communication between banks and their regulators in respect if good practice.

The challenge for the next few years is to ensure that the systems and controls in place are effective and achieving the objective of frustrating those who attempts to misuse the financial system for their own illicit gain.

Conclusion

In the perspective of establishing a regional central bank and monetary union in 2016 as well as the regional single currency in 2018 within the SADC, it is critical and urgent to have an environment where the authorities, the banks, the investors and the customers can work together with confident. The banks must update their policies regarding the anti-money laundering. And they must apply the rules and laws regarding this matter. Otherwise, they would be fined or their banking license would be suspended.

The citizenship and the investors both local and international need to have trust in their financial institutions. The banks have an important responsibility by preventing money-laundering; limiting the number of illegal activities and the corruptions at national and regional level. Also the financial institutions have the duties to protect the government funds which are dedicated to the collective interest not the minority interest. The banking sector could be a tool for the development in SADC Region.

“There is need to greater consultation and communication between banks and their regulators in respect of good practices”

Africa Mining Vision: Transforming Southern Africa through Commodity Wealth



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The opportunity is ripe for Southern Africa to harness its natural resources for equitable development. The demand for commodities by African countries is emerging, rigorous assessment of the impact of mineral investment on society and the environment is becoming the norm, and transparency in global resource management is improving due to international efforts to address accountability and governance, such as the Extractive Industries Transparency Initiative, the African Peer Review Mechanism and the Open Government Partnership. However, the potential contribution Southern Africa's natural resources can make to human development rests on the effective management of these resources and associated revenue. To date, most of this revenue has bypassed the majority of Africans. This article offers a cursory glance at some of the main mineral governance challenges and successes across the region and how the African Union envisions natural resource management for the continent and for the benefit of its citizens.

Countries where minerals and/or oil and gas make up a large share of the economy are seeing rising inequality which is slowing the rate of poverty reduction. This is not predetermined but is dependent on the choices countries are making. The 2013 Africa Progress Panel Report "Equity in Extractives: Stewarding Africa's Natural Resources for All" indicates that most resource-rich countries, including Angola and the Democratic Republic of the Congo, have human development indicators far below levels that are expected on the basis of their average incomes. Disparities are holding back progress in countries like Tanzania and Zambia, while Botswana remains the exception in the region. This untenable situation has been caused by resource revenue not being used to support broad development strategies, by limited revenue collection due to inefficient taxation regimes and the illicit practices of investors, and by weak linkages between the mineral sector and the rest of the economy. Nonetheless, these same countries with increasing inequality have contributed to the region's impressive growth of an average 5.1% over the last decade.

In August 2014 at the South African Mining Lekgotla, Dr Nkosazana Dlamini Zuma, African Union (AU) Commission Chairperson, questioned this seeming paradox, "If we have these extractive

industries in these countries, why are 70% of the citizens among the poorest? Why are most countries where you are doing business in extraction among the poorest? I think that's the question we should grapple with today."

Translating resource wealth and economic growth into human development must be a primary concern of nations in the region. At the continental level, this is articulated in the Africa Mining Vision (AMV), developed to guide the large-, medium- and small-scale exploitation of mineral resources in a transparent, equitable and optimal way. The AMV was adopted by the AU Assembly of Heads of State and Government in February 2009 in Addis Ababa, Ethiopia. Informed by several sub-regional, continental and global initiatives, the AU envisages the AMV and its Action Plan to be domesticated by each country through multi-stakeholder consultations, taking into account the political economy context, to ensure a shared vision at the national level. The Africa Minerals Development Centre (AMDC), which was established earlier this year in Addis Ababa, is coordinating national efforts to develop a Country Mining Vision.

"Countries where minerals and/or oil and gas make up a large share of the economy are seeing rising inequality which is slowing the rate of poverty reduction"



Africa Mining Vision

“Transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development”

This shared vision will comprise:

A knowledge-driven African mining sector that catalyses & contributes to the broad-based growth & development of, and is fully integrated into, a single African market through:

- Down-stream linkages into mineral beneficiation and manufacturing
- Up-stream linkages into mining capital goods, consumables & services industries;
- Side-stream linkages into infrastructure (power, logistics; communications, water) and skills & technology development (HRD and R&D);
- Mutually beneficial partnerships between the state, the private sector, civil society, local communities and other stakeholders; and
- A comprehensive knowledge of its mineral endowment.

A sustainable and well-governed mining sector that effectively garners and deploys resource rents and that is safe, healthy, gender & ethnically inclusive, environmentally friendly, socially responsible and appreciated by surrounding communities;

A mining sector that has become a key component of a diversified, vibrant and globally competitive industrialising African economy;

A mining sector that has helped establish a competitive African infrastructure platform, through the maximisation of its propulsive local & regional economic linkages;

A mining sector that optimises and husbands Africa’s finite mineral resource endowments and that is diversified, incorporating both high value metals and lower value industrial minerals at both commercial and small-scale levels;

A mining sector that harness the potential of artisanal and small-scale mining to stimulate local/national entrepreneurship, improve livelihoods and advance integrated rural social and economic development; and

A mining sector that is a major player in vibrant and competitive national, continental and international capital and commodity markets.

