

Consolidating Regional Integration Through a Free Movement Protocol: The Quest for Collective Development in the SADC

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Abstract

This paper examines whether a free movement protocol in the Southern African Development Community (SADC) would deepen and consolidate regional integration and development. Political discourse in the SADC has argued for the need to consolidate collective development considering the changing trajectory of the socio-economic conditions in the region. An examination of regional integration literature reveals that: the lack of political will, borders and their colonialist legacies and the competing interests of states are challenges stifling regional integration in the SADC region. Regardless of the associated economic benefits, a free movement protocol would not change the economic trajectory of the region until such challenges are addressed. Moving beyond these challenges, the capacitation of regional institutions and establishing inter-state ministerial committees to study the impact of a free movement protocol in the SADC would be the first step in consolidating regional integration.

Key Words: Development; Migration; Africa; Growth



Introduction

The removal of trade barriers, the growth of inter-state diplomatic relations and the unhindered flow labour are key in promoting regional integration. Farida (2015) defines regional integration as a practice whereby countries (especially within, close vicinity of each other) come into an agreement that will be underpinned by cooperation and collaboration. Regional integration is also seen from the realms of collective development to achieve peace, stability and socio-economic development. The Southern African Development Community (SADC) is made up of sixteen countries, namely Angola, Botswana, Comoros, Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. Moyo (2020) suggested that if the SADC is indeed serious about realising its objectives concerning socio-economic development, then implementing a free movement is worth considering. For the author, this would contribute towards deepening regional integration by reinforcing the historical and current developmental objectives of the region. However, the need for collective development in the region has been held back by national interests which supersede regional considerations.

This for Moyo (2020) has led to a fragmented and futile approach to regional economic integration. This fragmented approach has been largely attributed to the failure of the SADC to redefine and reconceptualise the concept of the border. The decolonisation of the border would contribute considerably to reinforcing regional economic integration and consolidating existing links (Moyo, 2020). One can therefore argue that the SADC through the establishing the Protocol on the Free Movement of Persons in 1995 signalled its intention to institute a free movement regime. However, the ratification process has been largely disappointing for a region which seeks to promote regional economic integration. This paper seeks to examine how the SADC can consolidate regional integrative efforts by instituting a free movement protocol and whether this would constitute to socio-economic gains for the region. For this paper, free movement refers to the unhindered movement of people (labour), goods and services. Within the context of the above deliberation: the paper asks three questions. Firstly, can regional countries economically benefit from a free movement protocol? Secondly, what are the challenges hindering the implementation of a free movement protocol and finally, do borders promote or restrict regional integration? Departing, the paper argues that regional integration underpinned by free movement in SADC is suffocated by lack of political will and the inability of states to re-configure borders to speak to the current socio-economic upheavals in the region. There have been numerous studies on regional integration and its association with the free movement of goods, people and labour. These studies have been premised on the notion that the free movement of goods, people and labour will consolidate socio-economic and collective development. However, regional economic communities in Africa have found it cumbersome to mitigate factors that have hindered the effective implementation/operation of a free movement protocol. Therefore with this contention, this



paper seeks to dwell on the issues, opportunities and prospects of a free movement protocol SADC and conclude whether such can result in collective development. This paper is organised as follows, after the introduction, the methodology, the theoretical lens employed in this paper, the literature review and finally the recommendations and concluding remarks.

Methodological Issues

The article used a qualitative research approach through the review of the literature to answer the questions underpinning the paper, i.e. what are the challenges, opportunities and prospects for regional integration. This approach allowed the collection of data from a regional and international perspective. This approach was employed to contextualise the understanding of regional integration in an African context, to dwell into the debates, arguments and theoretical literature informing these debates, especially considering their growth in the African political discourse. Moreover, taking into account the historical understanding and debates regarding regional integration in Africa, commentary, opinion pieces and scholarly contributions, these sources became an integral part in allowing the paper to reach a meaningful conclusion, hence the utilisation of this methodological approach. Literature was selected using content analysis, where literature related and spoke to the objectives of this paper was selected and deduced to ensure that the paper reached a meaningful conclusion.

Theorising the Concept of Regional Integration in Relation to Free Movement

The scholarly literature with regards to regional integration reflects a concept that has been long studied and debated (Söderbaum, 2012). However, today, within the context of regional economic communities, there is growing debates as to whether free movement protocols can assist in consolidating regional integration. Oloruntoba (2018) explained that the debates around regionalism are not new; hence it is conventional to distinguish between the early and the more recent debate on regionalism. Schulz, Söderbaum and Ojendal (2001) grouped the main theories of regional integration into four, namely neorealism, functionalism and institutionalism, regional economic integration, and new regionalism. Neorealism's undertaking on regional integration places great emphasis on power at a national level, i.e., the role, function and power of a state are understood within the confines of its military and economic power (Oloruntoba, 2018). The Neorealist approach places great emphasis on the state itself, its interests and what motivates it within the process of regionalisation (becoming part of regionalist projects is driven by what one ought to gain). For neorealists, the major concerns revolve around how security consideration informs regionalist projects among states (Santos, 2009). Another theoretical approach pioneered by David Mitran was the functionalism approach. The approach emphasised the importance of regional cooperation as a necessary condition for the promotion of peace and security. Informing the theory were the devastating aftermaths of World War II (Oloruntoba, 2018). For Mitran, countries are less likely to experience violence and conflict if they cooperate on issues such as transport, communication,



