

**AN ANALYSIS OF THE MUTUAL ACCEPTANCE OF CONFORMITY
ASSESSMENT RESULTS WITHIN THE CONTEXT OF THE AFRICAN
TRIPARTITE FREE TRADE AREA**

By

Ronald Josias

**Submitted in fulfilment of the requirements for the Degree
DOCTOR OF ADMINISTRATION IN PUBLIC ADMINISTRATION AND
MANAGEMENT (PhD)
in the Faculty of Economic and Management Sciences**

UNIVERSITY OF PRETORIA

**Supervisor: Prof. M. Chitiga-Mabugu
Co-supervisor: Dr M.M. Tshiyoyo**

2020

ABSTRACT

This thesis intended to review the policy enactment and implementation for the mutual acceptance of conformity assessment results (MACAR) within the context of the African Tripartite Free Trade Area (TFTA). Contextualised within the ambit of a regional economic arrangement, the MACAR has received renewed attention in recent years due to its impact on the economic welfare objective of trading economies. Three of the existing African regional economic arrangements, namely the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and the Southern African Development Community (SADC) launched the TFTA in 2015. Regional economic integration initiatives such as the TFTA hold much promise for the creation of economic welfare for participating member states. However, without a harmonised approach to the enactment and implementation of the MACAR, the TFTA's ability to achieve its economic welfare gain objective is at risk. Building on existing work on Africa's regional integration initiatives and the African policy environment, the study asks: How can the TFTA MACAR enactment and implementation framework be harmonised to facilitate the acceptance of conformity assessment results amongst the TFTA Member States, in order to facilitating the free flow of goods and services?

A qualitative methodology approach, comprising a review of the literature and information gathered from semi-structured interviews and case studies was employed. Grounded within the domain of Public Administration, specifically in International Public Administration and International Economics, the analysis of the data revealed that the challenge of facilitating the acceptance of conformity assessment results should be addressed at the international, regional and national levels, as it relates to the policy environment. Based on the study, six findings and associated recommendations evolved. The study found that the critical components of a TFTA MACAR enactment in implementation framework are: i) compliance with the World Trade Organisation's Technical Barriers to Trade Agreement requirements; ii) inclusiveness; iii) communication; iv) human resource and infrastructure development; and v) monitoring, control and sanctions. On this basis, and to support and strengthen

the effectiveness of the study's outcome, it is recommended that the TFTA: i) clarify the TFTA trade strategy; ii) clarify the conformity assessment procedure strategy; iii) address the loss of income from the liberalisation of tariff barriers and technical barriers; iv) Speed up the process of harmonisation of CAP; v) establish stakeholder and policy role-players' participation structures; and vi) Establish communication hubs. Further research is needed to find ways to strengthen the effectiveness of the proposed MACAR enactment and implementation framework.

Keywords: *Globalisation, Regional integration, Free Trade Area, Technical Barriers to Trade; Conformity Assessment.*

DECLARATION OF ORIGINALITY
UNIVERSITY OF PRETORIA

Topic of work: An analysis of the mutual acceptance of conformity assessment results within the context of the African Tripartite Free Trade Area

Declaration

1. I understand what plagiarism is and am aware of the University's policy in this regard.

2. I declare that this thesis is my own original work. Where other people's work has been used (either from a printed source, Internet or any other source), this has been properly acknowledged and referenced in accordance with departmental requirements.

3. I have not used work previously produced by another student or any other person to hand in as my own.

4. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.

Signature:

DEDICATION

This thesis is dedicated to a man Jacobus J. Josias, whose lack of formal education did not deprive him of his wisdom, his faith and foresight, and a strong woman Daphne C. Josias, who could solve all problems through prayer and still today intercede and watch over me from above. I am forever grateful. I salute you, my parents.

ACKNOWLEDGEMENTS

I give thanks to the Almighty God for making this thesis possible amidst the many difficulties and pressing priorities. Through Him, all things are possible. A challenge that has again proved that without God, nothing can be.

I acknowledge with much gratitude the support and sacrifices my family made over the years, allowing me to finish this thesis. To my wife Monica, my daughter Zoe and son Zane, thank you for all your love and patience.

I want to thank my supervisor, Prof. M Chitiga-Mabugu and co-supervisor: Prof. M. M. Tshiyoyo, for their expertise, insight, guidance but most of all their patience. I am honoured that you chose to be my supervisors and I am grateful for your investment in my life.

To the immediate past Chairperson of the South African National Accreditation System's Board of Directors, Mr Prags Govender, and the colleagues at the South African National Accreditation System (SANAS), especially Mr Mandla Sithole, Ms. Elize Lubbe, Ms. Azra Ahmed, Mr Mpho Phaloane, Ms Yolanda Vinnicombe, and Ms Keleabetswe Mphuthi, for their support, wisdom and constant encouragement.

Lastly, a special word of thanks to Dr Juanita Adams-Josias, Dr Michael Peet, Dr Oswald Chinyamakobvu, the late Dr Elsabe Steyn, as well as all participants who allowed me to interview them.

TABLE OF CONTENTS

ABSTRACT.....	<i>ii</i>
ACKNOWLEDGEMENTS.....	<i>v</i>
TABLE OF CONTENTS.....	
LIST OF FIGURES.....	<i>vi</i>
LIST OF TABLES.....	<i>vi</i>
CLARIFICATION OF KEY CONCEPTS AND TERMS	XI
Public Administration.....	xi
International Public Administration	xiv
International Economics	xv
The concept of conformity assessment and the Mutual Acceptance of Conformity Assessment Results.....	xv
Mutual acceptance and mutual recognition	xvii
The WTO TBT Agreement and the TFTA.....	xix
CHAPTER ONE: INTRODUCTION AND BACKGROUND	1
1.1 INTRODUCTION	1
1.2 BACKGROUND TO THE STUDY	5
1.2.1 CA in Africa, including the TFTA Regional Economic Cooperation	6
1.2.2 CA internationally	12
1.3 PUBLIC ADMINISTRATION AND CARS.....	12
1.3.1 CA and policy certainty matters	14
1.4 MOTIVATION FOR THE RESEARCH.....	15
1.5 PROBLEM STATEMENT	16
1.6 RESEARCH QUESTIONS	177
1.7 RESEARCH OBJECTIVES	177
1.8 LIMITATIONS AND DELIMITATIONS OF THE STUDY.....	18

1.9 RESEARCH METHODOLOGY	20
1.9.1 Research design	20
1.9.2 Data collection techniques and instruments.....	21
1.9.3 Analytical techniques and strategies.....	22
1.9.4 Data analysis.....	23
1.9.5 Ethical considerations	26
1.10 CHAPTERS OUTLINE.....	27
1.10.1 Chapter One: Introduction and background	27
1.10.2 Chapter Two: Literature review.....	27
1.10.3 Chapter Three: Presentation of case studies.....	27
1.10.4 Chapter Four: Case study comparison and findings	28
1.10.5 Chapter Five: Discussion of the policy enactment and implementation context for MACAR in the TFTA	28
1.10.6 Chapter Six: Conceptual Framework, recommendations and conclusion.....	28
1.11 CHAPTER SUMMARY.....	28
<i>CHAPTER TWO: LITERATURE REVIEW</i>	30
2.1 INTRODUCTION.....	30
2.2 THE STUDY OF PUBLIC ADMINISTRATION	31
2.2.1 Approaches to Public Administration	31
2.3 THE EVOLUTION OF IPA	33
2.3.1 Approaches to IPA	34
2.3.2 Theories of IPA	41
2.4 EVOLUTION OF IE.....	45
2.4.1 IE and regionalisation	45
2.5 PUBLIC POLICY IN IPA.....	47
2.5.1 Policy-making process	47
2.5.2 The policy environment	50
2.5.3 Policy enactment.....	50
2.5.4 Liberalism’s approach to policy implementation from an Inter-governmentalist perspective.....	53
2.5.5 Regional policy-making network.....	55

2.6 ENABLERS AND IMPEDIMENTS TO MACAR	57
2.7 INTERNATIONAL ENVIRONMENT: ENABLERS AND IMPEDIMENTS TO THE MACAR	57
2.7.1 WTO Non-discrimination and the prevention of unnecessary obstacles to international trade	58
2.7.2 WTO publication and transparency principle in the notification and enquiry of CAPs.....	59
2.7.3 WTO harmonisation principle in the use of CA	60
2.7.4 WTO principles of assistance to developing and least developing countries.....	60
2.8 THE WTO AND INTERNATIONAL AND REGIONAL CAP	62
African countries' participation in the WTO.....	65
2.9 REGIONAL ENVIRONMENT: ENABLERS AND IMPEDIMENTS TO THE MACAR	66
2.9.1 Making sense of the findings	69
2.10 POLICY ENACTMENT.....	72
2.10.1 Regional willingness factors: Complementarities and revenue loss	72
2.10.2 Regional willingness factors: Overlapping membership.....	74
2.10.3 National willingness factors: Political will and sovereignty loss	77
2.10.4 National willingness factor: Cost of compliance	78
2.10.5 National willingness factor: Potential impact on domestic producers	79
2.10.6 National willingness factor: Private sector participation.....	79
2.10.7 Regional ability factors: Regulations and control	80
2.10.8 National ability factors: Monitoring and sanctions	82
2.11 POLICY IMPLEMENTATION.....	83
2.11.1 Regional ability factor: Institutions and infrastructure.....	83
2.11.2 Regional ability factor: Language barriers.....	90
2.11.3 National knowledge factor: Complexity and understanding MACAR requirements	91
2.12 THE MACAR APPROVALS PROCEDURE	92
2.12.1 Assurance of conformance equivalence	92
2.12.2 Standards and technical regulations.....	96
2.13 THE INCENTIVES TO ACCEPT CONFORMITY ASSESSMENT RESULTS	100
2.14 CONCEPTUAL FRAMEWORK BUILDING BLOCKS	101
2.15 CHAPTER SUMMARY.....	103

CHAPTER THREE: PRESENTATION OF THE CASE STUDIES.....	105
3.1 INTRODUCTION	105
3.2 THE RATIONALE FOR THE SELECTION OF THE EU MACAR AS A MODEL CASE	105
3.3 BACKGROUND TO THE TFTA MACAR.....	106
3.4 THE EU'S APPLICATION OF THE MACAR	108
3.4.1 The Structure of the EU.....	111
3.4.2 EU and international commitments: WTO TBT Agreement.....	113
3.5 POLICY ENACTMENT	115
3.5.1 Regional factors	115
3.5.2 National factors	116
3.5.3 EU's monitoring and sanction instruments.....	123
3.6 POLICY IMPLEMENTATION.....	124
3.6.1 Regional factors	124
3.6.2 MRAs	127
3.6.4 Language barriers	129
3.7 LESSONS FROM THE EU.....	129
3.8 CASE 2: THE TFTA APPLICATION OF THE MACAR.....	130
3.8.1 Background to the TFTA	130
3.8.2 The TFTA structure	131
3.8.3 The TFTA legal regulations concerning CA	134
3.8.4 Overview of the TFTA regional corporations.....	134
3.8.5 Historical overview of the EAC, SADC and COMESA	135
3.8.6 Overall SADC CA strategies.....	136
3.8.7 Overall EAC CA and MACAR strategies.....	140
3.8.8 Overall COMESA CA and MACAR strategies.....	141
3.9 SADC, EAC, COMESA ARCHITECTURE AS BUILDING BLOCKS FOR TFTA MACAR FRAMEWORK.....	143
3.9.1 Provisions on CAPs within the TFTA.....	143
3.10 CHAPTER SUMMARY.....	144
CHAPTER FOUR: CASE STUDY COMPARISON AND FINDINGS.....	145

4.1 INTRODUCTION	145
4.1.1 International environment: WTO TBT Agreement.....	147
4.2 POLICY ENACTMENT	149
4.2.1 Regional environment	149
4.3 NATIONAL ENVIRONMENT	153
4.3.1 Political will and sovereignty.....	153
4.3.2 Cost of compliance.....	154
4.3.3 Complexity of requirements.....	155
4.3.4 Regulatory instruments and monitoring and control.....	155
4.4 POLICY IMPLEMENTATION.....	156
4.4.1 Regional implementation factors	156
4.5 NATIONAL IMPLEMENTATION FACTORS.....	156
4.5.1 Technical infrastructure and resources.....	156
4.6 BRIEF DISCUSSION	159
4.7 CHAPTER SUMMARY	160
<i>CHAPTER FIVE: ANALYSIS OF MACAR POLICY ENACTMENT AND IMPLEMENTATION IN THE</i>	
<i>TFTA</i>	<i>162</i>
5.1 INTRODUCTION	162
5.2 MAIN FINDINGS DERIVED FROM THE EMPIRICAL RESEARCH.....	164
5.3 165	
5.3.1 International environment.....	165
5.3.2 Policy enactment.....	171
5.3.4 National implementation factors	182
5.4 SUMMARY	187
5.4.1 Inclusiveness.....	189
5.4.2 Communication	189
5.5 CONCLUSION	190
<i>CHAPTER 6: CONCEPTUAL FRAMEWORK, RECOMMENDATIONS AND CONCLUSION</i>	<i>192</i>
6.1 INTRODUCTION	192
6.2 SUMMARY OF PRECEDING CHAPTERS	193

6.2.1 Revisiting the research questions.....	196
6.3 THE ENACTMENT AND IMPLEMENTATION OF MACAR	198
6.4 FINDINGS AND RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE TFTA	
MACAR FRAMEWORK.....	200
Recommendation One: Clarify the FTA trade strategy	200
Recommendation Two: Clarify the TFTA CAP strategy	202
Recommendation: Three: Address the loss of income from the liberalisation of tariff barriers and technical barriers	204
Recommendation Four: Speed up the process of harmonisation of CAP	205
Recommendation Five: Establish stakeholder and policy role-players' participation structures	207
Recommendation Six: Establish communication hubs (use of national enquiry and notification points)	208
6.6 THE TFTA FRAMEWORK.....	209
6.6.1 Key elements of a MACAR framework	209
6.6.2 Policy enactment.....	210
6.7 TESTING THE FRAMEWORK.....	213
6.8 STUDY CONTRIBUTION.....	214
6.9 SUGGESTIONS FOR FUTURE RESEARCH	216

LIST OF FIGURES

Figure 1: Public Administration and this study’s key disciplines....xiv
Figure 2: Specific conformity assessment trade concerns 2010 to 2016.....	xvii
Figure 2.1: Neo-functionalism vs Liberal Intergovernmentalism.....	44
Figure 2.2: Levels of regional integration	45
Figure 2.3: Liberalist view and the nation state	46
Figure 2.4: The stage model of the policy process.....	49
Figure 2.5: TFTA manufacturing value added 2015	73
Figure 2.6: Overlapping membership of the TFTA and the AU Member States	75
Figure 2.7: Mechanism applicability and stages of development.....	86
Figure 2.8: WTO Indicative list of the CAP	96
Figure 2.9: The conceptual framework building blocks	103
Figure 3.1: Case study analysis and layout	108
Figure 3.2: The EU Member States and affiliates	110
Figure 3.3: Organisational structure of the EU	112
Figure 3.4: CE mark attached to a product	114
Figure 3.5: EU CA role-players.....	126
Figure 6.1: A proposed TFTA MACAR enactment and implementation framework ...	212

LIST OF TABLES

Table 1.1: Status of conformity assessment in Africa.....	7
Table 1.2: Composition of the purposive sample	25
Table 2.1: Approaches to Public Administration	32
Table 2.2: TBT Agreement requirements relevant to CA.....	62
Table 2.3: Regional and national impediments and enablers to policy enactment and implementation	71

Table 2.4: CAB's responsibilities	88
Table 3.1: EU CAPs and legal instruments	122
Table 3.2: TFTA institutional framework	132
Table 4.1: Summary of EU and TFTA application of the MACAR	159
Table 6.1: Factors that influence the MACAR enactment and implementation.....	195
Table 6.2: Summary of findings and findings applicability.....	199

ABBREVIATIONS

ABs	Accreditation Bodies
ACAAS	Agreement on Conformity Assessment and Acceptance
AFRAC	African Accreditation Cooperation
AfCFTA	African Continental Free Trade Area
AFSEC	African Electrotechnical Standards Commission
AFRIMETS	African Institute of Metrology
APEC	Asian Pacific Economic Cooperation
ARSO	African Regional Standards Organisation
AU	African Union
AUC	African Union Commission
BIPM	International Bureau of Weights and Measures
CA	Conformity Assessment
CABs	Conformity Assessment Bodies
CAP	Conformity Assessment Procedure
CAR	Conformity Assessment Results
CEN	European Committee for Standardisation
CENELEC	European Committee for Electrotechnical Standardisation
COMESA	Common Market for Eastern and Southern Africa
CU	Customs Union
EA	European Accreditation Cooperation
EAC	East African Community
EEC	European Economic Community
EU	European Union
EUC	European Union Commission
ESO	European Standards Organisations
FLS	Frontline States Initiative
FT	Free Trade
FTA	Free Trade Area
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GVC	Global Value Chain

IAAC	Instituto Angolano de Acreditação
IAF	International Accreditation Forum
ICT	Information and Communication Technology
IE	International Economics
IEC	International Electrotechnical Commission
ILAC	International Laboratory Accreditation Cooperation
IPA	International Public Administration
IR	International Relations
ISO	International Standards Organisation
KENAS	Kenya Accreditation Services
LDCs	Least Developing Countries
LI	Liberal Inter-governmentalism
MACAR	Mutual Acceptance of Conformity Assessment Results
MLA	Multi-lateral Arrangement
MLG	Multi-level Governance
MoU	Memorandum of Understanding
MRA	Mutual Recognition Arrangement
NGOs	Non-Governmental Organisations
NINAS	Nigerian National Accreditation Services
NTBs	Non-Tariff Barriers
OECD	Organisation for Economic Cooperation and Development
PAQI	Pan African Quality Infrastructure
PTB	Physikalisch-Technische Bundesanstalt
RECs	Regional Economic Cooperations
RVC	Regional Value Chain
SACU	Southern African Customs Union
SADCAS	SADC Accreditation Services
SADC	Southern African Development Community
SADCA	SADC Cooperation in Accreditation
SADCMET	SADC Cooperation in Measurement Traceability
SADCMEL	SADC Cooperation in Legal Metrology
SADCSTAN	SADC Cooperation in Standardisation

SADCTBTSC	SADC TBT Stakeholder Committee
SADCTRLC	SADC Technical Regulatory Liaison Committee
SDoC	Suppliers Declaration of Conformity
SQAM	Standardisation, Quality Assurance, Accreditation and Metrology
SQMT	Standardisation, Quality Assurance, Metrology and Testing
TBT	Technical Barriers to Trade
TBTEG	SADC TBT Expert Group
TFEU	Treaty on the Functioning of the European Union
TFTA	Tripartite Free Trade Agreement
UN	United Nations
UNIDO	United Nations Industrial Development Organisation
VAT	Value-Added Tax
WB	World Bank
WTO	World Trade Organisation

CLARIFICATION OF KEY CONCEPTS AND TERMS

The international standard, ISO/IEC 17000, published by ISO (ISO/IEC 2004a), entitled *Conformity Assessment Vocabulary*, is the official international standard that defines the conformity assessment (CA) concepts and adopted for this study. Four key concepts used in this study will be clarified. These concepts are conformity assessment (CA), mutual acceptance of conformity assessment results (MACAR), regional integration and Free Trade Area (FTA). However, it is prudent to firstly define Public Administration and International Public Administration (IPA), as well as the related disciplines applicable to this study, particularly International Economics (IE), as it is within this discipline and sub-disciplines that this study is grounded.

Public Administration

Although the practices of public administration claim to be as old as civilisation itself, the formal study and the extension of Public Administration theory is relatively new (Frederickson, Smith, Larimer & Licari, 2012:1). Delineating what is meant by the discipline of Public Administration is not easy, as the discipline remains ever-evolving with no single unified and accepted definition. The difficulty in obtaining a precise definition for the discipline of Public Administration is highlighted by many scholars (White 1926, Rainey, Backoff & Levine 1976:234; Rugge, 2007:115; Shafritz, Russell & Borrick 2013:21). It can be argued that the desire to define Public Administration can be viewed from an academic discipline perspective or a functional perspective.

Thornhill (2012:4) addresses the separation of the two public administration perspectives by explaining that public administration with a capital 'P' denotes the academic discipline which concerns the study of activities of government associated bodies that are administrative and the management of administrative sectors. On the other hand, public administration with a lower case 'p' denotes the generic functions performed by public administrators in order to achieve a government's objectives. According to Thornhill (2012), the generic functions include human resource management, finance, control, policy-making, planning and organising. Earlier

definitions of the discipline of Public Administration were concerned with the separation of administration from politics. Wilson (1887), contends that administration lies outside the proper sphere of politics. He proceeds to define public administration as “government in action; the executive; the operative...” (Wilson 1887:198). However, Gladden (1972:379) questions the narrow definition of public administration, stating that government covers a wide range of activities such as “policy-making, law-giving, adjudicating, to numerous acts of communal participation”. More recent studies aimed to frame a definition in order to suit their research objectives. By way of example, a recent study by Shafritz, Russell and Borrick (2013:21) define public administration as the study of the art of science of management as it applies to the public sector.

Although this study embraces both Public Administration as a discipline and public administration as an activity, it is mainly concerned with public administration as an activity through government’s role in policy-making, specifically the mutual acceptance of conformity assessment results (MACAR) policy enactment and policy implementation under a commitment to the African Tripartite Free Trade Area (TFTA). Despite the complexity in defining Public Administration, Wilson (1887:198) acknowledged by many as the father of the study of administration, defines administration as “government in action; the operative”. The study finds the simplicity of Wilson’s (1887) definition of Public Administration, stating that public administration is whatever a government does, useful to advance the aim of the study.

The role of Public Administration in regional integration

As national borders started to fade and regional and international cross-border cooperation arrangements began to influence domestic matters, the influence of globalisation and regionalisation challenged the traditional narrow national focus of the study of Public Administration and the generic functions of a government. Notwithstanding the challenges posed, Public Administration as a discipline is dynamic and eclectic and has evolved to accommodate the changing environment (Moti, n.d.). Supporting the eclectic nature of the discipline of Public Administration, Thornhill and Van Dijk (2010:5) explain its unenviable position, ascribing this to the discipline’s reliance on related disciplines. The eclectic nature of the discipline is primarily

attributed to the borrowing from other disciplines, such as Social Science, Political Science, Business Administration, Economics, Philosophy, Sociology, History and Leadership to inform its analysis and decisions. Due to the borrowing of ideas from other disciplines, Akor (2008:48) claims that Public Administration has become a field of practice based on applied sciences. Thornhill and Van Dijk (2010:5) further explain that science depends on theories to investigate, explain and predict the phenomena to be studied. These scholars further elaborate that: “[a] science has to be founded on justifiable laws or accepted theories to develop new knowledge and influence practices”. It is, therefore, prudent to question whether a unified public administration theory can be found to support this study in developing new knowledge and influencing practices.

A unified theory for Public Administration

Caiden (1982:205) contends that although there are many theories “in” Public Administration, there are few “on” Public Administration. Rutgers (2010:25) provides further clarification, arguing that a unified theory implies that scientists want to overcome the differences and specialisation of disciplines just as much as the practitioners. Furthermore, Thornhill and Van Dijk (2010:108) do not support the view of a single theory, questioning whether a definitive theory for Public Administration is attainable at this stage. They urge that we should not focus on whether a unified theory is possible, but instead on whether such a theory is practical. Closer to this study’s environment, Nzwei and Kuye (2007:204) amplify the unified theory debate within the context of Africa, suggesting that for Africa, a mixed bag of theories is required that reflects Africa’s development, rather than a unified theory. Appreciating the challenges posed by a unified theory and the context in which the TFTA operates, this study will rely on several theories and frameworks, as a unified theory is currently not a possibility and the study requires a multi-level, interdisciplinary structure to achieve the study’s objectives.

The TFTA, with its complex structure of nation-states, Regional Economic Cooperations (RECs) and a supranational TFTA, relies on the eclectic nature of Public Administration to advance the objectives of this study. Firstly, the cross-border

regional nature of the TFTA extends the work of government into the international environment, thus the internationalisation of national public administration affects a member state's relations with the other member states politically and economically. Therefore, the discipline of International Public Administration (IPA) has relevance to this study. Secondly, the economic ideals of welfare creation for nation-states through the TFTA extend IPA into the discipline of International Economics (IE). The following section provides an overview of IPA, and IE as they relate to regional integration, this study and subsets of Public Administration (See Figure A1). The following figure depicts the relationship between the IPA and IE disciplines to the discipline of Public Administration.

Figure 1: Public Administration and this study's key disciplines



Source: Author's own

International Public Administration

IPA is born out of the desire of independent nation-states to cooperate and coordinate with each other in almost all important aspects of life (Marume, 2016:1). Hass (1974:273) defines IPA as “the activity of individuals or groups wherein they implement or prepare to implement decisions that affect other states or institutions in the world polity”. Although IPA mainly concerns the structural aspects of international institutions, it influences the environment in which it operates and impinges on the strategies and behaviour of the environment from which it emerges (Bauer, Knill &

Eckhard, 2016b:1). The assertions of the TFTA with its multi-level and diverse environment within which the TFTA policies need to be implemented and enacted are thus relevant to the aim of this study (Bauer et al. 2016b).

International Economics

IE deals with the economic interdependence amongst nations. It analyses the flow of goods and services and payment between a nation and the rest of the world. The political, social, cultural and military relations amongst nations influence economic interdependence (Salvatore 2001:7). As one of the key motivations to join a regional economic arrangement is to increase the economic welfare of member states, Salvatore's (2001) definition of IE is relevant to the aim of this study.

The concept of conformity assessment and the Mutual Acceptance of Conformity Assessment Results

Economic welfare gain is one of the significant incentives for nation-states to join regional economic arrangements. Principally, regional arrangements facilitate access to an expanded market for traded goods and services and a promise of welfare gain for the trading economies. However, to gain from the regional economic arrangement, member states are required to remove the barrier to trade through enacting and implementing the regional policies and mechanisms to facilitate the free flow of goods and services across their national borders. One of the leading Technical Barriers to Trade (TBT) that can prevent the free flow of goods and services across national borders is CA and the acceptance of CARs (Stephenson, 1997:1). McDaniels et al. (2016:21) claim that if a trading country rejects foreign CARs and requires conformity assessment procedures (CAPs) to be duplicated through insisting on retesting, re-inspection or re-certification of traded goods, trade cost can be inflated for exporting countries. Therefore duplicate CAPs can be a technical barrier to trade, which could considerably restrain growth in trade and hamper economic welfare objectives of the regional economic arrangement.

By definition, the MACAR is an arrangement where two or more parties accept and use each other's CARs that are produced by CABs. CA is a demonstration of the fulfilment of stated needs or expectations relating to a result of a product, process, system, person, or body (ISO/IEC 2004a). The boundaries of CA remain flexible. However, CA includes activities such as testing, inspection, certification, as well as accreditation of bodies that perform CA services (ISO/IEC 2004a). Selection, determination, review and attestation are the steps that demonstrate the fulfilment of specific requirements. The acceptance of CARs may be based on the same CARs or equivalent CARs requirements that can offer the same level of assurance of conformity. Such determination can add substance or credibility to claims that specified requirements are met, thus giving the users greater confidence in such claims (ISO/IEC 2004a).

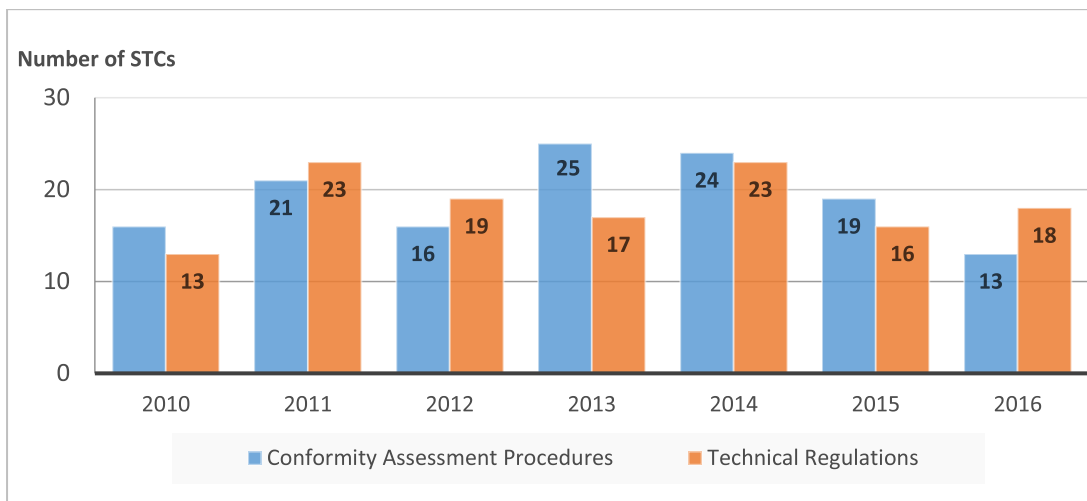
Therefore, the purpose of the MACAR is to facilitate trade by eliminating technical barriers caused by the need for retesting, recertification or re-inspection within the importing country, thus allowing for the cost-efficient free flow of goods and services between trading countries. Conformity is assessed in various forms, such as procedures for sampling, testing, inspection, evaluation, verification, registration, accreditation and approval.

Enactment and implementation of the MACAR

The concepts of CA and MACAR appear to be logical and straightforward. However, various environmental considerations impact the decision to enact and to implement the MACAR. Evident from the number of specific trade concerns against the non-acceptance of conformity raised between 2010 and 2016 (tabled at the WTO TBT Committee), the non-acceptance of CA emerged as one of the main TBT as shown in Figure A2. Such non-acceptance happens despite the obligations placed on members within the WTO TBT Agreement. For instance, although as at March 2018 more than 150 economies have signed the WTO TBT Agreement. The WTO TBT agreement does not guarantee acceptance, but makes provision for key considerations, such as non-discrimination, transparency, preferential treatment for least developed countries (LDCs) and national socio-economic concerns, before acceptance can be considered.

Thus, to capitalise on the enlarged market conditions offered by an FTA, the factors that influence the enactment and implementation of the MACAR and the environment within which these conditions need to be enacted and implemented need to be considered. Figure A2 indicates the increase in conformity assessment trade concerns, even though 2016 shows a decline in SPS submitted to the WTO. Hence, the challenge of CAP remains high. Generally, the terms ‘mutual acceptance’ and ‘mutual recognition’ are two essential terms frequently used interchangeably. However, these two terms have a distinctive and far-reaching meaning. A clarification of the difference between mutual acceptance and mutual recognition, within the context of CA and this study, is therefore required. The following section clarifies the two terms.

Figure 2: Specific conformity assessment trade concerns 2010-2016



Source: Adapted from WTO (WTO 2017:4)

Mutual acceptance and mutual recognition

Mutual acceptance is primarily associated with a binding arrangement favourably received or accepted, whereas mutual recognition infers an acknowledgement and not necessarily acceptance. Mutual recognition arrangements are usually agreements signed between two or more states in order to recognise each other’s functions. The recognition arrangements seek to advance such functions as CARs. The recognition arrangements do not, however, automatically infer acceptance of the results.

The international standard ISO/IEC 17000 (ISO/IEC 2004a:6) describes the acceptance of CARs as the “use of conformity assessment results provided by other persons or body” and the recognition of CARs as “acknowledgement of the validity of CARs provided by other persons or body” (ISO/IEC 2004a:6). Essential to this research is the understated, but far-reaching implications of the distinction between the “use” and the “acknowledgement” of CARs. The international standard ISO/IEC 17000 (ISO/IEC 2004a) explains that “acknowledgement” is merely the existence or truth of CA that may not necessarily result in the use thereof. Whereas “acceptance” goes further, by not only recognising the existence or truth of CA but also actively using the CARs.

The research, therefore, concerns the “use” of CA data and by implication, the acceptance of CARs by trading partners’ policy-makers and policy-implementers as a prerequisite for formal acceptance/rejection of compliance to standards and technical regulations accompanying traded goods and services. As the mutual acceptance is the legal binding agreement amongst parties to an FTA, the agreement binds signatories to enable and accept the aims, conditions and responsibilities, which include putting in place the necessary institutions, resources and competencies to efficiently enable the use of CARs by trading partners.

Mutual Recognition Agreements and Mutual Recognition Arrangements

Most definitions of Mutual Recognition Arrangements and Mutual Recognition Agreements (MRA) focus on what MRAs do, rather than a definitive definition that can be applied universally. According to the OECD definition, the purpose of an MRA is to avoid duplicative testing in international trade where the regulatory objectives, technical requirements or CAPs differ or are not equivalent. The OECD further elaborates on what is mutually recognised as follows: i) the technical competence of specific CABs in the export country to perform CA at the expected level of the importing country and ii) the knowledge of the CABs about the technical requirements and CAPs in the importing country (Correia de Brito et al. 2016). Sugathan (2016:v) defines MRA more generally, stating that MRAs are types of cooperative agreements between

countries that seek to resolve impediments created by standards-related CAPs. The definitions agree that MRAs involve two or more parties, aimed at eliminating impediments created by CAPs, which hinder trade flow between the parties.

The literature identifies two types of MRAs. These are MRAs concluded as bilateral or multilateral arrangements between government(s) and MRAs concluded between non-governmental entities. However, within the ambit of the phenomena under study, both MRAs strive to achieve the same objective, which is to facilitate MACAR between signatories to the MRA. A fundamental difference between a government MRA and a non-governmental MRA is that the government retains legal accountability in a government-to-government agreement. The *EU Blue Guide* highlights that, due to the CAB's responsibilities falling within the scope of public interest, the CAB remains accountable to the national authority (EU Commission 2016a).

The WTO TBT Agreement and the TFTA

The environment within which CA systems need to be enacted and implemented can determine the success or failure of the system. The primary influencer of international trade is the WTO, particularly the WTO TBT Agreement, which sets mandatory requirements for its members in the area of standards, technical regulators and CA. The first part thereof deals with the influence of the international environment as exercised through the WTO TBT Agreement. As previously stated, the African regional environment introduces generic and unique opportunities and challenges for the TFTA.

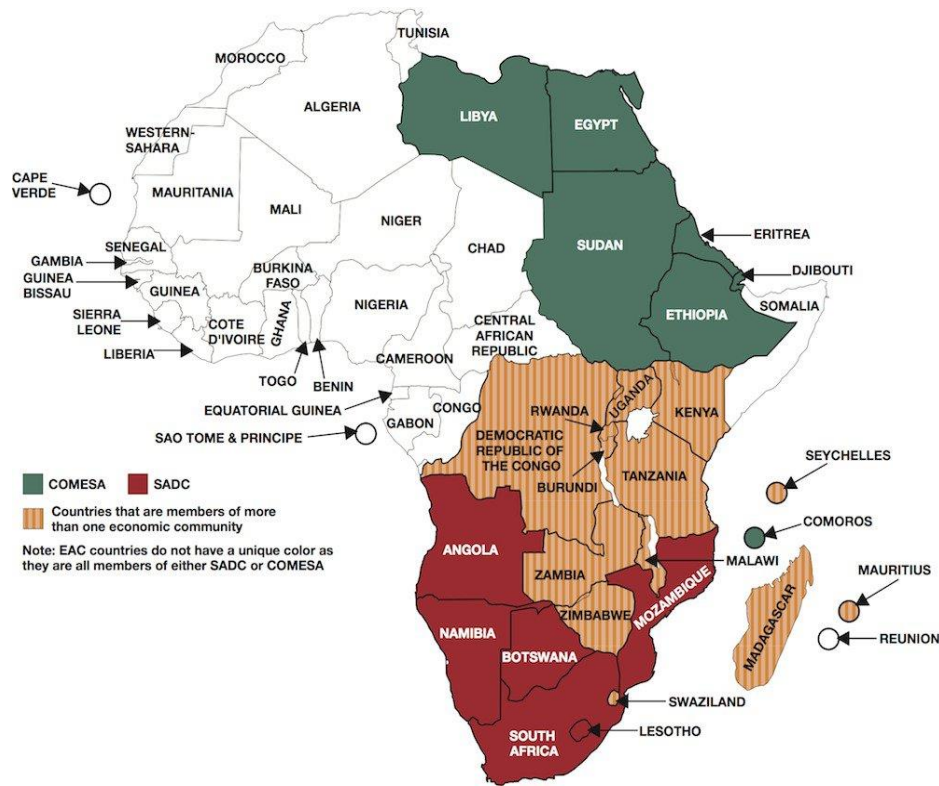
CHAPTER ONE: INTRODUCTION AND BACKGROUND

“Before we move forward with new efforts to lower the barriers to international free trade, we must review the consequences of the policies of the past and address the problems of the present” - Ney (Bob Ney, n.d.)

1.1 INTRODUCTION

Contextualised within the ambit of a regional economic arrangement, the Mutual Acceptance of Conformity Assessment Results (MACAR) has received renewed attention in recent years due to its impact on the economic welfare objective of trading economies. Wednesday 10 June 2015 heralded a new epoch in Africa’s desire for deepened regional integration. Three of the existing African regional economic arrangements, namely the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and the Southern African Development Community (SADC) launched the Tripartite Free Trade Agreement (hereafter referred to as the TFTA) on the date as mentioned above. The TFTA stretches from Cape Town to Cairo with a combined membership, as of June 2015, of 26 African countries that are populated by more than 683 million people, which is approximately 58% of Africa’s population (See Figure 1.1). The agreement creates an integrated market with a total Gross Domestic Product (GDP) of about US\$1.2 trillion (2015) and accounts for 54.3% of Africa’s combined GDP (World Bank 2016). One of the objectives of the TFTA is to raise the economic welfare of its member states through increased trade between the members (COMESA 2015).

Figure 1.1: Geographical spread of the TFTA Member States and affiliation(s)



Source: Adapted from <https://xa.co.za/developments-tripartite-free-trade-area-negotiations/>

A Free Trade Area (FTA) such as the TFTA is the first form of economic integration allowing for the removal of all barriers to trade in goods and services amongst members of the FTA (Hill 2014:257). The removal of tariff barriers and non-tariff barriers between trading countries, most commonly referred to as Technical Barriers to Trade (TBT), is expected to contribute to the economic welfare gain for the trading partners. One TBT that requires attention is the MACAR amongst trading nations.

By definition, the MACAR is an arrangement where two or more parties accept and use each other's Conformity Assessment Results (CAR), which are produced by Conformity Assessment Bodies (CABs). CABs include laboratories, certification bodies and inspection bodies (International Standards Organisation [ISO] and International Electrotechnical Commission [IEC] 2004). The MACAR, within a regional

economic arrangement, allows safe passage for trading partners' goods and services within the markets of a multitude of member states by eliminating the need for retesting, recertification or re-inspection within the importing country. The unobstructed flow of goods and services is one of the objectives for the newly formed TFTA. The TFTA aims to raise the economic welfare of its member states through increased trade between its members (TFTA 2015). The TFTA Agreement (2015), in Article 21(4) [b], requires all member states to cooperate by implementing various mechanisms in order to encourage the acceptance of CARs produced by laboratories, certification bodies and inspection bodies (TFTA 2015). Furthermore, Article 21, (4) [e], requires members to cooperate in the MACAR (TFTA 2015).

Judging from the ratification and implementation of regional commitments which have been entered into, African countries lack the willingness to fulfil their obligations under the agreements concluded. For instance, although 22 member states signed the TFTA Agreement in 2015, as of July 2019, only four countries had ratified the TFTA Agreement. A minimum of fourteen member states is required to ratify the agreement before the TFTA can be made operational. As a result, the study affirms that this lack of willingness can be addressed and that unless the factors that prevent or advance the MACAR policy enactment and implementation are engaged, the TFTA goal of economic welfare for its members will remain a distant ambition. Therefore there is a need to understand and address the factors for the enactment and implementation of a TFTA MACAR enactment and implementation framework that might hinder or facilitate the free flow of goods and services across national borders, which in turn would realise economic welfare expectations.

Research evidence on Conformity Assessment (CA), specifically the MACAR, is lacking. Two areas of previous research focus can be found in the literature. The first focus group primarily concerns the cost impediment as a result of onerous standards and technical regulations (Maskus and Wilson 2001; Moise & Le Bris, 2013; Stephenson 1997). The second group focused on the trade effects of conformity assessment approaches such as mutual recognition agreements and supplier declaration (Fliess, Gonzales and Schonfeld 2008, Vancauteran 2010, Yong 2018). In 2002, the International Standards Organisation (ISO) published the International

Guide 68 (ISO/IEC, 2002) entitled *Arrangements for the Recognition and Acceptance of CARs*. This study acknowledges the fact that although the guide provides some useful considerations, it is introductory and general. As such, the non-acceptance of CA results remains a growing challenge. Thus far, research has failed to recognise CAP, especially the MACAR, as a phenomenon worthy of its own study.

Given the importance of the MACAR for the TFTA Member States in fulfilling the TFTA economic welfare objective, the primary objective of this study is to suggest a framework that could contribute to the MACAR's enactment and implementation. The study advocates for a harmonised approach to the enactment and implementation of the regional policy on MACAR, as the guiding framework for facilitating the free flow of goods and services across national borders. The study explores the policy environment's influence on the MACAR's enactment and implementation in order to develop a guiding framework for harmonising the MACAR's policy enactment and implementation.

The study departs from the premise that the willingness of member states to mutually accept CA results is influenced by international, regional and national policy environments and therefore, is multi-layered and requires a harmonised approach to MACAR policy enactment and implementation. This thesis reviews the policy enactment and implementation for the MACAR within the context of the TFTA and strives to develop a TFTA-based conceptual framework for a harmonised approach to the MACAR's enactment and implementation.

Chapter One provides context to the multi-layered and multi-disciplinary nature of the study, as introduced by a regional economic arrangement. The first section of this chapter provides the background to the study. It is followed by a presentation of the limitations and delimitations, the problem statement, the research question and the research objectives. The third section of this chapter introduces the research methodology, clarifies the central concepts and terms used in the study and finally presents the outline of the chapters.

1.2 BACKGROUND TO THE STUDY

The desire of nations to prevent further wars, after the Second World War (WWII), has promoted free trade as one of the solutions to bring about peace (WTO 2019; Johnston 2019). Globalisation, as one of the strategies to enable free trade has led to the need for strong global structures and rules. One such structure is the International World Trade Organisation (WTO). Over the years, the WTO and its predecessor the General Agreement on Tariffs and Trade (GATT) have been at the forefront of driving global initiatives in order to eradicate TBT, which is a result of trade barriers such as the non-acceptance of CARs (WTO 1995). The initiatives undertaken by these international bodies resulted in the promulgation of the multilateral WTO TBT Agreement, as well as the publication of a voluntary indicative list of CAPs. Furthermore, the WTO continues to host thematic sessions and discussions on CA and the MACAR (WTO 2017:4).

Despite the GATT and the WTO's noble efforts to realise their goal relating to the MACAR, Maskus and Wilson (2001:3) observe that TBT caused by CAP has progressively become a trade barrier that requires urgent attention. Research undertaken by the National Research Council (U.S.) (1995:4) as far back as 1995 concluded that CA has significant implications for economic progress and public welfare and that the growing complexity of CA undermines future trade expansion. More recent studies found that non-acceptance of CARs between trading countries has now grown into one of the leading impediments to market access. The impediments impose a significant burden on trade, resulting in mistrust and trade disputes between WTO trading countries (McDaniels & Karttunen 2016, Moise & Le Bris, 2013). McDaniels and Karttunen (2016:21) observe that the non-acceptance of CARs inflates trade costs and may influence the competitiveness of the exporting country's goods and services.

Furthermore, CAPs impact both developed and developing countries. The ITC (2016) study conducted in 2015, found that for developing countries, CA challenges ranked first for agricultural products (48%) and second for non-agricultural products (23%) (ITC 2016). The 2018 WTO TBT Committee's eighth triennial review reconfirmed the

non-acceptance of CAR as a significant challenge that requires urgent attention (WTO TBT 2018:8). Therefore, the question that arises is, how can the MACAR be facilitated?

Donaldson and Gundlach (ISO 1998:62) simplify the concept of the MACAR, which is still relevant today. They explain that the idea is quite simple in that a supplier meets the approval process in his/her country, or in some exceptional cases, in some other country, and that approval is accepted everywhere. The assertions by Donaldson and Gundlach (ISO 1998) still underpin the main objectives of various quality infrastructure institutions today, such as ISO, the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF). As an example, ILAC's motto is "accredited once accepted everywhere."