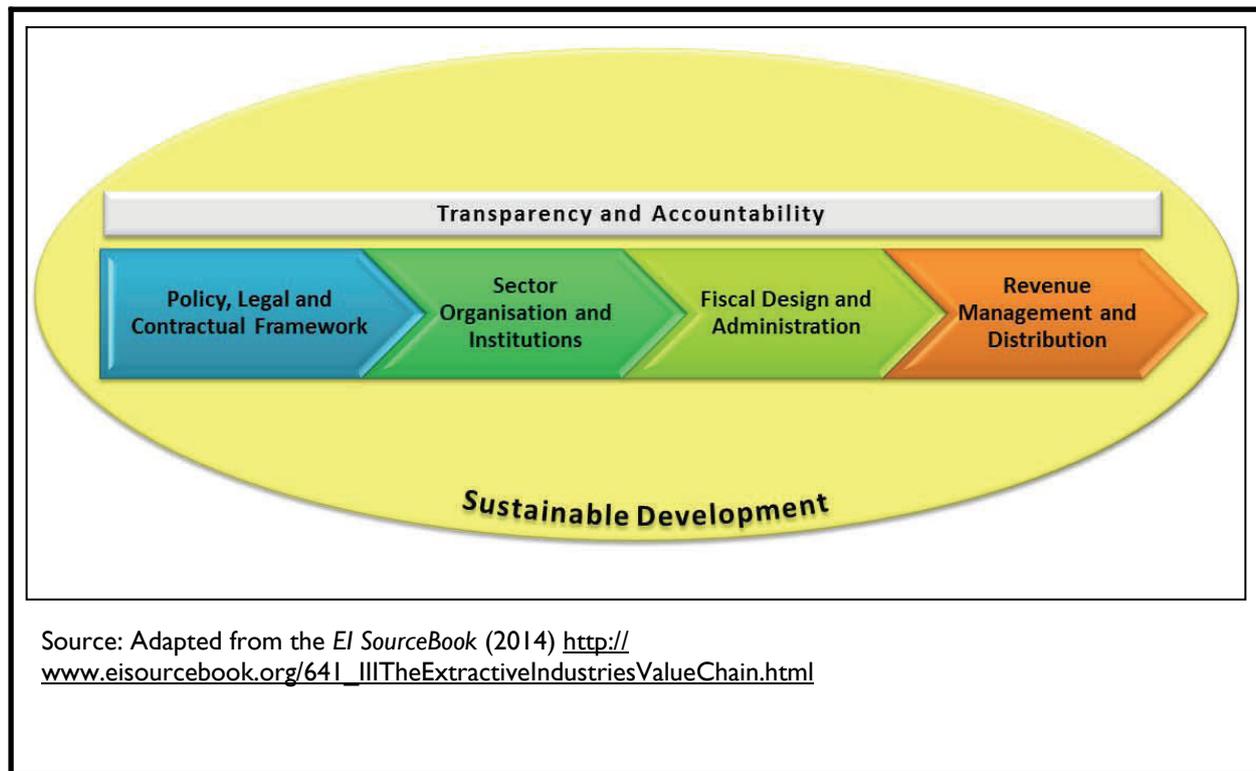
Source: Africa Mining Vision (February 2009)

http://www.africaminingvision.org/amv_resources/AMV/Africa_Mining_Vision_English.pdf

Many countries in the region have designed national policies in the last decade, but the Country Mining Vision approach, proposed by the AU, mobilises a high-level coordinating platform at the national level that underlines the joint responsibility of a broad range of stakeholders for promoting resource driven development. National dialogue on a Country Mining Vision therefore moves away from only the tokenistic inclusion of the perspectives local communities, civil society organisations, the media and traditional leaders. The support of the AMDC for this process enables best practices from the continent and beyond to be embedded in national strategies and plans.

As the AMV underlines, all stages of the extractive industries value chain, illustrated in the diagram below, need to be addressed for effective management of minerals. Different countries are at different stages in the region. These four stages can be considered sequentially while transparency and accountability measures inform each stage to ensure that policy decisions transform mineral potential to resource wealth in ways that facilitate sustainable development at the community and country levels and continent-wide.

The Extractive Industries Value Chain



The extractive industries value chain commences with a **policy, legal and contractual framework**, which is a prerequisite for starting activities, and it includes the awarding of contracts and licences. This not only encompasses mineral and petroleum laws and regulations but others that have a bearing on the mineral sector, such as environmental, land, water, employment and health and safety laws and regulations. The framework should also be used to promote in-country value addition, national human capacity development for the sector and local content. The AMV sets out a broad framework for action in these areas.