water, and agriculture. McLaren (1985) and Oloruntoba (2018) contended that functionalism was mainly an approach established to build peace the premise of common needs and functions that unite people across borders. However, the perspectives of functionalism were soon challenged by the neo-functionalism theory which contended that contrary to the view of the former, there is no basis for economics and politics to be separated, for the theory, politics and the technical realm can and should co-exist (Aje and Chidozie, 2020; Oloruntoba, 2018). Moreover, the theory strongly emphasised the need for supranational institutions as leading bodies which can be effective in solving common problems. Regional integration for neo-functionalism is where countries remove barriers to free trade and this is underpinned by creating institutions that support integration efforts beyond what was originally planned or envisioned (Dunn, 2012). For neo-functionalism, spillover, transfer of domestic alliances, technocratic automaticity are the three major forces that drive the integration process. Oloruntoba (2018) further pointed out that regional institutions are instrumental in forging regional unity by addressing regional issues collectively. The regional economic integration theory argued that there is need for one to address the problems associated with contemporary trade policy. There is a need to examine how the growth of trading agreements regionally and around the world compare to global trading systems, especially those embodied in the World Trade Organization (Oloruntoba, 2018). This approach seeks to ensure agreements at a regional context can in practice be used a building block to further consolidate globalisation rather than being a barrier to the process (Schulz, Söderbaum and Öjendal, 2001). Needless to say, Oloruntoba (2018) laments the notion that this approach does not consider the importance of structural transformation on the continent. Thus, its utilisation in examining the discourses on regional integration, development and cooperation in Africa is very limited.

The above theories are largely underpinned by Western versions of regionalism. Their applicability in Africa has been questioned on the premise that they fail to take into consideration the different social, economic, political and institutional capacity of African states. Moreover, Oloruntoba (2018) argues they fail to correctly grasp the dynamics and dimensions of development, regional integration and the need for collective development in Africa. Rather Oloruntoba argues that Pan Africanism speaks more of Africans owning their integration narrative. Pan-Africanism was built on solidarity and the necessity to establish an environment characterised by commonality, comradeship, collaboration and cooperation among all Africans regardless of whether they lived inside or outside of Africa (Young, 2010). The underlying idea is that regional economic integration cannot take place with the existence of boundaries as obstacles. Regional economic integration as a Pan African perspective anchored on cooperation has been touted as key for the continent's socio-economic development (Ndlovu-Gatsheni and Mhlanga, 2013). Nonetheless, the Pan Africanist agenda has not been fully consolidated owing to the plethora of challenges in Africa. Falola and Agbo (2019) argued that issues such as leadership failures, the absence of unity on the continent, ethnic violence and divisions, the hunger for power by politicians are some of the issues working against the spirit of Pan Africanism. Despite these setbacks, Pan Africanism as a tool



for regional integration is imperative as pointed out by Oloruntoba (2018), Pan-Africanism is more nuanced, complete and transformative. It is concerned not just with economic growth but with cultural, political, linguistic and epistemic freedom. Therefore regional integration as important as it may be for Africa's development, theoretically explaining its process from the confines of Eurocentric theories fails to reflect the current realities of its trajectory in Africa. However, this does not mean Eurocentric theories do have some bearing, however, Africa's quest for collective development is better reflected in the underpinnings of the Pan-Africanism approach.

The Concept of Free Movement

The Universal Declaration of Human Rights (UDHR) (1948) explained, through article one states that "Everyone has the right to freedom of movement and residence within the borders of each state and everyone has the right to leave any country, including his own, and to return to his country (Weissbrodt, and La Vega, 2007). However, there has been debates and arguments with regards to the concept of universal human rights, for instance, what are human rights, are they moral or positive rights? Can they be violated by governments or non-state and do they apply globally or rather must be observed from a Western perspective? (Montero, 2014). For Alomosh and Al-Khattar (2011), the concept of free movement concerning basic human rights still suffers from significant inter-state barriers such as the growth of crime, terrorism and illegal migration. Even so, for Matthews (2003), free movement is central to the integration of countries and cannot be separated from other regional integration initiatives such as economic integration and common policies on co-operation and security. While this paper agrees with the aspect free movement, it also argues that the 1948 declaration that it did not take into cognisance of the challenges that nation-states would face going forward. The failure to incorporate this was driven by devastation caused by the Second World War and the need to fastback economic development and the important role of free movement in this process. Nonetheless today, states are facing a plethora of external threats which has seen a gradual restriction on free movement. Hall (2010) explained that the very definition of sovereignty entitles states to non-intervention in their domestic affairs. The idea of Universal Human Rights and the protection of an individual within a state would appear to come into direct conflict with this very definition. As such, International Human Rights obligations are regularly seen as eroding state sovereignty. The concept of free movement within a given region entails the element of legality, i.e., free movement has to be regulated by laws and policies. Therefore, while proponents of the free movement argue its economic benefits, on the other hand, free movement should not impede upon state sovereignty. While entrenching the idea of free movement, protection ought to be afforded to states with regards threats that are associated with it.