However, although the concept of MACAR appears to be quite simple, the acceptance of CA is plagued by many challenges, especially when it concerns acceptance of CA within areas that impact on government's objectives of health, safety and environment protection. One such challenge is that a government will have to rely on results and base their decisions on results produced in a foreign country by entities over which it has no control and with which it has no formal relationship. Such an acceptance of CARs requires a high level of trust, a measure of sovereignty sacrifice and exposing the national emerging enterprises to a higher degree of competition. As the MACAR is challenged by the introduction of the need for trade liberation or free trade, it could safely be assumed that most developed and developing economies and regions have faced, or are facing similar challenges in facilitating the MACAR amongst their trading partners. The experiences from the developed countries and regions in the enactment and implementation of CAP could provide valuable lessons for the TFTA MACAR enactment and implementation. Therefore, the study finds it prudent to learn from the international and regional economic arrangement's experiences, as well as from the experiences of African countries.

1.2.1 CA in Africa, including the TFTA Regional Economic Cooperation

An initial review of the CA approaches adopted in Africa highlights the limited progress and the discrepancies in procedures and CAP chosen to facilitate the MACAR

amongst Africa's states. Unlike most of the African Regional Economic Cooperations (RECs), many developed and some emerging economies have aligned their CAP in compliance with the harmonised international standards, for example, the international standard ISO/IEC 17011 for accreditation bodies (hereafter ABs) (ISO/IEC 2017a), or the international standard ISO/IEC 17025 for laboratories (ISO/IEC 2017b). Despite their efforts, the MACAR remains a growing problem, if judged against the specific trade concerns before the WTO. To illustrate, in 2016, 42% (13 of 31) new Specific Trade Concerns (STC) tabled at the WTO TBT Committee involved CAP (WTO 2017:2.9). Under the TFTA Agreement, of which 61.5% of its members are Least Developing Countries (LDCs), the challenge posed by CA, especially the MACAR, further intensifies the already disconcerted FTA membership disparity.

It should be noted that 21 of the 26 TFTA Member States are signatories to the WTO TBT Agreement and are thus obliged to adhere to the requirements set by the WTO. In this context, there is a need for a comprehensive study of the factors that influence the MACAR within the context of an African TFTA and for a harmonised approach to the enactment and implementation of MACAR. A good place to start is to review what is currently in place regarding the MACAR within Africa. The following section provides a brief overview of the status of CA in the African Union (AU) recognised RECs. Table 1.1 summarises the state of CAPs adopted by the recognised African RECs.

Table 1.1: Status of conformity assessment in the African Union recognised RECs

REGIONAL ECONOMIC COMMUNITIES	MEMBER STATES	STATE OF CONFORMITY ASSESSMENT	REFERENCES
Arab Maghreb Union (AMU)	Tunisia, Algeria, Morocco, Libya, Mauritania	Although the AMU has been in existence since 1989, most efforts at regional integration in the AMU have stalled (Brunel, 2015). Three of its members, Tunisia, Algeria and Morocco are actively engaged with the appropriate CA infrastructure. However, progress on CA and the MACAR has been slow. In	(Hassine, 2015) (Arab Maghreb Union 2016)

REGIONAL ECONOMIC COMMUNITIES	MEMBER STATES	STATE OF CONFORMITY ASSESSMENT	REFERENCES
		<p>an article by Hassine (2015), the author recommends that the AMU should pay attention to standards and CA as it has become crucial. In 2016, the AMU introduced a Mutual Recognition Agreement for telecommunication equipment based on accredited CABs.</p>	
<p>Common Market for Eastern and Southern Africa (COMESA)</p>	<p>Kenya, Tanzania, Uganda, Rwanda, Burundi, Comoros, Democratic Republic of the Congo (DRC), Madagascar, Seychelles, Mauritius, Zambia, Zimbabwe, Malawi, Swaziland, Ethiopia</p>	<p>In 2009, COMESA published its policy document on standards, metrology, CA and accreditation (SQAM). The policy aims to ensure adequate national quality infrastructure to facilitate trade, industrial development and to protect the health and safety of society and the environment in its Member States (COMESA, 2009). The policy makes provision for accredited CAB results and the acceptance of non-accredited CAB results amongst its member states. Currently, the only member states working towards the required CA infrastructure are Kenya, Mauritius and Ethiopia; with their standards body, metrology and accreditation infrastructure developments. Noteworthy is that the DRC, Madagascar, Seychelles, Mauritius, Zambia, Zimbabwe, Malawi, Swaziland and Tanzania share membership with SADC.</p> <p>COMESA also makes use of mutual recognition agreements (MRAs) between governments of member states for identified sectors, such as the recent MRA for maize.</p>	<p>Roadmap to boost intra-COMESA trade in maize (COMESA 2015). <i>COMESA SQAM</i> (COMESA 2009).</p>

REGIONAL ECONOMIC COMMUNITIES	MEMBER STATES	STATE OF CONFORMITY ASSESSMENT	REFERENCES
Community of Sahel-Saharan States (CEN-SAD)	Benin, Burkina Faso, Central African Republic, Chad, Ivory Coast, Ghana, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Somalia, Togo, Sudan, Libya, Egypt, Morocco, Djibouti, Eritrea	CEN-SAD was formed in 1998, however large-scale political conflict in Darfur and instability in Somalia have contributed to the limited progress in CEN-SAD (Brunel, 2015:15). Some of the CEN-SAD's member states such as Egypt, Nigeria and Morocco, have developed or are in the process of developing the required CA infrastructure. In all other cases, regional policy is not available.	(Brunel 2015:15). (United Nations Economic Commission for Africa, 2012).
East African Community (EAC)	Burundi, Kenya, Rwanda, South Sudan, Uganda, Tanzania	In 2006, the EAC promulgated the EAC Standards, Quality Assurance, Metrology and Testing (SQMT) Act 2006. The act sets out the need for cooperation and acceptance of CARs. However, the act establishes an African Regional Accreditation Scheme (ARAS) which to date has not materialised. Various other initiatives have been concluded to facilitate the acceptance of CA data, as noted previously.	(The EAC Standardisation, Quality Assurance, Metrology and Testing [Product Certification in the Partner States Regulations 2013]).
Economic Community of Central African States (ECCAS)	Gabon, Cameroon, the Central African Republic, Chad, Congo Brazzaville, Equatorial Guinea, Economic Community of	The treaty that establishes the ECCAS focuses on the removal of Non-Tariff Barriers consisting of customs tariffs, quotas and administrative trade barriers. Progress on CA as an NTB is lacking.	(ECCAS 1992).

REGIONAL ECONOMIC COMMUNITIES	MEMBER STATES	STATE OF CONFORMITY ASSESSMENT	REFERENCES
	Great Lake Countries, except Rwanda, Burundi, the DRC, Angola, Sao Tome and Principe		
Economic Community of West African States (ECOWAS)	Benin, Cote d'Ivoire, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Burkina Faso, Cape Verde	ECOWAS developed the necessary legal basis to establish their quality infrastructure, namely ECOWAS Quality Policy (ECOQUAL) Harmonisation of ECOWAS standards through regulation C/REG.14/12/12; established the Community Council of Quality (CCQ), the Community Committee for Conformity Assessment (CCCA), the Community Committee on Technical Regulations (CCTR) and the Regional Accreditation System (RAS). In 2018, ECOWAS established a Quality Agency called ECOWAQ. With the support of the United Nations Industrial Development Organisation (UNIDO) and the EU, ECOWAS developed a technical assistance programme. The West African Quality System Program (WAQSP) aims to improve the quality of infrastructure in all the ECOWAS Member States. With the development of a quality policy in the areas of standards and accreditation, some progress can be recorded. However, the developments are still rudimentary.	Regulations C/REG.14/12/12; C/REG.1/12/13; Supplementary Act A/SA. 1/02/13 (WAQSP 2018).

REGIONAL ECONOMIC COMMUNITIES	MEMBER STATES	STATE OF CONFORMITY ASSESSMENT	REFERENCES
Intergovernmental Authority and Development (IGAD)	Djibouti, Ethiopia, Eritrea, Somalia, Sudan, South Sudan, Uganda, Kenya	The IGAD Agreement establishing the inter-governmental authority on development (IGAD) IGAD/SUM-96/AGRE-Doc, does not address the issue of TBTs. However, two of the member states, Kenya and Ethiopia, have made some progress towards the MACAR.	IGAD/SUM-96/AGRE-Doc,(IGAD Agreement) (IGAD 1998).
Southern African Development Community (SADC)	Angola, United Republic of Tanzania, Zambia, Malawi, South Africa, Swaziland, Botswana, Namibia, Zimbabwe, Seychelles, Madagascar, Mauritius, Lesotho, Mozambique, the DRC	The SADC Standards, Quality Assurance, Accreditation, Metrology (SQAM) Memorandum of Understanding (MoU) was the initial document published signed by the SADC Member States. In 2008, the MoU was incorporated in the SADC Trade Protocol, termed “TBT Annex to the SADC Protocol on Trade,” and was updated in 2014. SADC has the most advanced CA infrastructure, boasting a structure that accommodates standards, legal metrology, measurement metrology, accreditation, technical regulations and stakeholder committees. Most of the quality infrastructure is internationally recognised and meets the requirements of the WTO TBT Agreement. However, the MACAR remains a challenge.	<i>Protocol on Trade in the SADC Region</i> , (1996 and 2014) as amended by <i>TBT Annex IX</i> (SADC 2014).

Source: Author’s own, compiled from the agreements of the RECs

An initial analysis of the CA approaches adopted in Africa highlights the limited progress, the discrepancies in procedures and CAP chose to facilitate the MACAR amongst the AU member states. The absence of a general African approach to the

MACAR provides limited guidance to formulate an Afrocentric approach to the MACAR (see Table 1.1). Therefore, to achieve the aim of this study, it is necessary to broaden the search to find an atypical case that could serve as a benchmark for administering the MACAR. Finding an atypical case is a possibility that will be explored below.

1.2.2 CA internationally

Internationally, some multilateral and bilateral arrangements attempted to address the MACAR, with mixed success. These arrangements include the Asian Pacific Economic Cooperation (APEC), the North American Free Trade Agreement (NAFTA), the European Free Trade Association (EFTA), as well as the most recent agreement between the EU and Canada, entitled the European Union-Canada Comprehensive Economic and Trade Agreement (CETA). At present, the European Union (EU) has made significant progress towards addressing the administrative challenges posed by the MACAR. The advances of the MACAR within the EU hold several lessons that can facilitate and fast-track the TFTA's efforts in administering the MACAR and thus avoiding expensive, duplicative mistakes, mistrust and trade disputes. The study seeks to learn from the experiences of the EU.

The enactment and implementation of a MACAR policy are the responsibility of the member state and its public administration. Thus the study finds its theoretical foundation in Public Administration, but particularly in International Public Administration (IPA) and International Economics (IE). The following section provides an overview of Public Administration.

1.3 PUBLIC ADMINISTRATION AND CARS

Government's role in regional trade and regional integration is a policy effort to ensure the economic welfare of its citizens. This assertion is supported by Einhorn and Logue (2003:226) who maintain that the state accelerated its role in economic matters after WWII. Thus if "public administration is government in action" Wilson (1887:198), then, whatever government do can be considered public administration. The preceding assertions, with their focus on the government's involvement in the economy, can be regarded as a public administration matter. However, the nature of this study involves

other disciplines introduced by internationalisation, regionalisation, economics and relations with other nations. The question that arises is, therefore “is Public Administration still the appropriate discipline for this study?” The following section provides some answers to the critical question.

Authors, such as Rainey, Backoff and Levine (1976:234), Thoenig (2007:89), Thornhill and Van Dijk (2010:95) and White (1926:4) claim that the discipline of Public Administration is eclectic. Public Administration borrows from other disciplines such as the Social Sciences, the Political Sciences, Business Management, Economics, Psychology, Sociology, History and Leadership. As the study of Public Administration has historically been limited to the “national context and the cross-national comparison of national administrative systems” (Bauer, Eckhard, Ege & Knill 2016a:3), Rutgers (2010:25) summarises the dilemma in public administration by stating that administrative problems are rarely specific or sufficiently limited to be adequately captured by one theoretical approach. Rutgers (2010) qualifies his assertion by explaining that the expansion of regional economic arrangements and globalisation has challenged the usual narrow national focus of the study of public administration, and is rarely specific or sufficiently limited to be adequately captured by one theoretical approach. The inter-disciplinary and multi-level nature of this study requires methods that can accommodate it and thus find relevance in the eclectic nature of Public Administration as a discipline. Therefore, to answer the question previously posed, Public Administration as a discipline accommodates the nature of this study as it leans on the disciplines of IPA as well as IE. It can, therefore, be argued that the eclectic nature of the study of Public Administration makes it the proper discipline in which this study is grounded.

Before concluding, further clarification is needed to embed this study in public administration. As this study seeks to learn from other established regions and Africa’s attempts at enacting and implementing a MACAR policy, the need for a comparative method approach is required. Bauer *et al.* (2016a:4) argue that comparative methods drive Public Administration research towards IPA. As such, two approaches found in IPA relevant to this study are Comparative Public Administration (CPA) and Governance. These two approaches encapsulate the broadening of Public

Administration beyond national borders. In turn, the expansion of Public Administration clarifies how the nation-state interacts or is influenced by other nations or global institutions.

Furthermore, the incentive for regional integration draws its rationale from the trade theory, which finds its roots in IE. Therefore, the MACAR is both a public administration and economics matter, as it seeks to enhance the economic and social welfare of the TFTA Member States through the facilitation of trade. As the outcome of the study aims to support trade negotiators, the policy-makers, policy-implementers and policy certainty will underpin the work of these policy actors. The following section provides a brief overview of the link between policy certainty and CA.

1.3.1 CA and policy certainty matters

Osnago, Piermartini and Rocha (2015:2) assert that barriers to trade are caused by trade policy uncertainty, which impacts negatively on some traded products. Technical barriers such as CAP have now become a significant obstacle to trade as a result of the need for policy certainty within the area of CA. Maskus and Wilson (2001:3) provide some guidance by claiming that introducing a level of policy direction reduces duplicative and discriminatory TBT through alterations in testing and certification requirements, and therefore, trade should accelerate.

One of the successes that the GATT and later the WTO can claim, is the reduction of non-tariff barriers, such as levies, subsidies and import taxes (Baldwin, Kawai and Wignaraja 2014). The success, however, has raised the prominence of TBT as an instrument for commercial policies, in order to protect local markets. In particular, over the past few years, policy-makers and policy-implementers have increasingly used CARs as a protectionist measure to protect their domestic markets against foreign competition which works against the principles of free trade and has led to an increase in trade disputes. The nature of disputes registered with the WTO reinforces the claim that countries use CAP as a protectionist measure (WTO 2015). To date, the WTO's response to the challenge is for members to notify the WTO of their CAP and further encourages members to continue to exchange their experiences on how to deal with the growing TBT's (WTO 2015).

Consequently, the WTO offers no clear policy on this growing technical barrier caused by the non-acceptance of CARs amongst its members. Therefore, it is rather urgent to come up with a framework that can inform policy certainty on the MACAR. This study focuses on the MACAR, which is an aspect of trade facilitation often neglected. The study emphasises developing and presenting a suitable Afrocentric framework for the MACAR enactment and implementation within the TFTA. An understanding of the factors that influence the MACAR enactment and implementation is needed, in order to influence the factors that impede the MACAR and to capitalise on the factors that enable the MACAR to realise the TFTA's welfare objective.

1.4 MOTIVATION FOR THE RESEARCH

The TFTA holds much promise for a better life for the citizens of the TFTA Member States. It is therefore essential that the TFTA succeeds in achieving its intended aims. There is a need to understand and address the factors that might hinder or facilitate the MACAR. As previously stated, a MACAR enactment and implementation framework to harmonise the MACAR within a regional economic arrangement is currently not available on the African continent. This study intends to contribute to the establishment of a framework for the harmonisation of MACAR enactment and implementation. The study seeks to make a contribution to resolve the problematic issues of the free flow of goods and services across national borders and the removal of TBT in two ways. Firstly, the study will offer insights into the factors that facilitate and impede the MACAR enactment and implementation, which will contribute to our knowledge of this phenomenon and provide clarity on how to deal with these factors. Secondly, the study will provide much-needed guidance to trade negotiators, policy-makers and implementers on administering the MACAR, aimed at contributing to prudent trade negotiations, as well as the MACAR policy enactment and implementation within the TFTA.

1.5 PROBLEM STATEMENT

Within a regional economic arrangement, the MACAR allows for safe passage for trading partner's goods and services within the markets of a multitude of member states, resulting in static welfare gains for the members of the regional economic arrangement. Despite the GATT and the WTO's noble efforts to facilitate the MACAR, recent studies concluded that the non-acceptance of CARs between trading countries has now grown into one of the leading impediments to market access (McDaniels & Karttunen 2016, Moise & Le Bris, 2013). The impediments, if not addressed, may threaten the attainment of the newly formed TFTA's economic welfare creation objective.

The TFTA Member States are responsible for enacting and implementing the MACAR within their national borders. However, the history of Africa's economic integration efforts highlights the weakness of African states to realise their responsibilities adequately. Therefore, firstly, without clear guidance such as that formulated through this study, the research posits that a lack of a harmonised MACAR enactment and implementation framework will lead to ill-informed policy enactment and implementation decisions. Secondly, judging from the CA-specific trade concerns and related disputes before the WTO dispute settlement system, the failure to enact and implement the MACAR might contribute to a self-sustaining cycle of mistrust and prolonged trade disputes between the TFTA trading partners. Therefore, the economic welfare creation objective of the TFTA may be at risk. Thus, there is a need for an appreciation of the factors that influence the MACAR, as well as a structured harmonised approach to the MACAR enactment and implementation amongst the TFTA Member States. This study explores avenues to improve the TFTA MACAR framework as presented through the TFTA RECs by developing a framework to administer the MACAR enactment and implementation amongst the TFTA Member States.

1.6 RESEARCH QUESTIONS

The central question of this study is: “How can the MACAR enactment and implementation be improved to facilitate the acceptance of CAR amongst the TFTA Member States?”

The following sub-questions will be addressed in the process of answering the main question:

1. How is the MACAR enactment and implementation framework administered in the African regional economic arrangements?
2. What are the factors that influence the MACAR enactment and implementation between trading partners in Africa?
3. What is the current status of affairs regarding the practice of the MACAR enactment and implementation within a regional economic arrangement?
4. What are the key components for a TFTA MACAR framework that can facilitate a harmonised approach to the MACAR enactment and implementation within the TFTA?

1.7 RESEARCH OBJECTIVES

The primary objective of this study is to contribute to the improvement of the MACAR enactment and implementation by exploring the building blocks for a MACAR enactment and implementation framework to enable a harmonised approach to the MACAR enactment and implementation within the TFTA. Given the primary objectives of this study, the sub-objectives are as follows:

1. Provide a general overview of the context in which the MACAR enactment and implementation framework is administered within the African regional economic arrangements.
2. Provide a comprehensive review of the factors facilitating and preventing the MACAR enactment and implementation between trading partners in Africa.

3. Review the current good practice guiding the MACAR enactment and implementation within an economic integration arrangement through case study analysis.
4. Provide recommendations on a harmonised approach to the MACAR enactment and implementation in the TFTA.

1.8 LIMITATIONS AND DELIMITATIONS OF THE STUDY

The limitations of this study relate to the influences that are beyond the control of the study but could affect the outcome of the study. Such influences include limitations that can influence the research methodology and the interpretation of the findings and the conclusion of this study. Studies concerning the MACAR within the context of an FTA are limited, particularly concerning how to enact and implement the MACAR within the African context with its many challenges. As such, the study follows an exploratory strategy of enquiry and it relies on the TFTA REC, the WTO and the EU's MACAR enactment and implementation experience for guidance. Therefore, the limitations as it relates to this study include the sample selection and size, the timing of the study, age of the data, the method employed and the time and financial limitations that will be elaborated on below.

Sample selection

A purposive approach, as opposed to a random or probabilistic approach, was employed to select interviewees for this study. As a purposive approach, the focus is on the selection of interviewees who are most knowledgeable about the phenomenon under review based on the researcher's judgment, such choice is subject to biases. (Saunders, Lewis & Thornhill 1997). Coupled with the researcher's experience in the field under study, and the use of multiple sources of data collection and triangulation of such data, bias was minimised. However, although action taken can in no small extent mitigate against bias, it cannot be disregarded.

Timing of the study

The TFTA is a relatively new FTA that has some outstanding issue, such as a sufficient number of member states that have ratified the agreement, which still needs to be

resolved before it becomes operational. Thus, the dynamic conditions in which the TFTA occurs create uncertainty as to how the TFTA will be shaped over the next few years. This uncertainty impacts on the member states and the RECs as the TFTA MACAR framework relies on practices as applied in the three TFTA RECs. Despite this limitation, the study uses the WTO TBT principles and EU as a reference case to provide the necessary direction.

Time and financial limitations

The study's narrow focus on the MACAR enactment and implementation, together with time allowed to finish this study, as well as funding constraints, do not afford in-depth exploration of the political interest factors, customs and transportation infrastructure which are significant areas for future studies. Nevertheless, the impact of political interest will be recognised where appropriate.

Delimitations

Delimitations deal with the limitations to the scope of the study and explain the rationale for acting or not acting on a particular course of action. The focus of this study is on contributing to the MACAR enactment and implementation by exploring the building blocks for a MACAR enactment and implementation framework to enable a harmonised approach to the MACAR enactment and implementation within the TFTA. The acceptance of conformity assessment results applies in both the voluntary and regulatory domain. The study limited the research to the regulatory domain, which is the domain of government and the area subject to the regional cooperation arrangement policy. The voluntary domains mainly rely on the market and regulatory forces to drive the need and the type of CAP required. Thus, acceptance of CARs does not pose significant challenges in the voluntary domain.

The study acknowledges the work already undertaken on the cost of standards, technical regulations and CAPs as it relates to the effect on trade. As such, this study does not disregard the work undertaken but builds on it to contribute to the MACAR. Furthermore, political interest, customs and road infrastructure affect the MACAR, however, the awareness of the challenges posed by these areas has and is currently being addressed in various studies such and would in future complement the outcome

of this study. It is acknowledged that the readiness of the TFTA Member States, which includes the infrastructure, required skilled human resources, value chain identification and analysis would play a significant role in determining the political will to enact and implement the MACAR. These are significant areas of research in their own right and should be considered for future research.

1.9 RESEARCH METHODOLOGY

The study advocates for a harmonised approach to the enactment and implementation of the regional policy on MACAR, as the guiding framework to facilitating the free flow of goods and services across national borders needed to enable the economic welfare promise of the TFTA. This study, therefore, seeks to explore the answer to the “how” questions relating to the enactment and implementation of MACAR in the context of the TFTA. In particular, it aims to explore how the factors that influence the MACAR’s enactment and implementation could be improved to support a regional economic arrangement. As the research tries to gain a greater understanding and more in-depth insight into the phenomenon under study, a qualitative research approach is deemed most appropriate for this study.

1.9.1 Research design

Through the application of a qualitative approach, this study develops a complex picture of the problem by reporting multiple perspectives and identifying various factors involved. Qualitative approaches use multiple strategies of inquiry such as ethnography, grounded theory studies, narratives, phenomenology or case studies (Creswell 2014). An explanatory case study strategy of inquiry, also referred to as research design, is employed for this study. The case study strategy of enquiry has been selected for its practical design when a holistic understanding of the situation is required, and when not much is known about the area under study (Kumar 2014:155). A case study is predominantly a qualitative study. However, case studies allow the use of many different sources of evidence, which include the analysis of qualitative and quantitative evidence (Kumar 2014:155; Yin 2018:126). Two case studies, namely the TFTA as an embedded case and the EU as a model case, inform the current state and good practice as relevant to the enactment and implementation of MACAR.

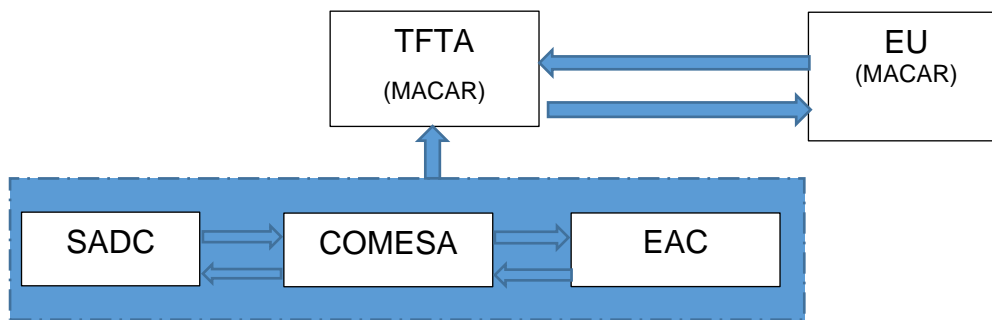
1.9.2 Data collection techniques and instruments

The study adopts a desktop review approach, coupled with semi-structured interviews, in order to provide a general understanding of the factors that prevent and facilitate the MACAR between trading partners. The research design relies on secondary data analysis of information that was already collected for other purposes (Kumar 2014:170); as well as primary data, collected using semi-structured interviews, alongside a review of the literature. The study triangulates the gathered data, as this contributes to the rigour, validity and reliability of the study and its findings (Yin 2018:128).

Before the study can embark on the case studies, it is necessary first to understand the TFTA and its building blocks. The TFTA is a new regional economic arrangement with no evidence of the MACAR experience. However, the TFTA places reliance on the SADC, EAC and COMESA efforts at facilitating the MACAR. The first case study (Case 1) therefore investigates the TFTA MACAR through a single embedded case study, with the TFTA as the case and RECs as sub-units of analysis (See Figure 1.2). The chosen research methodology allows the study to understand the current state of the MACAR administration within the TFTA.

The second case study (Case 2) concerns a review of the current practice that guides the MACAR administration within the EU. The EU case has been approached as a single case. The EU MACAR administration is used as a model case to provide insight into the current state of the MACAR within a fully operational regional economic arrangement (see Figure 1.2).

Figure 1. 2: TFTA and EU case studies on the current state of the MACAR



Source: Author's own: TFTA – EU Comparative case study framework

1.9.3 Analytical techniques and strategies

Yin (2018:175) offers five case study analysis techniques, namely pattern matching, explanation building, time-series analysis, logic models and cross-case synthesis. Furthermore, four general analytical strategies can be identified. These analytical strategies rely on theoretical propositions; working data from the ground up; developing a case description and examining plausible rival explanations (Yin 2018:168). This study relies on a cross-case synthesis analytical technique. The theoretical propositions guide the logic of the research design, data collection and analysis technique (Yin 2018:33). Embracing the techniques and strategy mentioned above and as further discussed below, the study focuses on a comparison of the MACAR strategy in the TFTA and EU.

The caution extended by Sharan (2009), who argues that a weakness of case studies is that researchers are left to their instincts and abilities in the research, and therefore need to be aware of their personal biases that can affect the outcome, has been noted. Personal bias cannot be wholly eradicated. However, through the application of multiple methods of data collection, which will be discussed below, and the conscious retention of an objective perspective throughout the study, the risk of personal bias is mitigated.

1.9.4 Data analysis

Data analysis is a systematic search for meaning (Hatch 2002:148). Two types of data are used in this study, namely secondary data and primary data.

1.9.4.1 Secondary data

Secondary data is information already collected for other purposes (Kumar 2014:170) and secondary data analysis concerns the re-examination of the existing information. Some challenges are faced regarding the use of secondary data, which mainly concern the quality and availability of the data. Thus, in order to safeguard the quality of the secondary data, only articles, books, official minutes, national and international regulations and agreements, web searches, working papers and policies produced by the EU and the TFTA and other international institutions such as the WTO, the World Bank (WB), the Organisation for Economic Cooperation and Development (OECD) and the ISO are consulted. Furthermore, the study consults media recordings, supplemented by articles in academic and professional journals, as a source of information. Data gathered from these secondary sources is analysed and tabulated where applicable, to allow for further scrutiny. Concerning the availability of data, although not much formal research exists on the phenomena under study, sufficient documents are accessible in the public domain.

1.9.4.2 Primary data gathering

To further investigate the observations derived from the two case studies and the literature review, primary data is collected using semi-structured interviews conducted with experts in regional integration and the MACAR. The study initially requires flexibility and freedom to explore the research questions. Such flexibility and freedom is a hallmark of a semi-structured interview (Kumar 2014:137). Therefore, the semi-structured interview is adopted for this study.

1.9.4.3 Semi-structured interviews

Interviews are an interaction between two or more individuals with a particular purpose in mind; which could be face-to-face, or by other means such as video conferencing. A semi-structured interview method of data collection is employed to support the

secondary data and outcome of the case study reviews. Interviews can be expensive and time-consuming, especially in cases where potential respondents are spread over a wide geographical area. Therefore, access to respondents has been arranged using teleconferencing or face-to-face means, as appropriate.

1.9.4.4 Interview sampling methodology

As a sample size for qualitative inquiries depends on what is useful, credible and what can be reasonably achieved within the available time and resource constraints, deciding on the sample size is difficult. To overcome the difficulty of deciding on the sample size, a purposive approach, as opposed to a random or probabilistic approach, is employed to select the interviewees. The purposive approach, also known as judgmental sampling, is a non-probability sample which helps to focus the study on those individuals who are most knowledgeable about the phenomenon under study based on the researcher's judgment (Saunders, Lewis & Thornhill 1997). Thus, the purposive approach does not rely on a representative sample of the population. The purposive approach ensures the optimisation of time and resources as information is obtained from individuals with relevant knowledge and experience. As previously highlighted, time and cost constraint, as well as the need for specialised knowledge, deems the purposive approach appropriate for this study.

The interview sample has been drawn from international, regional and national levels. At the international level, interviews are conducted with subject expert(s) on the EU's New Legislative Framework (NLF). As the TFTA relies on the three regional economic co-operations, EAC, SADC and COMESA, interviews at the regional level are conducted with regional experts involved with the implementation of CA projects on the African continent. Furthermore, experts responsible for quality infrastructure and CA in the three TFTA RECs are also interviewed. Lastly, at the national level, interviews are conducted with senior experts responsible for trade negotiations and CA implementation. The selection criteria of individuals primarily encompass their knowledge and ability to share strategic insight on regional integration and the MACAR within their sphere of responsibility (see Table 1.2).

Table 1. 2: Composition of the purposive sample

Interviewees	Experts	Percentage of total interviewees
EU	2	20%
International Laboratory Accreditation Cooperation (ILAC)	1	10%
International Accreditation Forum (IAF)	1	10%
National Trade Negotiator (SADC, AfCFTA, TFTA)	1	10%
SADC and AU Experts	1	10%
EAC Experts	1	10%
COMESA Expert	1	10%
WTO and TFTA Member States Expert	2	20%
Total	10	100 (rounded off)

Source: Author's own

1.9.4.5 Interviewee qualification criteria

To ensure that the most suitable and reliable interviewees with the most appropriate required competencies are selected, only experts that have a minimum of 5 years' experience and are actively involved in the implementation, consulting or trade negotiations on quality and CA and the MACAR are selected. Table 1.2 depicts the composition of the sample to be interviewed, their expertise and affiliation. Interviews are conducted to corroborate the findings as gathered from the case studies and literature. Ten experts are interviewed, with the interviews lasting approximately one hour. Permission to record the interviews digitally is gained from each interviewee.

1.9.4.6 Data analysis

This study employs a data triangulation method. Triangulation collects and analyses data about a phenomenon through multiple theoretical perspectives/procedures/methods, sources of data, investigators or theories, to converge on an

accurate representation of that particular reality (Brink 2003:215). Data triangulation entails the comparison of qualitative data reviewed by using more than one method to gather the data. The sources of data gathering for this research are case studies, documents, archive material and interviews, thus supporting the use of data triangulation that converges on an accurate representation of the phenomenon under investigation.

1.9.4.7 Reliability and validity

Accuracy and validity of information gathered are paramount to the trustworthiness of the study's outcome. Kumar (2014:173) warns that the quality of data collected is determined by how well the purpose and relevance of the study are explained and understood by the potential respondents. Furthermore, Richie and Lewis (2003) highlight that unbiased sample design and selection, systematic and comprehensive analysis and interpretation supported by evidence should be observed in the process of data collection. Therefore, the study attempts to incorporate all the principles of reliability and validity throughout the research.

1.9.5 Ethical considerations

The principles of respect, dignity, justice, fairness and integrity inform the ethical considerations of this study. Misusing information may introduce bias. Therefore, to guard against the possibility of bias as a result of misusing information, the study ensures that the sources are accurately quoted and recognised in line with the University of Pretoria's guidelines. Consent was obtained from all interviewees through the signing of a consent form. Permission to record proceedings has also been sought from each interviewee. All information obtained from the interviews is treated as confidential. Furthermore, all interviewees are notified of how the information obtained through the interviews will be used. The interviewees' consent is sought for all matters that might infringe on their rights concerning this study. In line with the University of Pretoria's guidelines, ethical clearance has been sought and approved by the Faculty of Economic and Management Science's Ethics Committee before undertaking the required interviews.

1.10 CHAPTERS OUTLINE

The research study comprises six chapters, as discussed below.

1.10.1 Chapter One: Introduction and background

Chapter One presents the introduction to the study, followed by a general background, which places the study in the context of developments concerning CA in Africa. The chapter further introduces the TFTA and the TBT with a particular focus on CAP as a TBT and places the study within the discipline of PA, IPA and IE. The discussion then moves to introduce and elaborate on the motivation for the study, the limitations and delimitations, the problem statement, the research question, the objectives of the study and the research methodology. The chapter concludes by extensively clarifying the concepts and terms used in this study before it presents the chapters' outline and conclusion.

1.10.2 Chapter Two: Literature review

Chapter Two is presented in two parts. The first part addresses the literature review within the discipline of Public Administration, particularly IPA, borrowing concepts from IPA and IE. The section covers the definition of Public Administration then explores the internationalisation of Public Administration through a review of the study's relevant approaches and theories, as well as dealing with the policy process to provide context for the MACAR in Public Administration. The second part of the chapter focuses on the enablers and impediments to MACAR and developing the building block for a conceptual framework, to guide the chapters that follow. It also incorporates a review of previous research studies undertaken concerning CA.

1.10.3 Chapter Three: Presentation of case studies

Chapter Three presents the EU Case Study, followed by a presentation of the TFTA as an embedded case. The chapter explores the enactment, implementation and management of the EU's CA system against the conceptual framework developed in Chapter Two to review how the EU has addressed the various issues identified. The second case covered in the chapter is the TFTA, which includes the three RECs, SADC, the EAC and COMESA, as well as the TFTA Agreement section and

annexures relating to the CA. The TFTA case is reviewed to determine the current state of MACAR within the TFTA.

1.10.4 Chapter Four: Case study comparison and findings

Chapter Four focuses on the comparative analysis of the EU and the TFTA, augmented by the analysis of the semi-structured interviews. The section concludes with a presentation of the findings derived from the comparative analysis.

1.10.5 Chapter Five: Discussion of the policy enactment and implementation context for MACAR in the TFTA

Chapter Five presents the discussion based on the findings and supported by the data generated from the semi-structured interviews, within the context of the TFTA. The chapter concludes with the elements and critical considerations for the TFTA MACAR Framework as input to Chapter Six.

1.10.6 Chapter Six: Conceptual Framework, recommendations and conclusion

The final chapter constructs a MACAR enactment and implementation framework for the TFTA and its member states. The framework is explained and recommendations and suggestions for further research for the implementation of the framework in the TFTA and the member states are outlined. The chapter provides an overview of the contribution of this study.

1.11 CHAPTER SUMMARY

The TFTA holds much promise for a better life for its member states' citizens if the free flow of goods and services amongst the member states can be facilitated. While the MACAR may face many challenges, addressing the MACAR enactment and implementation is crucial to the TFTA attaining its economic welfare gain objective for its member states.

This study focuses on the enactment and implementation of the TFTA policy within CA by identifying and exploring avenues to address the factors that influence the MACAR within the context of a regional economic arrangement. Due to the multi-level nature

of the study, it explores the good practice in administering the MACAR enactment and implementation. Through identifying and exploring good practice, the study develops and presents a suitable Afrocentric conceptual framework to harmonise the MACAR enactment and implementation within the TFTA. The following chapter is divided into two sections. The first focuses on the literature review, embedding the study within the discipline of Public Administration, and the second presents the conceptual framework that guides this study.

CHAPTER TWO: LITERATURE REVIEW

2.1 INTRODUCTION

Chapter Two conceptualises this study within the domain of Public Administration as it relates to the internationalisation of public administration as both a discipline and a field of practice. The desire for Africa's economic liberation and increased economic welfare, through increased inter-African trade, is a strategic imperative with many opportunities and challenges. With less than 20% intra-African trade and more than 80% trade flow with the rest of the world, there are important roles for international public administration, international economics, public administrators, the states, national governments, the private sector, donors and national citizens to play.

The TFTA introduces a complex structure of national, regional and supranational arrangements. These arrangements include the nation-states, the RECs (EAC, COMESA and SADC) and the TFTA arrangement with its institutional arrangements. Regionalisation and cross-border cooperation, as introduced by the TFTA, have caused national borders to fade, thus leaving the traditional national focus of the study of Public Administration exposed to a more open economy. Hence, regionalisation and cross-border cooperation influence domestic matters, specifically the enactment and implementation of regional policies.

The exposure of public administration to a more open economy introduced significant challenges for the study of Public Administration as a discipline and public administration as a field of practice. The challenges relate specifically to defining the boundaries of Public Administration, and to the narrow national focus of the public policy process. Therefore it is prudent to identify the appropriate level of analysis to focus the study. Such clarity will help set the boundaries for the study. As mentioned in Chapter One, the discipline of Public Administration relies on other disciplines such as International Public Administration and International Economics, which will form part of the analysis of this study.

Conceptualising the MACAR and a regional economic arrangement within the discipline of Public Administration requires an understanding of the study of public administration, International Public Administration and the associated theories, as well as the researcher's lens through which the study is viewed. Due to the focus on policy enactment and policy implementation, a review of public policy, public policy-making, policy enactment and implementation are addressed in order to provide context for the MACAR policy enactment and implementation framework for the TFTA. This chapter seeks to address the challenges posed by the complexity of the TFTA, grounded within the discipline of Public Administration.

2.2 THE STUDY OF PUBLIC ADMINISTRATION

As defined in Chapter One, Public Administration can be approached from an academic perspective which advances the study of the activities of government associated bodies that are administrative, or from a public administration perspective which focuses on the study of generic functions in order to advance government's objectives. There are many theoretical approaches to the practice of public administration. Rosenbloom and Kravchuk (2009) provide a functional grouping of the theoretical approaches, advancing three main theoretical approaches which influence the understanding of the practice of public administration. They identify the managerial approach, the political approach and they argue that at the centre of these three competing approaches, public administration is located. The section below provides a brief overview of the approaches to the discipline of Public Administration, to highlight the distinct views and values from which the discipline can be approached and to provide clarity on the approaches which influence this study.

2.2.1 Approaches to Public Administration

The managerial approach to public administration, which mainly grew out of the civil service reforms in the United States of America, theorises that governments' business should run on sound business principles (Rosenbloom 2004). The managerial approach is widely influenced by Wilson's (1887) separation of administration from politics. It considers public administration as a field of business in the interest of maximising effectiveness, efficiency and economy. Wilson's (1887) argument is that

government should do what government can do, correctly and successfully, with maximum efficiency. The managerial approach, therefore, theorises that public administration should focus on maximising efficiency, effectiveness and economy, and assimilating practices similar to those in the private sector. In doing so, it assigns attention to functional specialisation in the organisational structure and relies on the hierarchy for effective coordination (Hood 2004).

The desire for transparency and collective administrative decision-making is crucial for maintaining constitutional democracy and has led to the political approach. Emerging out of the aftermath of World War II, and led by Appleby (1949), the political approach advocates representativeness, political responsiveness and accountability through elected officials to the citizenry (Rosenbloom 2004:448).

The legal approach to public administration emerged from three interrelated sources, namely; administrative law, judicialisation of public administration and constitutional law. Rosenbloom (2004:452) states that the legal approach to public administration is built on three fundamental values of procedural due process, individual substantive rights and the judiciary values equity. Procedural due process encapsulates fundamental fairness, which requires procedures designed to protect people from government’s harmful and unlawful actions. The individual substantive rights seek to safeguard people from infringements by official administrative actions upon their substantive constitutional rights. Judiciary values equity stands for fairness in conflicts between private parties and the government. Table 2.1 presents a summary of the origin and value of each of the three approaches to Public Administration.

Table 2. 1: Approaches to Public Administration

	MANAGERIAL APPROACH	POLITICAL APPROACH	LEGAL APPROACH
ORIGIN	Civil service reform Scientific Management	The New Deal World War II	Administrative law Judicialisation
VALUE	Effectiveness Efficiency Economy	Representativeness Responsiveness Accountability	Procedural due process Individual rights Equity

Source: Moon, Lee and Roh (2012)

The approaches, as discussed above, are generally framed within the context of a nation-state. As for the TFTA Member States, the political approach that focuses on transparency and inclusivity of citizens in the decision making, speaks to the appropriateness of the actions required for policy enactment and implementation at the national level. However, the multi-level, cross-border nature of this study requires further exploration of other approaches that can accommodate the nature of this study. The internationalisation of public administration has led to the study of IPA. The discipline of IPA, triggered by various phenomena such as globalisation, international law and regional integration efforts, requires an understanding of the evolution of the discipline, especially as IPA relates to the interaction between national, regional and international administrative systems. As well as the impact of internationalisation on the traditional nationally focused public administration.

2.3 THE EVOLUTION OF IPA

IPA concerns the administration of world affairs, which include regions and sub-regions through international public institutions that make continuous cooperation between states possible (Haas 1974:272; Marume 2016:2). As mentioned in Chapter One, Haas (1974:273) defines IPA as “[the] activity of individuals or groups wherein they implement or prepare to implement decisions that affect other states or institutions in the world polity”.

The presence of IPA within the context of this study is evident through the international and regional institution’s influence on the national policy-making process. The WTO and its TBT Agreement’s influence stretches across regional and national policy enactment, implementation and management and thus exerts an influence on regional and national matters. As previously stated, in the context of the TFTA, a unique feature of the TFTA is the incorporation of RECs as members. Within the TFTA arrangement, the REC imposes specific requirements on its members. These requirements are captured in the relevant REC agreements concluded with its members. Regionally, the WTO, the TFTA and the TFTA REC institutions affect the national policy enactment, implementation and management through their agreements and associated annexures. For instance, the TFTA Agreement Article 21 and Annex 8 (TFTA 2015),

the SADC Trade Protocol, the TBT Annex 8, the COMESA policy on standards, metrology, CA and accreditation, (COMESA 2009) and the EAC protocol on standardisation, quality assurance, metrology and testing (SQMT) set out specific requirements regarding CA with which the member states must comply. Therefore, IPA defines the boundaries of this study and thus requires an understanding of approaches and associated theories of IPA relevant to this study.

2.3.1 Approaches to IPA

The TFTA as a regional arrangement allows nations with shared objectives, such as welfare creation for their citizens, to voluntarily commit to the requirements as set out in the TFTA Agreement. The question is “what approach to IPA is associated with the TFTA?” Three approaches to IPA of relevance to this study can be found in the literature. The identified approaches are Comparative Public Administration (CPA), New Public Management (NPM) and Governance. The three approaches link to the objectives of this study by firstly exploring the lens through which this study is approached, and secondly determining best practice against which the TFTA MACAR objectives can be compared. The section below explores the three approaches in Public Administration.

2.3.1.1 CPA

As a branch of Public Administration, focusing on the comparative analysis of administrative processes and institutions, the origin of CPA is still unclear. Nonetheless, it is safe to say that Public Administration has been around since the inception of the government. The end of World War II, imperialism and colonialism brought about the emergence of newly independent states in Asia and Africa and ignited the interest in CPA. Many definitions of CPA exist in the literature. Jreisat (2002:834) defines the purpose of CPA as “the study of administrative concepts and processes across organisations, nations and cultures”. Although the evolution of CPA was not always consistent, many authors highlight the importance of CPA to the study of Public Administration. As an example, Otenyo et al. (2006: XXI) claim that comparative methods are central to the practical and academic aspects of Public Administration. They further claim that scholarship cannot be scientific if Public

Administration lacks a comparative dimension. Riggs (1991) elaborates on this by claiming that to understand cause and effect relationships and achieve predictability, all systems of government require comparative methods. A general appreciation for the contribution of CPA to Public Administration can be found in the literature. By way of example, Fitzpatrick, Goggin, Heikkila, Klingner, Machando and Martell (2011:821) claim that CPA has fundamentally influenced the teaching methodology of public administration and improved the policy implementation challenges introduced by globalisation. However, despite the optimism, critics' claim that CPA lacks focus and is disjointed. They further claim that there is no agreed way of studying CPA.