In Angola local procurement is mandated in the national petroleum law and in South Africa it is encouraged by the Mining Charter scorecard. However, in Angola as well as in Tanzania and Zambia, the local content principles and laws lack specific policies, practical measures and monitoring mechanisms. Botswana has been more successful as it has a set of strategies for building local content and value addition. In the renewal of the diamond mining lease with De Beers in 2005, the company agreed to a joint venture with Botswana, with clear performance targets and penalty clauses for employment and training and for ensuring that at least 80% of the rough diamond is cut and polished domestically.

Well governed organisations and institutions are required in the sector to regulate and monitor operations including the enforcement of environmental protection and social engagement. Capacity remains a challenge; while the region has seen new legislation and regulation, this is

accompanied by a mixed implementation record. The impacts on society, human rights and the environment are often not well understood or robustly researched and monitored.

In Angola, the absence of strong governance of the state energy company Sonangol and unclear terms on which oil was purchased resulted in missing revenue. In March 2012, USD4.2 billion remained unaccounted for, which exceeded the national budget for that year. The region has also witnessed poorly managed industrial action, such as, the mining strike at Lonmin platinum mine in Marikana, South Africa, which resulted in 44 deaths in August 2012 and continues to be investigated.

Each year an estimated one million people are affected by mining-induced displacement around the world resulting in loss of land and other assets. Compulsory land acquisition and insecurity of tenure under customary law characterise the situation in the region, and evidence shows that communities near mining sites, most in need of benefiting from resource extraction, tend to bear a disproportionate share of the social and environmental costs. Some governments are addressing the distribution of these costs. Botswana's legal framework and institutions enable citizens to access dispute resolution mechanisms and guarantees compensation for the loss of assets that complies with international standards. Mozambique developed specific regulations in 2012 for the

governance of the resettlement process resulting from economic activities, which are the first of their kind in the region; this must be consolidated by the necessary institutional reform and management structures.

The **collection of taxes and royalties must be guided by a suitable fiscal regime and administration** so that revenue is mobilised effectively. Designing an appropriate tax and fiscal regime must balance the needs of the country to maximise revenue collection for the public purse and the competitiveness and attractiveness for investors to secure future revenue streams. To date, there is evidence that the region has systematically undertaxed while companies often strongly oppose tax reforms.

In the 1990s, Zambia, for example, entered into contracts with two copper mining companies with “two of the lowest royalty rates in the mining sector in Africa”. These contracts were not reviewed until 2013, meaning that between 2005 and 2009 half a million Zambians employed in the mining sector had a higher tax burden than the companies. Reviewing and renegotiating contracts has taken place in Liberia and the Democratic Republic of the Congo as well to ensure that the countries receive a fairer share in the value of minerals.

Illicit and illegal financial flows from the continent due to companies minimising tax payments is a challenge for revenue authorities. In some cases, companies will sell commodities to connected companies at an artificially depressed price to reduce the tax payments required in the country where the commodity is sourced. This illegal practice, known as transfer pricing, is among other illicit financial flows that cost Tanzania USD1.87 billion and Mozambique USD587 million on average per year between 2002 and 2011. To address this challenge, the United Nations Economic Commission for Africa set up the High Level Panel on Illicit Financial Flows in 2012 to better understand the nature and implications of illicit financial outflows from Africa and to drive the development of policies, rules and regulations to tackle this challenge.

The final stage in the extractive industries value chain is **revenue management and distribution**, which is key for ensuring mineral wealth translates into human development. Citizens should be able to access information on the status of national resource wealth including how it is managed and who benefits. The call for transparency has singled out the public disclosure of payments made by mining companies to governments, and the reconciliation of these with receipts held by governments. In Southern Africa, the Democratic Republic of the Congo, Mozambique, the Republic of the Congo, Tanzania and Zambia have complied with this form of transparency through the Extractive Industries Transparency Initiative, which draws together private sector, civil society and governmental actors in a multi-stakeholder group.

Disclosure of beneficial ownership and contracts, project-by-project reporting, and transparent application, auction and bidding processes for natural resources are also being demanded. Open data or public access to information, enshrined as a human right in a number of international and African declarations, such as Article 9 of the African Charter on Human and Peoples’ Rights, is seen as fundamental in enabling citizens to hold their governments accountable and reducing power asymmetry between players due to information gaps. In 2013, the Model Law on Access to Information for Africa, prepared by the African Commission on Human and Peoples’ Rights, was adopted, but only Angola, South Africa and Zimbabwe have adopted freedom of information laws.

Sierra Leone, although not in the region, is worth emulating. It passed its Freedom of Information Bill in 2013 and is now publishing online all data from its public administration system that processes all mineral licences housed in the National Mineral Agency. Here, details of company ownership, licence information, sites allocated, fees, taxes and royalties paid are all available online. Anyone can sign up and gain access to this data. Interestingly, the main users of the site are investors and businesses seeking further information about the market and the track record and operations of different companies and to verify records.