The concept of free movement in Africa

Moussa Faki Mahamat, (AU Commission Chairperson) urged African countries states to approve the Protocol on Free Movement of Persons, emphasizing the importance of guaranteeing 'that Africans have to ability to move freely in their continent and are not seen or treated as outsiders (International Organization for Migration, 2018). The speech by Moussa Faki Mahamat was not in isolation; rather, it presents a growing political discourse in Africa driven by the narrative that the unhindered movement in the continent can be a catalyst for the continent's socio-economic development. Africa's geographical position and its vast mineral wealth could drive socio-economic development and the spillover effects will be felt throughout the continent. Furthermore, it is hoped that the protocol will boost trade as Intra-African trade remains dismally low. Fasan (2018) and Pato (2003) explained that trade continentally is being hindered by the lack of trade infrastructure, (ports, roads, railways etc.), bureaucracy, tariffs, the limitations regarding productive capacity and external market access and trade policy. Nonetheless, proponents for Free Movement in Africa argue that should it be implemented effectively, it can contribute towards skilled labour migration which would assist in reducing skilled gaps and enable regional countries to have the necessary skills to complement the labour market. In West Africa Aduloju & Adenipekun (2016) explained that the Economic Community of West African States (ECOWAS) free movement protocol has since its inception come along way. The protocol has facilitated increased migratory patterns; cross border trade has been simplified resulted in increased remittance. However, Okunade & Ogunnubi (2018) also mention that such progress has not been without challenges, for example, the porosity of borders and their fragmented management are still issues that need to be addressed. Economic considerations and dual membership of economic groupings are some of the challenges hindering the effectiveness of the protocol. Individual state concerns have also been cited. Nigeria had closed its borders in August 2019 which went against all the trade and free movement treaties signed by Nigeria within the context of ECOWAS (Bouillon, 2019). In East Africa, the need to consolidate free movement can be traced back to the Treaty for East African Cooperation between Tanzania, Kenya and Uganda in 1967 which ensured the free movement of persons within the region as a key element for regional development (Binda, 2017). Immediately after, member states had to ensure the free movement of persons, labour and services. Increased intraregional trade flows and closer intelligence, economic and political cooperation have been some of the achievements of the Treaty for East African Cooperation. However, inadequate infrastructural facilities in the region to cater for increased regional trade and political instability are some of the noticeable challenges (Ader & Aligula, 2012). In Southern Africa, the 1995 protocol on free movement was meant to usher in a new era of regional integration, but rather it was met with concern by some countries as a result till today, the region lacks an operational protocol on free movement (Nshimbi & Fioramonti, 2014). The lack of political will has been fingered as the major reason for this.



Demystifying the Assumptions and Narratives Around Free Movement

There are a plethora of narratives, counter-narratives and assumptions relating to free movement. Proponents of free movement are buoyed by the economic benefits and put economic gains as the underlying need for free movement. For the International Organization for Migration (2018) and Hutt (2016), free movement can assist in addressing labour shortages, complement efforts to reduce unemployment, and allow flexibility in labour markets. Help deal with demographic challenges and reduce regional inequalities. Free movement and its associated economics gains have been largely studied in the context of the EU and how it has contributed to economic development and fostered the exchange of ideas and mutual understanding across borders. However, it has been observed that most African migrants move within the continent rather than out it. A forum report showed that 53.4 percent of all African migrants were in Africa, 27.7 percent travelled to the EU while 12.2 travelled to Asia (Mo Ibrahim Foundation, 2019). Therefore these statistics have resulted in an increasing body of literature that seeks to examine how Africa can leverage these migration patterns for her socio-economic development. Notwithstanding this, critics have argued that the free movement in the EU is skewed and tilts the development prospects in favour of Western Europe. The concept of free movement never-mind its economic benefits needs to factor in the element of inequality and those economic benefits will not be enjoyed by all. Additionally, the common narrative has been that free movement brings with it remarkable benefits; while this holds, (assuming free movement is guided by effective policies) one cannot deny the detrimental effects it has on less developed countries in a region who are at the mercy of brain drain. For Dustmann and Preston (2019), the debates around the true benefits of free movement tend to be nationalistic i.e., they are viewed from the realms of what states can gain from their participation. Free movement arrangements are not immune from challenges, however, the difficulty in understanding the true benefits and drawbacks of free movement is that both the benefits and drawbacks are often in the eye of the beholder and differ depending on the region. However, brain-drain, housing crisis, infrastructure problems and the increase in congestion are some of the drawbacks associated with free movement (Pettinger, 2017). However, over the years, opponents of free movement have also been underpinned by the wages differentials. For example, in the building up to Brexit, locals fuelled the “Leave” camping driven by the fear of foreign workers undercutting the wages and working conditions of locals (Beachamp, 2016).