Although much work had been done to find an overarching CPA theory, it still evades discipline and as such, researchers perform a comparative analysis without reference to a theory (Pollitt 2011). However, two frameworks, namely functionalism and neo-institutionalism, have found relevance within CPA. According to Heady (2006), the underlying analytical framework known as structural functionalism is the most generally accepted. The structural-functionalism framework posits that structures or institutions perform functions and activities and priority can be given to either function or activity as the subject of analysis (Otenyo & Lind 2006:67). It asks the question, "what is an institution and how does the institution perform its functions?" The functionalist analysis, as developed by Almond (2003), provides six functional breakdowns as follows (Heady cited in Otenyo & Lind 2006:68):

- i) Interest articulation: formulation of demands.
- ii) Interest aggregation: a combination of demands in the form of alternative courses of action.
- iii) Rule-making: formulation of authoritative rules.
- iv) Rule application: application and enforcement of the rule.
- v) Rule adjudication: adjudication in individual cases of applications of the rules.
- vi) Communication: both within the political system and between the political system and environment.

Critics highlight that the weakness of these six functional breakdowns, as listed above, is traditionally related to policy-making rather than policy execution. In the neo-

institutional framework, the state is defined as more than the government and society. The neo-institutional framework places emphasis on the state and its institutions that share five interrelated characteristics, namely i) taking action, ii) holding distinctive values; iii) having a history; iv) sharing organisation cultures, and v) maintaining power structures.

Notwithstanding the weaknesses of CPA and with the understanding that there is no agreed way of studying CPA, the study focuses on the contribution CPA can make to achieving the aims of this study. In particular, the study accepts Jreisat's (2002) assertion that not only does CPA recognise similarities and differences amongst administrations and functions, but also establishes general patterns and discovers and defines successful and unsuccessful practices compared to the administration.

2.3.1.2 The NPM approach

Originating in Western European countries, Australia and New Zealand, NPM is promoted by the OECD and the World Bank (WB). The OECD and the WB became influential ambassadors for the advancement of NPM and encouraged countries to adopt the NPM principles. The NPM principles encompass contracting out, decentralising, granting considerably more discretion to managers, increasing citizen or customer choice, as well as deregulating and organising for the completion of determined effective outcome measures (Frederickson et al. 2012:128). As a result of these principles, NPM became very influential in the practice of public administration. Within the context of this study, it could be argued that the principles of NPM allow for greater freedom in decision-making, and decentralisation of powers to achieve the objectives of the welfare creation objective of the TFTA most efficiently and economically, and thus would be a suitable approach for the TFTA. However, despite NPM's broad international favour, critics of NPM cast doubt on its long-term efficiency and its sustainability, claiming that NPM can result in only a selective and short-run efficiency increase. They further argue that NPM is negatively associated with fairness, equity or justice and seldom reduces costs (Frederickson et al. 2012:116). Responding to the suitability of NPM to address the global paradigm, Hood (2004:513) concludes that NPM as a global paradigm is overstated. Such weaknesses in the

internationalisation of public administration have led to the shift for public administration to public governance. The Governance approach signifies a change in the meaning of government as a new method by which society is governed.

2.3.1.3 Governance approach

The word governance originates from the Latin verb “*gubernare*” and the Greek word “*kybernan*” which means to steer or direct (Bell & Hindmoor 2009:1). Various derivatives of the definition of governance exist. Kjaer (2004:3) states that the Governance approach includes the public sector (state actors and institutions), the private sector (households and companies) and civil society (non-governmental organisations), working together in the process of governance. Stokes (1998:17) attempts to summarise the general agreement on the definition, stating that “Governance refers to the development of governing styles in which boundaries between and within the public and private sector have become blurred”. Stokes further highlights that in governance, governing mechanisms are not subject to recourse and sanctions of government. Closer to Africa, the African Development Bank (AfDB) defines good governance as a process that refers to how power is exercised in the management of the affairs of a nation and the nation-state’s relationship with other nations (AfDB 1999). Thus, governance at the national level is influenced by rules, obligations and norms from the international levels and therefore, national governance needs to be understood within the context of the international rules and obligations that influence national governance. Such an assertion gives credence to the consideration of the governance approach for the TFTA Member States due to their commitments under the WTO, the TFTA and the various RECs of which they are members.

The literature identifies various types of governance. Two types of governance, namely Multi-Level Governance (MLG) and State-Centric Governance, align themselves with the aim of this study. The question that arises is, which one of the types of governance is reflected in the administration of the TFTA. The following section compares the two types of governance to identify the type applicable to the TFTA.

2.3.1.4 Multi-Level Governance

The political scientists, Gary Marks and Liesbet Hooghe (1993) are credited with the conceptualisation of “multi-level governance” (Bache & Flinders 2015:13). Mark’s MLG primarily focused on the changing dynamic of intergovernmental relations in Europe. Many definitions of MLG can be found in the literature. However, there appears to be no commonly accepted definition. One common denominator highlighted by the scholars on MLG is that MLG describes processes of the relocation of authority away from central states (Bache & Flinders 2015; Hooghe & Marks 2003; Jessop 2004). A descriptive definition offered by Hooghe and Marks (2003:3) states that MLG is a dispersion of authority away from central government to a supranational level (upwards), to subnational jurisdiction (downwards) and sideways to public/private networks. Bache and Flinders (2004) take a different view of the definition of MLG by focusing on common strands of multi-level governance. They present the four strands as follows:

- i) the tendency to increase the participation of non-state actors over time in governance functions;
- ii) the proliferation of overlapping decision-making networks engaged in such functions;
- iii) the change in the role of the state from commanding and controlling to steering, coordinating and networking; and
- iv) the challenges MLG confronts in assigning responsibilities and in exercising democratic accountability in governance.

According to Hooghe & Marks (2003), the MLG model does not rule out the importance of the state executive in the policy process and does not confront the sovereignty of the state. However, the model sees the state executive as only one amongst a variety of actors in the polity. Thus the state is not the sole link between the national and intergovernmental bargaining in a multi-economy arrangement. Hooghe & Marks (2003), highlights the role of other role-players, stating that a multi-level policy network supports MLG. In other words, in a system of MLG, control, influence or regulation are shared by actors at different levels of the policy network, rather than by the state

executives only. Although no broad consensus on the views of MLG exists, MLG appears to be a possible model to embed the TFTA governance structure. However, despite the attraction of MLG, Jordan (2001:201) highlights some weaknesses of MLG as follows:

- i) MLG falls short on both theoretical and empirical grounds;
- ii) MLG is not a new theory but an amalgamation of existing theoretical statements;
- iii) MLG lacks a set of testable hypotheses;
- iv) MLG overstates the autonomy of subnational actors even in policy areas;
- v) MLG adopts a top-down view of subnational authorities assumed to passively accept power handed down to them, rather than fighting through national channels to achieve it for themselves; and
- vi) MLG ignores the significant international level interaction (Jordan, 2001:201).

Furthermore, Bell and Hindmoor (2009:39) predict that MLG is unlikely to be a stable equilibrium, as a sound constitutional framework does not underpin it. Despite the attraction of MLG, in the context in which this study is placed as it relates stakeholders' participation, the weaknesses make MLG a less ideal approach for this study. In particular, underplaying the international level interaction such as the WTO and the disempowerment of subnational authorities, as well as the uncertainty that exists regarding the theoretical and empirical grounds of MLG, requires an exploration of the State-Centric Governance approach.

While MLG is put forward as an alternative to State-Centric Governance, Bell and Hindmoor (2009:2) contend that governance strategies are much older than claimed. The same authors highlight the difference between MLG and the State-Centric Governance approaches, stating that as opposed to MLG, which posits that the role of government is to steer, coordinate and network. The State-Centric Governance approach asserts that the state retains control over arrangements through choosing new policy goals and learning to attain them in different ways. Thus, within the State-Centric Governance approach, governance arrangements are primarily created and orchestrated by the state to aid governing society. Accepting that a State-Centric

Governance model may have more relevance to the outcome of this study, the following section of the study explores the State-Centric Governance model to explore its significance to this study.

2.3.1.5 The State-Centric Governance model

The State-Centric Governance model posits that institutions serve at the behest of the state and that the state is the ultimate controller, influencer or regulator. Furthermore, where required for a particular policy goal, the state might release limited powers to the supranational bodies that can aid such policy goal attainment (Bell & Hindmoor 2009:6). To summarise the State-Centric Governance view, Bell and Hindmoor (2009:7) personalise the State-Centric Governance view as “a state executive that controls the overall direction of policy-making at the regional level constrained by political interest nested within an autonomous state area that connects subnational groups to the regional affairs”.

In order to clarify what is meant by ‘the state’, the Global Policy Forum (GPF) places the state as superior to government, indicating that the state is the means of rules over a defined or sovereign territory (GPF 2017). Max Webber’s definition supports the claim that the state is more than a government, describing the state as a compulsory political organisation with a centralised government that maintains a monopoly on the legitimate use of force within a defined territory. Bell and Hindmoor (2009:2) provide insight into the structure of the state, contending that the state comprises of government and the broader set of agencies and public bodies. In elucidating the core characteristic of the state, which focuses primarily on the state’s sovereignty, Poggi (1990:21) posits that:

- i) The controlling organisation is a state in so far as it is sovereign.
- ii) The state claims and if necessary is willing to prove that it owes to no other power its control over the population in question.
- iii) The state responds to no other organisation for the modalities and the outcomes of that control.
- iv) The state exercises that control on its account, activating its resources, unconditionally.

- v) The state does not derive its control from or share it with, any other entity.

Marks, Hooghe and Blank (1996:4) support the list of characteristics. However, they single out sovereignty as the core characteristic of the state. The decision to join and participate in an integration process rests with the state. In deciding to join and participate in an integration process, the state voluntarily limits its sovereignty. Intentionally limiting sovereignty appears to hold for the members of the TFTA. As members, it is expected of them to abide by the decisions made within the TFTA structures. The theoretical perspective, as applied in this study, therefore, influences the approach to analysing the IPA and MACAR. As stated earlier, the study covers a multi-level arrangement which encompasses international relations (IR). Thus, IR perspectives will be further explored.

The Marxist, liberalist and realist perspectives are the dominant perspectives in the study of IPA, particularly IR, which may provide insight into the various aspects from which the phenomena can be viewed. The different perspectives identified above focus on different levels of discussion. These levels are the state, the dominant classes in society and the individual. Marxism sees the economic class as the most important factor and is thus the primary unit of analysis. Realism focuses on the state as the critical unit of analysis. Liberals extend their unit of analysis to both the state and individuals. The three perspectives also provide clarity on the aspect of national interest, which is essential for this study. Marxism departs from the same theory as liberalism, positing that the state is motivated by maximising welfare. Contrarily, the two differ when the allocation of wealth gain is identified. According to the Marxist view, the state is just a structure which represents the interest of the dominant classes in society. Thus, wealth should benefit the dominant classes. Liberals, on the other hand, believe that although not everyone would benefit from the wealth created by trade, the country as a whole is the beneficiary of such wealth. The realist sees the state as motivated by power maximisation.

2.3.2 Theories of IPA

As stated in Chapter One (Section 1.10.20), Hass (1974:273) defines IPA as “the activity of individuals or groups wherein they implement or prepare to implement

decisions that affect other states or institutions in the world polity". The theories and approaches to IPA are drawn from IR and IE. These include theories of Liberal Inter-governmentalism, Neo-functionalism and approaches to CPA, NPM, Governance, MLG and State-Centric Governance. Each of these theories and approaches applies to this study, due to the TFTA's multi-level nature, which requires clarity of the lens through which the study is viewed. The following section discusses each of the identified theories and approaches as they relate to this study.

2.3.2.1 Liberal Inter-governmentalism

Pioneered by Hoffman in the 1960s, Inter-governmentalism maintains that integration flourishes when all parties' gain can be guaranteed. However, the integration will stall if the national interest of one or more of the member states directly conflicts with that of the other members. In the 1990s, Moravcsik (1993:480) devised the concept of Liberal Inter-governmentalism (LI) in response to the new European reality of the 1990s. In LI, the domestic interest as influenced by various interest groups, informs the government's agenda in the regional bargaining process. Therefore, LI sees regimes such as TFTA as an international regime of 'policy coordinators' rather than a centralised authority making enforcing policies and political decisions (Moravcsik & Schimmelfennig 2013) and the nation-state as achieving its goals through intergovernmental negotiations and bargaining.

Although the LI theory could be closely aligned to the TFTA with the TFTA Member State governments playing the leading role in the TFTA negotiations and national policy implementation, the LI theory has its detractors. Rational choice critics advance that LI cannot explain everyday decision-making and is narrowly limited to treaty-amending decisions and that other theories are more suitable for the day-to-day decision-making in between treaty amendments (Rosamond 2000, Wincott 1995). The shortcoming of the LI theories as mentioned above, may influence the TFTA as policy enactment and policy implementation is the responsibility of the national public administration and therefore requires theories for the day to day decision making. The following section explores another IR theory, namely Neo-functionalism, for its relevance to the aims of this study.

2.3.2.2 Neo-functionalism

In 1958, Eric Haas formulated Neo-functionalism. Neo-functionalism was most influential in the formulation stages of the EU integration process (Moravcsik 1993:473). The main thrust of Neo-functionalism is the pooling of national sovereignty on issues of common interest leading to “spill-overs” to related policy. The spill-over is a process describing how regional integration evolved in the area of economic integration. Koos (2011:93) summarises the Neo-functionalism approach as building on the desire to facilitate cooperation amongst states, reduce transaction costs and provide rules for making it safe for nation-states to surrender their sovereignty. The functionalism approach posits that:

- i) people have a strong desire for more welfare, and the state is responsible for assuring human fulfilment;
- ii) political power should be separated from the technical sphere where welfare issues are treated;
- iii) science will push back the boundaries of power as it will increasingly show more common interests while harmonising the divergent ones;
- iv) peace is not static;
- v) people are kept apart, but active; and
- vi) human beings can and do maintain multiple identities. This new function creates new loyalties; function precedes form, functional spillover is the mechanism through which the integration process maintains and fuels further integration.

Functionalism recognises the role of the domestic institutions and interest groups. Figure 2.1 below depicts the differences between Neo-functionalism and LI to further the discussion on the suitability of the approaches to the aim of this study.

Figure 2. 1: Neo-functionalism vs Liberal Intergovernmentalism



Source: Adapted from www.hum.port.ac.uk

The complexity of the TFTA arrangement places a high reliance on RECs and the nation-states. As policy enactment and policy implementation responsibilities reside within the nation-state, the national interest can significantly influence the MACAR enactment and implementation. As the highest decision-making body within the TFTA is the Head of State, supported by the Council of Member States' Ministers of Industry and Trade (however named), decision-making power still resides with the member states that voluntarily sign the TFTA Agreement. Therefore the State-Centric Governance approach and LI theory guide this study. Within the TFTA, the nation-state remains the primary decision-maker and the REC and TFTA institutions serve at the behest of the nation-state. As one of the main objectives of the TFTA is economic welfare for its members, the economic aspect of the TFTA's regional integration nature is important and will thus be explored.

Building on the preceding sections, the following section explores international economics (IE) as it relates to this study. The section aims to reinforce the view that this study explores and the international trade aspect of IE. The section thus provides a historical overview of IE, as well as how IE, particularly international trade, relates to regional integration and the nation-state.

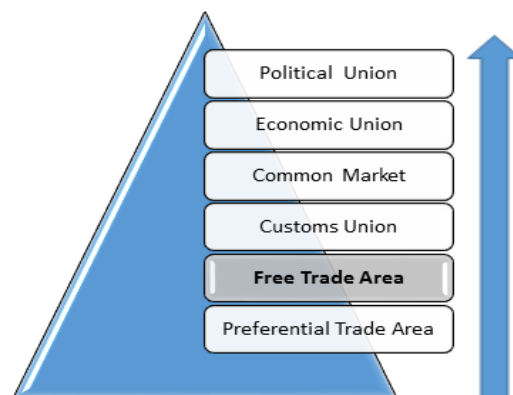
2.4 EVOLUTION OF IE

IE captures aspects such as international trade, international finance, international monetary economics and international political economy. This study is concerned with the international trade aspect of IE. International trade encompasses the flow of goods and services across national borders from supply to demand factors, with a focus on intra-regional trade within the context of a nation-state within an FTA.

2.4.1 IE and regionalisation

The literature on IE, particularly international trade theory as applicable to regional integration, advances that regional integration takes on many forms, from basic integration to the most complex integration. The levels of integration are identified as preferential trade area, FTA, customs union (CU), common market, economic union and a full political union (Hill 2014:257). This study focuses upon the second level of integration, namely an FTA, as depicted in Figure 2.2 below.

Figure 2. 2: Levels of regional integration



Source: Author's own

An FTA allows for the removal of all barriers to trade goods and services amongst members. The ideal FTA does not permit discriminatory tariffs, quotas, subsidies, or administrative impediments to distort trade between members. However, it allows members to determine their trade policies with non-members (Hill 2014:257). An FTA aims to increase member states' wealth. The international trade theory states that free

trade will improve the welfare of trading partners if trade creation outweighs trade diversion. That is, free trade agreements may increase or diminish a country's welfare, depending on whether it creates new trade patterns based on the comparative advantage of diverting trade from more competitive non-members to the FTA. Also, as posited by the IE theory of second best, if all conditions required to maximise welfare cannot be attained, meeting most does not necessarily lead to the second-best position. Thus the nation-state risks not benefiting from the FTA arrangement if the conditions that lead to an increase in welfare are ignored. The condition mentioned above for free trade does not detract from the aim of welfare creation but presents practical considerations to ensure that the intentions of wealth creation are realised.

2.4.1.1 IE and the nation-state

It appears that an FTA philosophy follows the liberalist “worldview”, positing that the state is motivated by maximising welfare. The study accepts that the liberal perspective is closely aligned with the level of integration aimed at welfare creation. Therefore, the unit of analysis highlighted by the liberalist view as the nation-state informs the “worldview” of this study.

Figure 2. 3: Liberalist view and the nation state



Source: Author's own. Compiled and adapted from data on liberalism worldview (Kooos 2011)

The preceding sections highlighted the internationalisation of public administration in which this study is grounded. They concluded that for the TFTA, the nation-state is the ultimate controller, decision-maker and that IPA as a practice serves at the pleasure of the nation-state. As alluded to by Birkland (2005), the importance of the regional policy-making process suggests that it is essential that the policy environment is taken into consideration within the policy enactment and implementation focus of this study. The following section thus explores public policy within the context of this multi-disciplinary study.

2.5 PUBLIC POLICY IN IPA

This section analyses public policy within the context of the MACAR for the TFTA. The study aims to provide advice through the development of a conceptual TFTA framework for the MACAR in the TFTA. This section also provides context for the TFTA MACAR framework in Public Administration.

Public policy is at the centre of the relationship between the state and its citizens' welfare. Birkland (2005:18) argues that public policy's scope extends beyond the common understanding that public policy is limited to laws and rules and that it is a broader sweep of politics. The same author states that finding a precise definition of public policy is a fruitless exercise, and he proposes that one should instead adopt a definition that makes the most sense in a particular context. Various authors have developed definitions of public policy (Cochran, Meyer, Carr and Cayer 2009; Peters 2015). However, it is the simplicity of Dye's (2013:3) definition that makes the most sense within the context of this study. Dye (2013:3) defines public policy as the study of what government chooses to do or not to do. Thus, for this study, public policy can be viewed as what the government decides to do in providing, enacting and implementing solutions, to enhance the welfare of its citizens.

2.5.1 Policy-making process

Although various models exist to depict what government does, such as Kingdon's theory of streams, the advocacy coalition framework and the punctuated equilibrium

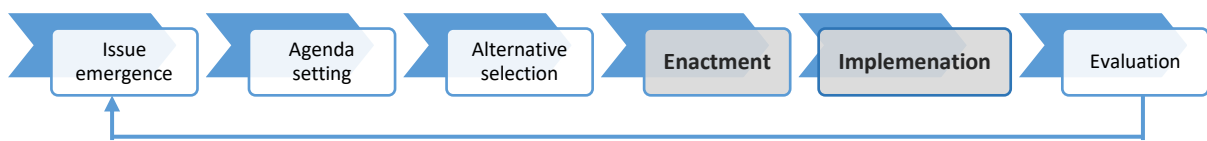
theory (Birkland 2005), it is within Easton's stage model of policy-making that this study finds inherent simplicity. Traditionally, policy-making models have been applied within a national context. However, the internationalisation of public administration as seen in the TFTA stretches across national borders. It thus requires the study to adapt Easton's stage model outside its narrow national boundaries for the global and regional levels. The stretching of the model is necessary to expose the multitude of actors and authority structures involved in the policy-making process. Furthermore, the broader policy environment in which such policy-making occurs could influence the policy process. Birkland (2005) identifies the features of the policy environment as structural, social, political and economic systems in which policy takes place. These environments are influenced by or can influence the policy, and therefore might influence the acceptance or rejection of MACAR. The TFTA and Africa's policy environment will be explored in the following chapters.

Public policy-making within a regional realm extends across national borders without a government assuming responsibility or authority over the subject of policy-making (Balboa & Deloffre 2015). Stone (2008) notes that the global realm of public policy-making "[is] one where authority is more diffuse, decision-making is dispersed and sovereignty muddled". Contrary to the assertion made by Balboa et al. (2015) that in the global realm, the policy-makers focus should be on governance rather than the government, the nation-state viewpoint chosen for this study places the nation-state at the centre of decision-making within the regional arrangement. Thus, the decision is made through the State-Centric Governance approach with the view from a liberal Inter-governmentalism perspective. As such, decision-making becomes a matter of compromise that could lead to a less than ideal policy which governments need to enact. Furthermore, during the policy-making process, non-governmental institutions and role-players from influential lobby groups to influence the policy and the policy-makers, to ensure that their concerns will be addressed.

As previously highlighted, IPA consists of international organisations that transfer power across levels of government through their autonomous bureaucratic structures acting relatively independently of decisions from member states (Reinalda 2013, Trondal 2016). According to Trondal (2016:2), international public administrators are

rule makers and sometimes rule implementers. This is evident from the role of the WTO, setting binding rules and requirements on its members, and RECs such as the TFTA. The TFTA Member States are subjected not only to their international commitments but also in the case of the TFTA, to the requirements of the TFTA Agreement, as well as their RECs' requirements. These commitments introduce various role-players that are involved in the policy-making process.

Figure 2. 4: The stage model of the policy process



Source: Birkland (2005:225)

According to the stage model of policy-making, the actions of government include the identification of emerging issues (also referred to as problem definition). During the issue emerging stage, problems that concern the government and that impact on society are identified. The agenda-setting defines the stage where the problem becomes part of the government's action agenda; considering alternative selection forms the next stage. The preceding processes have been put into action with the signing of the TFTA Agreement. The TFTA policy enactment and the policy implementation processes are currently the remaining challenges for the full operationalisation of the TFTA Agreement. As of May 2019, only two of the 22 member states have enacted the TFTA through the necessary governmental ratification process. The TFTA requires 14 member states to ratify the agreement through its governmental processes before the TFTA Agreement becomes operational. Judging from Africa and the TFTA REC's slow progress in enacting and implementing the REC Agreement requirements concerning CA, the implementation of the MACAR policy requires attention.

The following section expands on policy enactment and policy implementation as the focus of this study. However, the policy-making process, specifically policy enactment and policy implementation, occur within a policy environment which can influence the policy processes. The following section firstly expands on policy-making and the policy environment. Secondly, the section elaborates on policy enactment and policy implementation. Thirdly, as the study seeks to learn from MACAR policies implemented by others, the section explores comparative public policy analysis and lastly concludes with identifying the regional policy-making players.

2.5.2 The policy environment

Birkland (2005) identifies the features of the policy environment as the structural, social, political and economic systems in which policy takes place. These environments are influenced by or can influence the policy, and therefore might influence the acceptance or rejection of MACAR. The TFTA and Africa's structural, social, political and economic environments introduce some unique African features to the MACAR. Such features include the TFTA Member States belonging to more than one REC, or different levels of development of member states, etc. The environments' impact on the MACAR will be further discussed in the second part of this chapter.

2.5.3 Policy enactment

Policy enactment is also referred to in some derivatives of Easton's stage model as the adoption or legitimisation stage. Policy enactment is a "dual process of policy interpretation and translation by a diverse range of policy actors across a wide variety of situations and practices" (Singh, Heimans and Glasswell 2014:826). The enactment stage influences the public and therefore, cannot ignore the requests and demands of the public (Anderson 1984:63). In the policy enactment stage, the policy takes on the force of law or political activity through various mechanisms of governmental authority.

Policy interpretation concerns an initial reading and making sense of or finding the meaning of policy text. Translation suggests a rereading of policy and enacting policy in and through talks, plans, meetings, lessons or websites. Enacting policies is a process and not an event. In this process, some policy actors are more demanding

than others. Signatories to the TFTA will have to enact the relevant requirements of the agreement within their domestic environment. It is therefore essential to understand how policy interpretation, policy translation and the general demand and request from the relevant domestic stakeholders impacted by the MACAR can be accommodated.

2.5.3.1 Policy implementation

Policy implementation is primarily concerned with putting adopted policy options into effect. Jutta and Verbeek (2004:4) define policy implementation as “a translation from international agreements into practice through the passage of national legislation, the creation of institutions (both domestic and international) and the enforcement of rules”.

Pressman and Waldavsky's (1973) publication, *Implementation* is credited with bringing the problem of policy implementation to the fore. Since 1973, policy implementation literature has undergone significant developments (Hill & Hupe 2014). Three phases of evolution in the literature have been identified, namely the first, second and third generation of policy implementation research. The first generation of the analysis showed that policy implementation dominates outcomes, in that the best planned, best sustained and most promising policy initiative success depends on how it is implemented (Bardach 2005; Pressman and Waldavsky 1973; Van Meter and Van Horn 1975). Their works highlight how local factors such as size, intra-organisational relations, commitment, capacity and institutional complexity front the differences and local variation in the actual problems addressed by policy (McLaughlin 1978). The theoretical and empirical assumptions of the first generation were based on a pro-top-down approach. Groups of scholars criticised the top-down approach, advocating for a bottom-up approach. The advocates of the bottom-up approach maintained that the top-down approach was excessively mechanistic and did not accommodate the realities of policy delivery in democratic societies (Conteh 2013). The first generation implementation research failed to deliver a general implementation theory (deLeon et al. 2002:468). McLaughlin (1978:172) credits the first generation with “discovering the problem and sketching the parameters” that allowed the second generation to unpack the problem to focus on the association between policy and practice. The debate laid

the groundwork for the second generation of implementation research, which emerged towards the end of the 1970s and the early 1980s (McLaughlin 1978). As such, the second generation focused on synthesising the insights of the top-down and bottom-up approaches and in the process provided an array of conceptual frameworks underpinned by several implementation theories (Conteh 2013; deLeon & deLeon 2002). The third generation, emerging in the late 1980s and early 1990s, was challenged to integrate the macro world of policy-making with the micro world of individual implementers (Conteh 2013; McLaughlin 1978). Conteh (2013) observed the shift in implementation to multi-disciplinary, multi-level and multi-focus, focusing on a multiplicity of actors, loci and levels (Conteh 2013).

The original assumption that policy implementation should naturally follow a good policy-making process has been discredited as implementation problems started to draw the attention of policy-makers. Some identified factors give rise to the difficulties in implementation, as well as issues that may prohibit an implementation from occurring:

- i) the higher the number of veto points within an organisation, the higher the probability that implementation will be blocked;
- ii) the more ambiguously a policy is defined, the more there is room for autonomy on the part of the implementers. Implementers can exploit vagueness in policy to their benefit, e.g. obstructing the implementation process if they dislike the policy; flexibility and room to enhance the discretion of international organisations;
- iii) different types of policy matters concerning implementation. For instance, distributive policies are more accessible to implement than a redistributive policy since they are more consensual and less conflictual. Furthermore, implementation in technical domains enhances the influence of bureaucracies since they often possess the necessary expertise and knowledge. By contrast, normative issues complicate implementation through controversies; and
- iv) the availability of resources is an essential condition.

Such problems could be blamed on the fact that in the study of policy implementation, more progress was made on methodological than theoretical fronts (Saetren 2014:85). Divided into three generations of research literature, theoretical accumulation or advancement in policy implementation still seems to evade researchers (Conteh 2013; McLaughlin 1987). McLaughlin (1987:177) asserts that one of the difficulties in presenting a single model of analysis is the challenge to combine and explain macro and micro-level realities. However, despite these negative assertions, implementation research is undergoing a conceptual transformation with a broader view to account for policy interventions across institutional boundaries and multiple jurisdictions, involving a multiplicity of actors, loci and layers (Lindquist 2006; Conteh, 2015).

2.5.4 Liberalism's approach to policy implementation from an Inter-governmentalism perspective

The liberalist view of policy implementation within regional integration entails approaches that reside under IR literature. Functionalism, Neo-functionalism, Neo-Liberal Institutionalism and Inter-governmentalism are considered theories with liberal accents (Koos 2011:93). In the area of economic integration, the functionalism approach builds on the desire to facilitate cooperation amongst states, reduce transactional costs and provide rules for making it safe for nation-states to surrender their sovereignty. The Functionalism approach posits that people have a strong desire for improved welfare. Traditionally, the implementation stage of the policy cycle is the domain of the government agencies and their partners in government (Van de Walle & Brans 2018). Functionalism recognises the role of the domestic institutions and interest groups.

Koos (2011:95) defines Inter-governmentalism as the “power that remains with the member states and decisions are to be made in unanimity” and that the rules of the majority of decision-making do not apply. In this sense, Inter-governmentalism posits that the national government controls the level and speed of integration. Domestic politics and economic issues guide government decisions and as such, exclude all functionalist ideas about significant spill-overs.

The TFTA, with its multiple institutions, multiple jurisdictions, involving a multiplicity of actors, requires a broader view of the implementation process. With policy developed at the regional level and executed through the TFTA members' REC, the member states require a transparent process of cooperation. Policy implementation, being the responsibility of national government, needs to be approached with the understanding of the influence that the policy environment (as imposed by the international, regional and national factors) has on the national government's ability to fulfil its objectives under the agreements entered into by the government.

As this study relies on lessons from other regions, the following section explores comparative public policy analysis, to provide insight into the value and challenges of comparative public policy analysis.

2.5.4.1 Comparative public policy analysis

The value of comparative public policy (CPP) is the ability to cross national boundaries and to allow for an enlargement of the number of cases that can be observed in action (Rose 1993:110). The difference between CPA and CPP is that CPP focuses on the comparative understanding of "what governments do, why they do it and what difference does it make" (Dye 1976.) Whereas, CPA focuses on a comparative perspective of "how governments do it and with what resources" (Van de Walle & Brans 2018:101). However, CP and CPA are similar as both are interdisciplinary and adopt a problem-based approach (Fitzpatrick, Goggin, Heikkila, Linger, Machando & Martell 2011; Gulrajani & Moloney 2012). As previously stated, this study is interdisciplinary and focuses on addressing the problem with the MACAR, making CPP and CPA applicable to this study.

The challenge of finding sufficient similar case studies to compare for research purposes, as well as the resources, time and other practical considerations, leads to difficulties of randomisation versus purposive sampling for comparative policy analysis. Furthermore, a comparison can introduce elements of speculation. However, Rose (1993) claims that speculation is bound and experience elsewhere provides tangible evidence on how cases work. This study uses CPA and CCP to explore the

impediments and solutions to the research problem, as such analysing the public policy concerning MACAR in the EU against the TFTA; which guards against speculations but seeks to support claims with objective evidence.

2.5.5 Regional policy-making network

The policy-making network can be divided into policy role-players (the participants) and stakeholders (the influencers). Stakeholders are influencers of the policy-making process and have a direct or indirect influence on policy-making. In contrast, policy role-players are those individuals who are actively involved in the stages of the policy process. Stakeholders who directly influence the policy-making process include government, public institutions, donors, research institutions and researchers.

2.5.5.1 Political office bearers and political parties

Political office bearers can be seen as primary policy-makers deriving their powers from the Constitution of the respective countries to participate in the formulation of policies. They are elected to lead the cause of the electorates. Within the context of this study, economic welfare gain is a priority for office bearers, which in turn appoints public administrators for negotiations and other interventions to realise their policy objectives.

2.5.5.2 Appointed negotiators and public officials

From a nation-state perspective, political office bearers such as economists, trade negotiators and other public officials are government actors who occupy formal government positions and have legal authority in the formulation and negotiation of policy.

2.5.5.3 Donor agencies

Within Africa and other developing nations, donor agencies and their representatives such as the German Government's Physikalisch-Technische Bundesanstalt (PTB), the Swiss Agency for Development and Cooperation (SDC), the Norwegian Agency for Development Cooperation (NORAD), the United Nations Industrial Development Agency (UNIDO), the WB and others are significant role-players influencing the policy

process. Due to the donor ability to provide funding, in most cases, their funding comes at a cost to policy-making freedom. For instance, in many cases, donors fund the required research undertaken by think tanks and other research organisations. The donors also fund the needed infrastructure, thus limiting or determining the success of the policy implementation.

2.5.5.4 CABs

Conformity assessment bodies (CABs), such as laboratories, certification bodies and inspection bodies are the providers for both private and public entities and the producers of CAR. Together with the accreditation bodies, CABs as part of the interest groups, play a significant role in influencing policy implementation and policy enactment.

2.5.5.5 The media

The media is a valuable role-player in the policy process. Its protection under freedom of the press allows for impartial, independent reporting to the public of what the government does or does not do. It also conveys the concerns, needs and preferences of the citizens. The media can reach policy elites and a mass audience. As such, the media agenda-setting function is of particular importance, using various media channels such as newspapers, television, radio, the Internet and more (recently social media) in the policy process. Policy-makers may also use the media to influence public opinion and attitudes on policy issues.

2.5.5.6 Interested groups

The Governance theory maintains that interest groups play a significant role in shaping the policy process. They represent the views of individuals, economic operators, lobby groups etc. Interest groups are people who share similar interests and come together to advance their cause or interest by lobbying and providing information to politicians.

2.5.5.7 Citizens of Member States

Citizens have the right to vote, and therefore influence the position of government within agreements concluded or to be concluded. As voters, they are influenced by primarily social and economic factors, but also other factors that influence their well-being.

As previously stated, the TFTA is influenced by the international, regional and national environments. These environments introduce various enablers and impediments to the policies of the TFTA. The following section focuses on a review of the literature concerning the enablers and impediments to MACAR. The section concludes with a framework that will guide the analysis and discussion of the phenomenon under study.

2.6 ENABLERS AND IMPEDIMENTS TO MACAR

The MACAR can be influenced by and can influence its environment (Birkland 2005:201). Given the impact of the policy environment, the second part of this chapter explores the most relevant international, regional and national enabling and impending environmental policy factors that may impact on the MACAR within the TFTA. A question that arises is “what are the criteria against which the validity of the conceptual framework will be tested?” As the study embarks on compiling the conceptual framework, an analysis of the validity criteria identified above will be incorporated into the analysis where applicable. The section concludes with a conceptual framework that will guide the findings’ reporting and discussion sections captured in Chapters Three, Four, Five and Six of this study.

2.7 INTERNATIONAL ENVIRONMENT: ENABLERS AND IMPEDIMENTS TO THE MACAR

Between 1994 and 1995, at the Uruguay Round of the WTO Multilateral Trade Negotiation, the WTO produced the WTO TBT Agreement which sets out the rules to address technical barriers caused by differing standards, technical regulations and CAPs (Maskus & Wilson 2000). The TBT Agreement provides global guidance on CA, standards and technical regulations. Five articles, from a total of 15 articles, deal

exclusively with CA and CAPs that apply to government bodies, non-governmental bodies and international and regional systems.

In addressing the challenges to the implementation of the WTO TBT Agreement (1995), the WTO accepted that TBT is admissible if motivated under a country's right to ensure the quality of its exports, the protection of human, animal or plant health, the protection of the environment, as well as the prevention of deceptive practices (WTO 1995:117). The agreement provides some level of control by setting conditions under which TBT is justifiable, stating that TBT cannot be applied arbitrarily or unjustifiably, discriminating between countries (WTO 1995:117). An unjustifiable TBT is a government imposed restraint(s) to the free flow of goods and services through the differential application of standards, technical regulations and CAP between domestic and foreign suppliers (OECD 2016). The WTO (1995:117) stresses that technical regulations, standards and CAP should not create unnecessary obstacles to international trade. As previously stated, the majority of the TFTA Member States are also members of the WTO and are thus obliged to implement the principles as presented in the WTO TBT Agreement. For this study, the focus is on those principles applicable to CAPs.

In its Articles 5 and 6, the WTO TBT Agreement (1995) introduces four principles that concern the CAPs, namely; i) non-discrimination and avoidance of unnecessary obstacles to trade, ii) harmonisation in the use of CA, iii) transparency in the notification, enquiry and publication of CAP and iv) technical assistance to developing countries. The agreement further encourages participation in the relevant international bodies concerning matters of CA. The forthcoming section explores the application of the WTO TBT principles as applied to CA within the WTO TBT Agreement.

2.7.1 WTO Non-discrimination and the prevention of unnecessary obstacles to international trade

The non-discriminatory principle of the WTO concerns the most favoured and national treatment provision as captured in the WTO TBT Agreement (1995) Article 5 (5.1.1). The principle requires members to grant access for suppliers of similar products originating in the territories of the other members under conditions no less favourable

than those accorded to suppliers of like products of national origin or originating in any other country, in comparable situations. As an illustration, should Botswana import meat from Namibia and Botswana also produce meat for local consumption, Botswana should not impose different tests, inspections, certifications or other conditions on Namibia's imports than it would require for its locally produced meat. The only exception to the rule is when Botswana can provide proof where the additional or different conditions are justified under ensuring the quality of its exports, the protection of human, animal or plant health and the protection of the environment, as well as for the prevention of deceptive practices (TBT Agreement 1995).

Article 5 (5.1.2) of the WTO TBT Agreement addresses the preparation, adoption and application of CA procedures. In this regard, the agreement requires members to resist creating unnecessary obstacles to international trade. It requires that CAPs be of such a nature that they should not be stricter or applied more strictly than is necessary. The nature of the application of CAPs should give the importing member states sufficient confidence that products conform to the applicable technical regulations or standards and allow the importing state to note and mitigate the risks which non-conformity would create. One such unnecessary obstacle to international trade discussed as a growing concern within the WTO is the insistence on multiple testing and certification requirements by importing countries (WTO 1995).

2.7.2 WTO publication and transparency principle in the notification and enquiry of CAPs

Transparency in the development of CAP is essential for the free flow of goods and services across borders. Article 5 (5.2) of the WTO TBT Agreement (1995) deals with timing issues in the CA process and information that needs to be made available. The TBT Agreement requires that the standard processing period for each CAP must be published or the anticipated processing period must be communicated to the applicant upon request. According to Articles 5 (5.6) and (5.7) of the WTO TBT Agreement (1995), WTO members are obliged to publish a notice in a publication at an appropriately early stage in the absence of relevant international standards, guides or recommendations, or where newly developed or changed CAPs may have a significant effect on trade of other members. The notification shall be done in such a

manner as to enable interested parties in the other member states to become acquainted with it (WTO 1995).

2.7.3 WTO harmonisation principle in the use of CA

Harmonisation is defined as a process by which technical requirements are developed to be uniform across member states' authorities. The WTO recognises that harmonisation of CA can be achieved through the use of international standards as CA standards, as well as using international standards as a basis for technical regulations. Two requirements are set out in the TBT Agreement (1995) Article 5 (5.5), namely members' participation in the international standards development process and the use of international standards and guides as a basis for members' CAPs.

To strengthen inclusiveness and ownership of international standards, the WTO encourages members to join and to participate in the international standardising and CA fora. The WTO TBT Agreement 1995, in its Article 9, stipulates that where practical, the member will formulate and adopt international systems for CA and become members thereof or participate therein. Members shall ensure that central government bodies use the international standardising body's relevant guides or recommendations, or the relevant parts of them, as a basis for their CAPs. The exception to this obligation is allowed where, as duly explained upon request, such guides or recommendations or relevant parts are inappropriate for the members concerned. Reasons include (as mentioned) national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment; fundamental climatic or other geographical factors and fundamental technological or infrastructural problems. Furthermore, members are encouraged to set up and participate in the international systems of CA (WTO 1995). The next section will review the WTO principles of assisting developing and least developing countries.

2.7.4 WTO principles of assistance to developing and least developing countries

The WTO TBT Agreement recognises that countries are at different levels of development, and for the TBT Agreement to be effective, the agreement must accommodate all of its members. The WTO TBT Agreement thus applies the principle

of special and differential treatment to developing countries (WTO 1995). Article 11 (11.3) of the TBT Agreement (1995) requires members to grant technical assistance on mutually agreed terms and conditions to developing countries (DCs) in:

- i) the establishment of regulatory bodies or bodies for the assessment of conformity with technical regulations;
- ii) the method by which their technical regulation can best be met;
- iii) the establishment of CABs;
- iv) the steps that should be taken by their producers if they wish to have access to systems for CA operated by governmental or non-governmental bodies within the territory of the member receiving the request;
- v) the establishment of the institutions and legal framework which would enable them to fulfil the obligations of membership or participation in international or regional systems for CA; and
- vi) the establishment of the institutions which would allow for the relevant bodies within the DCs' territories to fulfil the obligations of membership or participation in international or regional systems for CA.

Furthermore, the TBT Agreement requires WTO members to provide special and differential treatment to the DCs. These treatments include (WTO 1995: Article 12):

- i) the provision of special development, financial and trade needs of the DC members in the implementation of the TBT Agreement. The implementation includes the preparation and implementation of technical regulations, standards and CAPs;
- ii) allowing the DCs to adopt specific technical regulations, standards or CAPs aimed at preserving indigenous technology and production methods and processes compatible with their development needs;
- iii) granting an exemption to the DCs from the use of international standards as a basis for their technical regulations, standards or test methods where existing international standards are not appropriate for their development, financial and trade needs;
- iv) supporting the DCs in the participation in international standardising bodies and international systems for CA;

- v) standardising bodies should prioritise standards concerning products of particular interest to the DCs; and
- vi) at the request of the DC, grant specified, time-limited exceptions in whole or in part from obligations under the TBT Agreement.

2.8 The WTO and international and regional CAP

In support of the WTO's objectives to eliminate TBT's caused by CAPs, the WTO TBT Agreement (WTO 1995: Article 9) sets out obligations for international and regional systems for the management of CAPs. The principles are depicted in Table 2.2 below.

Table 2. 2: TBT Agreement requirements relevant to CA

TBT AGREEMENT REFERENCE	ACTIVITY	:REQUIREMENTS	TFTA COMPLIANCE AND WTO PRINCIPLE
TBT Agreement, Article 5 Members shall ensure that, in cases where a positive assurance of conformity with technical regulations or standards is required, their central government bodies apply the following provisions to products originating in the territories of other members:			
5.1.1	Preparation, adoption and application of CA procedures	Should grant access for suppliers of like products originating in the territories of the other members under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country, in comparable situations.	Most favoured nation treatment principle
5.1.2		Should not create unnecessary obstacles to international trade. CAPs shall not be more strict or be applied more strictly than is necessary to give the importing member sufficient confidence that products conform with the applicable technical regulations or standards, taking account of the risks which non-conformity would create.	Non-discriminatory principle

TBT AGREEMENT REFERENCE	ACTIVITY	:REQUIREMENTS	TFTA COMPLIANCE AND WTO PRINCIPLE
5.2.2	Publication of CAPs	<p>The standard processing period of each CAP should be published, or the anticipated processing period should be communicated to the applicant upon request. In the absence of a relevant standard, guides or recommendations issued by international standardising bodies do not exist, or where CAP may have a significant effect on trade of other members, members shall:</p> <p>publish a notice in a publication at an appropriately early stage, in such a manner as to enable interested parties in the other member states to become acquainted with it so that they may propose to introduce a particular CAP.</p>	Transparency principle
5.5	Harmonisation of CAP	Members shall play a full part, within the limits of their resources, in the preparation of appropriate international standardisation bodies producing guides and recommendations for CAPs.	Harmonisation
6.1	Acceptance of CAR	Members shall ensure, whenever possible, that results of CAPs in other members are accepted.	
Article 9			
9.1	Positive assurance of conformity with technical regulations or standards	Where practical, the member shall formulate and adopt international systems for CA and become members thereof or participate therein.	Goes further as it also adopts and recommends membership and participation in the regional as well as the international systems for CA.