One of the challenges citizens continue to face is the lack of budget transparency, which means that even if a citizens know how much money has been collected, it becomes more difficult to find out how this money has been allocated and to track its use. The Open Budget Index scores countries from zero to one hundred on how governments openly report to their citizens on budgeting; most countries in the region perform poorly, the exception being South Africa which has one of the most transparent budgets globally.

Governments are faced with balancing the depletion of finite resources with the accumulation of social and economic assets, such as improving electricity generation and developing the skills of the workforce. Inequitable public spending and underinvestment in education, health, social protection and infrastructure development are preventing many citizens from accessing good quality services. For instance, the Africa Progress Panel estimates that resource-rich countries account for two-thirds of Africa’s out-of-school children, which is one in three of the world’s total.

Approaches to public spending, investment and saving vary across the region. Clear rules and institutions are required to manage resource revenues. Botswana has been successful in resource governance partly because of its legislation to guide investment and independent institutions to uphold rules. In 1994, Botswana established a sovereign wealth fund, the Pula Fund, which is a long-term investment portfolio used to preserve

part of the income from diamond exports for future generations and to stabilise the economy in the face of external shocks, enabling the country to avoid damaging fiscal adjustments and cuts, which could plunge the country into recession.

A sovereign wealth fund is suitable in Botswana, yet the AMV points out that other countries lacking basic infrastructure may need to use most funds to finance long-term infrastructure provision projects, such as roads, railway, ports, energy, water, and telecommunications, to underpin competitiveness in other sectors. For these countries, it is often very difficult to “resist the demands of its people for immediate, but unsustainable, poverty relief”, and thus countries require institutions and laws that ensure governments cannot access funds to “buy short-term popularity”.

It is clear that efforts are being made in the region to reform the mineral sector to ensure a win-win-win for countries, communities and companies. However, evidence also shows that when revenue is collected it is too infrequently translating into positive human development outcomes. As the AU Commission Chairperson Dr Dlamini Zuma asserted in her address to the Mining Lekgotla, “Finally, I just want to say that five years since the adoption of the African Mining Vision, there is progress, but we need a stronger and more concerted push for transformation on all the issues that we’ve raised today”.

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Science, Technology

&

Human Capital

Development

in

Southern Africa

Kindling minds: Forging ahead through Science and Technology in the region and the continent.



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Science and Technology in the Southern Africa Region and continent at large stands at interesting and critical times in the coming decades. The African Union, recognising its importance, has strategically placed Science and Technology as an integral part of its development agenda.

In this article, we first present an overview of the various mechanisms responsible for this thematic at the continental level before discussing the topic from a regional perspective, in light of major projects being implemented.

Science and Technology within the AU framework

The original AU Constitutive Act provides for a 'Committee on Industry, Science and Technology, Energy, Natural Resources and Environment' that is mandated to prepare programmes for the Executive Council's consideration and ensure coordination of projects. Recently, there has been a re-organisation of the Specialised Technical Committees (STCs) to align their thematic focus with AU portfolios, and one of the fourteen STCs is dedicated to 'Education, Science and Technology'. Pending this ongoing restructuring process, the African Ministerial Conference on Science and Technology (AMCOST) has been presenting reports for the Executive Council's attention.

While the above mentioned organs mainly look at the decision making and legislative aspects, the AU's executive functions and day-to-day management is the responsibility of the AU Commission with a portfolio dedicated to 'Human Resources, Science and Technology'. This Department has a Commissioner at the helm, who oversees the 'Science, Technical and Research Commission (STRC)'; this organ implements programmes set out in the AU 'Science and Technology Consolidated Plan of Action (CPA)'. The Department holds a separate mandate to promote science and technology as reflected in one of its three divisions (the others being 'Human Resource and Youth' and 'Education').

Other Organs and Bodies

The Pan-African Parliament, one of the nine AU organs and with its seat in South Africa, is assisted by a committee to oversee the development and

implementation of AU policies relating to science and technology among other areas.

Two other bodies that aim to promote the Science and Technology (S&T) agenda are the AU Observatory for Science, Technology and Innovation (AOSTI) and the Pan African University (PAU). AOSTI was established by the AU Assembly in 2009 to stimulate and promote the use of S&T in supporting sustainable development in Africa; and also designed to be a repository for science, technology and innovation (STI) statistics as well as to provide analytical support for evidence-based policy-making in the continent. The PAU is an umbrella education structure designed to foster high-quality teaching and research in the science and technology sectors with an emphasis on the development of a uniquely African model. It aims to do so by bringing together existing African educational centres in a series of thematic hubs in five geographic regions, with the Southern African region being allocated the Space Sciences field.

The New Partnership for Africa's Development (NEPAD) is the pan-African vision and strategic framework for the socio-economic development of the continent. Adopted in 2002, it provides unique opportunities for African countries to take full control of their development agenda, to work more closely together, and to cooperate more effectively with international partners.