Such fear of foreign workers has also been observed in the United States and South Africa. Nonetheless, politics and the need for socio-economic development place these drawbacks to the periphery, often treated as issues that can be fixed as one goes along. In the EU, the quest to demystify the drawbacks of free movement has been clouded by proponents who argue free movement has bought more inclusivity to the EU even though in the background some states are experiencing severe challenges such as rapid emigration which has drastically accelerated population ageing (Bruzeluis, 2019). The assumptions and narratives of free



movement have largely been premised on economics and sadly, this has failed to reflect that not all states will enjoy these economic benefits, for some free movement will compound their socio-economic underdevelopment. In the SADC, the inequality and unequal levels of development are the real reasons why states are reluctant for a free movement's protocol. Nevertheless, inequality, unequal levels of development and poverty are increasing yearly in the region, which then means the region's quest for a free movement regime will likely remain a pipe dream for years to come as national considerations have superseded regional interests.

Free Movement in SADC and its Conceivable Benefits

Debates around the implementation of a free movement protocol have rested on the premise that regional economic communities are observed as the building blocks towards continental integration and achieving freedom of movement. Rightly so, regional communities in Africa have implemented free labour movement policies even though they vary in their magnitude and scope. In West Africa, in May 1979, the Economic Community of West African States (ECOWAS) adopted their first protocol relating to the Free Movement of Persons (Okunade & Ogunnubi, 2018). In East Africa, the region performs most strongly on the free movement of people dimension even though there are observable challenges. The African Union (2019) expounds that the East African Community (EAC) and ECOWAS are the most advanced regions in terms of free movement of persons, through the provision of regional passports, which allowed countries to deepen their integration efforts.

Labour mobility in the SADC is not a new phenomenon, in a pre-colonial era; people migrated regionally, to seek employment opportunities (Kitimbo, 2015). The 1992 Treaty establishing SADC was anchored on the need for collective development through increasing trade integration, human and goods mobility and socio-economic integration. The SADC's drive to regionally integrate through free movement began in 1995 where the first Draft Protocol on the Free Movement of Persons (Oucho and Crush, 2001). The aim was to facilitate the unhindered movement of people, goods and services and thus deepen regional integration and development. However, due to the inequality and skewed levels of development in the region, South Africa, Namibia and Botswana opposed the protocol. Subsequently, it was reformulated into the Draft Protocol on the Facilitation of Movement of Persons in 2005. This paper contends that this strong opposition reflected a clash between regional integration and the concept of nation-state sovereignty. The reformulated protocol proposed migration management as a national competency. Under the new protocol, migration was seen as a national issue that had to be managed from a national perspective, thus national interests superseded regional considerations (Maunganidze and Formica, 2018). For South Africa, the opposition to the first protocol was driven by the observation that free movement in the region will result in huge waves of migrants heading to the country; in turn, this will exert tremendous pressure on social services. However, South Africa's opposition hasn't changed the migratory patterns in the region as the country still draws thousands of migrants from the SADC and



beyond. The 2005 protocol has only been ratified by four countries, meaning it is yet to enter into force. However, some important considerations in the protocol have been implemented such as granting visa-free entry, with lawful purpose, to citizens from other member states for a maximum of 90 days (Maunganidze and Formica, 2018). By failing to follow the lead of ECOWAS and EAC, SADC risks missing out on the benefits associated with free movement. Furthermore, Maunganidze and Formica (2018) state that there is a need for the SADC to look beyond the risks associated with free movement. For the authors, economic development and labour market stability are advantages that regional countries need to consider. Moreover, consolidating free movement would contribute towards making human trafficking and smuggling syndicates in the region obsolete. It could spur regional countries to work together concerning migration management. Notwithstanding these associated benefits, the concept of free movement of remains elusive despite various commitments by governments to address these challenges (Mlambo, 2017). There are considerable opportunities vested in the concept of free movement and these opportunities should a free movement materialise in the SADC, can socio-economically spur development in the region which could lift millions out of poverty and also meet the AU's Agenda 2063 development aspirations. One, however, cannot ignore the challenges which for decades have subdued regional calls for a free movement protocol to be fully operational. Mlambo (2020) argued that the provision of good governance is key for the consolidation of a free movement protocol. Therefore, the region needs to ensure the presence of good governance whereby regional countries support and adhere to the rule of law regionally without infringing their sovereignty.