TBT AGREEMENT REFERENCE	ACTIVITY	:REQUIREMENTS	TFTA COMPLIANCE AND WTO PRINCIPLE
9.2	International standards as a basis for CAPs	Members shall ensure that central government bodies use the international standardising bodies' relevant guides or recommendations, or the relevant parts of them, as a basis for their CAPs. Except where, as duly explained upon request, such guides or recommendations or relevant parts are inappropriate for the members concerned, for, among other things, such reasons as: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment; fundamental climatic or other geographical factors; fundamental technological or infrastructural problems.	

Source: WTO (1995)

The implication of these principles for the TFTA is significant. Firstly, countries which are members of the WTO multilateral system and also members of other bilateral or multilateral arrangements, such as most of the TFTA Member States, might, at some stage face conflicting loyalty and requirements. Such conflicting loyalty and requirements may lead to trade-offs against the members' obligation and commitment under an arrangement. Secondly, meeting all the obligations to which parties are committed might be costly, both financially and resource-wise. Muhabie (2015) summarises the core of the challenge of overlapping membership and its consequence as the wasteful duplication amidst constrained resources, thus impeding the harmonisation and coordination required. The TFTA has the desire to address the challenges caused by multiple memberships as one of its establishment objectives (TFTA 2015:1).

African countries' participation in the WTO

The participation of African countries in the works of the WTO, notably the WTO TBT Committee, is minimal and mostly ineffectual. As a result, the successful attainment of the DCs' objectives remains elusive (Apecu 2011). Tri-annually, the TBT Committee sets out its work for the next three years. Since the November 2005 review, the challenge posed by the non-acceptance of CAR has been included in the TBT Triannual reviews. To date, the TBT Committee has concluded eight reviews with the last review concluded in 2018. However, not much progress on MACAR had been reported. The sharing of experiences regarding CAPs has been the primary outcome of these reviews.

Although work within the WTO has progressed, African members' participation in the work of the WTO has been and remains minimal. The quality of the African countries' contributions is driven mainly by individuals' commitment. Blackhurst, Lyakurwa and Oyejide (2000:491) contend that Sub-Saharan Africa's voice is the least heard in the WTO. They identify the weakness as the lack of the requisite capacity that needs to be backed by informed home-based analysts and policy-makers. A study conducted by Apecu (2011), measuring African WTO members' participation from 1995 to 2010, supports Blackhurst et al.'s (2000) claim that capacity constraints are a leading contributor to the participation of Africa in the WTO.

In addition to the capacity constraint for African countries to participate in the work of the WTO, a study conducted by the APEC-OECD (2001) identified the lack of resources (money, time and labour) to attend meetings, negotiations and subsequently implement MRAs as a challenge. Furthermore, Apecu's (2011) study found that member states' engagement depends on the personal commitment and the professional engagement of individual negotiators, thus supporting the need for home-based informed support.

Four lessons can be drawn from the analysis of the TBT Agreement's requirements, which might have a direct impact on the TFTA. These are:

- i) Compliance with the WTO TBT Agreement requirements concerning CAPs might play a significant role in the development of any framework for a CA system.
- ii) The acceptance of international standards requires participation within the international standards bodies, to ensure that countries' requirements can be accommodated in the international harmonised standards process.
- iii) Participation within the WTO, especially concerning CAPs, is crucial to ensure that CAPs are in line with DC needs.
- iv) Support for DCs in setting up the required infrastructure and building competence needs consideration.

The above brings the study to its first proposition.

Proposition 1: *The WTO TBT Agreement requirements relating to CAP form an integral part of a regional conformity assessment framework.*

2.9 REGIONAL ENVIRONMENT: ENABLERS AND IMPEDIMENTS TO THE MACAR

As previously stated, viewed from a State-Centric Governance perspective, State-Centric Governance argues that the international structures, for example, the TFTA and RECs, are agents rather than actors who serve at the behest of the nation-state. Moreover, policy enactment and implementation can be facilitated or obstructed by domestic actors (Bell & Hindmoor 2009). Regional and national actors may represent the views of individuals, economic operators, lobby groups etc. Citizens, as voters are primarily influenced by social and economic factors, as well as other factors that impact their well-being. As domestic actors, citizens have the right to vote and therefore affect the position of government within agreements concluded or to be concluded. Consequently, to enable the MACAR requires that both regional and national interests be addressed.

The second research question seeks to clarify the impediments and enablers of MACAR, as well as what exactly these are. As the aim of the TFTA is to increase the economic welfare of its members, it is prudent first to understand what conditions within a regional arrangement should exist for economic welfare creation, as these conditions may impact on the MACAR. The study finds some answers in Salvatore's (2001:333) assertion. Salvatore (2001) highlights six conditions, namely; i) higher pre-FTA trade barriers of member states allow for an opportunity for trade creation amongst members rather than trade diversion; ii) lower FTA barriers to trade with the rest of the world would minimise trade diversion, thus increasing economic gain; iii) higher number and size of member states to the FTA that allow for a broader consumer base; iv) less complementary and more competitive economies; v) closer geography of members and vi) greater trade pre-FTA and the economic relationship between the potential member states.

Applying Salvatore's (2001) criteria to the TFTA highlights the lack of intra-regional trade between the member states, which is as previously stated less than 20%. The relatively low intra-regional trade between the member states, as compared to most developed countries, can apportion blame to the high pre-FTA barriers. As of 2018, approximately 80% of African trade is with the rest of the world. Thus, an opportunity presents itself to increase the economic gain by raising the level of intra-regional trade between the member states. The FTA membership encompasses more than 50% of Africa's population. The broader market opens possibilities for free trade and thus the acceptance of CA data. However, the TFTA falls short of two of the enablers identified by Salvatore (2001) - that is the geographical closeness and complementarities. Complementarities in the context of trade in goods and services is a relationship between two or more elements such that one element enhances the value of the other (Roberts 2004). As an example, if Country A produces gold jewellery and Country B produces gold, when/if the demand for jewellery increases, so will the demand for gold. Although geographical closeness will remain a challenge that needs to be accommodated, such as through opening trade corridors and improved cross-border transportation, the challenge posed by complementarities in the TFTA should be addressed. It will be discussed in the following sections.

Salvatore (2001:343) further identifies the main impediments to developing the countries' regional integration efforts as the; i) uneven distribution of benefits amongst members; ii) unwillingness of members to relinquish part of their sovereignty to supranational community bodies; iii) lack of good transportation and communication; iv) vast distances between members; and v) the complementary nature of their economies that compete for the same world markets for their agricultural exports. Salvatore's identified impediments appear too generic and could probably apply to all developed and developing regional economic arrangements. Geda and Kibret (2002), however, shed light on the applicability of these impediments within the African context.

Geda and Kibret (2002:10-15) identify further enablers and impediments and also confirm some of the challenges identified by Salvatore (2001). The identified impediments include; i) complementarities; ii) revenue loss; iii) compensation problems and variation in the initial condition; iv) loss of sovereignty and lack of political commitment v) overlap membership; vi) poor private sector participation; and vii) implementation problems of harmonisation policies. All are noted as significant issues in Africa's economic integration. In support of Geda and Kibret's view, Hailu (2014:299) adds the state-centric nature of integration as another impediment to Africa's regional integration efforts.

The above impediments gathered from the literature highlight some of the regional influences on the nation-state, which may have a bearing on the MACAR. At the national level, two dated studies undertaken by the APEC and OECD could be found in the literature that addresses the domestic barriers to the MACAR policy implementation. Although the studies are dated, reliance can still be placed on the outcome of the studies reviewed against the more recent studies presented above.

The APEC& OECD (2001) study used interviews and a questionnaire administered to regulators at the national level amongst the APEC Member States. The identified challenges are as follows:

- i) the need to change regulatory systems and procedures;

- ii) the lack of resources (money, time and labour) to attend meetings, negotiations and subsequently implement MRAs;
- iii) the lack of confidence amongst potential participants in the competence of each other's technical infrastructures;
- iv) the lack of fully developed technical infrastructure;
- v) the sector considered in an MRA is not economically significant to a potential MRA participant;
- vi) reluctance to make the changes required to existing technical regulations and institutions to enable MACAR;
- vii) low-level of political and regulator commitment or that involvement is a political position without following up on the necessary practical implementation;
- viii) low-level of policy knowledge and understanding of the MRA and MACAR;
- ix) inability to show tangible benefits for specific economies;
- x) translation difficulties into domestic language(s);
- xi) concerns over liability issues if MRAs and MACAR are made operational and CARs are found substandard; and
- xii) the potential impact on the domestic producer.

Additionally, the OECD (OECD 2000:13) identified eight domestic interest causes for non-compliance by the affected entities in an earlier study. These are: i) failure to understand the law; ii) collapse of belief in the law; iii) procedural injustice; iv) cost of regulatory compliance; v) deterrence failure; vi) incapacitation of those regulated; vii) failure of persuasion; and viii) failure of civil society.

2.9.1 Making sense of the findings

The conditions to enact and implement the welfare creation initiatives and enable the MACAR require this study to address the above-identified barriers to developing countries' regional integration efforts, as well as to capitalise on the enablers to facilitate the MACAR. As the focus of this study is on MACAR policy enactment and implementation, viewed from the nation-state governance approach perspective, analysing the identified impediments and enablers and categorising them under policy enactment and policy implementation resulted in two divisions. These divisions are the

regional and national factors, as well as three themes as identified by Parker, Kuuttiniemi, Klaasen, Hill & Jefferson (2000) - as follows:

- i) **knowledge**, defined as the degree to which the domestic actors know of and comprehend the agreement;
- ii) **willingness**, defined as the degree to which the domestic actors are willing to comply; and
- iii) **ability**, the degree to which the domestic actors can comply (Parker et al. 2000).

The regional factors encompass the following themes: i) sovereignty loss, ii) complementarities and revenue loss, iii) overlapping membership and iv) lack of private sector participation. The second section division, namely the national factors, encompasses the following themes: i) political will, ii) cost of compliance, iii) complementarities and revenue loss, iv) private sector participation, v) regulations and control, vii) infrastructure and viii) language barriers. As can be seen from Table 2.2, the degree to which domestic actors know and comprehend the TFTA Agreement influences policy implementation as it relates to the complexity of the requirements of the agreement. The degree to which the domestic actors are willing to comply with the requirements of the TFTA Agreement influences both policy enactment and implementation across the regions and the national environments. The degree to which the domestic actors can comply with the requirements of the TFTA Agreement influences the MACAR policy enactment at the national level, as well as the MACAR policy implementation at both regional and national level. Table 2.3 illustrates the regional and national factors that influence policy enactment and policy implementation, as well as classifying the factors as per Parker et al.'s (2000) classifications of knowledge, willingness and ability.

Table 2. 3: Regional and national impediments and enablers to policy enactment and implementation

	POLICY ENACTMENT		POLICY IMPLEMENTATION	
	Regional factors	National factors	Regional factors	National factors
Knowledge				<p>The complexity of requirements</p> <ul style="list-style-type: none"> • Requirements too complicated to know and understand.
Willingness	<p>Complementarities and revenue loss</p> <p>Overlapping membership</p> <p>Political will</p> <ul style="list-style-type: none"> • National interest and needs 	<p>National sovereignty</p> <p>Sovereignty loss (upwards and downwards).</p> <p>Cost of compliance</p> <ul style="list-style-type: none"> • Compliance too costly; • Requirements are at odds with the incentives (inability to show tangible benefits). <p>Potential impact of domestic producers:</p> <ul style="list-style-type: none"> • The threat to emerging enterprises. <p>Private sector participation</p> <p>Private sector participation lacking.</p>	<p>Private sector participation</p> <p>Private sector participation lacking.</p>	<p>Political will</p> <ul style="list-style-type: none"> • The low level of political and regulator commitment or that involvement is a political position without following up on the necessary practical implementation.
Ability		<p>Regulations and control</p> <ul style="list-style-type: none"> • Appropriateness of regulatory instruments. • Failure to monitor and sanction. 	<p>Infrastructure</p> <ul style="list-style-type: none"> • Trust deficit. <p>Language barriers</p> <ul style="list-style-type: none"> • The translation difficulties into the domestic language(s). 	<p>Infrastructure</p> <ul style="list-style-type: none"> • The lack of fully developed technical infrastructure. • Resources: lack of resources.

Source: Author's own

This study focuses on the enactment and implementation of the TFTA MACAR policy within the TFTA Member States. The TFTA Agreement places high reliance on the work done on the MACAR within the three TFTA RECs, using the RECs as building blocks for the TFTA MACAR administration. The study is based on the premise that the international, regional and national factors influence the MACAR. Therefore, the MACAR enactment and implementation should be addressed through a multi-level

approach. The multi-level nature of the MACAR enactment and implementation within the TFTA necessitates a review of the enablers and impediments to the enactment and implementation environment of the TFTA.

The following section elaborates on each of the enablers and impediments identified, as presented in Table 2.3.

2.10 POLICY ENACTMENT

2.10.1 Regional willingness factors: Complementarities and revenue loss

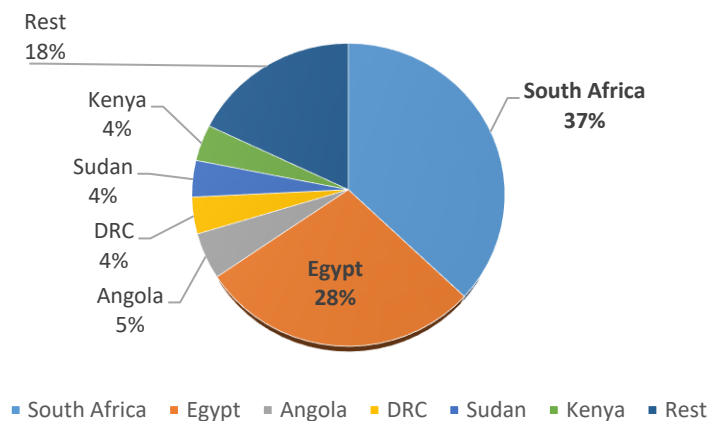
Complementarities in the context of trade in goods and services is a relationship between two or more elements such that one element enhances the value of the other (Roberts 2004). As an example, if Country A produces gold jewellery and Country B produces gold, when/if the demand for jewellery increases, so will the demand for gold. A primary element to complementarities and the success of regional integration is the division of labour and production specialisation amongst nations. Specialisation is the focus on the production of commodities that a country can produce most efficiently, for instance, the mining of gold. It also involves the country allowing for the import of commodities which it produces less efficiently, such as gold jewellery.

The terms of trade is a concept in international trade theory which refers to the ratio of exports to imports, in other words, how many units of exports are required in order to purchase a single unit of imports. The terms of trade can either increase or decrease a country's welfare (Krist 2013). This concept of specialisation, if applied within the context of Africa, poses a challenge for African countries that predominantly export primary products and import primarily manufactured goods. Manufactured goods have a higher value than primary products. Applying a WITS-SMART simulation model to explore the welfare effect of economic integration in the TFTA, Pasara and Dunga (2019) conclude that the larger economies will benefit more than the smaller economies and that trade in the manufacturing sector and consumer goods will contribute more to economic welfare.

Thus exporters of primary products that rely on the import of manufactured goods, as is the case for most TFTA Member States, threaten the economic welfare creation promise of a regional economic arrangement. As an illustration, in the TFTA as of 2015, South Africa and Egypt produced two-thirds of manufacturing value added on the continent (Mold & Mukwaya 2015:5). This creates a polarisation of benefits to South Africa and Egypt at the expense of the rest of the TFTA Member States (see Figure 2.5).

Furthermore, the larger industrialised countries in the TFTA have similar industries, which will increase competition between them for markets of smaller countries (SAIIA 2008). Trade theory posits that competition may benefit smaller countries by driving down the cost of goods and services. However, all the TFTA industrialised countries are emerging economies. Thus, the TFTA needs all the industrialised countries to be economically strong in order to support the TFTA’s economic welfare objectives. Thus concerns about fierce competition between and from the industrialised TFTA Member States could lead to trade disputes and mistrust.

Figure 2. 5: TFTA manufacturing value added 2015



Source: Adapted from UNIDO 2017

As most of the TFTA members export similar goods, a predictable reaction for countries is to protect their market and industries against similar goods by imposing

barriers. As tariff barriers reduce, non-tariff barriers (NTBs) became a tool for the government to protect their economies. CAPs have become one of the last tools that governments can use to protect their markets and local industries. Furthermore, as an FTA prohibits such restrictive trade barriers, countries might be reluctant to implement their obligations under the agreement. The TFTA framework incorporates an industrialisation strategy for national economies to address this challenge. However, this is a long-term solution. As previously noted, efforts to reduce the NTBs within the TFTA are in progress. Therefore, unless the challenges posed by the non-complimentary nature of exports receive attention, MACAR may be at risk.

The loss of income derived from tariff revenue reduction complicates matters further for those nation-states whose tariff revenue forms a significant source of government's revenue. Cirera, Willenbockel and Lakshman's (2011:53) study found that tariff reduction can cause a reduction in tax revenue in the short run. They further found that marginal job destruction and job relocation occurs after trade liberalisation. However, they do warn that the result should be interpreted with care. To complicate matters, the loss of revenue linked to the challenge of non-complementarities may further result in the benefits of FTA not being attained or shared by all members of the agreement. Thus forfeiting levies is a significant loss, as previously highlighted.

To ensure that the primary product exporters takes advantage in the immediate to medium-term from downstream product value-adding, the question raised is "should the TFTA industrialised countries be obliged to share their gain with the other primary product providers in the value chain?"

2.10.2 Regional willingness factors: Overlapping membership

The multiple and overlapping REC memberships hinder regional economic integration and significantly add to the cost of trade (Draper et al. 2007). Overlapping refers to a country belonging to more than one regional arrangement. For instance, all EAC member countries except Tanzania are also members of COMESA. Additionally, seven TFTA member countries have overlapping memberships between COMESA and SADC. In total, 17 of the 26 TFTA Member States belong to two of the three RECs (See Table 2.4). One of the areas where overlapping membership is most prevalent

is in trade policy. As an example, one of the significant obstacles to agricultural trade within the TFTA territory can be ascribed to the substantial degree of overlapping (Tralac 2019:9). The preamble of the TFTA Agreement commits the TFTA to resolve the challenges of overlapping membership (TFTA Agreement 2015:1). It, therefore, gives prominence to the TFTA's commitment to solving the problem of overlapping, as the members who belong to more than one TFTA REC will now all reside under the TFTA (Viljoen 2011).

One of the motivations to enter into the TFTA Agreement was to address the challenge posed by overlapping membership. Although the TFTA now allows members to belong to more than one of the RECs under one umbrella, the TFTA does not prevent members from joining another REC which is not a member of the TFTA. Furthermore, the TFTA also allows for individual member states to enter into bilateral agreements amongst members and non-members of the TFTA. It should also be noted that some of the TFTA are also members of other TFTA non-member RECs (See Table 2.4). Although the TFTA addresses some of the challenges of multi-membership, the “spaghetti web” as it is known, of REC membership in Africa, can only be adequately addressed through the current African continental free trade area (AfCFTA) under discussion (Draper *et al.* 2007). The AfCFTA will bring all RECs under one agreement. It could, therefore, be reasoned that although overlapping membership might introduce a challenge for the TFTA, it may not be a significant challenge for the TFTA, as long as the TFTA remains an FTA. The TFTA aims to progress to a CU with common external trade policy in future. Thus, overlapping membership might only create a challenge for the TFTA in future, but not at present. Table 2.4 below highlights the various African countries with overlapping memberships.

Figure 2.6: Overlapping membership of the TFTA and the AU Member States

MEMBER STATES	COMESA	EAC	SADC	SACU	ECO-WAS	CEN-SAD	ECCAS	IGAD	AMU
Angola			X				X		
Botswana			X	X					

MEMBER STATES	COMES A	EAC	SADC	SACU	ECO-WAS	CEN-SAD	ECCAS	IGAD	AMU
Burundi	X	X					X		
Comoros	X								
Congo DRC	X		X				X		
Djibouti	X					X		X	
Egypt	X					X			X
Eritrea	X					X	X		
Ethiopia	X							X	
Kenya	X	X						X	
Lesotho			X	X					
Libya	X					X			
Madagascar	X		X			X			
Malawi	X		X						
Mauritius	X		X						
Mozambique			X						
Namibia			X	X					
Rwanda	X	X					X		
Seychelles	X		X						
South Africa			X	X					
Sudan	X							X	
Swaziland	X		X	X					
Uganda	X	X							
Tanzania		X	X						

MEMBER STATES	COMESA	EAC	SADC	SACU	ECO-WAS	CEN-SAD	ECCAS	IGAD	AMU
Zambia	X		X						
Zimbabwe	X		X						

Source: Adapted from Disenyana 2009

2.10.3 National willingness factors: Political will and sovereignty loss

The success of an FTA is dependent on the degree of execution of member states' undertakings under the FTA agreement. As policy-making, exercising control, staff financing, organising and development of procedures are the role of public administration (Hanekom & Thornhill 1986:10), the political will to exercise these responsibilities is crucial. According to Byiers, Vanheukelom and Kingombe (2015:1), political will is influenced by a range of different interests. The influence of political will on the MACAR will thus be further explored in the chapters of this study following.

Although there are different definitions to be found for sovereignty, principally there is a general agreement that sovereignty in the context of the global environment (for a government) means holding supreme power, and independent authority over a region or state without interference from foreign powers. However, membership in any international organisation involves a trade-off between sovereignty and influence. Supporting the trade-off theory, Hill (2014:260) asserts that within the context of a regional arrangement, a loss of national sovereignty may occur as regional integration demands members to give up some degree of control over critical policy and trade. Such a loss occurs even if all members in an arrangement have equal voting power; and their active participation in negotiations is challenging due to a lack of administrative resources and constrained economic bargaining capacity (Panke 2010:213).

Sovereignty loss does not only occur upwards to the international structures but also downwards to the domestic market, both within and outside the nation-state's sphere of power. As previously stated, the authority to regulate public health, safety and the environment and to increase economic welfare, primarily to regulate public life, resides

within the ambit of the state. Regarding conformity in a multi-level system, the study presupposes that the state chooses to delegate some of its authority to what can be foreign private, semi-public or public CABs. Such are the principles of NPM theory, requiring the government to focus on what the government can do more efficiently, and letting the private sector do what they can do more efficiently. Article 8 and Article 9 of the TBT Agreement (WTO 1995:125) recognise the use of non-governmental, regional and international systems. The TBT Agreement requires that member states' central governments rely on CAPs operated by non-governmental bodies and require these governments to ensure that the private CABs comply with the relevant prescripts of the TBT Agreement Articles 5 and 6.

Furthermore, the agreement obliges WTO Members to adopt international CA systems and encourages them to participate in the WTO committees actively. Such compliance to the TBT Agreement introduces sovereignty challenges. As the national government holds no or limited authority and control over the foreign non-governmental bodies, the governments have to trust that their CARs are trustworthy. Given the sovereignty cost associated with the delegation of authority to non-governmental domestic and foreign entities, legitimacy and trust in the service provider become essential. Aldrich and Fiol (1994:664) highlight the symbiotic relationship between legitimacy and trust, claiming that generating and sustaining trusting relations drives overcoming weak legitimacy. Trust and legitimacy in the non-governmental (and to a large extent the government) CA structures and institutions are therefore essential to address the fear associated with sovereignty loss.

The MACAR framework may lead to an influx of cheaper, locally produced goods and services. Such similar goods and services create competition that could threaten the domestic service providers, especially the emerging industries and their sustainability. Sustainability challenges, especially for emerging enterprises, might challenge their prospects to succeed and grow.

2.10.4 National willingness factor: Cost of compliance

The cost of compliance refers to expenditure of time or money in complying with regulatory requirements. Cost of compliance includes elements such as facilities (e.g.

laboratories), technical and scientific assistance, materials and equipment with unique technical requirements, training, monitoring and surveillance (Aloui & Kenny 2005:24). Several studies focused on the cost of compliance as a significant impediment to the acceptance of CA (Maskus & Wilson 2001; Moise & Le Bris 2013; Stephenson 1997). The impediments especially relate to the monitoring and surveillance of conformance to the relevant prescripts, such as technical regulations, standards, product directives and legislation etc. One solution tabled at the WTO TBT Committee is the use of suppliers' declaration of conformity (SDoC). However, as previously pointed out, SDoC requires substantial investment by government in market surveillance and product liability laws, monitoring and sanction. Accreditation is also put forward as a system that can reduce the cost of trade. Although widely used in the voluntary sector to provide the required trust in the results produced by CAB, accreditation is not wholly embraced by regulators. The cost of compliance and CA supporting structures would require careful consideration by the TFTA.

2.10.5 National willingness factor: Potential impact on domestic producers

A fundamental principle for compliance is the understanding or at least the perception that a benefit derives from obtaining something, and this should outweigh the cost or risk of accepting it. Achieving the welfare creation promises of a regional economic arrangement requires some sacrifices, such as giving up some national sovereignty (Hill 2014). Hill explains that opening the domestic market to competition from other members may threaten the local producers, especially emerging industries. Although on average, a country benefits from free trade, not all individuals benefit. A recent analysis from the BREXIT vote indicates that smaller businesses and less educated voters suffered the most from the EU regional integration. These voters have now shown their dissatisfaction by voting for the United Kingdom to withdraw from the EU (Sampson 2017:176). Therefore, addressing the balance of benefit to potential sacrifices, such as national interests and sovereignty sacrifices, needs to be addressed.

2.10.6 National willingness factor: Private sector participation

As alluded to earlier in this chapter, the state-centric nature of regional integration efforts, confined to a small group of technocrats and political leaders, is blamed for the

weak private sector, non-state actors and broad public participation in integration initiatives. According to Hailu (2014:325), failure to involve the private sector in the integration process has hindered the process and implementation at the national level. Such caution should be carefully considered by the TFTA, in particular against the background of Africa's integration effort weaknesses. By way of example, within the CAP implementation space, the private sector and national industry play a critical role in the provision of the required infrastructure and the demand for CA services. The involvement of various stakeholders, therefore, could be considered essential in the MACAR for two reasons. Firstly, the reliance of the TFTA on foreign private CABs, as well as manufacturers, (without having direct control over them) would require insight and a clear understanding of their strengths and weaknesses. Secondly, to build the necessary trust in the private sector and to gain their buy-in on policies and rules that might have to guide their conduct, would require sufficient education, consideration and accommodation of their views. MACAR requires the understanding, conviction and confidence of the private sector as one of the primary actors in the implementation and management of the MACAR infrastructure. MACAR also requires the private sector to provide the necessary CA infrastructure. Although the role of the private sector in the policy process has increased and is accommodated in theories such as the Governance theory, continued participation remains essential.

2.10.7 Regional ability factors: Regulations and control

Legal regulations, in the form of contract law, can be conducive to developing trust and mitigating risk, as they align expectations and behaviour, protecting both parties by setting sanctions for breaking trustees' expectations (Bachmann & Inkpen 2011, Faem, Janseens, Madhok & Looy 2008). In support of legal regulations at the macro level, Hill (2014:497) highlights that an underdeveloped international legal system that cannot enforce contractual obligations can exacerbate the lack of trust. UNIDO 2018's legal support regulation is one of the critical components of a national or regional quality policy. Such legal regulations can be in the form of binding contracts between members, national and regional regulatory frameworks and other legal instruments. Although legal regulations hold real promise for MACAR, there is no guarantee that member states who are party to a contractual agreement, such as the TFTA Agreement, will comply (Bachmann and Inkpen 2011). As an example, although the

WTO TBT Agreement identifies and incorporates the challenge of CA as a potential technical barrier to trade, the challenge of the non-acceptance of CARs seems to prevail. However, according to Bachmann & Inkpen (2011:18), in socio-economic systems, the chances are high that the contracting parties will modify their behaviour in order to align with the formal rules, without having to resort to the threat of sanctions.

A regulatory system is created and designed to police certain individuals, practices, companies or markets and to bring them into conformity with rules designed to create fair practices (Investor Words 2017). However, changing regulatory systems and procedures is a costly and time-consuming exercise. Such changes may be accompanied by a change in how a business operates, stricter compliance issues and costly labour, as well as administration and compliance costs. MACAR will require policies to bring companies or markets into conformity with the relevant rules designed to protect health, safety and the environment and to avoid unfair competition and enhance the protection of national interests and national sovereignty.

Harmonisation of technical regulations is promoted as a way in which to overcome the need to meet multiple regulatory requirements in a trading arrangement. Harmonisation of technical regulation does not necessarily require the harmonisation of laws and regulations. Harmonisation focuses mainly on the alignment of technical requirements and greater regulatory cooperation between regulators of trading partners (FDA 2017). Harmonisation can thus be defined as a process by which technical requirements are developed to be uniform across member states' authorities.

The harmonisation of technical regulations can be simplified through the adoption or partial adoption of international standards as the basis for technical regulation. The WTO TBT Agreement (1995) promotes the harmonisation of technical regulations. It encourages members to participate in the international standardising bodies of international standards for those standards which they will use as technical regulations (WTO TBT1995:119). Furthermore, the agreement encourages members to accept similar technical regulations of other members, even if the regulation differs, provided that the regulations fulfil their objectives. The TFTA Agreement (TFTA 2015: Article 21[c]) adopted the principle of using standards as a basis for technical regulations.

The TFTA Agreement (TFTA 2015: Article 21[e]) further recognises the role that harmonisation and the equivalence of technical regulations can play in facilitating trade. The alignment of the TFTA with the WTO TBT principles concerning technical regulation may not necessarily remove the reluctance to change. The economic theory of second-best dictates that if two or more requirements cannot be satisfied for achieving a most desirable outcome, an attempt to satisfy the requirement that can be met is not necessarily the second-best option.

2.10.8 National ability factors: Monitoring and sanctions

The lack of monitoring and sanctions for non-compliance have been singled out as a primary contributor to the slow progress of Africa's regional integration efforts. Hartzenberg (2011:19) points out that the lack of monitoring and sanctions for not implementing agreements is notably absent in most African regional integration agreements. At the TFTA level, the TFTA Agreement accommodates the possibility of sanctions, by providing a dispute settlement and sanctions mechanism to address possible contraventions of its requirements (WTO 1995: Article 30 and Article 38). The dispute settlement system assumes that the nation-state has full control over its private and public institutions and citizens, and can thus hold them accountable. Such an assumption would be essential for MACAR, as the private sector will play a role in the MACAR. The TFTA Agreement recognises the systems already available within the three RECs and requires them to harmonise their systems. This study, therefore, needs to investigate how such control, through legal regulation, can become national law if required.

The preceding section, with its focus on policy enactment, brings the study to its second proposition.

Proposition 2: *The regional and national policy enactment factors play a significant role in the enactment of the MACAR. In most part, the proposition is supported.*

2.11 POLICY IMPLEMENTATION

2.11.1 Regional ability factor: Institutions and infrastructure

The institutional theory seeks to secure an institution's legitimacy that is fundamental to an organisation's survival. At the core of the institutional theory is conformity. Conformity is the yardstick to measure the legitimacy of an organisation. According to DiMaggio and Powell (1983), such conformity is referred to as institutional isomorphism, of which three types are prevalent. Firstly, coercive isomorphism is derived from external pressures to change as exerted by other organisations and cultural expectations from society on which an organisation depends for its survival. For instance, a government may wish to use a private CA body's results that would impose specific requirements on such a body, to which it must comply so as to provide the services. Thus, the pressure could be derived from governmental mandates and financial reporting requirements, amongst other examples. Secondly, normative isomorphism is derived from change driven by forces exerted by professions. Examples of such are requirements for accreditation, certification and other CAs. Lastly, mimetic isomorphism refers to the tendency of an organisation to mimic or imitate other organisations. Isomorphism is a similarity in form, shape or structure and helps to ensure the survival of the organisation.

Although institutional theory had been around for a very long time, it originated with the work of Max Webber and Emile Durkheim, who first attempted to theorise what an institution is, along with its influence on action and structure (Lawrence & Shadnam 2008). However, DiMaggio and Powell (1983) identified two types of isomorphism, namely, competitive and institutional isomorphism. Within the context of the institutional isomorphism, Aldrich and Fiol (1994:664) highlight the symbiotic relationship between legitimacy and trust, claiming that generating and sustaining trusting relations drives overcoming weak legitimacy. Supporting Aldrich and Fiol's assertion, Hill (2014) highlights the economic relevance of trust in institutions, positing that the economic significance of trust is that it reduces the monitoring of contracts, reduces uncertainty and reduces the specifications, making transactions cheaper, more agreeable and flexible. These claimed benefits of economic trust sound appealing for the cause of MACAR. The question, therefore, is "what is trust and how

does it influence CA?” The section below explores the answer to this question which is essential to this study.

2.11.1.1 Delineating trust

There are many definitions of trust. However, Mayer, Davis, Schoorman (1995:172) capture the essence of trust as it relates to this study. They assert that trust is “the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party”. A determinant of the success of MACAR is for governments to trust in the foreign and non-governmental organisations to provide results on which they will have to rely. Furthermore, the government will have to take accountability for the reliability of the CARs, to exercise its mandate of health, safety and environmental protection. An adverse outcome as a result of reliance on the CARs could have catastrophic consequences for the government. Therefore, trust is fundamental for the TFTA institutions.

Bachmann and Inkpen (2011:8) see institution-based trust as a phenomenon where individuals or collective actors develop trust in “institutional arrangements in the business environment”. In organisational trust literature, we find approaches biased towards interpersonal trust and see institutions as structures that embed and infuse trust relations (Bachmann & Inkpen 2011). Interpersonal trust requires repeated face-to-face interaction. In contrast, institutional trust does not have such direct interaction, but requires both trustee and trustor to rely on institutional safeguards in their decisions and actions (Bachmann & Inkpen 2011). Such is the case for the TFTA, where the TFTA will have to rely on institutional safeguards to underpin the required trust in the CAR.

Trust can be built through various mechanisms. In their study on trust and commitment, Cote and Latham (2006) look at the intangible drivers of the inter-organisational alliance, from the perspective of management accounting. They identify the legal relationship, termination cost, relationship benefits, shared values, communication and opportunistic behaviour constructs that drive trust and

commitment (Cote & Latham 2006). Eberl (2004) (applying game theory and attribution theory) explores trust within an organisational setting. Eberl presents an essential distinction between trust and confidence, stating that confidence is a simple assumption of competence and trust requires perceptions that partners will act honestly. He further argues that high interaction frequency, the same dependency between partners with different types of interaction in various contexts and rewards for cooperative behaviour, can positively affect trust. Faem, Janseens, Madhok & Van Looy (2008) explore trust relating to alliance governance at both operational and managerial levels. They identify the two historical perspectives, namely i) the structural perspective, which focuses on single transactions and the legal contracts that protect contracting parties; and ii) the relational perspective which concentrates on the quality of relationships, emphasising trust in safeguarding and protecting the interest of the parties (Faem et al. 2008). However, it is Bachmann and Inkpen (2011) who present determinants of trust, which seems to capture previous research conclusions and critical mechanisms through which institutions foster the development of trust, within which this research finds significance.

Bachmann and Inkpen (2011) study the role of institutions in the development of trust in relationships between organisations, focusing on how and when institutions matter concerning trust-building. Borrowing from the sociological view, Bachmann and Inkpen (2011:284) define institution-based trust as “a form of individual or collective action that is embedded in the institutional environment in which a relationship is placed, building on a favourable assumption about the trustee’s future behaviour vis-à-vis such conditions”. Their study posits that institution-based trust is an essential distinctive form of trust that focuses on the macro-level arrangements, whereas interaction-based trust (interpersonal trust) can only partially capture insights that can be transferred to the macro-level. Bachmann and Inkpen (2011:18) identify legal provision, reputation, certification, community norms and structures and procedures as four mechanisms through which trust can be built in inter-organisational relationships (see Figure 2.6). They further claim that during the early stages of a relationship, as is the case with the TFTA arrangement, legal regulation and certification of exchange partners and to a lesser extent, reputation, is important.

However, Bachmann and Inkpen seem to use certification and accreditation interchangeably. They, however, ignore the broader role of CA in the provision of trust, by focusing only on certification. The WTO and UNIDO highlight the broader role of CA through their focus on the importance of the national quality infrastructure institutions which can provide the required trust in CAR. The national quality infrastructure highlights accreditation bodies, standards bodies and metrology institutions as the infrastructure to advance trust in CARs. As the intent of Bachmann and Inkpen (2011) is aligned with CA, by using Bachmann and Inkpen’s (2011) mechanisms, this study will replace certification with CA.

The implementation of the TFTA CA’s structural arrangements aligns itself well with the legal, regulatory, reputation and certification (CA) mechanism, as it is in the early stages of a relationship and needs to move swiftly to establish trust. According to Bachmann and Inkpen (2011:26), trust in the initial stages of a relationship, where limited or no previous interaction exists between trustee and trustor, highlights the importance of institutions in the process of trust-building. Institutional safeguards such as legal regulations and CA can facilitate the boundaries of both parties to build relationships based on trust (Gulati 1995 cited in Bachmann and Inkpen 2011). The three mechanisms for building trust during the initial stage of an institutional relationship, namely, legal regulations, CA and to a lesser extent, reputation, will be expounded upon.

Figure 2. 7: Mechanism applicability and stages of development

STAGES	LEGAL REGULATION	REPUTATION	CA (CERTIFICATION)	COMMUNITY NORMS, STRUCTURES AND PROCEDURES
Early-stage of a relationship	X	(X)	X	
Swift trust	(X)	X	X	
Low asset specificity	(X)	X	(X)	
Mature industries	(X)	(X)		X

Source: Adapted from Bachmann & Inkpen. (2011:45)

Note: (X) indicates that the elements are essential but not as important as the other elements within a given stage.

2.11.1.2 CA

As motivated by Buchmann (2011), certification/standardisation is a management tool that can create institutional trust through standardising procedures of the industry and services sector in the interest of safety and quality of products. The authoritative ISO Guide 2 on standardisation (ISO/IEC 2004b) defines standardisation as an “activity of establishing, concerning actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context”. The guide qualifies the definition with two notes as follows: i) specifically the activities consist of the processes of formulating, issuing and implementing standards/technical regulations, and ii) important benefits of standardisation are improvement of the suitability of products, processes and services for their intended purposes, prevention of barriers to trade and facilitation of technological cooperation. Within the context of this research, the trustworthy implementation of standards/technical regulations is a subject that requires attention.

Conversely, CA is often viewed as a standards-related activity (ISO/IEC 2004b:7). CA encompasses three functions, namely selection, determination and review and attestation, aimed at demonstrating that specific requirements are fulfilled. According to the international standard ISO/IEC 17011, “such determination can add substance or credibility to claims that specific needs, such as those contained in a standard/technical regulation are fulfilled, giving users greater confidence in such claims” (ISO/IEC 2017a:7). The international standard ISO/IEC 17000 defines CA as “demonstration that specified requirements relating to a product, process, system, person or body are fulfilled” (ISO/IEC 2004a:2). The standard further clarifies the definition with two notes as follows: “The subject field of CA includes activities such as testing, inspection and certification, as well as accreditation of CABs” (ISO/IEC 2004a:2). CABs, defined as entities that perform CA services (ISO/IEC 2004a) include laboratories, certification bodies and inspection bodies. The responsibilities of CABs are captured in Table 2.5 below. Accreditation is a third-party attestation related to CA,

conveying formal demonstration of its competence to conduct specific CA tasks. Through CA systems, the exporter needs to provide comfort to the importing entity that the exported goods or services meet the national health, safety and environmental concerns standards. CA is therefore acknowledged for managing risk and building trust amongst trading partners.

In most countries, CABs such as laboratories, certification bodies and inspection bodies are owned and operated by private industry. Bachmann and Inkpen (2011:23) posit that membership or recognition by a professional body provides the necessary trust in the CABs, including private CABs. For example, CABs are accredited by ABs, which in turn are recognised by international accreditation co-operations such as the ILAC and the IAF. ABs primarily have government as their principal shareholder. Thus, if Country A wishes to import Product X from Country B, as Country A is responsible for safety and quality of the imported Product X, Country A may specify the criteria, for example in standards or technical regulation to which Product X must comply. The criteria may include relevant CA requirements. As an example, a testing report from a laboratory accredited by an ILAC member accreditation body needs to accompany the Product X. Such compliance provides the required trust to Country A, who will, therefore, accept the product within its territory for consumption by its citizens.

Table 2. 4: CAB's responsibilities

CAB	PRIMARY FUNCTION OF CAB	CERTIFICATES, REPORTS, LICENSES ISSUED BY A CAB	LOGO OR MARK
Testing Laboratories	<ul style="list-style-type: none"> • Testing of products as received, e.g. testing of packaging and food additives in canned sardines; • Not necessarily operated by the third party. Testing can be carried out by the first party or the second party. Reporting the test results as received. 	<ul style="list-style-type: none"> • The laboratory issues a test report stating their findings concerning compliance with conformity (i.e. the product meets or does not meet the minimum requirements) - certificates are usually not provided. 	<ul style="list-style-type: none"> • The name, logo or mark of the testing laboratory is shown on the test report or certificate and provides the necessary trust/assurance/comfort that a product can be used/consumed or not.

CAB	PRIMARY FUNCTION OF CAB	CERTIFICATES, REPORTS, LICENSES ISSUED BY A CAB	LOGO OR MARK
Inspection Body	<ul style="list-style-type: none"> • Inspection of products according to the requirements, e.g. inspection of contaminants in canned sardines (tin shall not be more than 150 mg/kg and mercury not more than 0.2 mg/kg) or in-service inspection, e.g. inspection of boilers; • Not necessarily operated by the third party. The first party or the second party can carry out inspection. Reporting or certifying the inspection results according to the requirements by professional judgment. 	<ul style="list-style-type: none"> • The inspection report and or inspection certificate can be issued; they shall include all the results of examinations and the determination of conformity made from these results, as well as all information needed to understand and interpret them. 	<ul style="list-style-type: none"> • The name, logo or mark of the inspection body is shown on the inspection report or inspection certificate. Marking to show that the products have passed the inspection or failed, providing a level of assurance to the user.
Certification Body	<ul style="list-style-type: none"> • Certifying compliance with products according to the standards, e.g. certifying that all lots of canned sardines comply with CODEX. • Usually operated by the third party. 	<ul style="list-style-type: none"> • The certification body will issue to the supplier of the product formal certification documents such as a letter or certificate signed by an officer who has been assigned such responsibility. The documents shall contain the following: <ul style="list-style-type: none"> • the name and address of the supplier whose products are subject to certification; • the scope of the certification granted, including as appropriate; • the products certified, which may be identified by type or range of goods; 	<ul style="list-style-type: none"> • A legally registered certification mark should be applied or issued under the procedures of a 3rd party certification system or a product or service which conforms to specific standards or other technical specifications

CAB	PRIMARY FUNCTION OF CAB	CERTIFICATES, REPORTS, LICENSES ISSUED BY A CAB	LOGO OR MARK
		<ul style="list-style-type: none"> • the product standards or other normative documents to which the product or product type is certified; • the applicable certification system; • the effective date of certification and the term of the certification where appropriate. 	
Accreditation Body	An accreditation body is an authoritative body that performs accreditation. This is third-party attestation related to a CA body conveying formal demonstration of its competence to carry out specific CA tasks.	The accreditation body issues a certificate to the CA body (i.e. laboratory, certification body, inspection body, etc.) that has met all the requirements of the appropriate standard. As part of the certificate, a "Scope of Accreditation" (SoA) is supplied. This SoA defines what assessment is accredited to perform. The CA Body cannot claim that they are accredited to carry out any activities that are not listed on the SoA.	The name and/or logo of the accreditation body is shown on the accreditation report to provide comfort to the public and users of the services of CABs that the CABs are competent to fulfil the task for which they obtained accreditation.