NEPAD manages a number of programmes and projects in six theme areas. Though Science and Technology has a role in all thematic areas, it features explicitly under its 'Human Development' programme. It offers a well-articulated plan through its Office of Science and Technology to ensure the proper

implementation of the CPA and other S&T agenda mentioned above.

NEPAD is primarily implemented at the Regional Economic Community (REC) levels and the fifteen member Southern African Development Community (SADC) is one of the eight recognised RECs. The African Union Southern African Regional Office (AU-SARO) works closely with SADC, COMESA and other Member States in the region.

The view in the Southern Africa region

The S&T Consolidated Plan of Action (CPA) puts forward several mechanisms to improve policy and promote technological innovation, with improving regional co-operation in science and technology and building science and technology policy capacity among them. Both of these aspects are clearly acknowledged and driven by Member States of the Southern Africa region through the framework of the SADC Regional Economic Community.

There is the vision to develop a region where Science, Technology and Innovation (STI) drive sustainable social-economic development, alleviate poverty and disease, and underpin the creation of employment opportunities and wealth. Indeed, most of the challenges facing regional integration - as identified by SADC in the Regional Indicative Strategic Development Plan (RISDP) - such as food security, energy, water, transport, communications infrastructure and human resources development will require scientific and technological solutions. The SADC Secretariat has instituted an STI Desk to pursue the goals and objectives of the region in that context and has positioned Science and Technology as a cross-sectoral priority intervention area. The overall guiding document for the Member States is the Protocol on Science, Technology and Innovation.

There are thus several road maps and science policies in place from the continental to regional levels. Different networks have been instituted or evolved naturally and they are all synergising efforts and working towards the vision of an integrated research and development culture. Examples in the regional include the Southern African Regional Universities Association (SARUA) at the Regional Level, the Southern African Network for Biosciences (SANBio), and collaborations in the area of Climate Change amongst others.

One of the Research & Development Cluster in the S&T Consolidated Plan of Action is in the area of ICT, space science and technologies. These areas feature prominently in the Science & Technology landscape of the region, and this is taking place through a series of projects. These include the institutionalisation of PAU Space Science Hub (as mentioned above), as well several endeavours in astronomy and related fields, namely the SKA and AVN experiments.



The configuration of the SKA core and remote stations throughout Africa. (Photo courtesy of SKA South Africa)

Astrophysics and the Square Kilometre Array

In the field of Astronomy, the Square Kilometre Array (SKA) is one of the global flagship facilities for ground-based astronomy in the future. In 2012, South Africa won the international bid to host 70% of the Euro 2 billion project, with the remaining share based in Australia. The SKA will be the world's largest and most sensitive radio telescope, about 50-100 times more sensitive, and up to 10 000 faster (in terms of its survey speed) than the best radio telescopes of today. Thousands of SKA antenna dishes will be built by 2025 in South Africa, with outstations in other parts of South Africa, as well as in eight African partner countries, namely Botswana, Ghana, Kenya, Madagascar, Mauritius, Mozambique, Namibia and Zambia. (See figure)

The SKA Organisation, with its headquarters near Manchester, UK, has 11 countries as current members – Australia, Canada, China, Germany (until 2015), India (associate member), Italy, New Zealand, South Africa, Sweden, the Netherlands and the United Kingdom. With such an array of partners from different continents, the SKA clearly stands as one of the high-profile endeavours capable of integrating the



MeerKAT antenna launches in South Africa in March 2014.
(Photo courtesy of SKA South Africa)

science and technology stakeholders in the region.

The commissioning of the SKA SA is proceeding in phases. The engineering prototype KAT-7 (Karoo Array Telescope) has been built and is being followed by the MeerKAT, a network of 64 dishes to be completed by 2017. (See figure) In the meantime, the design and planning for SKA will be ongoing with the Phase 1 construction scheduled for 2017-2020 and Phase 2 from 2020-2024.

In the short to medium term, there is also an

African initiative to set up the African VLBI Network (AVN). This seeks to help build capacity in SKA partner countries and will serve as a preparatory step for the SKA. Yet, it will be a full-fledged astronomy observatory that will extend the capability of the global Very Long Baseline Interferometry (VLBI) Network. This will involve either converting redundant dishes that were previously used for satellite communications or commission new antennas.

The ground-based astronomical observatories, existing or planned, in Southern African, including those operated by international partners in Namibia, exploit some unique

geographic advantages, namely relatively clearer skies, view of the Southern sky and the Milky way as well as environment free from radio for radio astronomy.

The science questions to be addressed by such astronomy experiments are numerous. Investigating the formation and evolution of the first stars and galaxies after the Big Bang will address questions about cosmology, dark matter and dark energy. Studying pulsars and black-holes will test Einstein's general theory of relativity and its predictions about space-time and gravity. The SKA will also look into the origin and evolution of cosmic magnetism and by being to detect faint signals, it will search for life and planets capable of supporting life.