Complex Challenges of Free Movement in SADC

The SADC has struggled to make free movement a reality. Moreover, there's been a great sense of uncertainty with regards to the potential impact of migrants once borders are open. Today migration has become associated with terrorism, cheap labour, political scapegoating and violence, and as a result borders have become tighter rather than open (Maunganidze and Formica, 2018). High unemployment in many migrant destination countries, coupled with the lack of credible institutions to manage migration contributes to the reluctance of member states opening up their borders. Adding to the above, Solomon (1997) argues that the narrative that the free movement of people would automatically constitute regional development is a flawed misconception. While free movement would contribute towards some form of development, however, the free movement of people results from the harmonious integration of national economies which are of the same relative size. In SADC, South Africa economic power threatens and the unequal levels of development have often been seen as an impediment to regional integration (Solomon, 1997). Another problem associated with regional integration in developing regions is that fast-developing countries attract skilled personnel, capital and innovation and these are driven by obvious reasons (e.g. the availability of infrastructure and consistent supply of labour etc) (DiCaprio, Santos and Sokolova, 2017) and (Solomon,



1997). There are considerable challenges that would need to be addressed before the benefits of a free movement protocol can be observed in the SADC. In South Africa and Namibia for example, free movement will result in tremendous pressure on the socio-economic infrastructure which would, which then will spill over to the political sphere, as seen in the rising tide of xenophobia. In Mozambique, Malawi and Lesotho, free movement will result in brain drain thus consolidating their underdeveloped status (Solomon, 1997). The 1995 draft protocol failed to take into consideration the wide discrepancies existing among the various national economies, hence the region is struggling to implement a holistic free movement protocol, which presents a setback for regional integration. However, some scholars have attributed these challenges to the existence of borders. For them, borders are a stumbling block and should be removed to ensure an all-inclusive integrative perspective underpinned by a Pan Africanist approach.

On Consolidating Regional Integration: What Needs to be Done?

Borders and their role in regional integration have become a highly debated issue. In Africa, scholars have argued that borders were imposed on the continent and do not represent nor support the continent's integrative efforts. Decades after the fall of decolonisation in Africa, borders still exist and have not only become a stumbling block for regional integration but have become reinforced and consolidated. The concept of free movement is not new in Africa, pre-colonial Africa was characterised by free movement across the continent which was unregulated. The paper does not argue for the removal of borders in their totality in Africa, (which is very much unlikely), but rather advocates for a more Pan Africanist border management approach that protects the sovereignty of states but also promotes African integration and development. Within the context of free movement, Okunade & Ogunnubi (2018) observed that in West Africa, the increase migratory flows in the region coupled with the porousness of regional borders informed the creation of the ECOWAS Protocol on Free Movement. The protocol would assist in regulating the movements of persons, goods, and services in the ECOWAS region.

However, an added benefit of the protocol would strengthen regional integration and promote economic innovation through the flow of ideas and skills. Nonetheless, free labour movement protocols are not without challenges, the International Labour Organization contended that the lack of data with regards to the movement of labour and goods remains a major obstacle in the full implementation of the ECOWAS protocol on free movement (Okunade & Ogunnubi, 2018). Nonetheless, West Africa had forged ahead with the process of free movement by establishing Migration Dialogue for West Africa (MIDWA) which liaises with regional delegates and professionals from member states to harmonize migration-related data and put in place policies that aim at strengthening regional cooperation on border management in the sub-region. In the SADC, however, protocols meant to consolidate free movement have failed to take off. The 1995 SADC drafted a



Protocol on Free Movement of Persons attempted to lay out a 10-year plan towards releasing the free movement of persons within the region. However, the protocol was reformulated after concerns from South Africa, Botswana and Namibia (Nshimbi & Fioramonti, 2014). Hence in 2005, a newly formatted version was adopted but has only been ratified by six of the 16 SADC members. Therefore, today, there is still no regional migration protocol rather the movement of people is determined by ad hoc amnesties and bilateral agreements. In the SADC, consolidating regional integration anchored on free movement rests on the region's political will. For Mlambo (2019), the key towards free movement in SADC is harmonizing business operating environment through establishing promoting the easy flow of goods, services and labour. Secondly, the removal of political barriers is of fundamental importance. The paper argues that the EU was able to establish the Schengen area through political compromises. In the AEASN region, the region is moving towards closer economic integration among its Member States, including the free mobility of labour, goods and services. Therefore these examples reinforce the notion that political will is key within the SADC's quest for a free movement protocol and its eventual operation. This paper acknowledges that the SADC does not function in a vacuum; rather decisions taken have to represent the collective interests the member states. Therefore, consolidating regional integration calls for the establishment of national coordination mechanisms on migratory patterns in the region which will contribute in dispelling fears of unequal migration was one of the issues argued by South Africa, Namibia and Botswana in the 1995 protocol. Secondly, the region needs to strengthen regional cooperation on migration, through information exchange, policy advisory and support, all of which will contribute to effective migration management. Finally, the region needs to ensure that the existence of borders does not stifle the need for regional integration through-free human mobility, thus this requires a re-modification of the concept of the border in line with the need to harness the socio-economic aspect of free human mobility. Consolidating regional integration in the region thus lies on several issues, which ought the addressed. From consolidating the political will to the need re-conceptualize of the meaning of the border in relating to integration and strengthening regional integrative efforts needs to be undertaken. In SADC, a free movement protocol not only exists but is reinforced by numerous supporting policies; however, the problem is that they are not fully ratified by member states.