Source: Adapted from international standard ISO/IEC 17000 (ISO/IEC 2004a)

2.11.2 Regional ability factor: Language barriers

The multiplicity of languages in Africa shows its richness in diversity and culture. Almost 30% of the languages in the world can be found in Africa (Bamgbose 2011). The AU recognises all African languages as official languages. However, the AU uses Arabic, English, French, Portuguese, Spanish and Swahili as working languages. Although the cost of translation, interpretation and publication in a different language could be taxing on a region, Bamgbose (2011) argues that the cost of denying a

member the right to be heard in their language could be higher. The example of SADC supports the claim of Bamgbose. SADC has three working languages, namely English, Portuguese and French. Minutes of SADC TBT Structures meetings indicate the concerns raised by non-English speaking members, as most documents are only issued in English. Threats of withdrawal or withholding membership fees have been mooted. The TFTA communicates in four official languages, namely English, French, Portuguese and Arabic. As policy enactment and policy implementation require a concerted effort in making stakeholders and actors understand the various requirements of the agreements, the language barrier to communicate with all will require attention in the most cost-effective manner.

2.11.3 National knowledge factor: Complexity and understanding MACAR requirements

An understanding to influence the action and behaviour of domestic actors within the CA realm is crucial to the success of MACAR. Awareness creation, defined as a process to influence the affected parties' attitudes, behaviour and beliefs to influence them positively in the achievement of MACAR, thus requires further consideration. Effective awareness raising involves a mix of different communication approaches and techniques.

The above discussion leads the study to its third proposition.

Proposition 3: The regional and national policy implementation factors play a significant role in the implementation of the MACAR.

By its very nature, a conceptual framework requires a level of confidence in its ability to address the intent of the framework. The MACAR framework is no exception. The following section explores the theoretical criteria against which the final developed framework can be validated in order to provide the required confidence.

2.12 THE MACAR APPROVALS PROCEDURE

Although dated, Donaldson and Gundlach (ISO 1998:62) raised four conditions for the acceptance/approval of CA that are still considered relevant as is evident from the various discussions in the WTO TBT Committee. Donaldson and Gundlach (1998) identified that: i) the approval procedure employed must be seen as providing a level of assurance of conformance equivalent to that afforded by the practices in the importing country; ii) the importing country must have some incentive to accept this arrangement with the other country; iii) the standard against which the goods or services are evaluated must be seen as satisfying the requirements in the receiving country; and iv) the bodies carrying out the evaluations must be regarded as reliable and credible by the second country. The approval process conditions provide a broad framework to measure the achievements of the research objectives. To understand the meaning and significance of these proposed approaches, an overview of each follows.

2.12.1 Assurance of conformance equivalence

According to Donaldson and Gundlach (ISO 1998), one of the conditions for the MACAR is that the approval procedures employed should provide some level of assurance of equivalence to the importing country. To give effect to the equivalence principle, as captured in Article 5 of the TBT Agreement, the WTO formally adopted a non-exhaustive list of six voluntary CA approaches in 2000 (see Table 2.6) (WTO 2011:45). As indicated in Chapter One, the WTO published an indicative list of six CAPs. In order to understand the meaning and significance of these proposed approaches, an overview of each follows.

2.12.1.1 Mutual recognition agreements

Mutual Recognition Agreements (MRA) are agreements concluded between governments of trading countries intending to recognise and accept the results of CAs originating in the territory of either party. The OECD upheld the strengths of this CAP as reducing transaction cost. However, the administrative cost can be very taxing and the system is hampered by a degree of rigidity and delays (Correia de Brito et al. 2016).

2.12.1.2 Co-operative arrangements

Co-operative (voluntary) arrangements between domestic and foreign CABs include arrangements amongst ABs as well as arrangements between individual laboratories, between certification bodies and between inspection bodies. Such arrangements have been conventional for many years and were developed for the commercial advantage of the participants, although governments recognise some of these agreements, from time to time, as the basis for acceptance of test results and certification activities in the mandatory sector. The dependence on non-state actors and the level of control and oversight that governments can exercise over such arrangements is an impediment to the acceptance of the arrangements within the regulatory domain (Correia de Brito et al. 2016).

2.12.1.3 The use of accreditation

ABs have been working towards harmonisation of international practices for accreditation of CABs. The harmonisation of international practices has resulted in the development of global networks to facilitate recognition and acceptance of the results of CA. These networks take the form of multilateral recognition agreements or Multilateral Arrangements (MLAs). The undertaking requires each participant to recognise the accreditation granted or certificates issued by any other party to the agreement or arrangement as equivalent to that granted by itself, and to promote that equivalence throughout its territory of operation. International standards and guides exist for such arrangements. Challenges similar to those experienced with cooperative agreements prevent the full acceptance of this system within the regulatory domain. Furthermore, as non-governmental representatives control most of these MLAs, the private sector's control precludes the use of accreditation within the global trade system, e.g. WTO (Correia de Brito et al. 2016).

2.12.1.4 Government designation

Governments may designate specific CABs, including bodies located outside of their territories, to undertake CA. In most cases of this nature, competence is assumed through designation. The assumption of competence poses a problem with the

credibility of the results produced and therefore, their broader acceptance, if not underpinned by a level of verification. Thus, the seemingly arbitrary selection of CAB in the absence of clear rules and procedures may prejudice other CABs that have not been selected (Correia de Brito et al. 2016).

2.12.1.5 Unilateral recognition of results of foreign CA

A government may unilaterally recognise the results of foreign CAPs. In this, it may be guided by Article 6.1 of the TBT Agreement. The CA body may be accredited abroad under a recognised regional or international accreditation system. In the absence of accreditation, the CA body may prove its competence by other means, such as a reliance on reputation. By equivalent competence of the CA body, foreign test reports and certificates are recognised unilaterally. Correia de Brito et al. (2016) claim that there is no empirical information on the use of this procedure and thus, lessons cannot be learned for implementation.

2.12.1.6 Manufacturer's/supplier's declarations of conformity

Manufacturer's/supplier's declaration of conformity is a procedure by which a supplier provides written assurance of conformity to the specified requirements (ISO/IEC 2004c). The declaration identifies the party responsible for making the declaration of conformity and for the conformity of the product/process/service itself. Under this approach, the manufacturer/supplier, rather than the regulatory authority, takes on the responsibility of ensuring that products that enter a market comply with the mandatory technical regulations. Assessment may be undertaken either by the supplier's internal test facility or by an independent test facility. This system is often built on:

- i) adequate market surveillance;
- ii) substantial penalties for false or misleading declarations;
- iii) an appropriate regulatory environment; and
- iv) a suitable product liability regime.

One of the marketed benefits of SDoC over other procedures is its claimed time-to-market advantage and that SDoC does not discriminate. However, these benefits can

be offset by complications. Although the supplier's declaration can be useful, the conditions as stated above are mandatory for it to be successfully applied. It assumes that the sanctions for non-compliance exceed the risk of placing non-compliant goods on the market. Furthermore, questions about the competence of the supplier, making the compliance claim, as well as the basis or justification for claiming along with the credibility of the suppliers, highlights the weakness of this approach. Concerning the suitability for the TFTA, the majority of its members do not have the required legal system (as highlighted above) to support a supplier's declaration approach.

As previously mentioned, notwithstanding the noble attempt by the WTO, not much success has been recorded on the use of the list of CAPs. The WTO noted the challenges encountered by its members while trying to implement the list of CAPs. It recommended that its members share their experiences and resolutions to develop criteria for guidance on what should drive the selection of a CAP. Although the list holds many promises and possibilities that can facilitate MACAR, impediments that hinder its implementation and selection require much attention.

Although the list provided some valuable guidance, the WTO did not provide any condition under which the various identified CAPs should be applied. As such, the inconsistent application of an indicative list of CAP for the same product compounded the problem of the non-acceptance of CAR amongst WTO members. As an illustration, Country A and Country B export the same product, however, Country A might only require a supplier's declaration of conformity. In contrast, Country B might need a full sphere of independent third party verification.

Evident from the analysis of CA on the African continent, different approaches, as identified in Table 2.6 below, have been implemented within the three RECs of the TFTA. Therefore, the first condition of equivalence should be addressed by the TFTA. However, the question to be explored is which of the CAPs (as indicated) proposed by the WTO should the TFTA adopt and how can it be implemented?

Figure 2. 8: WTO Indicative list of the CAP

Mutual recognition agreements concluded between governments	•Mutual recognition agreements that can be concluded between governments that will result in the acceptance of the results of conformity assessment originating in the territory of either part.
Co-operative (voluntary) arrangements	•Co-operative (voluntary) arrangements between domestic and foreign conformity assessment bodies.
The use of accreditation	•The use of accreditation to qualify conformity assessment bodies.
Government designation	•Governments may designate specific conformity assessment bodies, including bodies located outside their territories, to undertake conformity assessment. In most such cases, competence is assumed through designation.
Unilateral recognition	•A government may unilaterally recognize the results of foreign CAP's.
Manufacturer's / supplier's declarations	•Manufacturer's/supplier's declaration of conformity is a procedure by which a supplier provides written assurance of conformity to the specified requirements (ISO/IEC Guide 22:1996).

Source: Author's own, compiled from the WTO TBT Minutes (G/TBT/1/Rev.10 2011:45)

2.12.2 Standards and technical regulations

Technical regulations and standards have different implications for international trade. If an imported product does not fulfil the requirements of technical regulation, it will not be sold. In the case of standards, non-complying imported products will be permitted on the market. Still, their market share may be affected if consumers prefer products that meet local standards, such as quality or colour standards for textiles and clothing (WTO 2003).

The first condition for free trade within a free trade agreement, as identified by Donaldson and Gundlach (1998:62), is that the standards or technical regulations against which goods or services are evaluated must be seen as satisfying the requirements in the receiving country. The WTO (WTO 2018a) indicates that in recent years, the number of technical regulations and standards adopted by countries has grown significantly. The growth can be seen as the result of higher standards of living worldwide, which have boosted consumers' demand for safe and high-quality products. Added to this is the growing problem of water, air and soil pollution, which

has encouraged modern societies to explore environmentally friendly products. Complying with different foreign technical regulations and standards involves significant cost input for producers and exporters. These costs arise from:

- i) the translation of foreign regulations;
- ii) the hiring of technical experts to explain foreign regulations; and
- iii) the adjustment of production facilities to comply with the requirements.

There is a need to prove that the exported product complies with foreign regulations. The increased costs involved may discourage manufacturers from trying to sell abroad. In the absence of international disciplines, a risk exists; technical regulation and standards could be adopted and applied solely to protect domestic industries (WTO 2018a).

2.12.2.1 Standards and the TBT Agreement

In order to overcome the problem created by differing standards and technical regulations, the WTO's TBT Agreement encourages members to use existing international standards for their national regulations, or parts of them, unless "their use would be ineffective or inappropriate" (WTO 1995a: Article 2.4), in order to fulfil a given policy objective. This may be the case, for example, "because of fundamental climatic and geographical factors or fundamental technological problems" (WTO TBT1995a: Article 2.4). Technical regulations by relevant international standards are presumed "not to create an unnecessary obstacle to international trade". The same provision applies to standards bodies responsible for creating national standards (WTO 1995a: Annexure 3).

ISO Development Manual 7 (ISO 1992) states that widespread participation in international standardising bodies can ensure that international standards reflect country-specific production and trade interests and will assist in regulating standards and CAPs amongst the WTO Member States. The TBT Agreement in its Articles 5.5 and 2.6 supports this request for members to participate, within the limits of their resources, in the work of international bodies for the preparation of standards and guides or recommendations for CAPs (WTO 1995a). Through participation in the work

of international organisations for the preparation of standards, standardisation can be achieved. *Guide 2* published by ISO (ISO/IEC 2004b) defines standardisation as the systematic activity of obtaining uniformity amongst tangible and intangible objects, through the joint effort of all the interested groups for the benefit of the general public.

Harmonisation plays an essential role in the regulation of standards and technical regulations. Harmonisation is necessary for the connection and compatibility of parts of products, i.e. telecommunications equipment or car parts. Lack of technical compatibility might otherwise generate barriers to international trade. For example, television sets suitable for the US market would not be sold in SACU due to divergences in colour broadcasting formats (NTSC versus PAL or SECAM). Thus, harmonisation brings economies of scale to the producer, enabling him or her to sell a product on multiple markets produced against a single or equivalent standard. Donaldson and Gundlach (ISO 1998) support this statement by stating that technical harmonisation may increase consumer welfare. In a harmonised regulatory environment, competition ensures that consumers have a broad and economically attractive choice of products. This presupposes, however, that harmonised standards do not go beyond fulfilling their legitimate regulatory objectives.

2.12.2.2 MRAs and harmonisation of standards and technical regulations

Harmonisation does not of itself guarantee market access regarding product approvals; only MRAs will enable the product to be certified in the country of export and then place it on the market of destination. Conversely, MRAs on their own do not allow one-stop approval for multiple markets, unless accompanied by harmonisation or equivalence of the regulations of each party (EU Commission 1996). Ettarp (1998) claims that, in general, the most significant gains are to be made where mutual recognition is achieved against a background of harmonised or equivalent rules so that a single test and approval is sufficient for both domestic and foreign markets. Mutual recognition strikes a balance between sovereignty loss and the state's discretion to exercise its mandate. MRAs initially introduced by the EU to deal with the time-consuming and costly challenges of harmonisation have become "one of the most appreciated innovations of the EU" (Pelkmans 2012:2).

However, according to Correia de Brito, Kauffmann and Pelkmans (2016:14), MRA is not the only mechanism to address TBTs.

Most definitions of MRA focus on what MRAs do, rather than a conclusive definition that is universally applicable. According to the OECD definition, the purpose of an MRA is to avoid duplicative testing in international trade where the regulatory objectives, technical requirements or CAPs differ or are not equivalent. The OECD further elaborates on what is mutually recognised as follows: i) the technical competence of specific CAB's in the export country to perform CA at the expected level of the importing country and ii) the knowledge of the CABs about the technical requirements and CAPs in the importing country (Correia de Brito et al. 2016). Sugathan (2016: v) defines MRA more generally, stating that MRAs are types of cooperative agreements between countries that seek to resolve impediments created by standards-related CAPs (Sugathan 2016).

The definitions agree that MRAs involve two or more parties, aimed at eliminating impediments created by CAPs, which hinder trade flow between the parties. The literature identifies two types of MRAs. These are MRAs concluded on a bilateral or multilateral arrangement between government(s) and MRAs concluded between non-governmental entities. However, within the ambit of the phenomena under investigation, both MRAs strive to achieve the same objective, which is to facilitate MACAR between signatories to the MRA. A fundamental difference between government MRA and non-governmental MRA is that the government retains legal accountability in a government-to-government agreement. As highlighted in the *Blue Guide*, due to the CAB's responsibilities falling within the scope of public interest, the CAB remains accountable to the national authority (EU Commission 2016a).

The principle of government accountability underpins the TFTA in recognising public and private conformity CAB's. Accountability is achieved through the setting of recognising parties and boundaries which extend to MRA members' sovereign borders. Thus, CAB outside of the MRA members' jurisdiction will have to ascribe to an agreed-upon mechanism, to give confidence to their competence. As an example, the voluntary MRA between ABs, managed by the ILAC and the IAF, is gaining

momentum in trade agreements as a mechanism which supports the objectives of an MRA. Furthermore, it demands an oversight function in the form of accreditation. However, the member state retains accountability through a “recognising party” establishment.

As the aim for the MACAR is to ensure the acceptance of goods and services without the need for repeated tests, inspections or certifications, an MRA between governments and between accreditation bodies could add value to the TFTA objective of allowing for the free flow of goods and services across national borders.

2.13 THE INCENTIVES TO ACCEPT CONFORMITY ASSESSMENT RESULTS

According to Hill (2014), an economic, as well as a political case, can be made for regional integration. The economic case built on the theories of international trade was explained in Chapter One. Principally, the international trade theory posits that the free flow of goods and services across national borders through the elimination of trade barriers will allow for countries to focus on goods and services which they can produce most efficiently. Increase production efficiency may ultimately lead to economic gain for trading partners. Therefore, countries sign up for the agreements motivated by the “desire to exploit the gains from free trade and investment” (Hill 2014:259). The TFTA as an FTA is no exception, as it promises the reduction of tariff barriers and the generation of economic welfare and economic development for its members through facilitating the MACAR.

Furthermore, internal free trade can lead to trade diversion, where production can shift from high to low-cost member states in regional cooperation (Hoekman, Matoo & English 2002). These promises serve as incentives to implement the requirements to enable the agreement. The political case for regional integration relates to the interdependence created by states’ increasing reliance on each other and other incentives between the member states, thus reducing the probability of violent conflict (Hill 2014:259). Furthermore, the political weight as a result of the grouping of the economies provides for an enhanced political weight in the world.

Despite the incentives of regional integration and the removal of technical barriers to trade, such as the MACAR, a case can be built against the MACAR. Hill (2014:260) asserts that in an FTA (although the economy, as a whole, benefits from the arrangement), not every citizen or industry will benefit. A second concern is the loss of national sovereignty.

2.14 CONCEPTUAL FRAMEWORK BUILDING BLOCKS

Before a conceptual framework for the MACAR can be proposed, an explanation of what the framework aims to achieve is warranted. Based on the preceding sections, a comprehensive understanding of MACAR and the ability to present a framework for the enactment and implementation of MACAR requires answers to the question of what a TFTA MACAR framework building block should be, to guide MACAR policy enactment and implementation study. As argued in the preceding sections, the nation-state is responsible for the enactment and implementation of the MACAR. Given the obligations of the majority of TFTA Member States to the WTO, the study needs to ensure that the framework avoids conflict or probable duplication of efforts in the CAPs. Furthermore, the determinants for the MACAR include: i) the approval procedure employed, that must be seen as providing a level of assurance of conformance equivalencies for the practices in the importing country; ii) the importing country must have some incentive to accept this arrangement with the other country; iii) the standard against which the goods or services are evaluated and iv) the bodies carrying out the evaluations must be seen as reliable and credible by the second country. These determinants further include environmental, economic and structural factors within a multi-level regional arrangement. The preceding sections provided specific determinants to the MACAR that set the foundation for the MACAR enactment and implementation framework and explored the good practice for the enactment and implementation of the MACAR.

Various factors, as compiled from the preceding sections, impact on the MACAR's enactment and implementation. These factors are grouped under the international environment, the regional environment and the national environment (see Figure 2.7). The international environment mainly covers the impact of the WTO membership

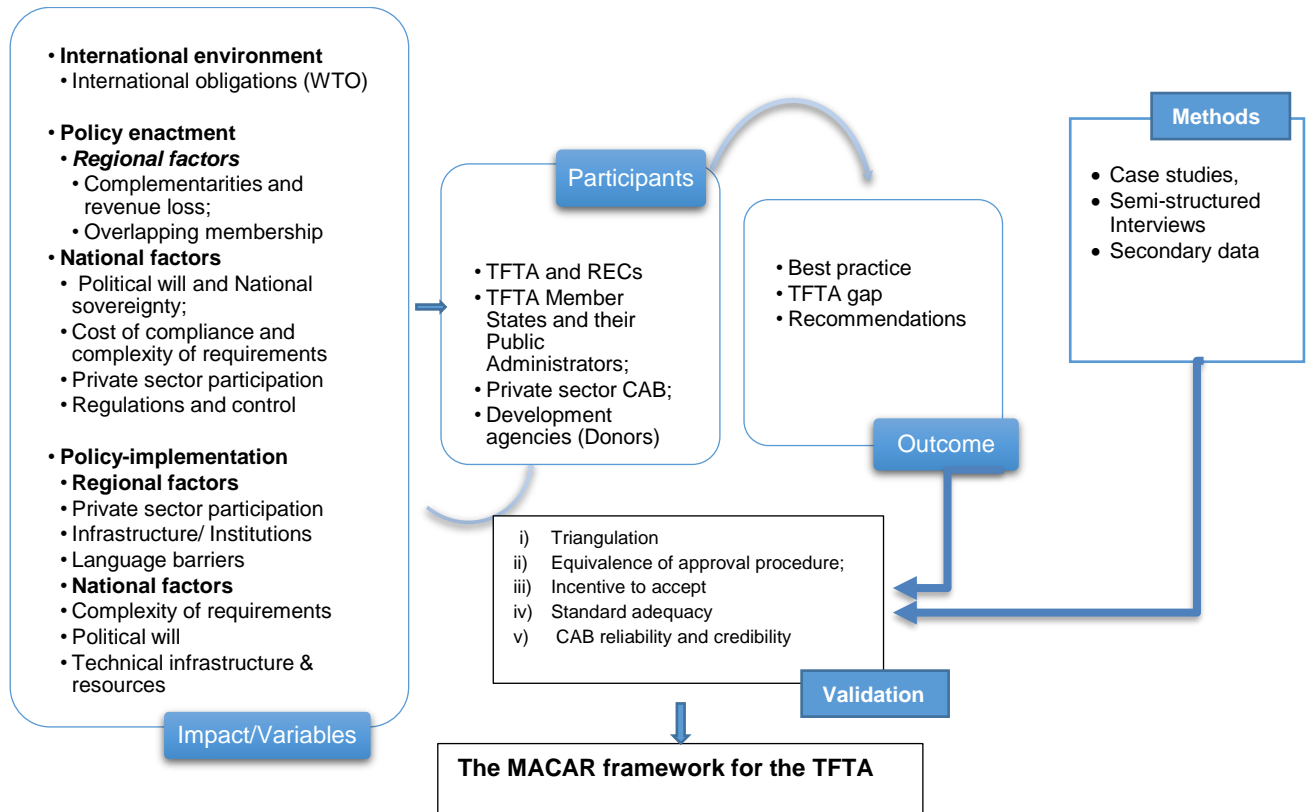
obligations applicable to the TFTA Member States and the TFTA, particularly the WTO TBT Agreement as it relates to the TFTA MACAR enactment and implementation. The regional policy enactment factors cover the impact of complementarities and revenue loss, as well as overlapping membership. The national policy enactment factors cover four key influences; namely, i) political will and national sovereignty, ii) cost of compliance and complexity of requirements, iii) private sector participation, and iv) monitoring and control. The policy implementation regional factors deal with private sector participation, infrastructure/institutions and the language barriers. In the context of policy enactment at regional level, issues of complementarities, revenue loss and overlapping membership are included. At the national level of policy implementation, the factors that influence the MACAR are the complexity of requirements, political will and technical infrastructure and resources. Various actors play significant roles in enabling the enactment and implementation of the MACAR. These actors include the TFTA and RECs with responsibilities assigned in the TFTA, the TFTA Member States as controllers and their public administrators responsible for the day-to-day implementation, the private sector CABs that provide conformity assessment services and development agencies (donors), mostly providing technical and financial support. Using a case study methodology, semi-structured interviews and secondary data, this study seeks to analyse and identify best practice, and the gaps in the TFTA agreements' implementation, as well as to guide how to address the gaps identified.

Figure 2.7 below depicts the initial conceptual research framework which will guide the analysis of the case studies and the discussion chapter that follows. The framework highlights the influences on the MACAR, the relevant participants, the expected outcome, as well as the methodology used to deliver the main objective of this study, namely an Afrocentric MACAR enactment and implementation framework. The outcome of the analysis will be validated using triangulation of the information gathered from the method employed against the following set of criteria, so as to deliver the final MACAR enactment and implementation framework for the TFTA:

- i) Equivalence of approval procedure;
- ii) Incentive to accept;
- iii) Standard adequacy;

iv) CAB reliability and credibility

Figure 2. 9: The conceptual framework building blocks



Source: Researcher's own compiled from the literature reviewed

2.15 CHAPTER SUMMARY

The role of public administration in regional integration and welfare creation cannot be underestimated. The changing role and eclectic nature of public administration allow for a multi-disciplinary, multi-level approach as required in this study. The chapter contextualised the study within the domain of Public Administration. Borrowing from IPA and IE, the chapter explored the worldview from which the research is approached. The liberal nation-state inter-governmentalism view emerged to contextualise and provide the required research boundaries. The policy process, especially policy enactment and policy implementation, as the primary policy processes of concern to this study, was elaborated on and finally, the building blocks for the TFTA conceptual framework that will guide the rest of this study was presented.

With the theoretical boundaries identified, Chapter Three explores the factors that influence the MACAR.

CHAPTER THREE: PRESENTATION OF THE CASE STUDIES

3.1 INTRODUCTION

The first two chapters presented the introduction to the problem concerning the MACAR and the methodology applied for this study. A review of the literature which embedded the study within the domain of public administration and a theoretical review of the factors that influence the MACAR were also discussed.

The propensity to learn from other economies opens up an opportunity to advance solutions to the study's questions. Chapter Three relies on CPA to establish general patterns, and it discovers and defines successful and unsuccessful practice when comparing the administration of MACAR enactment and implementation (Jreisat 2002). This chapter presents the case studies of the TFTA and the EU, with the CA system as the model case study.

A non-experimental qualitative study, which employs a single case study and an embedded case study, serve as the source of information for Chapter Three. In this chapter, the EU MACAR system is presented, followed by the embedded case of the TFTA, with the TFTA acting as the case and the primary unit of analysis, while the regional cooperation of EAC, SADC and COMESA are the sub-units of analysis. The chapter begins with the rationale for the case studies selected, as presented in the next section.

3.2 THE RATIONALE FOR THE SELECTION OF THE EU MACAR AS A MODEL CASE

As highlighted in Chapter One, with more than 70 years of fine-tuning its MACAR system, there is a consensus that the EU is the most advanced region regarding matters of CA and regional integration (Cameron 2010). The EU leads the management of the MACAR within a regional economic arrangement and therefore provides, at best, a principle understanding for the MACAR appropriate for the African context. The rationale for selecting the EU as the model case for TFTA MACAR

management is based on various factors. Regarding the policy process, the EU has successfully progressed through the entire policy process, including the evaluation, impact assessments and the required adjustments, and continues to work on improving their systems (EU 2016; Hongyu 2013). The EU has met all the WTO TBT obligations, as well as dealt with areas where the WTO TBT agreement lacks guidance (Mendonca 2019). The experience of the EU in addressing the MACAR can be shared, adopted and adapted to suit the TFTA policy context (see *The EU Blue Guide* [2016]).

However, it is noted that the policy environment in Europe differs significantly from that of Africa. Furthermore, the EU operates as a CU, which requires a common external tariff amongst its member states, thus requiring a common external trade policy. The TFTA is established as an FTA and plans to progress to a CU. FTA members have autonomy over their external trade agreements, unlike those in CU (SAIIA 2008). As the study's focus is on the MACAR and what is required in order to enact and implement the MACAR, the requirements set by an FTA or CU might influence the study. Such differences will be considered when making recommendations. It is, therefore, not the purpose of this study to adopt all of Europe's attempts at the MACAR. Instead, the study adopts and adapts those relevant lessons which are considered applicable, together with the WTO principles on CA and limited experiences of the TFTA RECs, to develop an Afrocentric framework for the MACAR enactment and implementation. Thus, despite the differences, the EU case study serves as a model case and will, therefore, be explored, utilising the framework developed, which includes the international, regional and national environments (See Figure 3.1).

3.3 BACKGROUND TO THE TFTA MACAR

The study is situated within the TFTA environment. Noteworthy is the TFTA Agreement's preamble, Article 6(a), as well as the responsibilities assigned to the secretariats of the three RECs. These statutes require the TFTA to use the REC as building blocks. The statutes do not replace the RECs but guarantee their continued existence. The preamble and Article 6(l) of the agreement further place reliance on the best practice of various matters such as CAPs (as developed within the RECs), the

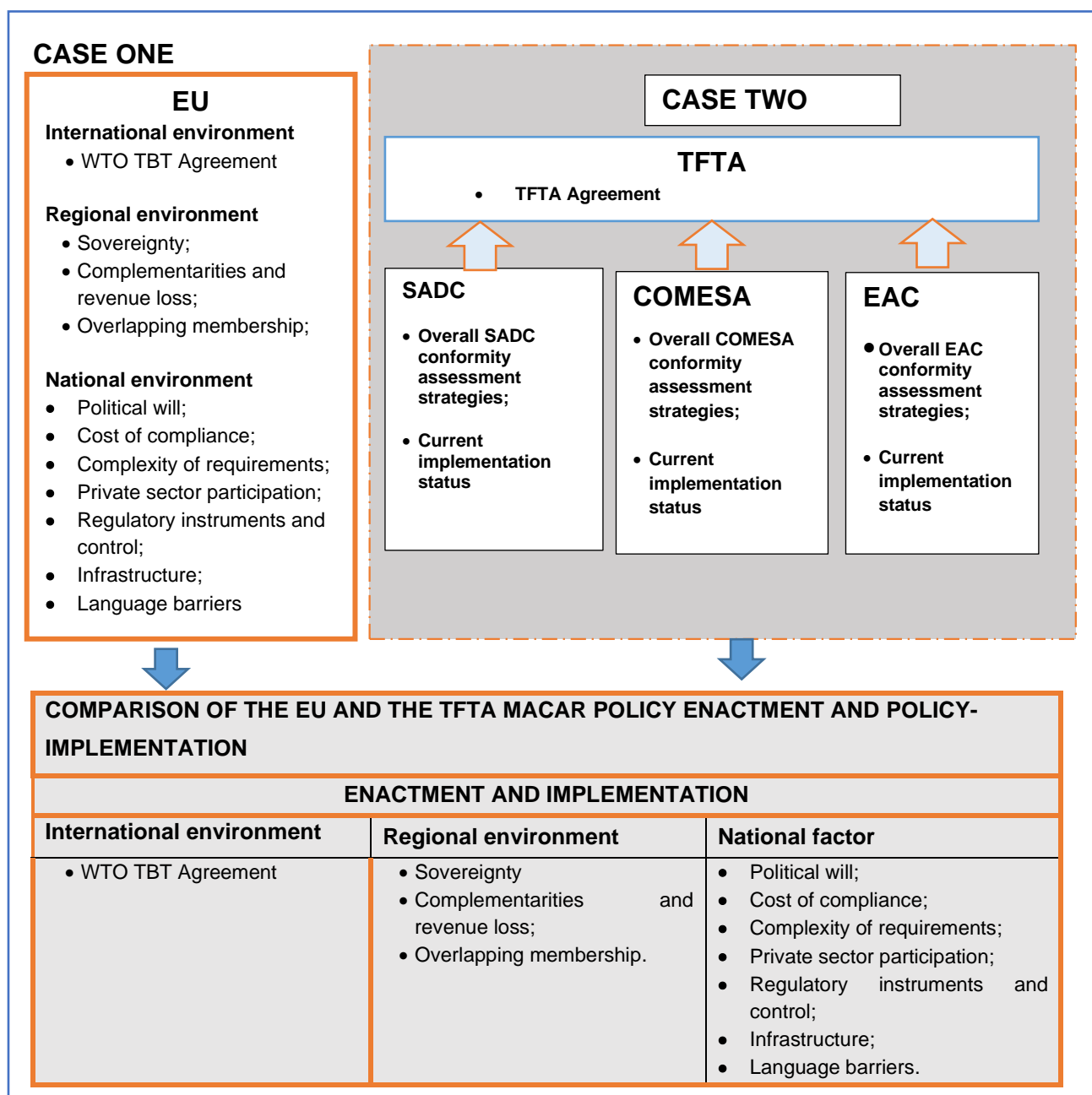
member states and international conventions that bind the TFTA Member States. The TFTA incorporates three RECs, namely COMESA, SADC and the EAC, on which the TFTA constructs the TFTA MACAR system. All three of these RECs have made some progress toward the implementation of MACAR. As a result of the reliance placed on the RECs, there are consequences that although the analysis occurs within a single case, (that is the TFTA), the study also involves units of analysis at more than one level (Yin 2014:53). The other level is the RECs as sub-units to the TFTA. Understanding the best practice within the RECs, together with the requirements captured in the TFTA Agreement on CA makes the selection of the TFTA as a case a necessity.

At the level of the RECs, the study analyses the TFTA RECs' efforts to facilitate MACAR amongst their member states. The REC's commitment informs the analysis to fulfilling the WTO TBT Agreement requirements, the CA policies and an analysis of the REC's CA attempts at facilitating the MACAR. At the level of the TFTA, reliance is placed on the TFTA Agreement's provision to substantiate the analysis of the MACAR. The following section explores the EU's enactment and implementation of its MACAR system as Case One (see Figure 3.1).

Case One uses the framework developed in Chapter Two to explore the international, regional and national environments' impact on the EU's enactment and implementation of MACAR, and how the EU manages the impediments and utilises the opportunities that these environments introduce to the EU's MACAR framework. The next part of the chapter explores the TFTA as an embedded case study, with a review of COMESA, the EAC and SADC in the enactment and implementation of MACAR; which leads to the TFTA MACAR system. The exploration of the TFTA REC's CA strategies and its current implementation status, together with the TFTA Agreement's requirements, accumulate into Case Two (see Figure 3.1).

The last part of this chapter is devoted to a comparison of the EU and TFTA MACAR CA enactment and implementation. The comparative analysis is presented using the developed framework presented in Chapter Two. Figure 3.1 below depicts the framework as it applies to the case study's analysis.

Figure 3. 1: Case study analysis and layout



Source: Author's own: EU – TFTA Comparative case study framework

3.4 THE EU'S APPLICATION OF THE MACAR

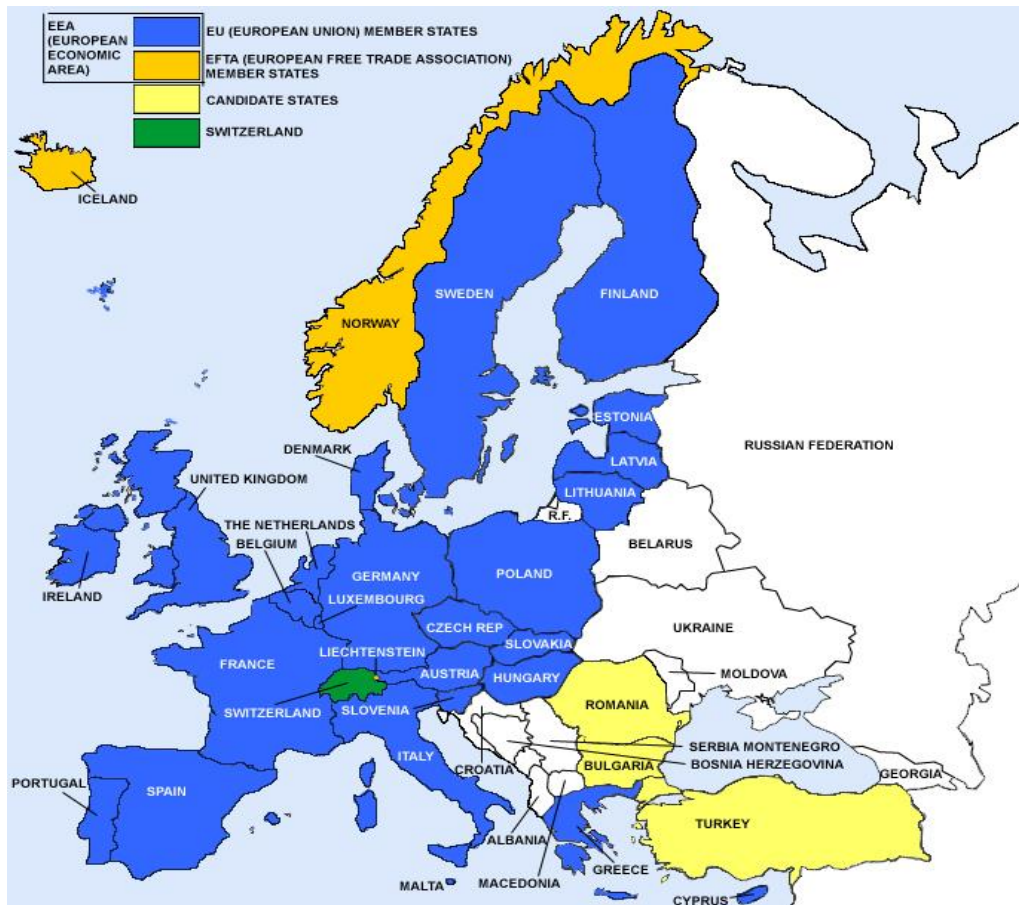
The improvements in the EU MACAR policies enhanced Europe's desire to address the TBT, which prevents the free flow of goods and services amongst the EU Member

States. The EU was set up approximately 73 years ago with the ultimate aim of becoming a monetary union; a status achieved in 2009, with the launch of the Euro.

The EU's combined GDP of the now 27 member states amounted to Euro 15.3 trillion in 2017, with an estimated population of 513 million, approximately 6.9% of the world's population. The EU constitutes the largest single market in the world, accounting for 15.6% of world exports as of May 2018 (EU 2018b). The EU Member States' economic structures vary; however, even the poorest members of the EU's GDP is higher than countries in Africa (WorldAtlas 2018).

The desire for peace between Europe and labouring countries led to the creation of the EU after World War II. The founding of the EU can be traced back to 1945 in the aftermath of World War II's destruction. Six countries, namely Belgium, France, Germany, Italy, Luxembourg and the Netherlands, are the founding members. The 1957 Treaties of Rome established the European Economic Community (EEC) as a CU which was coined the Common Market (European Union 2019a). In 1986, the EEC signed the Single European Act, aimed at creating a single market for the free movement of goods, services, people and money. The act initiated a six-year programme to address problems with the free flow of trade across EU borders. The Maastricht Treaty of 1992 paved the way for the establishment of the EU. The 1993 treaty established the European Community (EC), which succeeded the Treaty of Rome. After that, the Treaty of Lisbon and the Maastricht Treaty eliminated the EC and established the Treaty on the Functioning of the European Union (TFEU) (History.com 2010). By 2019, the EU had 28 member states, as presented in Figure 3.2 (EU 2019a).

Figure 3. 2: The EU Member States and affiliates



Source: Adopted from <https://www.emergobyul.com/resources/europe/where-ce-mark-is-required>

The EU's efforts to facilitate the MACAR amongst its members have undergone various modifications. It is possible to identify four phases that contributed to the EU's CA framework that developed over more than 70 years. These different phases are summarised in the EU's guide, *The EU Blue Guide* (EU 2016:5) as follows:

- i) The traditional approach or "Old Approach" with detailed texts containing all the necessary technical and administrative requirements;
- ii) The "New Approach" developed in 1985, which restricted the content of legislation to "essential requirements" leaving the technical details to Europe's harmonised standards;
- iii) The development of the CA instruments made necessary by the implementation of the various Union Harmonisation Acts, both "New Approach" and "Old Approach";

- iv) The ‘New Legislative Framework’ adopted in 2008, which built on the “New Approach” and completed the overall legislative framework with all the necessary elements for effective CA, accreditation and market surveillance, including the control of products from outside the EU.

Three objectives shaped the EU CA initiatives (European Union 2018). These are:

- i) to ensure that unsafe or otherwise non-compliant products do not find their way into the EU’s market;
- ii) to demonstrate that a product that is placed on the market complies with all legislative requirements; and
- iii) the procedure for conformity should ensure the confidence of consumers, public authorities and manufacturers of the products.

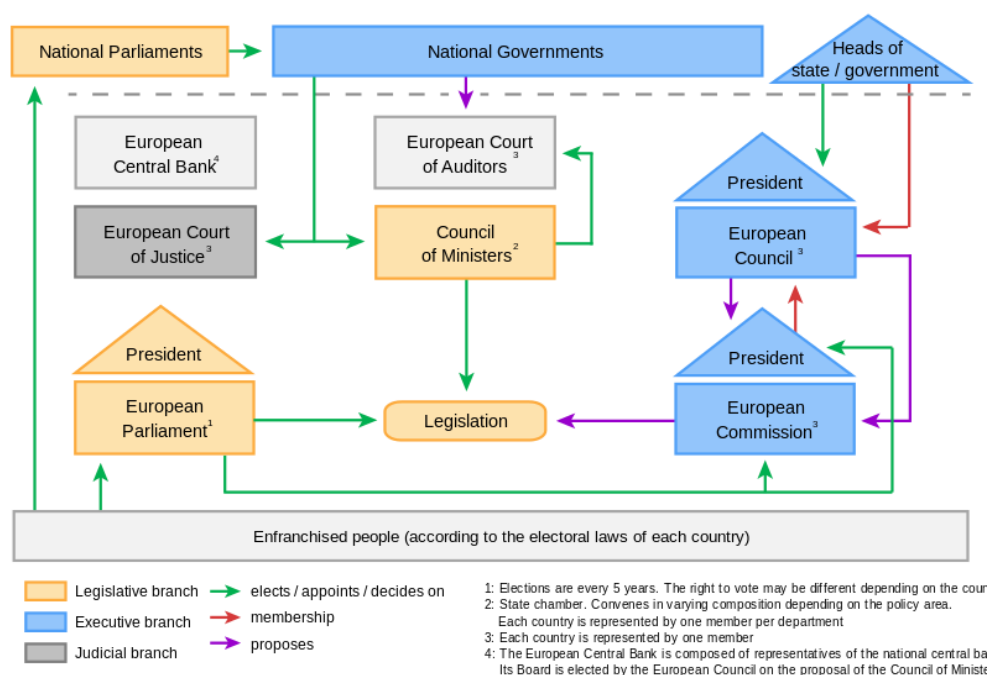
The above objectives are facilitated through product legislation that prescribes CAPs. The legislation allows the manufacturer to choose between predetermined CAPs and to assess compliance with essential safety requirements of the legislation. Assessment by manufacturers is known as SDoC, and where required by legislation, involves a member state recognised and EUC registered CA body (known as a notified body) to carry out the assessment. Therefore a market surveillance regime supports CA. A review of the EU structure is warranted in order to establish the various role-players at the policy level on CA.

3.4.1 The Structure of the EU

The executive and legislative powers are vested in three institutions as established through the TFEU. The European Council is the highest decision-making structure and is composed of heads of EU states or governments that represent the member states. The second institution is the EU Parliament, comprising of the elected citizens through their political alliance. The Parliament represents the citizens and members are elected by the citizens every five years. The EU Commission comprises of one commissioner of each of the 28 EU Member States. They are required to act independently of national interests. The EU Commission is responsible for the day-to-day running of the EU. The decision-makers are coordinated within the EU

Commission and the EU's national government plays a significant role in the development and approval of all EU legislation. Only the EU Commission may propose new legislation. However, the EU Parliament can adopt the recommendation of the Union. The EU Council can accept or reject the EU Parliament's position. If accepted, then the legislative act is passed and will enter into force. If the council rejects Parliament's position, a Conciliation Committee is formed in order to find a way forward. Figure 3.3 depicts the organisational structure of the EU (EU Commission 2018).

Figure 3. 3: Organisational structure of the EU



Source: Adopted from <https://commons.wikimedia.org>

The EU uses two categories of laws, namely primary laws and secondary laws. Primary laws are the EU treaties. Secondary laws are the regulations, directives, decisions, recommendations and opinions which enable and manage compliance. Regulations have a binding legal force throughout every member state. Directives incorporate certain results that must be achieved and the member states must transpose the directives into national law. The EU does not prescribe how they will have to accomplish this. Decisions regarding EU laws relate to specific cases and are directed at individuals, companies, or several member states (USDA 2018). They are

binding upon those at whom they are directed. Recommendations and opinions do not impose a legal obligation, but serve to allow EU institutions' views to be heard and for EU institutions to make a statement (EU Commission 2018).

3.4.2 EU and international commitments: WTO TBT Agreement

The WTO TBT principles form an integral part of the EU's MACAR legislation, policies and operations. Through its historical development on trade matters, the EU actively promotes non-discrimination, avoidance of unnecessary obstacles to trade, harmonisation in the use of CA, as well as transparency in the notification, enquiry and publication of CAPs which assists developing countries. Three principles that go beyond the WTO principles are included in the EU CA framework. These are the principles of non-competitiveness, a risk-based approach to the selection of CAPs and the recognition of a single, not-for-profit, accreditation body per member state.

Harmonisation, defined within the context of the EU, is the process of creating standards applicable across the internal EU market, leaving the regulation of the harmonised standard to the jurisdiction of the member states (EU 2019b). The EU Member States are required to adopt the common standards agreed on by all the EU Member States, through the EU Council, within its national legal framework. Harmonisation of technical regulations occurs at the essential requirements level as laid down by the EU technical harmonisation directive (EU 1985: B3 III). Conformity of a product to the harmonised essential requirement is symbolised through the application of the EU CE marking. The mark is affixed before the product is placed on the EU market (CE Marking Association 2014), see Figure 3.4 depicting the CE mark place on a product. The EU CA system incorporates a risk-based approach to decide on the applicable CAP (EU Commission 2009). High-risk products such as lifts or pressure equipment require independent third-party attestation, i.e. accredited CAB, whereas low-risk products may only require a manufacturers/suppliers' declaration of conformity (SoDC). Three types of CA tools are in use in the EU, as promoted by the WTO. These tools are (EU 2016:95):

- i) The use of MRAs concluded between EU and other governments, resulting in the acceptance of CARs from parties designated under the MRA.