BIG data

In their detailed quest for answers, the observatories will produce ever-growing amount of data that will need to be treated in the most effective way. This Big Data challenge will prompt progress in the field of electronics and computing through innovative hardware and software technologies. These would also find applications in other areas of science (life science, medical science, etc) and consumer electronics

The SKA will bring together Astrophysicists and Computer scientists and engineers on a common platform, resulting in collaborations that can benefit the community at large. The project, as will the AVN, will also see direct involvement of engineers (Electronic, Electrical, Mechanical, etc), technicians, construction workers and the likes. Professionals from other sectors will also have a role to play from consulting services, travel, tourism and manufacturing.

The future outlook

The science and commercial opportunities of such projects and initiatives are clearly attractive and huge. It will be a catalyst for regional integration and cooperation while bringing Africa into the global science map. Not only it will bring an array of experts to our doorsteps, it will also help stem and even reverse the brain drain. The Human Capacity Development will have ripple effect in other aspects of the economy, and will encourage investment in science and technology in the region. Indeed, some recent published points to and reconfirms some of the societal and economic benefits of such investment.

Bringing science and technology closer to the people not only fulfils a natural duty but can also kindle the fascination for science, technology and innovation and help motivate young minds to aim big and think creatively. Skills thus developed through science training can result in wider applications for the public, namely active citizen science (ie popularisation of science ideas and concepts), and the wise use of appropriate technology as well as leveraging on indigenous knowledge.

The enthusiasm that is bound to be generate in the

process is not to be hampered, but to be sustained and managed delicately; else we run the risk on maintaining the cycle of creating a frustrated generation of qualified scientists and professionals. This can only result in lost opportunities for the region and the continent. Instead, the efforts from the authorities are to be geared in boosting the confidence of generations of African youth to enable them to fully rise to their potential and keep aiming for nobler achievements. These are where the challenges lie and they need to be tackled carefully.

Conclusion

The article takes a brief look at the current science and technology landscape in the Southern Africa region and presented the wider AU-led initiatives. The right efforts need to be maintained to tap into the talent and resources that Africa has to offer for generations to come. Training and research in science for Africans is to make best use and appreciate the value of the natural resources available as well as develop the human capital and building a generation of aspiring Africans. This will help them address the post-2015 development agenda, where the Common African Position (CAP) incidentally establishes STI as the second of its six pillars and commits to optimal utilization of space and geospatial technologies.

The AU in the meantime continues to further the agenda in this direction. Already in January 2014, *the Assembly? Agreed to... the STISA-2024*, developed as a result of the review of the Africa Science and Technology Consolidated Plan of Action (CPA). This commitment, is a decadal continental strategic framework for accelerating Africa's transition to an innovation-led, knowledge-based economy within the overall framework of the AU Agenda 2063. It takes into cognisance the need to revamp STI infrastructure in Africa, enhance technical and professional competencies, and also provide the enabling environment for STI as prerequisites to achieve its mission.

Efforts in this direction have been initiated, they need to be sustained and multiplied. Dreaming of stars should not be mere rhetoric; realistic goals and aims are being made achievable. The sky should be the limit, both literally and figuratively.

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From Brain Drain to Brain Gain: Realising Africa's destination



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Introduction

Africa is one of the continents that have been worst hit by the constant migration of intellectuals to the West. The trend has put the region in a detrimental situation where people who have potential to manage economic challenges with their contribution seem to find safer sites for themselves.

Brain drain is a concept that was coined in the late 1950s to describe the significant emigration of British professionals to the US after the Second World War (Raftopolous, Wittich and Ndlela 1987, Adedo, 2000:124).

This intellectual 'export' into other countries with an aim of earning better perks, has affected many countries in Africa.

In short, brain drain can be defined as the movement of the highly educated individuals from their countries of birth to other countries where they anticipate better opportunities. It denotes the migration of human capital as a strategic resource from countries where it can make the greatest contribution to national output to countries already well supplied with high-level of manpower (Ramin 1995).

Most skilled persons leaving Africa are the ones who have benefitted from the sponsorship by the governments, were trained within the country even outside their home countries.

Having sponsored such personalities, African governments put huge investments in them only to realise that the products of their efforts are vanishing from their home countries for better perks.

Impact of Brain Drain

The impact of brain drain is grievous to African nations. Many institutions like courts lack personnel who can help the citizens pursue justice. Many cases take long to be concluded due to lack of qualified attorneys or judges; the standard of education in most countries have drastically dropped because of unqualified teachers and also the ratio of teacher to pupils (students) is huge hence compromising quality education.

There are so many projects that are not completed or projects take long to be completed due to inadequate staff to roll and conclude the projects in time.

It's obvious that in case of brain drain, a small percentage of people remit revenue for the running of the governments. With donor fatigue, most countries

are depending on domestic revenue.