Borders, Regional Integration and Future Prospects

The geopolitical configuration of Africa has been largely determined by the continent's European colonial powers, and as such has little to do with the emergence of nation-states. There are scholars (Makau, 1994, Moyo, 2020 and Amadife and Waehola, 1993) who have argued that the SADC cannot ignore the element of the border as an integrative barrier to regional integration. Borders and their management, as well as how they constitute sites of huge economic flows, have been a subject of scholarly analysis. Moyo (2020) contended that



the SADC's failure to break from the colonial space with regards to the border has seen to "arrest, detention, incarceration, abandonment, and deportation" as the logic of border governance. For him, coloniality is not a border practice, but a frame of reference which influences the way borders are managed. This is because there is the strict adherence to the colonial borders, which like during direct colonialism, disregarded the cross-border interaction such as cross border trade and this is another element suffocating regional integration. This paper contends regional integration in SADC cannot be viewed from the confines of legality, especially considering the regions porous borders and the large volumes of informal trade that has become an economic livelihood for many. The colonial borders mean African people are not free, because their "struggles for freedom and self-determination have always been intertwined with the aspiration to move unchained (Moyo (2020). Moreover, De Melo & Tsikata (2015) explained that regional integration in Africa has its roots in the political forces determined by the colonial legacy that resulted in a configuration of geographically artificial states where arbitrary borders coupled with great ethnolinguistic diversity contributed to the continent's high number of conflicts and its high trade and communication cost. For the authors, borders have become another factor entrenching the concept of nationalism as they were used to delineate between political, spatial and economic constructions with wide social implications. In SADC, regional integration is key, but Moyo laments the observation that countries continue to rigidly enforce the separatist influence of colonial borders on African states which is hindering the consolidation of the Pan Africanist agenda. One, however, cannot escape the observation the call to remove or re-configure borders have fallen on unwatering ears, what is being observed is the direct opposite, the entrenchment of borders, their militarisation and securitization. For Moyo (2020) decolonising the border should be seen as managing the border "from our own perspectives (African perspectives) and for our own purposes. Driving this argument is the opinion that imposed borders have been detrimental for African development, and sadly African states even go to the extent of demonstrating and resorting to the repressive state apparatus like the army just to enforce the border even though securitisation has failed. Whether borders are a barrier to regional integration or not, what is obvious is that their role in the process of regional integration has become highly debated within Africa's political discourse. For example, when Nigeria closed its border with Benin to stem what is called smuggling of rice, inadvertently, Nigeria's actions raised important concerns about the seriousness and prospects of regional integration in Africa. It raised questions regarding the role of the border and its role in hindering economic development. It also shows how unprepared African countries might be for free trade (Liedong, 2019). It's hard to see how the free trade deal can increase intra-Africa trade to 60% by 2022, as projected when it is being undermined from the start. It is with the above that the paper argues that while doing away with borders is unlikely, however, from a Pan Africanist perspective, there is need to ponder if the removal or re-configuration would contribute towards regional development.



Recommendations and Concluding Remarks

For free movement and its associated benefits to becoming a reality, the region needs to entrench the political will to make it happen, build or capacitate existing institutions to guide its implementation, reconfigure border operational policies to speak to the current realities, realities which depict the associated benefits of a free movement regime. Moreover, there should be a clear line between regional interests and national interests. Apart from the above, free movement should be backed by a strong will to mitigate through existing challenges and forge a path to integration embedded in the pan Africanism. There is much support from African governments for regional integration.

This paper notes that the in SADC, for free movement to become realisable, the re-configuration and understanding of the concept of the border needs to be addressed. There is a need to understand how a borderless region would contribute to regional development. There is need to ascertain how the national interests of regional countries would be catered for and more importantly, how will the SADC collectively address or manage threats that emerge from a borderless without infringing the sovereignty of member states. Significant emphasis has been placed on regional economic communities to spearhead this initiative. The free movement of labour goods and services is key to regional integration. There are however few success stories. African RIAs are generally ambitious schemes with unrealistic time frames towards deeper integration and in some cases even political union. The aftermath of decolonisation was meant to usher in a new period of development for the continent. However, the dreams soon failed to take shape African states are struggling to break free from colonial shackles. Africa's role in the global political sphere is still in the periphery and is being suppressed by political indecisiveness and disunity. For the SADC, the situation is much worse, inequality, competing interests and a lack of political will have somewhat buried the idea of free movement.

References

- Adero, N. & Aligula, E. (2012). Challenges Facing Transport Infrastructure in the East African Community. *Research Networking and Regional Development Policy-Making in the East Africa Community (EAC)*, 90, 113.
- Aje, O & Chidozie, F. (2020). Regional integration and the neo-functionalist model: The Brexit narrative. *Chinese Political Science Review*, 5(1), 1-12.
- Alomosh, AF & Al-Khattar, A. (2011). Impact of Terrorism on the Freedom of Movement and Protection of Human Private Life in The Arab World. *British Journal of Arts and Social Sciences*, 1(1).
- Amadife, E. & Warhola, 1993. Africa's political boundaries: Colonial cartography, the OAU, and the advisability of ethno-national adjustment. *International Journal of Politics, Culture, and Society*, 6(4), 533-554.