- ii) The use of accreditation as the last level of control and reinforcement of the credibility in the accredited CABs. However, the acceptance of CAR produced by CABs accredited by the European Accreditation Cooperation (EA) member ABs and the CABs accredited by ABs from non-EU member countries, are managed differently. The *EU Blue Guide* (European Union 2016:95), lays down strict requirements for the recognition of CAR from foreign bodies. The EU's bilateral Agreement on Conformity Assessment and Acceptance (ACAAS) captures the requirements for the recognition of CAR from foreign entities. This ACAAS applies to the EU's neighbouring countries and is a non-committal undertaking of the recognition of the ILAC and the IAF MRAs between ABs.
- iii) The use of manufacturers/suppliers' declarations of conformity (SDoC) where the supplier (the person who puts the product on the market) and manufacturer provide written assurance of their product or service's conformity to specified requirements. SDoC is used for low-risk product conformity assurance.

The CAPs are all subject to the WTO principles of non-discrimination, transparency, harmonisation of standards and CAPs.

Figure 3. 4: CE mark attached to a product



Source: Adapted from <http://www.cabs.com.tr/quality.html>

3.5 POLICY ENACTMENT

3.5.1 Regional factors

At the regional level, this study seeks to understand the EU's experience in implementing and managing the enablers and impediments as a result of complementarities and multiple overlapping memberships of members to other economic arrangements. The analysis follows the conceptual framework presented in Chapter Two.

3.5.1.1 Complementarities and revenue loss

To avoid competition between the member states producing complementary products, the EU allows for three kinds of specialisation, namely unilateral specialisation, reciprocal specialisation and joint production. The unilateral specialisation requires that one party fully or partly gives up its right to the other to manufacture certain products or provide certain services in favour of another party. Reciprocal specialisation requires that each party fully or partially gives up their rights to manufacture certain products or provide certain services. Joint production is where the parties undertake to cooperate jointly, to produce certain products or provide certain services (EUC 2010). These agreements are governed by the EU Commission Regulation No. 1218/2010 of 14 December 2010, the treaty on the functioning of the EU for specific categories of specialisation agreements. Recently, the EU embarked on a smart specialisation programme, aimed at helping members to identify and develop their areas of specialisation. The EU underpins the smart specialisation programme, provided that there is developmental funding from the European Structural and Investment Fund.

Revenue loss is managed through the application of value-added tax (VAT) imposed by the individual member states. A new proposal is currently underway to harmonise the VAT within the Union. Furthermore, various funding is available for EU members, such as the Structural Funds, the Agriculture and Fisheries Funds and the Regional Support and Cohesion Funds. These funds are given based on the alignment with EU objectives (EUC 2010).

3.5.1.2 *Overlapping membership*

With a single market and a single trade policy, the EU Member States are represented by the EU Commission in all trade agreement negotiations (Oppenheim 2017). As an example, the most recent trade agreement came into effect in 2017 between the EU and Canada. The EU Commission negotiated this agreement and each participating member state signed up for the agreement. As a CU, the EU members are not allowed to negotiate their trade agreements. As such, it appears that there is no need for multiple memberships and thus duplication or divergence of requirements (as can be brought about by multiple overlapping memberships).

3.5.2 National factors

The main factors of concern to this study are political will and sovereignty, as exercised by the national governments, in order to honour the agreements into which they have entered. Other factors of concern are the cost of compliance, the complexity of requirements, private sector participation, regulatory instruments and control, infrastructure and language barriers. These factors will now be reviewed.

3.5.2.1 *Political will*

Political will exists when a sufficient set of decision-makers with a shared understanding of a particular problem on the formal agenda are committed to supporting a commonly perceived, potentially effective policy solution (Roberts 2017). Initially, the six founding members of the EU defined and agreed on the Union's policies. Therefore, initially, political will played a significant role in the shaping of the Union. However, countries seeking to join the Union after the founding member had first to meet all the established requirements for membership. Political will is thus exercised at the decision to join. After that, all decisions are taken through the relevant EU structures, such as the EU Parliament and Council. Enactment and implementation of the decisions are mandatory for all member states. Failure to transpose an EU directive correctly or on time, or even when misapplying the rules, will lead to initiating

infringement proceedings which are strictly monitored and administered through the EU Commission (EU 2018a).

3.5.2.2 Sovereignty: Changes to national sovereignty in the EU as a result of CA changes

At least two factors concerning sovereignty are of importance to this study. Firstly, the ability of EU Member States to influence legislation and other instruments that affect CA and MACAR against the trade-off of their national sovereignty, and secondly, how the EU and the member states manage the challenges caused by the loss of national sovereignty. The ability to influence legislation can further be divided into regional influence (EU level) and global influence (influence within the WTO).

Through the evolution of the EU's legislative framework, member states progressively ceded sovereignty to the EU Commission and the EU Council. However, the state remains the final decision-maker and is consulted during each step of the negotiations. With a single market and a single trade policy for all of its members, the European Commission represents all its members within the WTO (EU Commission 2018b). According to Meunier and Nicolaidis (1999:478), surrendering sovereignty to the EC "continues to be revolutionary". Furthermore, the authors claim that member states desire to regain some of their sovereignty loss (Meunier & Nicolaidis 1999). However, after 21 years, it appears that the ceding of sovereignty to the EC within the realm of trade has not changed.

At the level of CA, the EU has consolidated its control over CA through the adoption of Regulations 765/2008 and 768/2008, which set out the rules for the acceptance of CARs. A key area that limits a member's sovereignty is the requirement that the EU will recognise only one AB per economy. This requirement was put in place in order to harmonise CA and to avoid competition between ABs. ABs are seen as public interest bodies and the last level of protection (EU Commission 2019). Another essential requirement is that the EU developed guidance for the CAPs, also referred to as modules, covering the design and production phases of a product (European

Commission 2019). The guide does not have legal force and cannot prescribe the position that the EU Commission might take before a court of justice.

In 2016, the EU faced one of the most significant consequences where economic cost, loss of sovereignty and value and identify loss started to exceed the incentives that the Union offered, in some peoples' opinions (Sampson 2017:178). As mentioned, one of the largest EU economies, the United Kingdom of Great Britain and Northern Ireland, voted to leave the EU. However, Sampson (2017:178) argues that the votes were not based on a rational assessment of the economic costs and benefits, as the UK on average benefitted economically. The aggregate gain assessment is supported by Hill (2014) in his analysis of regional integration. Notwithstanding this setback to the EU's integration efforts, it appears that the member states are willing to sacrifice some rights in order to benefit from what the EU can offer. Such rights include the motivation to ensure peace through closer trade relations and integration, enlarged markets negotiated from time-to-time outside of the EU, developmental support provided to EU countries, and the ability for citizens to move for purposes of employment, education or entrepreneurship (Quora 2014). In a recent survey conducted in April 2018, two-thirds of EU members indicated that they have benefitted from being a member of the EU. This is the highest it has been in 35 years (EU Parliament 2018).

3.5.2.3 Cost of compliance

CAs are an integral part of standards and metrology and thus need to be examined within this context. At the regional level, the EU provides grants to institutions that further its policies and contribute to funding the EU. The EU grants include the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development, and the European Maritime and Fisheries Fund (European Commission 2019). In the area of CA, the EU employs a risk-based approach to the choice of CA. Cost is a significant consideration. As an example, SDoC is seen as a cheaper option for accreditation and thus applied to lower risk products.

3.5.2.4 Complexity of requirements

CA requirements within the EU are very complicated. The requirements are captured in various product directives, regulations and decisions. However, before the enactment of the legislation, public and stakeholder engagements, as well as input, is sourced. The EU utilises internet portals extensively and publishes all stages of the policy process in all of the EU's 24 official languages. Citizens, the private sector and member states are actively involved in the final decision through the EU Parliament and the EU Council. Furthermore, support and concessions are granted in support of incorporating and implementing the relevant statutes within the member states. However, it remains the member states' responsibility to enact and implement the EU Council's decisions, as the highest decision-making structure (European Commission 2019).

3.5.2.5 Private sector participation

The EU uses various mechanisms and interventions to ensure the private sector and the EU citizens are involved in all EU significant decisions which affect them. In the area of the drafting of laws, the EU makes extensive use of technology, such as its Public Consultation Website, where anyone can express their views on new initiatives undertaken by the EU and on existing policies and laws (European Commission 2018). The European Commission also consults with interested parties, such as the private sector and civil society, before tabling a new law to the European Parliament and Council.

3.5.2.6 EU legal regulations that shaped the EU's legislative framework

As previously stated, the EU's efforts to facilitate the MACAR amongst its members have undergone various modifications. Four phases contributed to the EU's CA framework that developed over more than 70 years. These phases are the 'Old Approach', the 'New Approach', the 'Global Approach' and the last phase which completed the EU legislative Framework on CA named the 'New Legislative Framework'. The following discussion will also elaborate on one important innovative mechanism of the EU, namely the MRA, and the institutional context, due to its importance to the EU and this study.

3.5.2.7 The EU Old Approach to CAPs

The specific technical legislation was the hallmark of the Old Approach. During the Old Approach, the EU Member States maintained their sovereignty over their legislation, through the development, implementation and monitoring of the technical legislation. Public health, safety and the confidence required in economic operators, as well as dealing with health and safety matters, established the need for such detailed legislation (European Commission 2016a). In specific sectors, the public authorities were the only entities that could issue certificates of conformity. The issuing of certificates by the public authority meant that the public authority had to source and maintain the necessary competence and means to conduct the required CA audits/verifications. However, the more pressing concern was the time-consuming and inflexible approach to the developments of the technical regulations. As an example, harmonisation of technical regulations was introduced under unanimity, making the adoption of such legislation very unwieldy and very costly (European Commission 2016a:6). It became apparent that the Old Approach did not facilitate the free movement of goods within the EU as was intended.

3.5.2.8 The New Approach and the Global Approach to CAPs

To address the weaknesses of the Old Approach, another approach, coined the New Approach, entered into force in 1985. A change to the Old Approach occurred when the nation-states sacrificed some of their sovereignty over the technical legislation to the regional body (EU). The adoption of Directive 83/189/EEC on 28 March 1983 enabled the transfer of sovereignty over member states' CAs to the EU (European Union 1983). The New Approach directive incorporated the WTO's transparency principle that requires all member states and national standardisation bodies to notify the other member states, other standardisation bodies and the EU Commission when drafting new national technical regulations and standards. The directive allows for three months' 'standstill' period. The standstill period allows time for other members, standardisation bodies and the EU Commission to object or provide comments on the draft document. As motivated under the WTO's TBT Agreement, the standstill period could be waived if the member states could prove urgency in protecting health, safety, or the environment including fauna and flora (European Union 1983).

As opposed to the Old Approach that required very detailed technical specification on the level of safety, the New Approach focused on prescriptive essential safety requirements in the form of directives (European Union 2018). The New Approach was the first attempt at eliminating the CA challenges by adopting the EU Framework Directive 83/189/EEC on a common framework for the marketing of products under the 1990 Global Approach. Through a legal challenge (the Cassis de Dijon case), the EU's approach to technical harmonisation changed. The court ruled that rejecting goods and services from another member state could only be due to non-compliance with essential requirements. Therefore, non-compliance to 'non-essential' requirements cannot be a justification for rejecting goods and services from the other member states. As discussed in Chapter Two, the EU introduced an MRA which separated standards from mandatory essential safety requirements, in order to address the court ruling and to deal with the weaknesses of the slow and expensive harmonisation process. As defined in Chapter One, an MRA specifies the conditions under which one party will accept the CARs as performed by another party's designated CAB, in order to show compliance with the first party's requirements.

3.5.2.9 The New Legislative Framework

On 10 November 2003, the European Council resolved to approve the EUC's communication, named *Enhancing the implementation of the New Approach Directives*. The New Approach became the basis for the New Legislative Framework, using two complementary instruments: 1) Decision No. 765/2008/EC of 9 July 2008, which is the basis for future legislation, and 2) Regulation 765/2008, which came into effect on 1 January 2010. The promulgation of the 'New Legislative Framework' completed the EU legal framework for the free flow of goods and services. The New Legislative Framework includes the necessary elements of CA, accreditation and market surveillance, and also includes control of products from outside the EU (European Commission 2016b). The decisions and regulations aim to address the free movement of goods with the EU through CAP (Eur-lex 2018).

In the year 2000, the EU published the first guide to the implementation of directives based on the new approach and the global approach, coined *The Blue Guide*. In 2016, the EU updated and published *The Blue Guide* on the implementation of EU product rules. The new guide kept most of the information from the previous version, but additional and revised chapters deal with CA and standards. As an example, the updated *Blue Guide* includes a new chapter on the obligations of accreditation, as well as a revision of the chapters on standardisation and market surveillance. The guide does not have legal force and cannot prescribe the position which the EUC might take before a court of justice (European Union 2016).

The preceding section highlighted the developments that occurred over the years to conclude with the New Legislative Framework. The following analysis is primarily concerned with the 2016 *Blue Guide*, as well as the New Legislative Framework and the two complementary instruments: 1) Decision No. 765/2008/EC of 9 July 2008, and 2) Regulation 765/2008, which became applicable on 1 January 2010. Strict legislative instruments underpin each of the above EU CAPs. Table 3.1 below depicts the legislative instruments.

Table 3. 1: EU CAPs and legal instruments

CAPS	SUPPORTING INSTRUMENTS	LEGAL INSTRUMENT
Government-to-government MRA	<ul style="list-style-type: none"> • Subject to the agreed upon requirements stipulated in the MRA. 	MRA <i>The Blue Guide</i>
The use of accreditation	<ul style="list-style-type: none"> • Single AB, not for profit per EU economy to prevent competition; • Oversight of AB by EA; • Oversight of CAB by AB approved by EA; • Acceptable for the voluntary area but subject to the discretion of the national authority for the regulatory domain; • Market surveillance; • Harmonised and international standards. 	NLF EA MRA ILAC MRA IAF MLA (EC) 765/2008 Decision 768/2008(EC) <i>The Blue Guide</i>

CAPS	SUPPORTING INSTRUMENTS	LEGAL INSTRUMENT
SDoC	<ul style="list-style-type: none"> • Product liability legislation; • CE Marking: A declaration of conformance with essential safety requirements of the EU harmonised legislation; • Harmonised and international standards; • Recall laws; • Accredited CARs (where required); • Product categorisation (determining risk category). 	<i>The Blue Guide</i>
Market Surveillance	<ul style="list-style-type: none"> • Market surveillance; • Economic operators; • Accredited report or certificates that are attesting to conformity; • Risk assessment; • Community rapid alert system; • Information and Communication System for Market Surveillance (ICSMS). 	(EC) No 765/2008 Decision No. 768/2008/EC <i>The Blue Guide</i>
Penalties	<ul style="list-style-type: none"> • Regulations; • Criminal sanctions. 	Regulation (EC) No 765/2008. Decision No. 768/2008/EC <i>The Blue Guide</i>

Source: Author's own: Compiled from Regulation No. 765, Decision No. 768/2008/EC and the EU *Blue Guide* (EU 2016)

3.5.3 EU's monitoring and sanction instruments

Oversight and sanctions are divided into proactive and reactive measures. The proactive measures include regulations, CA and market surveillance. The reactive measures include recall laws and legal prosecutions. The preceding section elaborated on regulations and CAPs. The following section focuses on regulations, CA and monitoring and evaluation of market surveillance. The above sections addressed the proactive measures. The next section explores the purpose and functioning of the market surveillance system as an oversight and sanction instrument.

3.5.3.1 Market surveillance

According to Article 41 of EU Regulation 765/2008, member states are responsible for market surveillance within their borders. However, the European Commission

provides a range of templates and guidelines to ensure consistent implementation across the member states. The EUC and other members receive an annual market surveillance plan, compiled by the member states. Furthermore, in applying the WTO and the EU principle of transparency, the plan is made available to the public via the Internet. Market surveillance aims to protect the public interest, as such contact details of surveillance authorities are also made publicly available. Various events, such as complaints received, planned surveillance and other events, may trigger an investigation by the surveillance authorities (European Commission n.d.). Surveillance authorities rely on risk assessments to determine whether a product poses a serious risk. Should a product pose a serious risk, surveillance authorities have the power to take appropriate action. Such action includes product withdrawal from the market, recall of the product and stopping or restricting the supply of the product within a reasonable period (European Commission 2016a:101). The following section addresses the factors that impact on policy implementation. After that, a summary of the lessons learned from the EU follows.

3.6 POLICY IMPLEMENTATION

3.6.1 Regional factors

As highlighted in the research's conceptual framework (see Figure 2.7), as presented in Chapter Two, the regional and national factors that impact on policy implementation include the relevant infrastructure and institutions, the language barriers, private sector participation, the complexity of requirements and political will. The private sector's participation, political will and the complexity of requirements have already been addressed in the preceding sections. The following section will focus on the infrastructure, institutions and language barriers.

3.6.1.1 Infrastructure and Institutions

When analysing the institutional context within the EU, the study identified three interrelated factors that build on the legitimacy of institutions, leading to institutional trust. These factors are the legal regulations within the EU, the structures that manage

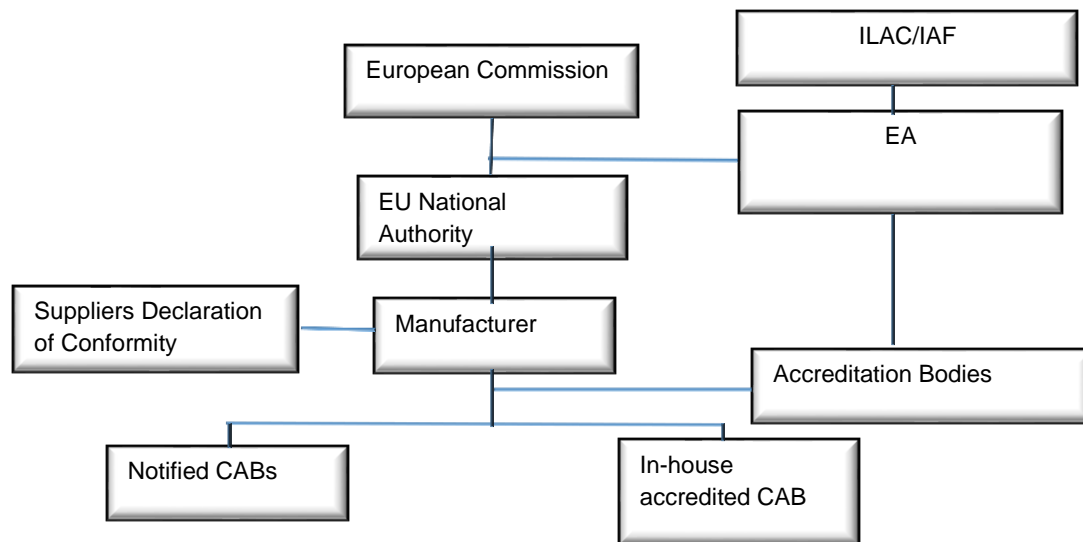
the CAP and lastly, how oversight is exercised. In general, the EU deals with the fundamental questions concerning the component that enables trust in CA institutions.

This section reviews the EU's efforts at instilling trust within its institutional arrangements. The discussion consists of three parts. Firstly, the study looks into the legal regulations that shaped the CA legislative framework within the EU. Secondly, the study looks at the CA's enabling of infrastructure and the last section deals with the control over monitoring and sanctioning contraventions.

3.6.1.2 Technical infrastructure and resources

Various implementation institutions, ranging from public to private organisations, play an essential role in facilitating MACAR within the EU (see Figure 3.5). The EUC, EU national authorities, manufacturers, AB, accreditation cooperation and notified bodies are the essential players in the MACAR space. As per the EU legislative framework, overall responsibility for CA resides with the manufacturer. CA can be categorised into various models for both the design and product phase. Regulations determine the involvement of a third-party CA.

Figure 3. 5: EU CA role-players



Source: Author's own: compiled from Regulation No.765/2008

3.6.1.3 Appropriateness of regulatory instruments

To assure CABs, as well as manufacturers, the EU national authorities and the EUC all have the necessary trust in the CAR's security and various other structures, collectively known as the Quality Infrastructure Institutions, which play a key role. The Quality Infrastructure Institutions are comprised of AB, standards bodies, metrology institutions and CABs. Accreditation is seen as a public interest body and the last level of public control in the EU CA system. The role of accreditation within the EU is to confirm that accredited CABs have the necessary technical competence to perform their duties and thereby reinforces the mutual recognition of products, services, systems and bodies across the EU. The EU recognises the EA as a co-operation of AB that manages an MRA amongst its member ABs. ABs need to be signatories to the EA's MRA in order to be recognised by the EU.

Other bodies in Europe that are recognised by the EU play a critical role in enabling the trust required in traded goods and services. They are the standards bodies that develop standards and the metrology institutions, responsible for providing measurement traceability. The EU officially recognises the European Committee for Electrotechnical Standardisation (CENELEC), the European Committee for

Standardisation (CEN) and the European Telecommunications Standards Institute, all collectively known as the European Standards Organisations (ESOs) for the development of European standards, both for the European market and for harmonised standards for EU legislation. The ESOs develop harmonised standards under a mandate from the European Commission. The harmonised standards can be used to prove that products or services comply with the technical requirements of the law. Compliance with harmonised standards is voluntary. However, technical requirements given in the EU legislation is mandatory. The EU standardisation regulation is captured in Regulation No. 1025/2012 of the European Parliament and the Council (EU 2012).

Two bodies in Europe deal with legal and scientific metrology, respectively. The European Cooperation in Legal Metrology (WELMAC) is recognised in the EU policy on legal metrology, to promote cooperation in legal metrology in Europe. WELMAC's membership is the national EU Member State legal metrology authority. The European Association of National Metrology Institutes (EURAMET) coordinates metrological activities of the EU Member States. The above organisations are associated with the international bodies responsible for the scope of expertise. The European cooperation for Accreditation (EA) is a signatory to the ILAC and the IAF. The ESOs are members of the ISO and the IEC. WELMAC is a member of the International Organisation of Legal Metrology (OIML) and EURAMET is a member of the International Bureau of Weights and Measures (BIPM).

3.6.2 MRAs

The EU relies on both forms of MRAs since the EU is not a government (state), but a cooperation of nation-states. Some scholars such as Hoffman (1966), and Milward (1992) claim that the EU follows an Inter-governmentalism approach where the power remains with the member states and the rules of majoritarian decision-making do not apply. The EU identifies itself as a CU. However, the EU seems to transcend the boundaries of a monetary union, with some attributes of a political union. It is therefore difficult to determine the power of the EU concerning an MRA. However, unlike the EU's Common Foreign and Security Policy (CFSP), the EU's policy on international

trade assigns powers to the EUC to speak and negotiate on behalf of the members (Meunier & Nicolaidis 1999:478). This study, therefore, accepts that the EU acts as a government within the context of a government-to-government MRA. The Comprehensive Economic and Trade Agreement (CETA) concluded between the EU, the EU Member States and Canada supports this study's position.

3.6.3.1 MRAs between governments

The WTO's indicative list of CAPs (See Table 2.6) recognises the MRAs between governments as a WTO endorsed procedure. In the agreement, the mechanism to confirm the competence of CAB remains the government's prerogative, unless otherwise agreed on within the MRA. The EU has, to date, concluded government-to-government MRAs with Australia, Canada, Israel, Japan, New Zealand, Switzerland and the United States of America. The most recent MRA signed is with Canada. The MRA was signed on 28 October 2016. The MRA forms part of the CETA between Canada, the EU and the EU members (European Commission 2019c).

3.6.3.2 MRA's between non-governmental bodies

Regulations 765/2008 and 768/2008 set out the rules for the acceptance of CARs. MRAs between non-governmental bodies within the CA space predominantly involve agreements between ABs, both public and private. These agreements facilitate the mutual recognition of each other's results through international cooperation such as ILAC, IAF, the IEC and others. Most of these bodies recognise and collaborate with the ILAC and IAF for the use of its MRA.

The EU recognises the contribution which the voluntary ILAC and the IAF MRA/MLA can play in MACAR within the EU. Regarding the voluntary sphere, the EU allows the acceptance of CARs from the non-European CAB, accredited by a non-European accreditation body. The voluntary field covers goods and services not regulated. In the mandatory sphere, the EU allows each member state to decide on whether to accept the CARs produced by non-European CABs. Rejection of CARs cannot be due to non-fulfilment of the EU requirements by the non-European ABs.

Furthermore, the EU obliges its members to accept non-European CARs produced under a government-to-government MRA. The principle of legal accountability and control governs the acceptance or non-acceptance of non-European CARs produced. The latest body to be added is the European Accreditation Cooperation (EA), operating under Regulation 765/2008/EC of 9 July 2008. The EA is responsible for managing an MRA amongst the EU ABs. The EA membership includes ABs in Europe and associate members who are covered under the EU/European Free Trade Association (EFTA), such as Norway, Iceland, Switzerland and some North African countries, such as Algeria, Tunisia, Egypt, Morocco etc.

3.6.4 Language barriers

Communication in the various languages of the EU Member States is considered essential. The EU has 24 official languages and all 24 languages are accepted as working languages. Therefore all legislation and documents of primary public interest are drafted in all 24 official EU languages. The EU institution may elect the languages in which they communicate internally. The Commission, for instance, communicates in English, French and German. However, the cost of translation and communication is high. Translation accounts for more than 1% of the EU budget. In 2017, the EU overspent its translation budget by £3 million, raising concerns about spending (The Week 2017). The EU has extensively embraced IT, particularly websites to communicate with its members, and it provides a specialised subsidy, the EUROPA Language Portal, in order to communicate and allow feedback in all 24 languages.

3.7 LESSONS FROM THE EU

The preceding section highlights several lessons in the enactment and implementation of CA and MACAR. The most notable is that the EU's CA system has evolved and has been fine-tuned and adapted in order to accommodate the various challenges posed over the years. Dealing with the time-consuming and expensive challenges posed by harmonisation, the EU brought about an MRA system allowing for the mutual acceptance of goods and services amongst trading entities. The EU experience poses a lesson to African RECs, where the harmonisation of standard and technical

regulation is promoted in almost all the RECs. Chapter Four will present a full discussion on the EU matter as it pertains to conformity assessment and the objectives of this study. The next section embarks on the analysis of the RECs and the TFTA. The section presents an embedded case study which aims to provide an overview of the RECs' attempt at a MACAR framework that provides input into the TFTA case study.

3.8 CASE 2: THE TFTA APPLICATION OF THE MACAR

This section presents the TFTA, the REC and the nation-state, in order to ascertain the power distribution and mandates for the enactment and implementation of MACAR amongst the three spheres of the TFTA arrangement.

3.8.1 Background to the TFTA

By June 2017, 22 of the 26 member states had committed to the TFTA Agreement, however, as of April 2019, only four member states, namely South Africa, Egypt, Kenya and Uganda had ratified the agreement (Tralac 2019). The agreement requires at least 14 member states to ratify it before it can be enforced. The TFTA Agreement sets the legal basis for the member states and the TFTA institutions. Article 10(1) of the TFTA Agreement imposes an obligation on the TFTA Member States to eliminate all existing NTBs to trade amongst themselves and not to impose new NTBs. As CA and the non-acceptance of CA has developed into one of the more significant NTBs, Article 21, Paragraph 4(b) of the TFTA Agreement requires members to cooperate in the implementation of various mechanisms in order to encourage the acceptance of CARs produced by laboratories, certification bodies and inspection bodies.

Furthermore, Article 21, Paragraph 4(e) of the TFTA Agreement requires members to cooperate in MACAR (TFTA 2015:11). In addition to the provisions made in the TFTA Agreement concerning contraventions of the TFTA Agreement requirements, the TFTA Agreement assigns responsibility to the member states to progressively eliminate NTBs to trade (TFTA 2015: Article 5). The article further binds member states to establish and promote cooperation in all trade-related areas and to establish

and maintain an institutional framework for implementation and administration of the TFTA.

The TFTA Agreement Article 21(c) adopts the principle of using standards as a basis for technical regulations. The TFTA Agreement under Article 21(e) further recognises the role that harmonisation and the equivalence of technical regulations can play in facilitating trade. The RECs' MACAR enactment and implementation of the TFTA CA policies inform the scope and focus of the case studies and the international, regional and national environment. Furthermore, this study looks at how the RECs' member states and their institutions function to implement the MACAR policies and programmes.

3.8.2 The TFTA structure

The TFTA Agreement devotes various articles to the establishment, management, control and accountability of the TFTA CA system. The TFTA's (2015) Articles 29 and 30 of the agreement establishes the TFTA institutional framework responsible for the implementation of the FTA. The TFTA institutional structure consists of the Tripartite Summit as the highest decision-making body. The Tripartite Summit adopts its own rules of procedure. The Tripartite Council of Ministers, the Sectoral Ministerial Committee on Trade, Finance, Customs, Economic Matters, Home/Internal Affairs, the Sectoral Committee on Legal Affairs, the Tripartite Task Force of the Secretariats of the three RECs, the Tripartite Committee of Senior Officials and the Tripartite Committee of Experts are all responsible for ensuring the operationalisation of the TFTA Agreement.

Four institutions play a crucial role in policy direction, coordination and implementation, which include the policies related to the removal of TBT and policies on CA. These institutions are the Tripartite Sectoral Ministerial Committee, the Tripartite Task Force of the Secretariats of the three RECs, the Tripartite Committee of Senior Officials and the Tripartite Committee of Experts. The section below expands on the composition and responsibilities of the various committees of the TFTA.

The composition of the Tripartite Sectoral Ministerial Committee on Trade consists of ministers designated by the member states. The committee is assigned responsibility for the policy direction and implementation in their assigned duties. As the MACAR is a trade issue, the Sectoral Committee on Trade is responsible for policies concerning MACAR.

The Sectoral Ministerial Committee is supported by the Tripartite Task Force of the Secretariats of the three RECs. The task force is responsible for coordinating the implementation of the tripartite work programme and the provision of the secretariat to the tripartite arrangement. The Tripartite Committee of Senior Officials is responsible for overseeing and guiding technical work and consists of senior officials from the member states.

The Tripartite Committee of Experts is responsible for carrying out technical work and is accountable to the Tripartite Committee of Senior Officials. Furthermore, Article 30 of the TFTA Agreement makes provision for the establishment of a Dispute Settlement Body to administer the rules of procedure. The Dispute Settlement Body introduced in Article 30, Article 38 and ANNEX X on Dispute Settlement Mechanisms of the TFTA Agreement, is empowered and responsible for administering the rules and procedures, as well as the dispute settlement provisions under Article 30 of the TFTA Agreement.

Table 3.2 below depicts the composition and responsibilities of the TFTA institutions/structures, with the shaded area indicating those bodies that have direct responsibility for the MACAR system within the TFTA structures.

Table 3. 2: TFTA institutional framework

IMPLEMENTATION INSTITUTION	COMPOSITION	RESPONSIBILITIES
Tripartite Summit	Heads of states and governments of the TFTA Member States.	Responsible for general direction and impetus of the TFTA. Adopting amendments to the TFTA Agreement. Determining sanctions for defaults in meeting obligations.

IMPLEMENTATION INSTITUTION	COMPOSITION	RESPONSIBILITIES
Tripartite Council of Ministers	Minister designated by the TFTA Member States for the TFTA.	Responsible for approving each committees' rules and procedure. Sets regulations and guidelines. Can recommend sanction for infringements by the member states to the summit.
Tripartite Sectoral Ministerial Committee on Trade, Finance, Customs and Economic Matters and Home/Internal Affairs	Minister designated by the TFTA Member States for the TFTA.	Responsible for policy direction and implementation in their assigned sector(s).
The Tripartite Sectoral Ministerial Committee on Legal Affairs	Minister designated by the TFTA Member States for the TFTA.	Responsible for policy direction and implementation in legal affairs.
Tripartite Task Force of the Secretariats of the three RECs	Secretariats of the three RECs	Responsible for coordinating the implementation of the tripartite work programme and the provision of secretariat services to the tripartite arrangement.
Tripartite Committee of Senior Officials	Senior officials designated by the TFTA Member States for the TFTA.	Responsible for overseeing and guiding technical work.
Tripartite Committee of Experts	Not specified.	Responsible for carrying out the technical work and reporting to the Tripartite Committee of Senior Officials.
Other institutions		
Dispute Settlement Body		Administers the rules and procedure as well as the dispute settlement provisions under the TFTA Agreement. Authorises suspensions of concessions.
Appellate Body	As established by the Dispute Settlement Body.	Makes recommendations to the Dispute Settlement Body regarding disputes.

Source: Adapted from the TFTA Agreement (Articles 29 and 30) and (<http://www.sadc.org>, 2017)

The TFTA TBT Article 21(6) introduces Annex VII, which requires member states to implement and build a capacity building programme to realise Annex VIII on TBT. The scope of Annex VIII is captured under Article 2 of the annexe dealing with technical regulations, standards, accreditation and metrology. The Pan African Quality

Infrastructure is a body recognised by the AU. The TFTA also recognises Africa's Quality Infrastructure. Articles 5, 6, 7 and 8 of the TFTA Agreement recognise the following Pan African structures in support of the scope of Annex VIII:

- i) The African Regional Standards Organisation (ARSO) responsible for the coordination of standards development;
- ii) The African Accreditation Cooperation (AFRAC) responsible for coordinating accreditation and managing an MRA amongst AB on the African continent;
- iii) The African Institute of Metrology (AFRIMETS) responsible for coordinating measurement and legal metrology on the continent; and
- iv) The African Electrotechnical Standards Commission (AFSEC) responsible for the development and coordination of electro-technical standards.

3.8.3 The TFTA legal regulations concerning CA

The TFTA Agreement, Article 6 of Annexure VIII on cooperation in CA, obliges the member states to cooperate and to facilitate the development of CA capacity and technical competence. Article 6[c] singles out one of the WTO's recommended approaches, as captured in the WTO's indicative list of the CAPs. The procedure adopted is the MRA between member states' AB linked with the MRA of the ILAC and the MLA of the IAF. Both ILAC and IAF MRA/MLA are non-governmental recognition arrangements.

Article 6[d] of the TFTA Agreement further requires members to investigate and implement a mechanism to facilitate MACAR. Article 11 requires the member states to cooperate in training and capacity building. The requirement appears to adopt the WTO TBT principle assigned to the LDCs.

3.8.4 Overview of the TFTA regional corporations

As a newly established FTA, the TFTA as a REC does not have a history of CA. The section built on the TFTA CA system is an accumulation of the CA structures within SADC, COMESA and the EAC (See Figure 3.1). The TFTA Agreement and associated

annexures also incorporate provisions for the implementation and management of CA under its TBT articles. This section starts with a historical overview of the three RECs before it presents an analysis of what the TFTA prescribes.

3.8.5 Historical overview of the EAC, SADC and COMESA

The EAC, SADC and COMESA's record of regional integration can be traced back to the 1960s, with the EAC starting in 1967, followed by SADC in 1976 and lastly COMESA in 1979. The EAC initially launched in 1967 with Kenya, Tanzania and Uganda as members. The EAC inherited its origins from the communities that existed in the old colonial governments during the 20th Century (Mathieson 2016). In 1977, the dominance of Kenya and Kenya's political position led to the demise of the EAC. However, the EAC was revived on 7 July 2000. Rwanda and Burundi joined the EAC at the end of November 2006, bringing the membership total to five. Unlike SADC and COMESA, the EAC started as a CU and aimed to achieve a political federation by 2011. However, this has not yet transpired. The EAC's mission concerning CA is to facilitate modernisation in the EAC, through the application of a harmonised policy for SQMT (EAC 2001). Paragraph 4.4 of the EAC's protocol indirectly addresses components of CAPs.

The Frontline States Initiative (FLS), a loose coalition of six of the southern African countries, was formed in 1975. The FLS aimed to reduce their economic reliance on apartheid South Africa (Kondo 2010:79). The FLS later gave birth to the predecessor of SADC, namely the Southern African Development Co-operation Conference (SADCC). The SADCC was formally launched in April 1980 and evolved into a development community, SADC, in 1992. The launch of SADC aimed to address the greater economic cooperation and integration desires of the region. With the demise of apartheid, South Africa joined SADC in 1994, bringing the total membership to 14 southern African states. As of November 2018, SADC's member states totalled 16, with the Comoros joining SADC in August 2018. SADC started as a preferential trade area and launched an FTA in 2000. SADC originally planned to move to a CU by 2010 and a common market by 2012, with a single SADC currency by 2016. However, to date, SADC remains an FTA. Article 6 of the SADC TBT Annex to the SADC Trade

Protocol states that its mission concerning CA is to harmonise CA to facilitate and increase trade.

COMESA started as a preferential trade area (PTA) in 1982. In October 2000, COMESA formed an FTA and evolved into a CU launched in 2009 (Disenyana 2009:8). The CU consists of 19 member states, of which eight are also members of SADC and four others are also members of the EAC. COMESA planned to launch a common market in 2014 and an economic union by 2025. As at December 2019, COMESA remains a CU under development. COMESA's mission concerning CA is to promote a common approach to standards development, metrology, CA, "accreditation and the implementation of standards in both the public and private domain" (COMESA 2009). It aims to ensure adequate, comparable quality infrastructures at the member states' national level.

Notwithstanding the many years of operation, success has been limited, as can be seen by the history of the RECs in attaining regional integration measured against their original plans. The implementation of the RECs' CA objectives also reflects limited success. Unlike COMESA, who opted for the equivalence of outcome approach to CA, SADC and the EAC based their CAPs on a harmonised approach. Although all three RECs have approved protocols on standards, CA, quality and accreditation, SADC appears to have made the most progress. The section below provides an overview of the legislative instruments and the status of their implementation.

3.8.6 Overall SADC CA strategies

The SADC CA initiative underwent various revisions. The Protocol on Trade was signed in August 1996 and entered into force on 1 September 2000. Annex IX of the SADC Trade Protocol on TBT gave rise to the SADC MoU on Standardisation, Quality Assurance and Accreditation and Metrology (SQAM). The 2008 TBT Annexure to the SADC Protocol on Trade superseded the SADC SQAM MoU. Recognising the need for active participation of regulators and stakeholders within the structures of SADC, the 2014 version superseded the 2008 version (SADC 2014).

CA and the MACAR are critical components of the SADC strategy aimed at greater economic cooperation, industrialisation and regional integration. All SADC Member States are also members of the WTO. As such, the SADC Trade Protocol is modelled around the critical provisions of the WTO TBT Agreement. Cooperation in CA and alignment with the WTO provision articulates into the SADC TBT Annex IX of the SADC Protocol on Trade. Annex IX's preamble recognises SADC members states' commitments to the WTO TBT Agreement. Article 5.1 of Annex IX spells out the fundamental rights and obligations of member states to each other under the WTO TBT Agreement. The adoption of the WTO fundamental principles to guide the CA prescribed in the protocol is noteworthy. Article 5.2 highlights the commitment of members states to the WTO principles of non-discrimination, necessity, prevention of trade restrictiveness, proportionality, the use of international standards, equivalence and internationally harmonised measures, transparency and special and differential treatment.

Article 6 of the SADC TBT Annex to the SADC Trade Protocol introduces a technical, regulatory framework to eliminate TBT amongst member states, SADC, other regions and international trading blocks. SADC applies the harmonisation of texts, technical regulations and CAPs, to achieve the aim of the Technical Regulatory Framework. In line with the WTO requirement that members use international standards and CAPs, SADC requires member states to use appropriate international measures to promote acceptance of CAR amongst the member states. Although not specific on what constitutes 'appropriate international measures', Article 6(2) of SADC TBT Annex to the SADC Trade Protocol limits the obligation of harmonisation and equivalence principles to issues reserved for trade facilitation and increased trade. Furthermore, Article 8 of the SADC TBT Annex to the SADC Trade Protocol on Accreditation recognises the mutual MRA of the SADC Accreditation Cooperation (SADCA), the AFRAC and the ILAC and the MLA of the IAF. To implement the provision of Annex IX of the SADC TBT Annex to the SADC Trade Protocol, SADC binds member states to take all reasonable steps necessary to enforce compliance with the requirements of Annex IX by their governing bodies, businesses and non-governmental bodies.

In order to ensure the implementation and management of the CA strategy, the SADC set up various institutions to handle policy and manage implementation. Article 11 of the SADC TBT Annex to the SADC Trade Protocol concerns the regional TBT cooperation structures, covering CA enablers such as standards, metrology and accreditation, CA providers such as CABs and users such as government, industry and consumers. The following institutions have been established under the SADC Trade Protocol TBT Annex:

- i) The SADC Technical Regulations Liaison Committee (SADCTRLC) consisting of regulators from the member states.
- ii) The SADC Stakeholders Committee (SADCTBTSC): the Committee of stakeholder organisations within SADC.
- iii) The SADC Cooperation in Accreditation (SADCA): Cooperation of AB and relevant accreditation stakeholders within SADC.
- iv) The SADC Cooperation in Legal Metrology (SADCMEL): Cooperation of legal metrology institutions within SADC.
- v) The SADC Cooperation in Measurement Traceability (SADCMET): Cooperation of national metrology institutes in SADC.
- vi) The SADC Cooperation in Standardisation (SADCSTAN): Cooperation of national standards bodies in SADC.
- vii) The SADC TBT Expert Group (TBTEG): Regional coordinators representing the above structures and the SADC Secretariat representatives.
- viii) The SADC Accreditation Services, which is a multi-economy accreditation body providing accreditation services to CABs in the SADC countries without a national accreditation body.

All of the above bodies are held accountable by the Council of Ministers of Trade. Although there is no paragraph dealing with CA exclusively, Article 15[a] of the SADC TBT Annex to the SADC Trade Protocol provides some guidance regarding the credibility of CABs. The requirement assigns responsibility to SADCA to coordinate and promote the acceptance of SADC accreditation infrastructure. Article 15[b] introduces a SADC multi-economy accreditation body which provides for the accreditation needs of those SADC Member States without a national accreditation

infrastructure. Such a multi-economy accreditation service appears to be unique in the context of a regional arrangement. The role of the SADCTRLC and the SADCTBTSC, as established under the SADC TBT Annex to the SADC Trade Protocol, is of significance for CA within the SADC, as it manages the TBT. The SADCTBTSC members are users of CA services. The SADCTBTSC draws on the participation from industry, private sector non-governmental organisations (NGOs), consumers and labour. The committee's assigned responsibilities are to facilitate the SADC technical and regulatory framework, request TBT cooperation structures to develop an appropriate CAP and to support the use of CA services in the regulatory domain (SADC: Article 13 Paragraph 1 and 2[b] & 3[b]:16). The committee advises the cooperation structures of industries' CA needs and promotes the development and capacity building of CA service providers (stakeholder participation).

The SADCTRLC membership consists of representatives of the SADC Member States' governments responsible for their national WTO TBT compliance. The primary purpose of this committee is to promote and facilitate the implementation of the SADC Technical Regulation Framework. The committee's powers extend to SADC policy-making and implementation and monitoring of technical regulations.

3.8.6.1 Current implementation status

As far as the underlying technical implementation on Trade Annex VI of the SADC Protocol is concerned, all structures in SADC are operational. The unique approach of SADC to dealing with accreditation infrastructure is noteworthy. Contrary to the globally accepted norm of a national accreditation infrastructure per economy, SADC developed an accreditation model that has seen the first multi-economy accreditation body for a regional arrangement in the world. The SADC Accreditation Services (SADCAS) is registered as a subsidiary organ of SADC and provides accreditation services for 13 member states of SADC. SADCAS has a special provision within the SADC TBT Annex, Article 15[b]. South Africa and Mauritius are the only SADC Member States with an operational national accreditation body, and SADCAS provides accreditation services to the remaining SADC Member States. Recently, Angola has registered its National Accreditation Body with SADCA. However, it will take a few

years before the Instituto Angolano de Acreditação (IAAC) will be fully operational and internationally recognised.