The impact of the brain drain on Sub-Saharan Africa is complex. There is the well-known migration of highly educated Africans from the continent to other parts of the developed world. There is also substantial movement of skilled Africans within Sub-Saharan Africa. As a general rule, the migration is from poor, politically unstable, and/or conflict prone countries to those that have stronger economies, are politically stable, and offer good security. The brain drain does have a silver lining for the losing country. In some cases, the Diasporas have become significant sources of financial remittances back to the home country. Other Africans in the diaspora are finding ways to make their technical expertise available through electronic networks and some actually return to help out for short periods of time. Nevertheless, the brain drain is generally harmful to Sub-Saharan Africa (D.Shinn:2008).

Reasons for Brain Drain

There are so many reasons why brain drain has hit Africa. Many Africans are flooding to the west in search for better perks, obvious most Africans flood to the west to earn more money to support themselves and their families back home, there are more social opportunities in the West than in most African countries, these are: better schools for their children and good hospitals. Internal conflicts can also cause brain drain; many skilled persons may feel insecure to live in a country where they feel the lives of their families are in danger. Cynicism and favouritism based on ethnic or religious affiliation is another major reason- when some citizens feel sidelined in the national appointments, can influence others feel disgruntled hence leaving their home countries for the west.

Statistics of Brain Drain in Africa

Records have shown that most countries in Sub-Sahara Africa are the worst hit in brain drain. The figures are always rising each passing year. The statistics have mainly focused on those Africans who complete their education in Africa and then migrate for a variety of reasons. This group consists especially of scientists, engineers, teachers, health professionals and

entrepreneurs.

It is estimated that 300,000 African professionals live and work outside Africa. Most researchers have accredited that over 20,000 professionals migrate to the west since 1990. There are indications that about 10 percent of South Africa's IT and finance executives have departed in recent years in search for greener pasture.

Between 70 and 90 percent of Zimbabwe's university graduates are now working outside the country. However, 30,000 Sub-Saharan Africans holding PHDs live outside Africa.

Migration within sub-Saharan countries is also evident with most Zimbabweans doctors flooding to South Africa. Namibia has been a successful nation in recruiting highly educated Africans. The independence of South Africa in 1994 resulted in the influx of educated migrants from many countries within the continent. The most recent data suggest that both South Africa and Botswana are now exporting more skilled personnel than they are importing.

Around 65,000 Africa-born physicians and 70,000

*“The impact
of brain drain
is grievous to
African nations”*

Table1: Migrants per 10,000 of source country population in 2000

	OECD	USA	CANADA	UK	FRANCE	SWITZERLAND	NETHERLANDS
Angola	87.3	1.7	1.1	2.5	4.6	2.7	2.0
Botswana	15.8	5.9	0.2	6.0	0.7	01	0.4
Congo, DR	18.0	0.9	1.1	1.1	3.3	0.6	0.7
Lesotho	3.3	0.5	0.3	1.3	0.1	0.4	0.2
Malawi	11.0	1.1	0.3	8.9	0.0	0.0	0.1
Mozambique	33.7	0.8	0.5	1.5	0.4	0.7	0.4
Namibia	10.6	0.5	0.9	3.9	0.4	0.7	0.4
South Africa	61.1	11.1	6.2	20. 5	0.3	0.9	1.2
Swaziland	18.0	9.4	0.7	4.9	0.0	0.4	0.3
Tanzania	18.1	2.7	5.2	8.5	0.1	0.2	0.2
Zambia	26.5	4.3	1.4	16. 1	0.1	0.2	0.3
Zimbabwe	47.1	6.5	2.2	27. 1	0.2	0.4	0.4
All SADC	35.2	4.1	2.9	9.7	0.3	0.7	0.7
Africa	55.9	8.0	2.8	7.7	17.7	0.8	2.9
World	94.0	40.0	7.7	5.8	6.2	2.3	2.1

Source: Docquier and Marfouk (2004)

African-born professional nurses were working in a developed country by 2000. This represents one-fifth of all African born physicians and one-tenth of African professional nurses.

More than 500 Ugandan doctors work outside the country, 200 of them in South Africa. But one third to a half of all graduating doctors in South Africa migrate to USA, United Kingdom and Canada. Most Malawian doctors work in Manchester, England than those working in Malawi. It is believed that Zimbabwe has lost fifty percent of its healthcare professionals. The World Health Organisation reported in 2006 that out of fifty seven countries world suffering from a severe shortage of health workers, thirty six were in Sub-Saharan Africa. There are fewer than ten doctors for every 100,000 people in twenty-four of the forty Sub-Saharan African countries. The number of neurosurgeons in Malawi and Zimbabwe is almost zero.

Brain drain within a country is also possible with migration to cities by the professionals. Mozambique has over 70 percent of its doctors working in the capital Maputo (D. Shinn: 2008).