- Anthony, D. (2019). The World Conference on Human Rights: still a guiding light a quarter of a century later. *Australian Journal of Human Rights*, 25(3), 411-427.
- Beachamp, Z. (2016, July 16). Brexit was fueled by irrational xenophobia, not real economic grievances. <https://www.vox.com/2016/6/25/12029786/brexit-uk-eu-immigration-xenophobia>.
- Binda, E. M. (2017). Free Movement of Capital and East African Monetary Union. In *East African Community Law* (pp. 392-409). Brill Nijhoff.
- Bouillon, S. (2019, October, 22). Border closure has mixed impact for Nigeria's economy. <https://mg.co.za/article/2019-10-22-00-border-closure-has-mixed-impact-for-nigerias-economy/>
- Bruzeluis, C. (2019, June 24). *Why the EU must debate and address the challenges arising from emigration*. <https://blogs.lse.ac.uk/europpblog/2019/06/24/why-the-eu-must-debate-and-address-the-challenges-arising-from-emigration/>.
- De Melo, J., & Tsikata, Y. (2015). *Regional integration in Africa: Challenges and prospects*. <https://www.wider.unu.edu/sites/default/files/wp2014-037.pdf>
- DiCaprio, A. Santos, A. Sokolova, M. (2017, Jul, 17). *Regional trade agreements, integration and development*. <https://www.tralac.org/news/article/11869-regional-trade-agreements-integration-and-development.html>
- Dunn, T. (2012, Nov, 28). *Neo-Functionalism and the European Union*. <https://www.e-ir.info/2012/11/28/neo-functionalism-and-the-european-union/>
- Dustmann, C. & Preston, I. P. (2019). Free Movement, Open Borders, and the Global Gains from Labor Mobility. *Annual Review of Economics*, 11, 783-808.
- Falola, T. & Agbo, C. (2019). The Prospects and Challenges of Pan-Africanism. In *Oxford Research Encyclopedia of Politics*.
- Farida, M. (2015, June, 16). The Regional Integration: The Impact and Implications in Member States' Sovereignty. <https://medium.com/pangripta-loka/the-regional-integration-the-impact-and-implications-in-member-states-sovereignty-5679ebe0990>
- Fasan, O. (2003). Global trade law: challenges and options for Africa. *Journal of African Law*, 143-173.
- Feeney, P. (1993). The UN world conference on human rights, Vienna, June 1993. *Development in Practice*, 3(3), 218-221.
- Girsberger, E. M., Méango, R., & Rapoport, H. (2020). Regional migration and wage inequality in the West African economic and monetary union. *Journal of Comparative Economics*, 48(2), 385-404.
- Hall, A. (2010, Nov, 10). The Challenges to State Sovereignty from the Promotion of Human Rights. *University of Reading*. <https://www.e-ir.info/2010/11/17/the-challenges-to-state-sovereignty-from-the-promotion-of-human-rights/>



- Hutt, R. (2016, Sep, 16). The free movement of people: what it is and why it matters. <https://www.weforum.org/agenda/2016/09/free-movement-of-people-explainer/>
- ILO. (2016, March, 18). ECOWAS countries to strengthen migration data management. https://www.ilo.org/africa/media-centre/pr/WCMS_461275/lang--en/index.htm
- International Organization for Migration. (2018. Oct, 12). Free Movement of Persons in Africa: What are the benefits and challenges? <https://medium.com/@UNmigration/free-movement-of-persons-in-africa-what-are-the-benefits-and-challenges-f096c1ef6149>
- Kitimbo, A. (2015). Is it time for open borders in Southern Africa? The case for free labour movement in SADC. In *Africans Investing in Africa* (pp. 85-99). Palgrave Macmillan, London.
- Liedong, T. (2019, Oct, 19). Nigeria's border closure has implications for Africa's economic integration. <https://mg.co.za/article/2019-10-29-nigerias-border-closure-has-implications-for-africas-economic-integration/>
- Makau. M (1994). Why redraw the map of Africa: a moral and legal inquiry. *Mich. J. Int'l L.*, 16, 1113.
- Matthews, A. (2003). *Regional integration and food security in developing countries* (Vol. 45). Food & Agriculture Organisation. Rome, Italy
- Maunganidze, O. A., & Formica, J. (2018). Freedom of movement in Southern Africa: a SADC (pipe) dream?: report. *ISS Southern Africa Report*, 2018(17), 1-24.
- McLaren, R. I. (1985). Mitranian functionalism: possible or impossible?. *Review of International Studies*, 11(2), 139-152.
- Mlambo, V. H. (2019). A comparative study of Southern African Development Community (SADC) and the Association of Southeast Asian Nations (ASEAN). *African Renaissance*, 16(4), 177-201.
- Mlambo, V.H. (2017). Cross-border Migration in the Southern African Development Community (SADC): Benefits, Problems and Future prospects. *Journal of Social and Development Sciences*, 8(4), pp.42-56.
- Mlambo, V.H., Zubane, S.P. and Mlambo, D.N., (2020). Promoting good governance in Africa: The role of the civil society as a watchdog. *Journal of Public Affairs*, 20(1), p.e1989.
- Mo Ibrahim Foundation. (2019, June, 19). Most African migrants move within the continent. <https://mo.ibrahim.foundation/news/2019/most-african-migrants-move-within-continent>
- Montero, J. C. (2014). Human rights, international human rights, and sovereign political authority: a draft model for understanding contemporary human rights. *Ethics & Global Politics*, 7(4), 143-162.
- Moyo, I. (2020). On Decolonising Borders and Regional Integration in the Southern African Development Community (SADC) Region. *Social Sciences*, 9(4), 32.