3.8.7 Overall EAC CA and MACAR strategies

The EAC Treaty (Chapter 13, Article 81) provides for member states to cooperate on SQMT. To give effect to the treaty's CA objective, the EAC published the EAC SQMT Act of 2006. The act commenced on 1 August 2007. It establishes the East African Standards Committee and recognises the members' obligation under the WTO. The act makes provision for the recognition of various CA infrastructure institutions which include national standards bodies, metrology institutes, ABs as well as laboratories. A large part of the act is devoted to the EAC's position on the harmonisation of standards and technical regulations. The act clarifies the development, adoption and implementation of standards and technical regulations. The act has further established an East African Accreditation Board, the East African Standards Committee and a Liaison Office. The act provides for sanctions for non-compliance with the requirements of the act. Furthermore, it makes provision for the recognition of a national product certification mark and lays down the requirements for the acceptance of the mark by the other member states.

On 6 December 2013, the EAC published three statutory instrument supplements in support of the SQMT Act 2006. The enforcement of technical regulations in partner states, the laboratory designation and the product certification supplement document set out the procedures for the designation of laboratories and certification bodies by the Council. The designation refers to the act of appointing or approving bodies that support the business of government.

3.8.7.3 Status of CA implementation within the EAC

The EAC cannot report much progress on the implementation of its SQMT Act. The implementation of the act by all member states remains a challenge (Musinguzi et al. 2011). However, the SQMT Act has been under revision since 2014. Furthermore, the EAC has made progress in the area of quality infrastructure with the recent international recognition of Kenya's accreditation body KENAS. The expectation is that

KENAS will become a multi-economy accreditation body for the EAC and the members will be served through a National Accreditation Focal Point. The EAC has resolved to use standards and convert them to technical regulations or mandatory standards. The EAC requires all its members to adopt these agreed upon standards. However, currently, only a few have been taken up in national regulations from more than 200 standards that have been published.

3.8.8 Overall COMESA CA and MACAR strategies

The COMESA SQAM Programme is established under Chapter 15 of the COMESA Treaty. The treaty recognises the importance of standardisation and quality assurance covering health, the standard of living, reduction in the variety of products, interchangeability of products, consumer protection, savings in government procurement, improved productivity, information exchange and protection of life, property and the environment (COMAID 2017). A policy framework supports the Treaty on SQAM. COMESA serves as an example of using a product-based MRA. Furthermore, COMESA also serves as an example of using a common approach methodology for the development and implementation of standards, in both the public and private domain, as well as by using common approaches for the acceptance of testing results.

In 2009, COMESA published its policy document on SQAM (COMESA 2009). The document aims to promote a harmonised approach to standards development, metrology, testing, certification, inspection, accreditation and the implementation of standards in both the public and private domain. Most noticeable is the adoption and domestication of harmonising standards that cover both COMESA and the EAC (COMAID 2017). In 2015, COMESA developed and approved a five-year SQAM strategic plan (2015-2020), to guide the implementation of the SQAM policy framework. On 17 November 2015, the COMESA Secretariat, in partnership with six significant maize producers on the continent (namely Uganda, Kenya, Malawi, Zimbabwe, Zambia and Rwanda) launched the first product-based COMESA Mutual Recognition Framework (C-MRF) for maize. The C-MRF aims to provide the equivalent of analytical results and mutual recognition of Certificates of Analysis

issued by the laboratories of the participating countries, thus eliminating the need for multiple bouts testing. In order to achieve its aim, the C-MRF uses standard grading criterion, proficiency testing (PT) for aflatoxin, analysis and risk-based sampling protocols (Batala 2015). As with the EAC policy on CA, COMESA also introduced the acceptance of PT as a means to monitor laboratories' continued ability to produce comparable and reliable results in the area of maize testing. PT, in the context of laboratory testing, is referred to in the international standard ISO/IEC 17043 as "the valuation of participant performance against pre-established criteria using inter-laboratory comparisons" (ISO/IEC 2016:1). The product-based MRA provides a possible solution to deal with the lack of required trust in the CA and the lack of the necessary accreditation infrastructure. The question remains, "can the TFTA consider such an approach?"

3.8.8.1 Status of CA implementation in COMESA

Although the C-MRF was launched in 2015, by May 2017, the signing of the C-MRF by all participating countries was still outstanding and the uptake was reported as slow (www.comesa.int 2017). In a study conducted by the New Partnership for Africa's Development (NEPAD) (2015: XVI), it was found that there is a challenge concerning integrating COMESA programmes into member states' national development plans. The study attributes this challenge to a lack of adequate capacity in the interrelated dimensions of institutional, technical, financial and political resources. Full implementation of the C-MRF requires the availability of sufficient, competent testing laboratories to perform the required tests. In this regard, COMESA has made provision for the training and infrastructure support to the participating countries' laboratories. Although the C-MRF holds much financial promise for COMESA, the success or failure of the C-MRF can, at this stage, not be determined.

COMESA's CA institutional infrastructure has made notable progress, although much work remains. The COMESA SQAM policy establishes the COMESA Committee on Standards, Metrology, CA and Accreditation (SMCAA) and an SQAM Coordination Office. The policy-makers have made provision for the designation of national standards bodies, metrology institutes, ABs and national accreditation focal points, as

well as CABs. However, the document also acknowledges the shortcomings regarding SQAM within the cooperation. The Pan African Quality Infrastructure's (PAQI) (2017) stocktaking document (which focuses on the quality infrastructure in Africa) provides some insight into the CA institutional infrastructure capacity within Africa. PAQI uses one to four scales to depict the level of development. The document shows that only four COMESA Member States have an operational national accreditation body. However, concerning metrology, all COMESA members have at least a basic metrology infrastructure, except for one member - Libya. Standards bodies within COMESA are also well represented within their limits in all member states (PAQI 2017).

3.9 SADC, EAC, COMESA ARCHITECTURE AS BUILDING BLOCKS FOR TFTA MACAR FRAMEWORK

Various studies conclude that a prerequisite for trade to flow is that trading partners must adhere to similar or equivalent CAPs (Maskus & Wilson 2000; Othieno et al. 2011; Rathbun, Nemeroff & Bao [sa]). The TFTA Agreement sets out various requirements to address the TBTs created by standards, metrology, accreditation and CA. As previously noted, the agreement places reliance on the RECs' CA systems, and as observed, the CAP between RECs is not similar or equivalent. The preceding section provides a brief overview of the status of CAPs within the three RECs that form the building blocks of the TFTA CA architecture. The following section places the RECs' developments on MACAR within the context of the TFTA and the TFTA Agreement, so as to present the TFTA architecture concerning the MACAR. The discussion is primarily placed within the context of the TFTA Agreement, to provide a deeper appreciation for the TFTA policy on the MACAR and the international environment, which influences the TFTA policy.

3.9.1 Provisions on CAPs within the TFTA

The WTO TBT Agreement exerts significant influence on the CAP provisions and the MACAR architecture of the TFTA. Twenty-two of the twenty-six TFTA Member States are members of the WTO and thus are bound to the requirements of the WTO TBT Agreement. The TFTA Agreement gives special acknowledgement to the TFTA

members' rights and obligations in respect of the WTO Agreement (TFTA 2015: Part VI, Article 21(1) and Article 4(2) of Annex VIII). Furthermore, all three of the TFTA's REC agreements recognise their members' obligations and rights under the WTO's TBT. Variations in the implementation of the WTO's TBT Agreement can be observed between the regions of the TFTA, and therefore the TFTA faces a conformity MACAR policy certainty challenge.

3.10 CHAPTER SUMMARY

Although the MACAR comes with a promise of welfare gain for trading partners, its enactment and implementation also come with many challenges. There is no doubt that the international, regional and national environments can determine the outcome of the MACAR. The environment imposes various impediments and opportunities that can either hinder or facilitate the MACAR. The WTO's TBT Agreement is the leading international influence on CA through its TBT Agreement and the workings of the WTO's TBT Committee. The TBT Agreement sets out five compulsory principles for its member states.

Furthermore, the regional environment impedes and imposes some of the unique African challenges to the MACAR. The national environment presents factors that depend on the national willingness, national ability and national knowledge that could determine the success or failure of MACAR. This chapter presented the impediments and enablers, concluding with a set of propositions and the building blocks for the TFTA MACAR framework. The building blocks and propositions guide the study's analysis, findings, discussion and recommendations presented in the chapters to follow. Chapter Four embarks on a comparison of the case studies and presents the study findings.

CHAPTER FOUR: CASE STUDY COMPARISON AND FINDINGS

4.1 INTRODUCTION

In this chapter, the study compares the cases presented in Chapter Three to identify some similarities and differences, which leads to the research findings. To add to the rigour and to create a deeper understanding of the phenomena under discussion, the analysis of semi-structured interviews has been used to augment the case studies' findings. Based on purposive sampling, ten experts in the field of CA, regional integration and trade negotiations in Africa constituted the sample that was interviewed. The experts selected from Africa and the EU Member States were chosen for their knowledge and experience in CA implementation, enactment and trade negotiation in Africa and the EU. The findings are presented within the framework developed in Chapter Two, namely the international, regional and national environment.

To recapitulate, it is necessary to reiterate the TFTA and its building blocks as an embedded case study. As previously mention in Chapter One, the TFTA places reliance on the SADC, EAC and COMESA efforts at facilitating the MACAR. Therefore, this study investigates the TFTA MACAR through a single embedded case study, with the TFTA as the case and RECs as sub-units of analysis (See Figure 1.2). The chosen research methodology allows the study to understand the current state of the MACAR administration within the TFTA.

The second case study concerns a review of the current practice that guides the MACAR administration within the EU. The EU case has been approached as a single case. The EU MACAR administration is used as a model case to provide insight into the current state of the MACAR within a fully operational regional economic arrangement (see Figure 1.2). This study relies on a cross-case synthesis analytical technique. Theoretical propositions guide the logic of the research design, data collection and analysis technique (Yin 2018:33). Embracing the techniques and strategy mentioned above the study focuses on a comparison of the MACAR strategy

in the TFTA and EU. The section commences with an introduction and discussion and is followed by the presentation of the findings.

In the previous sections, the reviews confirm that although the EU has made substantial progress in addressing the impediments to the MACAR, the TFTA (through its REC) can also record some progress towards a TFTA MACAR system. It was found that both the EU and the TFTA are committed to the WTO TBT Agreement. A majority of the interviewees also heightened the importance of committing to the WTO TBT Agreement. For example, responses recorded include:

“The starting point for everything is the WTO. The guiding principle is the WTO.”

(Trade negotiator).

“The principles of the WTO remain principles of all the agreements of which non-discrimination is the most important.”

(Country representative to the WTO).

“It is important that the WTO requirements be incorporated, [which] will ensure final acceptance by the Regulator.”

(EU expert).

However, there are considerable differences between the EU’s MACAR system and the TFTA system. These differences have been found to occur within the international, regional and national environment. At the international level, the leading influencers are the WTO and its TBT Agreement and the agreement’s impact as it relates to the formulation and operation of CAPs. At the regional level, it is the regional influences that most impact on the MACAR nation-states’ willingness to enact the regional CA policy. At the national level, there are domestic issues that impact on enacting and implementing the MACAR policies of the TFTA. The sections following discuss the influences as they relate to the case studies.

4.1.1 International environment: WTO TBT Agreement

The EU has built its MACAR system on the principles of the WTO TBT Agreement. As an example, the principle of harmonisation of CAPs forms the basis of the EU's Old and New Approach, as well as the more recent global approach to CA and the EU's New Legislative Framework, as one interviewee states:

“All the agreements from the EU must comply with the WTO principles.”

(EU expert).

The TFTA Agreement Article 21(8) binds the TFTA to the provisions of Annex VIII of the TBT Agreement, which concerns CAPs. However, in the TFTA, the implementation of the CA system differed amongst the RECs and compared to the EU's system, this is not the case. The EU relies on harmonisation and equivalence of standards, technical regulation, essential requirements and CAPs, and has built the required enabling infrastructure and resources in order to support the EU's CA objectives. Compared to the EU, it was found that the TFTA lacks a common approach between the regions concerning standards, technical regulations and CAPs, as well as a lack in the required infrastructure and resources. Within the TFTA, the SADC system is the most closely aligned to the EU. However, the system is still significantly different from that of the EU. Political will and the lack of CA bodies such as ABs, accredited laboratories, inspection bodies and certification bodies that can assure compliance to the relevant requirements and therefore the MACAR, has highlighted the different approaches to the implementation of CAPs. As an example, COMESA and the EAC adopted a CAP approach of recognising CABs through government-to-government regional MRAs, without the need for them to be accredited. One interviewee attributes blame for the inconsistencies to political interference, stating:

“[We] found that some products do not pose a risk, but that they have been regulated not for the WTO principles, but for political reasons. [They] have got what we call ministerial decrease or ministerial declarations, that within the space of trade make the transaction of export and import unpredictable in the sense that I can wake up as a minister and just change the declaration and that is a problem on its own.”

(International and regional expert).

The experience of the EU introduces additional requirements over and above that of the TBT Agreement. These additional requirements are commonly referred to as the TBT plus requirements. The TBT plus requirements include mandating the recognition of a single accreditation body per member state based on the principle of non-competitiveness. Furthermore, the EU determines the types of CAP to be applied to a product, based on the product's risk exposure. Defending the EU WTO TBT plus requirements, one interviewee says:

“[As] always in the past, we have never promoted competition and also avoided that, but finally you may have competition. The results can be that the AB, to have enough clients, reduces the number of assessment days or they reduce the requirements, or whatever [and] that is not the right way to go in accreditation. Accreditation should be the last level in the CA chain. [Otherwise], you would need an AB of the ABs who monitors the ABs. Therefore, [I] have always promoted [only] one accreditation body per country.”

(EU expert).

The TFTA Agreement does not impose WTO plus requirements; on the contrary, Annex 8 of the TFTA Agreement dealing with standardisation, metrology, CA and accreditation allows for the recognition of multi-economy ABs. A multi-economy AB is an AB that serves the accreditation needs of more than one economy and is recognised by the relevant economy's government and industry. An example of such a body is the SADC accreditation body, SADCAS.

The EU makes a clear distinction between the voluntary acceptance of CARs and the acceptance of CARs within the regulatory domain. The EU does not prescribe what is acceptable within the voluntary domain and leaves the determination thereof up to the market forces and the individual member states. However, within the regulatory domain, the EU requires manufacturers who want to place products onto the EU market to demonstrate compliance with the relevant product legislation. Depending on the risk associated with the product, the appropriate product regulation will prescribe the applicable CAP. Although standards and technical regulations are addressed in

the TFTA Agreement, the agreement does not explicitly address the separation of the voluntary and regulatory domains as it concerns standards and technical regulations. However, as the agreement relies on changes to technical regulation and governments' obligations, the regulatory sector appears to be critical of the TFTA. As in the case of the EAC, concern was expressed by interviewees regarding the use of voluntary standards as technical regulations and the challenges associated in addition to that. As an example, one interviewee (an international and regional expert) expressed an opinion on the financial dependency created as a result of standards bodies developing regulatory requirements to ensure their sustainability and not necessarily focusing on national interest issues usually associated with technical regulations.

Taken together, the above results provide valuable insight into the strengths and weaknesses of the TFTA alignment with the WTO TBT Agreement requirements, as well as the need for clarifying the voluntary and regulatory domains and responsibilities. The next section concerns policy enactment and policy implementation and the regional and national environments' impact on the MACAR.

4.2 POLICY ENACTMENT

4.2.1 Regional environment

As discussed in Chapter Two, the regional environmental factors that may impact on the MACAR deal with sovereignty, specifically sovereignty loss, complementarities and revenue loss, as well as overlapping membership. The study will now compare the sub-themes identified.

4.2.1.1 Complementarities and revenue loss

The EU's approach to complementarities development and strengthening focuses on product specialisation as a strategy. A funding support scheme underpinned the promotion and support for specialisation amongst the EU members. Recently, a new smart specialisation programme was launched to support countries financially and with

technical assistance to capitalise on their opportunities for specialisation. As highlighted in Chapter Two, the low complementarities nature of African trade is a challenge to the TFTA. In the context of the TFTA, it is interesting to note that the views concerning a specialisation strategy differ as highlighted by the opinions of some of the interviewees. However, two approaches, namely a process-based approach and a product approach, are advanced. Some expressions from the interviews highlight the suitability of the two approaches for Africa, as follows:

“[It] will be valuable for African communities to follow a process route rather than a product-based route which is limiting, and I think it will actually stifle trade within the community.”

(EAC expert).

Contradicting the EAC expert, another interviewee motivated for a product-based approach, arguing that we first need to identify those products or commodities that the TFTA trade most commonly, which could yield results quickly. By doing so, lessons can be learned and CAP can be effectively used (COMESA expert).

The EU regulatory system is based on a product-based approach with various ‘product directives’ and harmonised standards being developed by the EU Standards Organisations under a mandate from the EU. Compliance to the product directives can only be secured through type approval or accredited notified bodies registered with the EUC or SDoC. The selection of conformity assessment procedure to be applied depends on the risk level as prescribed in the EU’s product categorisation directive, as stated by one interviewee:

“[Only] notified bodies are entitled to certify products in a so-called harmonised area so that then the manufacturer can put the CE mark on the product. [They] have listed the notified bodies in the NANDO database. That is (the NANDO database) a database from the EUC where you can find for each of the different product sectors the notified bodies for the different scopes. However, only those can perform CA activities regarding the EU product legislation... [the] responsibility for the notified bodies lies with the member states and that is managed by the so-called notifying authorities. So each member state has perhaps different notifying authorities per product sector.”

(EU expert).

Overall, the results on managing the challenges posed by complementarities do not give clear guidance on which system the TFTA should adopt. However, the preamble of the TFTA Agreement provides some direction as it commits the TFTA to promote an industrialisation trade strategy (TFTA Agreement 2015:2). The TFTA Agreement and annexures fail to expand and to provide clarity on the TFTA trade strategy. The following section focuses on the revenue loss impediment identified.

Compensating for revenue loss due to the setting of a common EU harmonised external tariff is accommodated through a VAT system, the value of which can be set by each member state. However, there are current discussions underway to harmonise the VAT rate within the EU. The EU furthermore provides financial and technical support to the member states where required. Article 34 of the TFTA places full responsibility and reliance on the member states to fund their commitments in the implementation of the agreement. Focusing on why MACAR is a challenge when discussing revenue, one interviewee maintains:

“[Of] course technical issues are important, but there is also the issue of contributing to government revenue. This may be why they want the products to be tested in the country and that brings income into the country because there is a cost involved in the testing.”

(Regional and international expert).

On balance of payments within the TFTA, the Tripartite Council of Ministers may approve appropriate measures that a member state in financial difficulty may adopt. One solution proffered by the interviewee is a compensation mechanism:

“We know there are some losses, and if we do not compensate them, they are [unfair]. [There] are many possibilities: it could either be a tax system, [or] what we do, for example, we have a membership fee for the EU. For the smaller countries, they have different membership fees compared to the bigger ones, and whether it is smaller or bigger does not depend on the size of the country. It is the strength of the economy. So it is the gross national product, which in the end is the indicator for your payment.”

(EU and Africa expert).

The above findings suggest that for the TFTA, a mechanism to compensate the member states might be required, or at least more specific guidelines need to be developed on how and what measures a member state can take when the member finds itself in financial difficulty. The study now turns to impediments and enablers as a result of overlapping membership.

4.2.1.2 Overlapping membership

A single trade policy, allowing the EU Commission to negotiate on behalf of all EU members means that overlapping is not a problem for the EU. One of the motives for the establishment of the TFTA was to deal with the challenge of overlapping membership (TFTA Agreements Preamble 2015). However, to date, the TFTA does not guide on how this will be done. Some of the interviewees have expressed their opinion about handling this challenge, proposing harmonisation of the system:

“[If] you are a member in COMESA and a member outside COMESA and you have two different systems even for CA, then it becomes really difficult. The only thing for sure is that at the very beginning you have to harmonise all the systems between all the tripartite member states.”

(Africa and international expert).

Another interviewee sees overlapping as an opportunity for the member states, relating his experience below:

“I am dealing with a country at the moment that is in that position (belongs to more than one regional arrangement) and my advice to them is to use the strength of both regions to their benefit. They are both a member of the EAC and a member of SADC. I encourage them to use the infrastructure of SADCAS and others to their advantage, which is not currently available in the EAC. “[I] am not encouraging them to see this as a weakness.”

(International and regional expert).

Furthermore, under Article 7, dealing with a most-favoured-nation treatment principle, the TFTA allows its members to enter into new Preferential Trade Agreements (PTAs) with third-world countries, as well as allowing PTAs between the TFTA Member States. It should, however, be noted that should the TFTA move to a CU with a single trade policy, the matter of overlapping membership will have to be addressed.

4.3 NATIONAL ENVIRONMENT

4.3.1 Political will and sovereignty

The EU manages the challenge of political will through centralisation of decision-making and requiring full compliance with all EU requirements for membership before a country is allowed to become a member. Sanctions are applied and monitored within the EU. Furthermore, as the EU has a common trade policy, the EU Commission represents all member states within the WTO and on all trade matters, thus, in this regard, the EU acts as a customs union. The TFTA Agreement is silent on the subject of political will, other than requiring the member states and TFTA RECs to obtain the national ratification of the agreement, and once the TFTA becomes operational, to implement the requirements of the TFTA Agreement. Regarding trade negotiation, the TFTA Article 27[c], allows the member states to enhance cooperation in international and multilateral trade negotiations.

Political will has also been associated with Africa's participation and competence in the international fora, such as Africa's participation in the WTO. One interviewee expressed the need for cooperation between technical experts and governments to inform governments' position within the WTO, as well as the need for African governments to agree on an African position within the WTO. He proposed that the existing WTO membership of SADC and member states could be used to introduce a document on behalf of the regional group (EAC expert). As an example, SADC has created a SADC committee, the SADC Technical Regulatory Liaison Committee (SADCTRLC), and assigned it with the responsibility to coordinate SADC input into the WTO.

As with the TFTA, sovereignty remains a challenge within the EU. As mentioned, recent events concerning the UK's exit from the EU, coined BREXIT, are purported to be underpinned by the loss of sovereignty as one of the significant reasons (The Economist 2016). Although unease remains in the EU regarding the impact of EU policies on national sovereignty, the trade-offs between sovereignty losses, sovereignty pooling, economic welfare gain and inclusiveness of members in the EU decision-making processes, appear to satisfy the sovereignty sacrifice. Member states and the citizens of the EU are involved in the development and approval of all legislation through institutions such as the EU Parliament, the EU Council and other EU related technical bodies. As such, the loss of sovereignty is primarily addressed by citizens, government and other stakeholders' inclusion in critical decisions affecting them. The TFTA Agreement does not provide for formal structures or mechanisms that could enable the participation of citizens, although, in some instances, stakeholders are invited to participate in the policy processes of the TFTA. However, examples of inclusiveness are more evident in the structure of SADC. The SADCTRLC and the SADC TBT Stakeholder Committee (SADCTBTSC) provide the necessary platforms for government regulators and stakeholders involved in the relevant policy processes. The SADCTRLC is the key structure that controls the SADC technical regulations framework.

4.3.2 Cost of compliance

Within COMESA, the cost of compliance was identified as one of the significant impediments to attaining COMESA's free trade objectives (COMESA expert). To address the cost and complexity challenge, COMESA embarked on a government-to-government MRA, underpinned by a programme that supports the CABs with training and participation in Proficiency T schemes. The process is considered an interim solution towards the ultimate aim of the CABs obtaining accreditation. The EU, on the other hand, manages the cost of compliance monitoring at the manufacturers' level by allowing the CAP to be applied to the inherent risk a product may pose to the citizens. Product directives approved by the EU Council specify the type of CA required. The type of CA can either be provided independently through accredited third-party verification, by accredited CAB, or by the manufacturer making a declaration of

product compliance with the relevant requirements. The EU and WTO consider the use of SDoC for low-risk products as a cost-efficient alternative to accreditation but recognise the importance of accreditation. A few interviewees put the cost argument in perspective and highlighted that the high cost is a perception and that there is a need for an understanding of the cost of CA. Some of the remarks are as follows:

“[We] have to be aware that when your product is tested and accredited and certified inspected, the cost will be minimal to the extent that you will not redo the work. [If] you do not have to redo the certification, then the cost is negligible.”
(Trade negotiator).

“We know that at the beginning we have to invest and it is more costly than before. [The] first step might be costly [but] in the long run, when you have mutual recognition, then this investment will be paying itself off.”
(EU and Africa expert).

4.3.3 Complexity of requirements

Technology can delineate new requirements and also disseminate and gather feedback and support (votes) for any new requirements. Requirements include those captured in the regional agreements, including all annexures, mandatory documents and guidance. The EU have put in place the required information and communication infrastructure to facilitate the distribution and feedback of information required by its members, as well as the rest of the world. The EU optimally utilise website portals. However, in the TFTA and initially the EU, the challenge of the complexity of requirements is attributed to a lack of understanding, as expressed by some interviewees. The interviewees confirmed that it takes a long time to create an appreciation for some functions such as accreditation, due to the technical nature of accreditation. However, by engaging with regulators and stakeholders, sharing information and building the necessary networks would help with the understanding of the complexity of the requirements (EU, COMESA and SADC experts).

4.3.4 Regulatory instruments and monitoring and control

The TFTA is a rule-based arrangement that relies on the RECs systems in place to deal with matters of disputes and contraventions. All three of the TFTA RECs have implemented a dispute settlement system and the TFTA Agreement requires the

harmonisation of these systems. The TFTA assigns responsibility for monitoring and sanctions to a Dispute Settlement Body and the Council of Ministers, respectively. Although the EU has definite rules on non-compliance with EU directives, it still experiences a problem with the enactment of its product legislation as confirmed by the EU expert:

“I think the biggest challenge is to implement the EU product legislation into national laws.”

(EU expert).

4.4 POLICY IMPLEMENTATION

4.4.1 Regional implementation factors

4.4.1.1 Language barriers

Communication in the various languages of the EU Member States and the TFTA Member States is considered essential. Unlike the EU that accommodates the languages of all of its member states, the TFTA focuses on four languages, considered to be the major languages of its member states, as highlighted in Chapter Three. The EU further publish all legislation and documents of primary public interest in all 24 of the official EU languages, whereas the TFTA and its member RECs experience challenges with translating documents into all of the TFTA official languages. As an example, a review of the SADC language challenges highlights the lack of translation abilities and funding to translate official SADC meeting and other crucial documentation into all of the SADC official languages (Peters-Berries 2010:124). The cost of translation and communication is high, however necessary (Peters-Berries 2010; The Week 2017).

4.5 NATIONAL IMPLEMENTATION FACTORS

4.5.1 Technical infrastructure and resources

Much like the EU, the TFTA has built its CA infrastructure in line with international norms. The EU infrastructure includes standards development, accreditation, measurements metrology, legal metrology and market surveillance. However, the

EU's CA structures are aligned with its CAP strategy. The EU CA policy is supported by the use of accreditation, SDoC, market surveillance and strong product legislation. Furthermore, private CABs are recognised by the member states' governments through a notification body recognition process and monitored through centralised accreditation cooperation. However, in the TFTA, a lack of infrastructure in all member states has been identified (PAQI 2017). Concerning the accreditation, SADC developed a multi-economy accreditation system, namely SADCA, which services the accreditation needs of all SADC Member States without a national accreditation body. SADCA is the first multi-economy accreditation body in the world and is a signatory to the ILAC MRA. Furthermore, the need for trust in CA was identified as highly important in all of the interviews conducted.

"I think that there will not be trust if there are problems found with the product. We need to do the necessary market surveillance afterwards, and if you find that the product is fully compliant, that will just improve the trust. [If] they (regulators and users) do not have trust in your activities, and finally in the accredited CABs, then it is difficult to convince them that accreditation is the best tool to demonstrate the competence of the CABs."

(EU expert).

"I think what normally happens if you use institutions that are accredited is that you get that confidence [that] there are fewer chances for your product to fail in the market. That is key and within the supply chain, the trust is built."

(Government trade negotiator).

"The problem seems to be a lack of trust between the regulators of the countries and between the laboratories. We need to see how best we can move regulators towards building that trust [in] terms of some kind of mutual recognition of data across countries in the region."

(COMESA expert).

"[If] you have credible recognition arrangements where at least the results that are being provided by the laboratories or inspection bodies or certification bodies are trusted, then you immediately remove a very big stumbling block"

and then the discussions can get to other issues. So this is only part of the solution, but at least then the political agendas become a lot clearer and they are not disguised under a cloud. If we do not trust a test, or we do not trust inspection because that argument now has been put out of the way, I think it is a very important tool especially for developing countries.”

(Africa and international expert).

In terms of the capacity of resources and their link to building trust, one of the interviewees highlighted the need for investment in human and infrastructure resources. Capacity building as an example is done through capacity building programmes which include practical training and the need for joint programmes and exchange of expertise amongst member states' institutions (COMESA expert).

“We know that working together builds confidence and mutual trust. I think that slowly but surely, [on] a product by product basis, we should be able to make some headway and move towards the mutual acceptance of CA results. [Why] is there such a lot of mistrust amongst ourselves when it comes to CA data and what are the reasons for that? Is it your perceptions, or is it factual? I believe most of them are perceptions and only through developing tools, activities and capacity building in particular amongst our technical personnel, will we be able to address the issues.”

(COMESA expert).

The preceding sections highlight the importance of political will and the need to include all role-players (which provides for the citizens, industry and relevant stakeholders) in the decision-making processes of the TFTA. The findings relating to the cost of compliance and complexity of requirements can be ascribed to perceptions based on a lack of communication. Monitoring, control and sanctions emerged as findings, with a robust sanctioning mechanism emerging as vital. The appropriateness of CA infrastructure emerged as a critical consideration, as well as the accommodation of language barriers amidst the cost and resource challenges. The following sections present a summary of the chapter and the conclusion.

4.6 BRIEF DISCUSSION RESULTS

Table 4.1 below depicts the summary of the findings as developed in the preceding sections. Compliance with WTO requirements, communication at regional and national levels, trust and appropriateness of CAP emerged as findings that need to be further explored and discussed.

Table 4. 1: Summary of EU and TFTA application of the MACAR

No.	Themes	Key findings
	International environment	
1	WTO TBT Agreement	<ul style="list-style-type: none"> • The WTO TBT Agreement sets out the global principles for CA and should be adhered to by the TFTA. • In the TFTA, the implementation of the CAP is not harmonised. • It was found that the TFTA lacks a common approach between the regions concerning standards, technical regulations and CAPs, as well as a lack in the required infrastructure and resources. • Although standards and technical regulations are addressed in the TFTA Agreement, the agreement does not explicitly address the separation of the voluntary and regulatory domains as it concerns standards and technical regulations. • The TFTA lacks a common approach between the regions concerning standards, technical regulations and CAPs, as well as a lack in the required infrastructure and resources.
	Regional environment	
2	Sovereignty	<ul style="list-style-type: none"> • Can be addressed mainly by including role-players in the decision-making processes. • Segregation of technical regulations and voluntary standards is essential, as it assigns accountability and control.
3	Complementarities and revenue loss	<ul style="list-style-type: none"> • The management of low complementarities can be addressed through various mechanisms aimed at specialisation. • Not all members of the TFTA will gain from the opening of their national market, and the TFTA does not have a compensation mechanism to deal with revenue loss as a result of opening the domestic markets and tariff lowering.
4	Overlapping memberships	<ul style="list-style-type: none"> • A CU can go a long way to addressing the challenges created by overlapping memberships.
	National factors	
5	Political will	<ul style="list-style-type: none"> • Political will is strongly linked with the fear of sovereignty loss and addressing national environmental issues.
6	Cost of compliance	

No.	Themes	Key findings
7	Complexity of requirements	<ul style="list-style-type: none"> The cost of compliance and complexity of requirements are based on the appropriateness of the CAP applied and, therefore, are apportioned to a negative perception created, which requires secure communication.
8	Private sector participation	<ul style="list-style-type: none"> Private sector participation is vital.
9	Regulatory instruments and control	<ul style="list-style-type: none"> An effective harmonised dispute settlement system is required.
10	Infrastructure	<ul style="list-style-type: none"> The appropriateness and harmonisation of internationally recognised CAP are required.
11	Language barriers	<ul style="list-style-type: none"> Communicating in different languages is essential but expensive.

Author's own.

4.7 CONCLUSION

As the free flow of goods and services across borders plays a vital role in the realisation of the TFTA objectives, the decision by the member states to enact and implement enabling regional policies nationally is critical, yet currently problematic. It has been demonstrated in the preceding sections that the enactment and implementation of MACAR within the TFTA Member States is a strategic imperative and requires the factors at the international, regional and national level to be acknowledged and addressed, to enable the free flow of goods and services across national borders.

Given the case studies and comparative analysis, various findings can be attributed to the level of development of the TFTA and the impact of the environments in which the decision to enact and implement the MACAR needs to be made. Chapter Four sought to contribute to the objective of this study by identifying and highlighting the findings as developed through a comparative analysis, reinforced by the outcome of semi-structured interviews conducted. The results show that matters of compliance to WTO TBT requirements, communication and perception management, inclusiveness and segregation of regulatory responsibilities at all levels, as well as trust and appropriateness of CAP, all emerged strongly as needing attention. The findings emphasised the relationship between sovereignty fears and political will, communication and relevance of CAP in dealing with perceptions of the cost of

compliance and the difficulty of requirements. Furthermore, the findings highlight the relationship between CA infrastructure and trust and the important role of monitoring and sanction of the important commitments. Considering these findings, what are the implications of the findings for the TFTA MACAR policy enactment and implementation? Chapter Five will address this vital question through the presentation of the discussions of the findings.

CHAPTER FIVE: ANALYSIS OF MACAR POLICY ENACTMENT AND IMPLEMENTATION IN THE TFTA

5.1 INTRODUCTION

Chapters Three and Four have identified and presented one of the primary outcomes of this study, namely the impediments that influence policy enactment and policy implementation within the TFTA. Prior studies that have been reviewed, such as presented in chapter three, collectively provide much guidance, which highlights the impediments to policy enactment and policy implementation in Africa. However, none of the studies found and reviewed has presented an informed discussion on the impediments and enablers to the TFTA MACAR enactment and implementation introduced by the international, regional and national environments. This is a significant contribution of this study.

Enacting and implementing a commitment concluded by a nation-state under the umbrella of a regional economic arrangement, might at first seem quite logical. The regional economic arrangement decides on the policy, reaches an agreement and the member states then enact and implement the applicable policies. A historical review of Africa's regional integration accomplishments, conversely, attests to the fact that enacting regional policies into national laws and implementing the policies is far more complex, and challenging. The propositions and framework presented in Chapter Two guides the discussion and present implications of the findings for the TFTA MACAR system.

As previously highlighted, despite the WTO and previously the GATT's noble efforts to realise their goal of facilitating the MACAR, the non-acceptance of CARs between trading countries has now grown into one of the leading impediments to market access. These impediments are a cause of a significant burden on trade, resulting in mistrust and trade disputes (McDaniels & Karttunen 2016; Moise & Le Bris 2013). Therefore, priorities need to be set in mobilising efforts to address the impediments to the MACAR within the TFTA.

An objective of this study is to understand the impediments and enablers that may prevent or facilitate the MACAR within the TFTA and thereby advance this study to present recommendations and a TFTA MACAR framework to guide the enactment and implementation of the TFTA MACAR policy. As such, the study seeks to fill the gap in the research on the MACAR within a REC arrangement. The study appreciates that a framework will enable policy certainty in the MACAR and thus minimise the time and resources consuming trade disputes, which the TFTA can ill afford.

Previous studies on TBT (resulting from standards, technical regulations and CAPs) typically focus on developing infrastructure and regulatory frameworks, as well as the trade cost factor as a unit of analysis for the selection of CA types (Maskus & Wilson 2000; Moise & Le Bris 2013; Peet 2009; Stephenson 1997; Steyn 2009). As an example, research done by Peet (2009) and Steyn (2009), highlights the need for the required infrastructure and the role of NEPAD in developing the necessary quality infrastructure in Africa. This study builds on the work done by these two researchers, covering the gap on policy options for the acceptance of CARs. However, these previous studies have failed to passably consider the environment in which such a policy needs to be enacted and implemented. The complexity and challenge of the MACAR within a regional economic arrangement is further accentuated by the findings of this study, as uncovered and presented in Chapter Four.

Chapter Five considers the findings and presents a discussion of the implications and significance thereof for the TFTA MACAR enactment and implementation. The discussion concludes by identifying the essential components for an Afrocentric theoretical framework for the enactment and implementation of the TFTA MACAR, amongst the TFTA Member States. Based on the empirical results and findings of this research, the study presents a conceptual framework to assist policy-makers, trade negotiators, policy enactors and policy implementers with the policy enactment and implementation of MACAR within the TFTA and its member states. A conceptual framework and a set of propositions were developed from the literature discussed earlier in this study and were presented in Chapters One and Two. Based on the findings presented in Chapter Four and the discussion presented in this chapter, the final framework is presented in Chapter Six.

5.2 MAIN FINDINGS DERIVED FROM THE EMPIRICAL RESEARCH

The findings are that the environments within which the MACAR policy needs to be enacted and implemented influence the acceptance of CARs between trading partners. Hence, several aspects of the MACAR and the influence to enact and implement the MACAR have been left unexplored.

The findings of the study have been developed and presented in Chapters Three and Four. The main research findings show that the challenge to enact and implement the MACAR system in the TFTA is evident in the international, regional and national environments and that communication and inclusion of citizens and relevant stakeholders in decision-making are cross-cutting functions that can facilitate the MACAR. The international environment consists of those factors that are imposed on the TFTA by international bodies. The regional environment deals with those factors unique to the region that impact on the nation-state. The national environment considers the domestic factors that influence the enactment and implementation of the MACAR policy (see Figure 3.1).

In light of the findings presented in Chapter Four, and the discipline in which this study is embedded, it is essential to identify the role of public administration in response to the findings. As previously stated, the State-Centric Governance view adopted for this study posits that institutions serve at the behest of the state and that the state is the ultimate controller, influencer or regulator. Furthermore, where required for a particular policy goal, the state might release limited powers to the supranational body that can aid such policy goal attainment (Bell & Hindmoor 2009:6). Therefore, the role and responsibilities of public administration within the context of the findings and this study are central to the success of the TFTA MACAR enactment and implementation. The following discussion will expand on the crucial findings within the context of existing data available to highlight the implications of the findings for the aim of this study. Furthermore, the chapter presents the limitations of the study and concludes by presenting the essential elements of the theoretical framework.

5.3 DISCUSSIONS

The propositions and framework presented in Chapter One and Chapter Two shape the discussion of the current chapter.

5.3.1 International environment

As highlighted in Chapter One, Proposition One claims that the WTO TBT Agreement requirements relating to CAPs form an integral part of a regional CA framework. The findings emanating from the literature, the case studies and the interviews conducted provide strong support for Proposition One. The findings reveal that all WTO Member States are bound to comply, implement and manage the WTO TBT Agreement and its principles. Furthermore, the findings confirm that the WTO TBT Agreement requirements relating to CAP should be an important input into the regional CA framework, noting some exceptions granted to developing countries and a REC under the GATT Article VIII, as presented in Chapter Three. Although not all TFTA Member States are members of the WTO, the TFTA Agreement recognises its member states' commitments under the WTO. It further incorporates key requirements of the WTO TBT Agreement as critical principles for the TFTA Agreement. The question that arises is what the significance of such mandatory WTO TBT compliance is for the TFTA and its member states. The TBT Agreement provides guidance that may lead to the answer to this question.

Various articles of the TBT Agreement are devoted to CA and CAPs applicable to national, regional and international bodies and systems, as highlighted in Chapter Three of this study. Chapter Three identified and elaborated on the requirements of i) non-discrimination and avoidance of unnecessary obstacles to trade; ii) harmonisation in the use of CA, iii) transparency in the notification and enquiry and publication of CAP and iv) technical assistance to developing countries, as the requirements applicable to CAP. As confirmed in Chapter One, the majority of the TFTA Member States are also members of the WTO and are thus bound by the requirements of the WTO and its agreements. Furthermore, the TFTA Agreement recognises its member state's obligations under the WTO TBT Agreement. Therefore, the WTO TBT

compliance strongly influences the TFTA CAP. The following section discusses these requirements within the context of the findings as applicable to the TFTA.

5.3.1.1 Non-discrimination and avoidance of unnecessary obstacles to trade

As presented in Chapter Three, the principle of non-discrimination concerns the most-favoured and national treatment provision as captured in the TBT Agreement (WTO TBT 2005:Article 2(1) and 5(1)[1]) and the TFTA Agreement (TFTA 2015:Article 7 and 8). The application of these principles to CAPs means that: i) the TFTA conformity should not discriminate between trading partners, thus treating them equally, ii) the TFTA CA cannot discriminate between products from the domestic market and those supplied from foreign markets (WTO 2018b) and iii) the TFTA and its member states are required to address discrimination of CAP between member states.

Through the findings, harmonisation of CAPs is offered as a solution that can positively advance the non-discrimination principle. Harmonisation of CAPs is defined as a process by which CAPs and technical requirements are developed to be uniform across the member states. The WTO TBT Agreement (WTO 1995) claims that the harmonisation of CAPs can be achieved through the use of international standards, as well as using international standards as a basis for technical regulations. However, there are cases where international standards are not suitable or available to meet a nation-state or a region's needs. As an example, in Africa, cassava is a staple food for many African countries and of lesser importance to other countries outside Africa. Developing regional standards is thus required. Such regional standards are developed through ARSO. The findings, as presented in Chapter Four, show that the establishment or recognition of structures that can enable the harmonisation of standards and CA are essential to advance the aims of the TFTA and the member states.

In the context of the TFTA, harmonisation of CAPs has an impact at all three levels of the TFTA. At the TFTA level, it requires structures that can coordinate standards, accreditation and metrology. Such structures have been recognised in the TFTA, namely ARSO, AFRAC, AFRIMETS and AFSEC, collectively known as the Pan

African Quality Institutions (PAQI). However, the findings, as in the case of the EU, suggests that a coordinated effort directed from the highest decision-making bodies and supported by the relevant technical infrastructure (such as standards bodies, legal metrology institutions and ABs) is required. Such coordination is necessary to align the harmonisation efforts with the region's priorities and to secure the buy-in of the national regulators to the MACAR. Currently, the TFTA affiliated bodies determine the priorities and develop standards and CA in the absence of a mandate from the TFTA.

The implication for the TFTA would be to put the enabling structures in place to identify current regulations and develop criteria for equivalence. Furthermore, the structure should identify new technical regulations that need to be developed. At the REC level, equivalence criteria need to be agreed upon, and the process of harmonisation of technical regulations should be coordinated between the various regulators. The SADC provides an example through its SADCTRLC. Lastly, at the national level, member states need to ensure that their public administrators, technical infrastructure bodies and, where relevant, stakeholders actively participate in the identification and development of the required technical regulations, standards and CAPs. The TFTA should investigate what is needed to fulfil the regulator's duties and control. One of the main decisions to be made is that regional bodies should not be allowed to develop mandatory standards; the TFTA should develop the essential health and safety mandatory criteria with which a product must comply.

5.3.1.2 Transparency in the notification, enquiry and publication of CAPs

The understanding of a trading partner's product, process or service requirements is vital to the success of the trading relations. Such understanding is fostered through making all relevant information such as CAPs, regulations and standards transparent and publicly accessible to all international, regional and national stakeholders. Within the context of the TFTA, transparency is vital for the harmonisation or determination of equivalence of the relevant nationally imposed requirements. In terms of Articles 5.6 and 5.7 of the TBT Agreement, transparency is required in the absence of relevant international standards, guides or recommendations. Where newly developed or changed CAPs may have a significant effect on the trade of other members, WTO

Member States are obliged to publish a notice in a publication at an appropriately early stage. As transparency requires openness, communication and accountability, the TFTA would require a mechanism to enable receiving and disseminating the required information to individuals and companies across its member states, as well as to those outside the TFTA. A region cannot notify on behalf of its members. However, a member can notify on behalf of the region of which it is a member (WTO 2018a). Therefore, the responsibility to notify resides with the public administrators or their delegated authority. The WTO imposes two mechanisms on its members, namely an enquiry point and a notification point (WTO TBT 2005: Article 2.10 and Article 10). The implication for the TFTA is to ensure that member states fulfil their obligation under the WTO and the TFTA Agreement (TFTA 2015:Annex 14) by establishing the required notification and enquiry points, as well as a mechanism for dissemination and gathering input to a policy from citizens and stakeholders.