Table 2: Emigration rates by education in 2000 for SADC Countries: Migrants as 0% of all educated (natives plus migrants in each category)

COUNTRY	PRIMARY EDUCATED	SECONDARY EDUCATED	TERTIARY EDUCATED
Angola	2.10	3.40	25.60
Botswana	0.10	0.80	2.10
Congo, Dem. Rep	0.10	0.50	7.90
Lesotho	0.00	0.10	2.4
Malawi	0.00	0.80	9.40
Mozambique	0.50	5.80	42.00
Namibia	0.10	0.20	3.40
South Africa	0.40	0.50	5.40
Swaziland	0.20	0.20	5.80
Tanzania	0.10	1.00	15.80
Zambia	0.10	0.30	10.00
Zimbabwe	0.20	0.70	7.60

Source: Docquier and Marfouk (2004)

Strategies of overcoming Brain Drain

African countries should accept that they have 'smaller countries' outside the continent by doing so, the governments will be able to work hand in hand with those professionals. There are so many strategies African countries can benefit from professionals working outside their native countries.

There should be a virtual participation of the migrants in the activities taking place in their native countries. The professionals can be involved in e-learning, consultation on issues of national interest, sharing information with the local counterparts in research. Governments should set conditions for professionals that were trained through their purse, for example if a medical profession has been trained under

the government scholarship, he or she should be required to work for his or her country of origin for not less than ten years before migrating to any other country; this will instil discipline in the outflow of medical professionals (Etienne: 2012).

Governments should be able to provide good housing and loans to the professionals, provide insurances to those working in industries like engineers.

Some governments may propose to adopt an idea of collecting revenue from taxes on emigrants residing in developed countries as proposed by Professor Baghwati (Baghwati, 1972).

In this instance, governments will be able to collect some revenue from its professionals living abroad, whether working for international organisations or

institutions of the host country.

There can be a way of collecting such taxes, Bhagwati proposed that in an event where a country wants to collect revenue of tax from its professionals that have migrated to the west, the United Nations can be involved in collecting the taxes and remit them to the native countries of each professional.

African countries should support the proposal by the African Union to introduce hospitality levy and levy on flight tickets to help African governments absorb some revenue (AU Economic Department: July, 2013)

Skilled persons should be compensated with attractive salaries and benefits. If African governments won't trust its professionals by offering them job, this can lead to frustrations. Professionals like engineers should be equipped for them to offer better services, by doing so; most professionals will feel being entrusted.

Governments should be able to create jobs for the upcoming professionals. The scarcity of local jobs veins in as another factor hence graduates would want to be compensated with jobs as life demands. Many countries in southern Africa don't appreciate local talents but expatriates; it's pathetic to note that most countries in sub-Sahara still hire expatriates in the fields where the natives are experts.

African governments should also encourage their people living abroad to open bank accounts with the local banks. The migrating professionals can be encouraged to support projects in their native countries.

It is imperative for governments to follow up all students on its scholarship ladder whether within the country or outside. Those who wish to abandon their governments should be forced to pay back the money. Some countries in Africa offer almost free education as there are no procedures of recovering the 'loaned' money to the students after they have graduated.

Benefit of Brain Gain

It is possible to move from brain drain to brain gain. Skilled workers working outside their countries contribute to the development of their countries in many ways. Some reports indicate that nearly 60% of the salaries of the skilled migrants is sent back home so that relatives and others can purchase food, pay school fees, care for aging parents, buy medicines, establish income generating projects and support a myriad of other worthwhile causes that would go unfunded if the individuals did not go to foreign lands in search of higher incomes (R. Feldman: 2012).

Conclusion

I feel that Africa is such a rich continent that needs no more 'importation' of expatriates; this can be realized if African governments put some strategies on brain gain.

Governments should have appetite of tracing students studying abroad and make sure that they return home

after their studying; this will help those remaining behind to benefit from the skills consumed abroad.

Government can create policies of migration for the high skilled people to minimise the loss of human capital.

Governments should have policies that will enhance professionals to feel protected and needed. Governments' embassies should take leading roles in recording number of skilled workers of their countries migrating to the host nations.

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Signing of condolence book for the funeral of Late President Michael Sata at **Zambian High Commission, Lilongwe, Malawi**

The fifth President of the Republic of Zambia, Late Michael Chilufya Sata died on 28 October, 2014 in the UK after serving his country for three years from 23 September, 2011. The African Union Southern Africa Regional Delegate to Southern Africa, Dr Salif Sada Sall, joined the Malawi government, diplomatic community and individual mourners in signing condolence book at Zambia High Commission in Lilongwe, Malawi.



1. AU Regional Delegate to Southern Africa, H.E. Dr. Sall signing the condolence book.

2. AU Regional Delegate (R) condoling the Zambian High Commissioner, H.E. Mrs. Salome M. Mwananshiku (L).



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The views set out in the articles in this publication are those of the individual authors and do not necessarily reflect the official opinion of the institutions our contributors are affiliated to neither the African Union .

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