- Ndlovu-Gatsheni, S. J., & Mhlanga, B. (Eds.). (2013). *Bondage of boundaries and identity politics in postcolonial Africa*. Africa Institute of South Africa. Arcadia
- Nshimbi, C. C., & Fioramonti, L. (2014). The will to integrate: South Africa's responses to regional migration from the SADC region. *African Development Review*, 26(S1), 52-63.
- Obydenkova, A. (2006). New Regionalism and Regional Integration: Exploring the Links between 'External' Influences and 'Internal' Factors. In *Joint Sessions of Workshops of the European Consortium for Political Research, Workshop* (Vol. 10).
- Okolo, J. E. (1984). Free movement of persons in ECOWAS and Nigeria's expulsion of illegal aliens. *The World Today*, 40(10), 428-436.
- Okunade, S. K., & Ogunnubi, O. (2018). A "Schengen" Agreement in Africa? African Agency and the ECOWAS Protocol on Free Movement. *Journal of Borderlands Studies*, 1-19.
- Okunade, S. K., & Ogunnubi, O. (2018). A "Schengen" Agreement in Africa? African Agency and the ECOWAS Protocol on Free Movement. *Journal of Borderlands Studies*, 1-19.
- Oloruntoba, S. (2018). Regional integration and development in Africa-rethinking borders and informality. *Africa Insight*, 48(1), 12-28.
- Opanike, A., Aduloju, A. A., & Adenipekun, L. O. (2016). ECOWAS protocol on free movement and trans-border security in West Africa. *Covenant University Journal of Politics and International Affairs*, 3(2).
- Oucho, J. O., & Crush, J. (2001). Contra free movement: South Africa and the SADC migration protocols. *Africa today*, 139-158.
- Pato, L. (2018). Why intra-African trade has remained subdued? Challenges and solutions. *AfricaGrowth Agenda*, 15(Jul/Sep 2018), 28-29.
- Pettinger, T. (2017, June 29). *Problems of free movement of labour*. Retrieved from: <https://www.economicshelp.org/blog/21073/labour-markets/problems-of-free-movement-of-labour/>
- Polychroniou, C. (2018, Sep 18). *Human Rights, State Sovereignty, and International Law: An Interview With Richard Falk* <https://www.globalpolicyjournal.com/blog/11/09/2018/human-rights-state-sovereignty-and-international-law-interview-richard-falk>
- Santos, S. C. (2009). Regional Integration Theories: The Suitability of a Constructivist Approach (at least, in the case of South America). In *XXI IPSA World Congress of Political Science-Globalisation and Governance. Paper* (Vol. 383, pp. 1-28).
- Schulz, M., Söderbaum, F., & Öjendal, J. (Eds.). (2001). *Regionalization in a globalizing world: a comparative perspective on forms, actors, and processes*. Zed Books. London
- Söderbaum, F. (2012). *Theories of regionalism*. In *Routledge handbook of Asian regionalism* (pp. 31-41). Routledge. Abingdon



- Solomon, H. (1997, March, N.d). Towards the free movement of people in Southern Africa. Retrieved from: https://oldsite.issafrica.org/uploads/paper_18.pdf
- Tanyanyiwa, V. I., & Hakuna, C. (2014). Challenges and opportunities for regional integration in Africa: The case of SADC. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 19(12), 103-115.
- The African Union. (2019, June, 11). AU protocol on free movement is a watershed moment for Africa; EALA and ECOWAS legislators' meeting kicks off. . <https://au.int/en/pressreleases/20190611/consultative-meeting-parliamentarians-east-african-community-and-economic>
- Weissbrodt, D. S., & De La Vega, C. (2007). *International human rights law: an introduction*. University of Pennsylvania Press. Pennsylvania
- Young, K. B. (2010). Towards a Holistic Review of Pan-Africanism: Linking the Idea and the Movement. *Nationalism and Ethnic Politics*, 16(2), 141-163.