5.3.1.3 Technical assistance to developing countries

The TFTA Member States are at different levels of development. However, none of them has been classified as a developed country. As none of the TFTA Member States is a developed country, it poses challenges for the implementation of the member states' obligations under the WTO and the TFTA. The WTO TBT Agreement recognises that countries are at different levels of development and for the TBT Agreement to be effective, the agreement must accommodate all of its members. Article 11 of the TBT Agreement thus applies the principle of special and differential treatment to developing and least developing countries. The TBT Agreement (in its assistance to developing countries) principally assumes a mixture of developed and developing countries, where developing countries are the recipients of developed countries' aid. However, the membership of the TFTA consists of developing or least developed countries. In SADC and COMESA, a measure based on a country's GDP and level of development determines their classification and associated benefits, such as an extended period for implementing their SADC commitments. Thus, the anomaly begs the question, will developed countries continue to fulfil their assistance to developing countries' obligations under the WTO, or would it be expected of the

developing industrialised countries in the TFTA such as South Africa, Egypt and Kenya to play a more developmental role within the TFTA?

The WTO sees the regional economic agreements as building blocks to the multilateral system and has supported the formation of REC as evident from the continued support of donor agencies represented by their developed country (WTO 2019c). Therefore, developed countries continue to fulfil their obligations under the WTO principle of providing technical support to developing countries. As an example, Physikalisch-Technische Bundesanstalt (PTB), which represents the German Government, reports on their involvement in Africa with one project on the continental level and four projects on the regional level, all focused on building, strengthening or establishing the required quality infrastructure to facilitate trade (PTB 2018). UNIDO reports their involvement in Africa amounting to USD 10,884,610 for 2018, funded by the EU and others. However, technical support funded by developed countries often comes at a sacrifice of national sovereignty and appears to go with their perception of what is good for the country, as remarked by one of the interviewees:

“...They (foreign donors) do not see the need to send it to us (the regional/national bodies) and build capacity [and], so when you bring them in as experts in donor-funded countries, they actually work against what you are trying to do due to the narrow mindset.”

(International and Regional expert).

“[But] we then again seem to have no commitment. There seems to be no energy both at the level of the technocrats and also at the level of the policy-makers, to ensure that we do commit ourselves to mutually accepting each other's data.”

(COMESA Expert).

As highlighted by the interviewee, unless the TFTA Member States' technocrats and policy-makers are clear on what needs to be achieved and take ownership for achieving the outcomes, the MACAR might not materialise. Donor support could thus work against what the TFTA wants to achieve, with their narrow mind-set, as per the above assertion. However, experience has shown a high reliance on South Africa, which has the most advanced infrastructure on the continent to provide technical

support. Furthermore, knowledge sharing through study visits and training continues to grow. An example thereof is that the membership of the continental AFRAC created a network of ABs that help each other to obtain international recognition through the ILAC and the IAF. The results of this activity are evident. Eight years ago a single internationally recognised accreditation body was operating on the continent, at 2019, there are now eight operational ABs of which five are signatories to the ILAC and IAF MRA/MLA. Three accreditation bodies are on target to obtain their signatory status within the next three years. Technical assistance, therefore, will have to be sourced from within the TFTA and from developed countries under their commitment to the WTO. This technical assistance and financial support could be directed towards the required infrastructure and resource development for the TFTA.

The provision of technical support highlights another aspect of regional integration. As mentioned by the interviewee, it is either forgotten or ignored due to its sensitivity embedded within the regional culture. As found by Cherifi (1995), there are impediments to market integration that deals with the behaviour of economic agents. Examples, as observed from the interviews conducted, are:

- i) Placing personal interest above the regional interest, or, as the theory of compliance highlights, the decision is made with what is in the best interest of the individual.

“I am currently involved in a UK-based project in one of the African countries. They asked for training, so we sat with them and said ‘what sort of training do you require and what is the need’. The immediate response was ‘where is the venue for this training and how much money is involved’? I then said to the senior official ‘what was that about’? The official said that they are very excited as they think that some training will be in Europe, so they are all lobbying now to see who of the 4 or 5 people will be going to Europe. So it is not about the need, but it is about them getting allowances and something on their CVs.”

(International and regional expert).

“... [So] you find a lot of these bodies (standards bodies) are supplementing their income with donor-funded and donor-driven activities. They rely on that income

and so as soon as the donor leaves the country, they (i.e. the standards bodies) go back to the normal fight for survival using regulations, unfortunately...”

(International and regional expert).

- ii) The belief that regional products are inferior to goods coming from developed countries:

“We are not taking advantage of the scenario, for example, whereby a year or two ago in Southern Africa, we had a drought situation. Instead of us importing grain from East Africa, i.e. from Uganda or Tanzania in particular, we had countries such as Zimbabwe and South Africa importing grain from Brazil and Argentina. In some cases, (you might not believe this), even from Ukraine. This grain would come in under the same regulations. However, you know, perhaps it is just a lack of mutual trust for whatever reason...”

(COMESA expert).

It is therefore important that the TFTA Member States build the required trust in each other's goods and services. Such trust could be facilitated through what Cherifi (1995:24) and the COMESA expert propose - constant promotion and propagation of the regional spirit and investment in education, training and awareness creation through media, cultural events and exhibitions.

5.3.2 Policy enactment

5.3.2.1 Regional factors

As discussed in Chapter Two, Proposition Two contended that the regional and national policy enactment factors play a significant role in the enactment and implementation of the MACAR. In most part, the proposition is supported as expanded on in the following sections.

5.3.2.2 Complementarities and revenue loss

The trade strategy and the strategy's suitability to the environment in which it needs to operate emerged as crucial determinants to deal with the African challenge of non-

complementarities and revenue loss. The findings highlight the role that commodity specialisation can play. Commodity “specialisation is a method of production whereby an entity or country focuses on the production of a limited scope of commodities of which it has a comparative advantage, to gain a higher degree of efficiency” (Kenton 2019). However, commodity specialisation introduces high risks and lower returns over time, as commodity prices fall. Such was the case for Nigeria and Angola’s high reliance on oil and South Africa’s reliance on gold and diamonds. In these cases, the fall of commodity prices and decreased supply has seen income not keeping pace with the cost of production.

Furthermore, according to Williamson (2008:15), specialisation could lead to deindustrialisation. The TFTA plans to build its trade strategy on industrialisation. An industrialisation strategy diverts a reliance on agriculture to the manufacturing of goods. However, as highlighted in Chapter Three, the majority of TFTA countries are primary commodity exporters. As emphasised in the findings, although still in its initial phases, SADC has embarked on an industrialisation strategy which attempts to address the challenge of transforming “the commodity-dependent growth path in which African countries find themselves to value-adding, knowledge-intensive and industrialised economies” (SADC 2017:3). The strategy relies on a robust industrial diversification drive, regional value chain (RVC) approach and supporting measures, to enhance capital and labour productivity and efficiency.

However, as acknowledged by SADC, implementing an industrialisation strategy is a long-term strategy that should be phased in. Some interviewees have mooted the suitability of a value chain approach as a suitable trade strategy for the TFTA. A value chain is defined as “the full range of activities which are required, to bring a product or service from conception, through the intermediary phase of production, delivering to final consumers and final disposal after use” (Kaplinsky 2000:121). The World Bank (2016), a supporter of the RVC approach for Southern Africa, posits that developing RVCs can lead to superior participation in the Global Value Chain (GVC). Such RVCs could advance an integrated industrial base through exploiting synergies and complementarities between countries and private sector actors at the regional level. Despite the above positive sentiments, the analysis reveals that the acceptance of the

value chain approach will be reliant on strong political will. Although there were some positive assertions, some interviewees caution that the right conditions should prevail. The SAIIA's study on RVC (2008) identified adequate infrastructure, cost of transportation, access to financing, enabling government policies and production efficiencies as conditions that are essential for participation in an RVC (Bertelsmann-Scott & Markowitz 2017). Concerning Africa's challenge in meeting the above conditions, a concerted effort by all will be required to participate in a RVC successfully. However, such ambitions are not impossible, as some TFTA regions are already progressing towards addressing the necessary conditions.

Revenue loss is flagged as a potential primary concern that can hinder the attainment of the TFTA aims. As highlighted in Chapter Three, the unequal economic status of the TFTA Member States is coupled with the fact that most of the member states are producers of primary goods, with only four industrially focused countries contributing to the revenue loss. A recent study by Pasara and Dunga (2019) supports the claim that welfare gain within the TFTA will be skewed. The study recommends that assistance should be given to countries that may not benefit, as well as to economic sectors, to counter the effect of polarisation of benefits. The question, therefore, is not "should the member states be compensated for their loss?" but rather "how should the member states be compensated?".

The findings offer guidance, suggesting a tax regime, primarily VAT, which would still comply with the rules of the TFTA tariff barriers policy and the WTO. A further suggestion is direct TFTA financial and technical support. Direct financial support is challenging, as funding can only come from membership fees and donations from donors. Both income streams are problematic. A review of member states' contributions to the REC (COMESA, EAC, SADC) shows a low level of compliance with strict guidelines on how to deal with a defaulting member. As an example, during the 37th Meeting held on 11 May 2018, the Secretary-General, Sindiso Ngwenya, raised his concern at the status of member states' contribution to COMESA.

Within the African continent, the Southern African Customs Union (SACU) seems to provide a solution through a compensation mechanism: a revenue-sharing

mechanism. It is, therefore, necessary for a method to be found to compensate or support member states that might be experiencing financial difficulty as a result of their commitments to the TFTA. Therefore further in-depth research is required on the matter.

In the absence of clear trade policy, the first implication for the TFTA is to clarify its trade policy and to develop a strategy and road map on how the TFTA intends to achieve full industrialisation. The SADC's approach (based on phasing in the industrialisation strategy) can be serve as a guidance. Secondly, it should be noted that significant investment will be required to support all initiatives. One of the essential requirements would be financial support for members to enable them to move away from being suppliers of primary goods to fully industrialised countries.

5.3.2.3 Overlapping membership

The findings have produced conflicting views on the matter of multiple overlapping memberships. The study reveals that the ability to benefit all the members is a strength that should be utilised, as highlighted by one of the interviewees:

"I am dealing with a country at the moment that is in that position, and my advice to them is to use the strength of both regions to their benefit. [I] am not encouraging them to see this as a weakness. Many people do not get the benefits and the strength of both. While the regions integrate closer and closer, those things become more of a benefit and they can actually use it to their advantage and in doing so, getting the benefits of both ..."

(Regional and international expert).

The view expressed above is limited to the benefits which a nation-state reaps from multiple memberships. As highlighted in Chapter Two, and as gathered from the literature, further advantages of multiple memberships include benefitting from multiple donor-funded projects and multiple shared resources. Multiple regional memberships can be advantageous to member states belonging to more than one REC. However, studies undertaken by Erasmus (2016), SAIIA (2008), and Siziba (2016) underscore the challenges of overlapping membership; highlighting its broader

impact on trade effects, jurisdiction loyalty challenges, duplication and a lack of political will and commitment, high cost and inefficiency. As an example, Siziba (2016:2) points out that compliance with multiple jurisdictions relating to the application of the dispute settlement system might lead to jurisdictional conflict and non-compliance. These challenges will be no different for the MACAR within the TFTA. The challenge of multiple memberships from a regional perspective could, therefore, be problematic. According to one of the interviewees, overlapping membership becomes more problematic when an FTA progresses to a CU requiring common external tariffs applicable to imports from non-member states with common external trade policies.

One might argue that the TFTA is not a CU and hence might not be subjected to the challenges posed by overlapping membership. However, as the TFTA uses the REC as its building block, two of the RECs - COMESA and the EAC - are CUs and the SADC is still an FTA. Hence, the agreed upon common external tariff of the CU differs between the CUs as well as the SADC. The different external tariffs create a challenge for those member states with multiple REC memberships. It would, therefore, require the TFTA to harmonise the competing arrangements within the TFTA RECs.

5.3.2.4 National factors

As previously highlighted, the enactment and implementation of regional policies within the member states pose numerous challenges. The main challenges identified by the study are mobilising political will, dealing with the fear of sovereignty loss, the cost of compliance and the complexity of the requirements, private sector participation and the availability of the required infrastructure and skilled human resources. The analysis of the case studies and semi-structured interviews provided a surprising single solution to the challenge of the cost of compliance and the complexity of requirements. The lack of understanding is blamed for the perceived cost and complexity of needs. The identified challenges will be elaborated on below.

5.3.2.5 Political will and sovereignty loss

Notwithstanding the member states signing and committing to the TFTA Agreement, the mobilisation of political will to enact and implement the requirements of the TFTA Agreement faces considerable obstacles. Political will is central to enacting and implementing the TFTA MACAR policy within the member states' national laws and borders. However, political will is influenced by various domestic factors and regional concerns, as highlighted in Chapter Three and the findings presented in Chapter Four.

The finding on political will reveals that it can be managed through centralisation and inclusiveness. Centralisation refers to the pooling of national sovereignty under the administration of a single structure. The pooling of sovereignty refers to “the sharing of decision-making powers between states in a system of international cooperation” (The Concise Oxford Dictionary of Politics 2019). For example, in the area of trade negotiations and sovereignty challenges, the pooling of sovereignty through empowering the EUC to represent all member states in negotiations and decisions still requires regular consultation with the member states, and the power of the final decision remains with the member states.

Inclusiveness refers to the involvement of citizens, industry and all other relevant stakeholders in the decision-making structures of the region. Although the EU's approach of centralisation and inclusiveness appears to be a solution for the TFTA's management of political will, the finding should be interpreted with caution. It should be noted that centralisation and inclusivity take place within the context of a CU, with a single external tariff. This is not the case for the TFTA, which is currently implementing an FTA. However, government involvement in decision-making is not dependent on the pooling of sovereignty. As an example, the findings shed light on how the SADC ensures that member states exercise their sovereign powers in decision-making on issues of TBT through a SADCTRC.

Inclusivity, however, is not bound to a CU but cuts across all strategies and approaches. As an example from the literature review, Kjaer (2004:3) states that the Governance approach, which applies to this study, includes the public sector (state

actors and institutions), the private sector (households and companies) and civil society (non-governmental organisations), working together in the process of governance.

The fear of losing national sovereignty emerged as a significant consideration for the successful implementation of the MACAR. The reasons for fear of sovereignty loss are diverse and cannot be generalised. However, a few conclusions can be drawn from the data gathered. The findings reveal that the management of sovereignty loss can be achieved through inclusiveness by ensuring the involvement of all member states' governments and citizens, as part of the decision-making processes.

Furthermore, although the monitoring of the implementation of approved legal instruments can be centralised at the regional level, enactment, implementation and national control of laws should be left to the nation-state. The involvement of citizens can be explained as per Savanovic's (2014:1008) assertion, that although citizens delegate arbitration rights to the government within the boundaries of its constitution, the citizens as the source of the constitution can prevent government's misuse of the powers granted under the constitution. As an example, the recent BREXIT voting that the United Kingdom should resign from the EU demonstrated the citizens exercising their authority.

The implication for the TFTA is to enable citizen participation at national, regional and TFTA levels. Unlike the EU, who established a Parliament to allow citizens to participate in decision-making, it is unlikely that the TFTA would be able to set up a similar system due to its level of development and supporting infrastructure required. However, the findings do offer some guidance on the dissemination and provision of input into policies through the application of ICT. Furthermore, concerning governments' involvement in decision-making, the SADC provides a possible solution through its SADCTRLC and SADCTBTSC; which is aimed at involving the regulators and relevant industry in the policy-making processes (SADC 2014). The SADCTRLC is primarily tasked with implementation and administration of the SADC technical and regulatory framework, a task similar to that performed by the EUC.

As the challenge of inclusiveness impacts on national, regional and TFTA levels, a solution should be able to accommodate the multilevel nature of the TFTA. As such, (at the national level) a mechanism for stakeholder consultation and participation in the policy process, particularly policy enactment and policy implementation, is required. As an example, in South Africa, national policies are approved by the South African Parliament. Approval will only be considered after all relevant stakeholders have been consulted through the development of green and white discussion papers aimed at influencing stakeholders such as opposing parties, the public and non-governmental organisations. The public has various structures through which they can influence the policy. Such structures includes the Parliament and Select Committee, the National Parliament, the National Council of Provinces, the various Portfolio Committees, participation in Parliamentary Committee hearings, meetings with department heads and ministers, as well as using the media in order to put pressure on the government. At the regional level, SADC offers a solution for ensuring industries' and regulators' participation in the implementation of the SADC trade protocol.

5.3.2.6 Cost of compliance and complexity of requirements

Contrary to expectation, one finding establishes that the high cost of compliance and complexity of the relevant CA requirements is perception based. The perception is strengthened by a lack of communication that should foster an understanding of the applicable requirements. This finding seems to contradict claims made by COMESA, as highlighted by the COMESA expert and various researchers. Although generally claiming that the cost of CA, specifically accreditation, impacts on the cost and thus the competitiveness of a country's exports, this does not seem to be the case. There are several possible explanations for this finding. Firstly, the cost perception sentiment is expressed within the context of a well-designed CA system and regulations, utilising accreditation, MRAs and the MACAR amongst trading partners. The system eliminates the need for re-testing, rectification and re-inspection of goods and services within the importing country, and thereby reduces the cost of trade. Secondly, the finding is made in the absence of a consideration of the categories of cost, namely the specification cost, the CA cost and the information cost, as explained in Chapter

Three. The distinction between the various categories of cost is essential, as it clarifies to whom such cost is accumulated. As an example, the cost of compliance resides with the user of the standard or technical regulator, such as the manufacturers.

In most countries, the government is responsible for enabling CA and supporting infrastructures such as standards bodies, ABs, metrology institutions and notification and enquiry points. Therefore, the cost of CAs and the cost of information in most countries is a shared cost between industries and the relevant governmental institutions. Thirdly, the sentiment is expressed within the context of a matured CA infrastructure that requires little investment to maintain and expand its operations. The finding does, however, acknowledge that for the TFTA, the startup cost is high and benefits will only occur after approximately ten years. Therefore, the challenges of cost introduced by the three categories of cost identified a need to be approached from a start-up perspective, as well as a perception perspective. In this regard, the TFTA needs to explore the opportunity offered by the WTO TBT Agreement regarding assistance to developing economies.

The assistance to developing countries will involve an active, coordinated approach to securing and managing donor support activities at the TFTA level. A coordinated approach is necessary to avoid duplication of efforts, as well as wastage of valuable resources. Furthermore, the adoption, development and use of harmonised or recognised equivalent standards and CAPs are vital, especially in the context of the TFTA with its many developing and least developing countries, to control the cost of TFTA goods and services.

5.3.2.7 Private sector participation

The failure to involve the private sector in the integration process has hindered the integration process and implementation at the national level (Hailu 2014:325). The study found strong support in that private sector, non-state actors play an active role in influencing the MACAR policy's enactment and implementation within a nation-state. As previously mentioned in the literature review presented in Chapter Two, Stokes (1998:17) asserts that the context of governance refers to the boundaries

between and within the public and private sector, which have become blurred. The private sector (specifically CABs) plays a significant role in the governance, enactment, implementation and management of MACAR. The private CABs ensure consistent compliance with the relevant standards and technical regulations, thus providing the market with the necessary trust in the goods and services traded. It is, therefore, not surprising that inclusiveness and communication emerged as key interventions in private sector involvement in the policy process.

The implication for the TFTA is that it requires appropriate communication mechanisms and platforms to accommodate information sharing and private sector involvement in the enactment, implementation and management of the MACAR system. In this instance, the SADC provides an example that can be considered. The SADC recommendation of a WTO TBT structure incorporates a stakeholder committee (the SADCTBTSC) which coordinates the input and provides advice to the SADC on matters concerning the stakeholders, which includes the private sector agreement exceptions reserved for developing countries.

5.3.2.8 Regulatory instruments: monitoring and control

The best regional or international agreements' chances of success will diminish or never materialise if they cannot accommodate their members' needs and do not have processes to enforce contraventions of members' obligations under the agreement more efficiently. The TFTA Agreement Annex 14 comprehensively deals with the institutional structures, a general classification of TBT, reporting and monitoring tools and the penalty system for contraventions of the requirements. However, as per the findings, notwithstanding the dispute resolution systems being incorporated in Annex 14 of the TFTA Agreement and the TFTA REC agreements, lack of monitoring and sanctions is problematic. The challenges with monitoring and sanctions appear to be universal. For example, although the EU has clearly defined rules on non-compliance with EU directives, the EU still experiences a problem with the enactment of their products.

The TFTA is a rule-based arrangement and deals with contraventions at both the agreement level, which concerns violations of the agreement, as well as breaches in the implementation and management of TBT. At the TFTA Agreement level, the TFTA relies on the REC systems in place and has assigned responsibility for monitoring and sanctions to a Dispute Settlement Body and the Council of Ministers, respectively. At the TBT implementation and management level, the TFTA makes provision for the establishment of a national monitoring committee and national enquiry/national focal points on TBT that report to the TFTA REC Secretariats. The national monitoring committees are empowered to monitor, agree on recourse to non-action and to resolve TBTs. Extensive use of ICT has been introduced to enable the work of the national monitoring committees. The effective implementation of TFTA Annex 14 and the dispute settlement system remains to be seen once the TFTA becomes fully operational. It, however, requires the TFTA's decision-making structures to ensure bold and decisive action to be taken when the need arises, for the agreement to be effective.

Furthermore, the adoption of a CAP that includes SDoC requires active market surveillance and related recall and liability laws. Although the TFTA function of monitoring and sanctions incorporates elements of market surveillance, it is unclear how recalls and liabilities across the region will be implemented and administered. The TFTA might thus be obliged to develop relevant guidelines, to ensure that monitoring and enforcement of sanctions are effectively implemented in cases of contraventions or incidents that threaten the health, safety and trade relations amongst its member states.

5.3.3 Policy implementation: Regional implementation factors

As discussed in Chapter Two, Proposition Three contended that the national policy implementation factors play a significant role in the enactment and implementation of the MACAR. In most part, Proposition Three is supported as expanded on in the sections that follow.

5.3.3.1 Language barriers

Although the cost of translation, interpretation and publication in different languages could be taxing as highlighted in the findings, Bamgbose (2011) asserts that the cost of denying a member the right to be heard in their language could be higher. The TFTA communicates in the four AU official languages, namely English, French, Portuguese and Arabic. As policy enactment requires a concerted effort to make stakeholders and actors understand the various requirements of the agreements and policies, the language barrier requires attention in the most cost-effective manner. Small translation mistakes can add significantly to the cost of trade and can contribute to mistrust and trade disputes amongst trading partners and the various structures within the region. As an example, the US Tariff Act of 1872 included an error when a comma was inserted between "foreign fruit, plants" instead of "foreign fruit-plants" causing a loss of more than 40 million USD as a result of the mistake regarding import tariffs for "foreign fruit-plants", which were exempt from import tariff charges (Fennell 2019). Translations and interpretations are, therefore, not only necessary, but they also require accuracy.

The TFTA, therefore, needs to prioritise translations and interpretations by budgeting appropriately. Developed country support can also be directed towards translation as the TFTA matures to the extent that it can adequately accommodate the cost of translations and interpretations in all four of its official languages.

5.3.4 National implementation factors

5.3.4.1 Technical infrastructure and resources

Van Torngeren, Beghin and Marette (2009) contend that well-designed regulations and CAPs can facilitate trade. The findings support Torngeren's contention and conclude that a well-designed CAP includes harmonised or equivalent standards and technical regulations, accreditation, MRAs, SDoC and market surveillance systems, which are cost-efficient and internationally accepted. Furthermore, the findings and literature review highlight the importance of legitimacy and trust within the infrastructure that provides confidence in the CARs. Such confidence is essential to the MACAR. Within the context of this study, the harmonisation of CAP is offered as a solution for compliance with the WTO non-discrimination requirements and has been

discussed in Section 5.3.1.1. To understand the infrastructure and its role, it is essential to reiterate the roles and responsibilities of the TFTA, the REC and the nation-states. Within the context of this study, the TFTA is primarily responsible for policy-setting and providing the infrastructure to coordinate the various REC and nation-state activities concerning CA activities. Such activities include the coordination of ABs, standards-setting bodies and metrology institutions. The regions are primarily responsible for assisting the TFTA in coordinating the needs of its members and supporting the TFTA. The nation-state is responsible for the enactment, implementation and maintenance of the required infrastructure, to comply and to effectively enable the MACAR. The section below will thus focus on discussing harmonised or equivalent standards, accreditation, MRA, SDoC and market surveillance, as critical components of a TFTA MACAR framework.

5.3.4.2 Harmonised or equivalent of standards and technical regulations

The findings reveal that harmonisation is a long process involving input and consensus from various role-players, and it may slow down the free flow of goods and services across national borders. Such was the case for the EU, resolving the problem by separating the mandatory requirements, known as the essential requirements, from the voluntary standard. Essential requirements are incorporated in the various product directives, whereas a standard is produced by the EU standards bodies under an EU mandate. A solution in this realm appears to be adequate, as the TFTA and the REC have the necessary standards generation capacity through ARSO and the REC's standards infrastructure. However, the TFTA is currently not able to provide such a service, although the SADC (through the SADCTRLC) can serve as an example for the TFTA.

In order to speed up the process of harmonisation in the TFTA, one interviewee proposed that existing technical regulations should be assessed for equivalence. Trading partners should then accept the equivalence of the technical regulations. The interviewee further advised that all new technical regulations should be harmonised. The argument holds merit. However, to enable such an assessment will require the criteria for equivalence to be developed and agreed on for each production process,

and that would require considerable time and financial resources. Nevertheless, it is recognised by this study that the proposal of the expert, as mentioned above, is necessary.

5.3.4.3 Mutual Recognition Arrangements

The MRA, together with harmonised standards and harmonised CAPs, plays a significant role in the MACAR, especially in providing the required trust in the CA systems. The majority of interviewees highlighted the importance of an MRA at the level of accreditation. The TFTA recognises the AFRAC and the role of AFRAC. AFRAC is the body providing an MRA in accreditation that allows for harmonisation of ABs by requiring that all signatory ABs to the AFRAC arrangement comply with the international standard ISO/IEC 17011. As previously highlighted in Chapter Two, the WTO recognises government-to-government MRAs as an acceptable way in which to accept trading partners' CARs. Both COMESA and the EAC provided guidance on MRA between governments for the acceptance of CARs.

Reasons advanced for a government-to-government MRA (rather than relying on an international MRA such as provided by the ILAC, IAF or one of the ILAC, IAF member regional accreditation cooperations such as AFRAC) is that compliance to accreditation requirements takes a long time and the process is expensive. However, government-to-government MRAs for the acceptance of CARs is limited to signatories of the government MRA. Furthermore, as in the case of COMESA's government-to-government MRA, the cost of verifying conformance and competence of the relevant CABs that produce the results is born by the government, or where applicable, the donors. Such reliance on government or donors is risky, as a withdrawal of funding may lead to a collapse of the process. As an example, although the WTO recognises accreditation as the preferred option, the study acknowledges that obtaining accreditation could be a lengthy process. Therefore both accreditation and government-to-government MRAs could be beneficial for the TFTA. However, to harmonise the CAPs, government-to-government MRAs should be phased out and accreditation should be advanced.

5.3.4.4 Accreditation

The findings indicate a high level of agreement from the respondents that accreditation is a key and preferred procedure for the TFTA MACAR framework. One of the criteria for a MACAR system to be accepted is that the bodies carrying out the evaluations must be seen as reliable and credible by the second country. As a WTO recommended CAP, accreditation is generally accepted as the most cost-effective and more widely used procedure through the demonstration of a CAB's competence to issue reliable CARs (WTO 1997). The international standard ISO/IEC 17000 (ISO/IEC 2004a:4), defines accreditation as a "third-party attestation related to a CA body conveying formal demonstration of its competence to carry out a specific CA task". In other words, a third party that gives formal recognition to a laboratory, certification body or inspection body, is competent to perform a specific task. As noted in Chapter Three, accreditation has utilised MRA and MLA to facilitate the acceptance of conformity results, however, these MRAs/MLAs, although steadily increasing in use by regulators, have no universal acceptance. Although a large number of ABs are established as public entities, some are private legal entities and are independent in their decision-making powers. Such independence and private sector involvement in critical decisions, to either pass or fail goods which could impact on health, the safety of citizens and the environment, has been blamed for the resistance or lack of broader acceptance of CA within the regulatory domain. However, a review of the proceedings of the WTO TBT Committee reveals the high-level appreciation of the ILAC and IAF MRA/MLA. One region currently opposes the membership of ILAC and IAF to the WTO TBT Committee, based on the fact that ILAC and IAF are non-governmental organisations. As of September 2019, the debate is ongoing.

Nonetheless, the TFTA recognises the AFRAC and its MRA. AFRAC is a signatory to the ILAC/IAF MRA/MLA. Such recognition of the AFRAC MRA supported by the TFTA Agreement should allay the regulator's fear of reliance on CARs generated by the private sector, as long as the CAB are accredited. ABs are required to enable the accreditation of CABs. Currently, there are only ten operational ABs on the continent, of which seven are qualified to be signatories to the ILAC and IAF MRA/MLA. However, as highlighted in the findings, SADC has established the world's first multi-

economy accreditation body SADCAS, which services the accreditation needs of thirteen of the SADC Member States. In Europe, for instance, it is a requirement that each member state should have a national accreditation body. The accreditation body of Kenya, KENAS and the Nigerian National Accreditation Services, NINAS position themselves to service the EAC and the ECOWAS Region's accreditation needs. Therefore, the TFTA accreditation needs could be met, even though not all member states have a national accreditation infrastructure. As highlighted in Chapter Three, such use of ABs and CABs not directly under the control of the government would require a high level of trust and to some extent a sacrifice of sovereignty from the member states. The EU serves as a good example of how the necessary trust can be instilled. The formal recognition of the AFRAC and oversight and monitoring of CABs by AFRAC, as well as approving accredited CABs accredited by AFRAC member ABs, appear to be solutions.

The findings highlight the challenge that COMESA, and to some extent, the EAC experience with mandating accreditation. An interviewee listed the cost of accreditation, lack of qualified resources, proper infrastructure and compliance to the accreditation requirements as critical impediments to the acceptance of accreditation, although accreditation remains a long-term goal. The AFRAC objective sets out to support the establishment of ABs on the continent. Together with donor agencies such as the PTB from Germany, four ABs have obtained international recognition within a relatively short period. Therefore, the utilisation and optimisation of the continental structure AFRAC and its MRA is a crucial component for a TFTA MACAR system. However, for accreditation to be cost-effective, it should be recognised that not all CAs need to be independently verified, therefore accreditation might not always be the most appropriate procedure. As an example, for certain low volume goods, it might be feasible to have the CA conducted independently. SDoC is suggested as a solution to this challenge and will now be elaborated upon below.

5.3.4.5 SDoC and market surveillance

A CAP which is mostly encouraged for its cost-effectiveness and the speed of the procedure to provide the goods to the market is the use of SDoC. However, as pointed

out in Chapter Three, SDoC requires substantial investment by government in market surveillance and product liability laws, monitoring and sanction. Accreditation is also advanced by institutions such as the ILAC, the IAF, the UNIDO and the ISO as a system that can reduce the cost of trade. Although widely used in the voluntary sector in order to provide the required trust in the results produced by CAB, it is not wholly embraced by regulators. Although the supplier's declaration can be useful, the conditions as stated above are mandatory for it to be successfully applied. It assumes that the sanctions for non-compliance exceed the risk of placing non-compliant goods on the market.

Furthermore, questions about the competence of the supplier making the compliance claim, and the independence in decision-making, as well as the basis or justification for claiming, along with the credibility of the suppliers, highlights the weakness of this approach. The EU provides a solution to minimise the risk of SDoC. The EU only allows for the use of SDoC for low-risk goods. Regarding the suitability for the TFTA, the majority of its members do not have the necessary laws, market surveillance infrastructure and competencies to offer an effective market surveillance system. However, SDoC remains a valid procedure, as long as the required market surveillance and regulations can be implemented.

5.3.4.6 Human resources

The implementation of well-designed regulations and CAPs necessitates skilled human resources. The findings highlight the need for the required skills. According to the World Bank, Africa has the least skilled workforce in the world (World Bank 2017:7). The need for skilled human resources and the development of such resources are required in the infrastructure sector, as mentioned earlier. Skilled human resources include the competencies of public administrator's at all three levels. Thus the investment in human resource development is vital.

5.4 BRIEF DISCUSSION RESULTS

The findings and the above discussions identified six main subjects that are critical to the MACAR enactment and implementation framework. These subjects are: i)

compliance with the requirements of the TBT Agreement, ii) inclusiveness, iii) communication, iv) trust in infrastructure, v) human resource development and vi) monitoring, control and sanctions. However, one fundamental requirement for the MACAR framework to be useful is a well-designed trade strategy aligned with the TFTA. Herein, two challenges emerged. Firstly, the TFTA in its agreement alludes to an industrialisation strategy. Although suggested in the literature as a solution to developing countries' economic welfare, an industrialisation strategy requires high-end scaling up of infrastructure, human capital, automation and less labour intensiveness, to benefit from economies of scale. The economic disparity of the TFTA Member States currently does not afford the required readiness to embrace an industrialisation strategy. However, an industrialisation strategy remains a long-term possibility.

The SADC has developed an industrialisation strategy, roadmap and plan, focusing on a phased approach to industrialisation. In the medium term, the findings indicate a preference for an RVC approach. An RVC allows for product specialisation within components of a value chain of a given product. Such an approach would require a CA strategy that can support the RVC approach. It should also be noted that an industrialisation strategy and a value chain strategy are not mutually exclusive. The speed of making the product available to the market, assurance of conformity to the relevant technical regulations or standard and cost efficiency become key to the competitiveness of the product in the market. However, the findings also suggest that a CA strategy can operate independently from the trade strategy, as the fundamentals of CA can be applied universally across any trade strategy.

Regardless of the conclusion, the WTO recommends six CAP strategies that would be internationally acceptable. The analysis of the six proposed CAP strategies indicates that whichever CAP is selected, it requires a high level of trust. Especially trust by regulators, due to the high reliance on private industry in most applications of the proposed CAP, to assure compliance to the relevant standards and technical regulations. Through the findings, it is clear that a CA strategy is required based on MRAs, (both public and private MRAs), accreditation, SDoC supported by market surveillance and relevant enabling laws, as well as a risk-based approach to the

selection of the type of CAP to be applied, which appears to be a viable strategy for the TFTA. MRAs, accreditation and market surveillance are recognised within the TFTA Agreement and Annex 8. However, the strategy to be applied, and under what circumstances the CPA is applicable, is not addressed. The selection of CAP is currently an international problem and the WTO has updated its triannual plan to deal with this matter. The EU leads in this regard and has proposed the adoption within the WTO of a risk-based approach to the selection of CAPs, as currently applied within the EU. As Europe is one of Africa's largest trading partners, and in the absence of any other criteria for the selection of the types of CAP to be applied, the risk-based approach for the selection of CPA and the development of the required classification criteria would form a part of a TFTA MACAR framework. Herein the policy-making role of public administration is crucial. Two further factors, namely inclusiveness and communication, emerged as key findings, framing the development of a TFTA MRA conceptual framework. They are discussed below.

5.4.1 Inclusiveness

Inclusiveness within the context of this study refers to the participation of citizens, industry and other stakeholders in the policy process, in particular, the enactment and implementation phases of the policy process. The finding indicates a high level of support for citizen and stakeholder engagement and participation in the decision-making structures of a REC. Surprisingly, inclusiveness is suggested to address, or partially address, three of the identified impediments, namely sovereignty loss fears, private sector participation and political will. This finding is consistent with the governance principles as presented in the literature review of this study. Previous studies emphasise the importance of citizen and stakeholder engagements. To some extent, SADC has developed and accommodated a formal structure that allows for stakeholder and regulators' engagement and participation in decision-making, a possibility for the TFTA to consider.

5.4.2 Communication

As stated previously, communication refers to the action of communicating, consulting and informing, as well as the communication channels to enable effective communication. The findings present communication as a cross-cutting challenge to be addressed. Communication or poor communication is found in the impediments to the cost of compliance, the complexity of requirements and language barriers as identified through the findings. As an example, in a study conducted on the role of communication in Africa's regional integration, Makunyi (2015:90) concludes that "Communication is a necessary condition for trade and regional overall economic and social development since it provides the physical link between the various countries and forms a major component of the cost of trade, the global competitiveness of every country and thus its development prospects, aspirations of its people and integration with other countries". Policy enactment places a high reliance on communication, as noted in the literature review; as the policy enactment process influences the public through policy integration and translation. Policy integration and translation are enabled through various communication channels, allowing for two-way communication. Policy integration and translation involve dissemination and feedback of information. Therefore, communication and communication channels are an integral part of a MACAR framework and need to be accommodated.

5.5 CHAPTER SUMMARY

Developing and implementing MACAR is a complex task. The complexity is further exaggerated if placed within the context of a multi-level regional arrangement. A broad range of impediments challenges the process. Although the literature has shown that there are many cross-cutting impediments across the regional agreements, Africa, and especially the TFTA, poses a few unique challenges to the MACAR. No study thus far has focused on identifying those impediments that have the most significant effect on the MACAR enactment and implementation within the TFTA or African regional cooperation initiatives. The findings and discussion identified the six elements to address a framework for the TFTA enactment and implementation conceptual framework. Compliance with international requirements, communication, inclusiveness, infrastructure, monitoring, control and sanctions evolved as integral parts of the TFTA's conceptual framework. To enable the framework, various issues,

which include the separation of regulatory and voluntary requirements, mechanisms for stakeholder participation and others have been identified and will need to be addressed by the TFTA. Chapter Six concludes the study, presenting the recommendations and the conceptual framework developed throughout this study.

CHAPTER 6: CONCEPTUAL FRAMEWORK, RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

It is generally accepted that barriers to the free flow of goods and services between the member states of a regional economic arrangement need to be eliminated to mitigate against the failures that seem to plague some regional integration efforts, especially in Africa. One significant barrier to the free flow of goods and services is the non-acceptance of CARs amongst trading economies. The free flow of goods and services is imperative for the TFTA's success. When analysing the TFTA REC's CA systems, it is essential to understand that TFTA systems are conceptualised within the context of limited skilled human and financial resources, inadequate enabling infrastructure, little political will, mistrust between the member states and split loyalty due to overlapping memberships. Most member states are categorised as developing (emerging) and least developing economies, mainly producing and exporting primary goods.

Judged by the increasing CA specific trade concerns (STCs) before the WTO, there is a growing international appreciation for the contribution that CAP can make to the economic welfare objective of a regional arrangement. However, there is also a realisation that the MACAR is more complicated than initially envisaged, as is evident from the outcome of this study. Therefore, it is not surprising that the rejection of the MACAR could lead to mistrust and fear. The recently formed TFTA is not examined from the complications introduced by the need for the MACAR. Priority must be given to address the challenges to the MACAR within the TFTA. If the TFTA Member States and RECs are serious about the economic welfare gains through the uninterrupted flow of goods and services between them, it becomes necessary that the impact of the international, regional and national environments be appreciated. The TFTA, the TFTA REC's and the TFTA Member States will have to substantially invest in inclusiveness, communication, infrastructure, monitoring and control of the requirements and human resource capital, in order to provide the required trust in the goods and services flowing

between member states through the enactment and implementation of the MACAR and the ultimate welfare gain envisaged by the TFTA.

The study aimed to contribute to the improvement of the MACAR enactment and implementation by promoting a harmonised approach to the MACAR enactment and implementation within the TFTA amongst the TFTA Member States, by presenting a TFTA MACAR enactment and implementation conceptual framework. There are several qualitative measures that the TFTA, the RECs and the member states will have to undertake, to benefit from the developed conceptual framework. To this end, the study adopted an exploratory stance, a comparative case study and a semi-structured interview strategy. Policy intervention emerged from this study as essential recommendations for the MACAR within the TFTA. These recommendations draw from the findings of the research, as developed through the literature, semi-structured interviews and the case studies utilised and presented in the preceding chapters.

Chapter Six concludes the study by presenting the contribution of each chapter as it relates to addressing the research questions. Furthermore, this chapter presents the research contribution and recommendation and concludes with an overview of further research and a conceptual framework for the MACAR enactment and implementation within the TFTA.

6.2 SUMMARY OF PRECEDING CHAPTERS

Chapter One clarified the problem that gave rise to this research study and the methodology applied to find a solution to the research problems. The chapter introduced the importance and challenges with the MACAR to achieve the TFTA regional objective of welfare gain for its member states. Regional economic integration initiatives, such as the recently formed African TFTA, are generally promoted as holding much promise for economic welfare creation of participating member states. In regional integration literature, it is suggested that economic welfare creation relies on the free flow of goods and services across the national borders of member states. Various technical barriers prevent the free flow of goods and services across national borders. One of these technical barriers, recognised by the WTO as a significant

impediment to trade, is the MACAR. It was, therefore, essential that the MACAR be prioritised. To understand the status of MACAR within the AU's recognised RECs and the contribution it could make to this study, the chapter explored the progress made in each of the RECs. The section concluded that although the member states have signed up to the different agreements, little progress has been made. Therefore Africa could not be used as a model case for the TFTA MACAR enactment and implementation.

In the absence of an Afrocentric model case, Chapter One introduced what is currently considered to be the most advanced region in the area of MACAR, namely the EU, as a model case for this study. The methodology of this research was introduced, highlighting and justifying the qualitative research approach adopted, as well as the case study research design, interviews and literature for data collection. The chapter concluded with an in-depth overview of the key concepts. The key concepts explained the idea of CA and its contribution to free trade, as well as the domain in which this study is embedded.

Chapter Two conceptualised the MACAR within the discipline of Public Administration and its related disciplines, specifically International Public Administration and International Economics. The chapter highlighted the multidisciplinary and multi-level nature of the research. Focusing on the eclectic nature of Public Administration, the chapter delved into the theories and models providing a foundation and view from which the research should be approached. Policy enactment also referred to as the legitimacy stage of the policy-making process and implementation, have emerged as the dominant concepts for this research.

The chapter introduced three major viewpoints from which the study could be approached, namely the internationalisation discourse, the regional discourse and the nation-state discourse. Within the international discourse, the focus was on the influence of international commitments on the regions and nation-states. The literature reviewed suggested that the WTO and its TBT Agreement are the global rules set for the matter of CAPs. Even though not all members of the TFTA are WTO members, the WTO commitments are entrenched and thus influence the implementation and

management of MACAR in all the member states, as well as the region. The regional discussion highlighted the power relationship between the nation-state and the region. The nation-state emerged as the central point of authority, with the regions serving at the behest of the nation-state who hold the decision-making powers.

The environment in which the MACAR TFTA policy needs to be enacted and implemented impacts on the ability of the TFTA to successfully achieve its MACAR objective. The chapter identified the influence of the policy environment, which includes the international, regional and national environment, on the enactment and implementation of a harmonised TFTA MACAR conceptual framework. The international environment introduced international obligations (WTO). The regional environment introduced African influences on policy enactment and policy-implementation. These include national sovereignty; complementarities and revenue loss, as well as overlapping membership. The national environment includes the key decision-making influences, such as political will, the cost of compliance, private sector participation, regulations and control, infrastructure and language barriers. These identified environment influences formed the basis for the initial conceptual framework that guided the following chapter.

Chapter Three presented the embedded TFTA case, with the TFTA as the main case, the SADC, EAC and COMESA as the sub-case and the EU as a model case. The focus was on the implementation and enactment of CA within the regions. The TFTA, although not in operation, places high reliance on the work done within its regional economic cooperation (REC) members. The review revealed that although all three TFTA RECs addressed the matter of CA, this was done with little success and the implementation thereof was not comparable. As a model case, the EU has progressed to successfully implement a harmonised approach to CA amongst its member states. The CA context for the EU was analysed with critical features from which the TFTA can learn.

Chapter Four focused on the case study comparison and findings derived from case studies augmented by the semi-structured interviews analysed. The findings were presented within the framework developed in Chapter Two, namely the international,

regional and national environment. The findings revealed that within the international environment, the WTO TBT Agreement imposes mandatory requirements on the TFTA MACAR system. The regional environment requires the involvement of various role-players within the policy-making process and that technical regulation and standards should be separated, to allay the fears of sovereignty loss. Complementarities and revenue loss are significant challenges that can be addressed through a compensation fund and embarking on a trade strategy that includes specialisation. The overlapping membership challenge within the TFTA can only be addressed once the TFTA moves towards a CU. Regarding the national factors, political will plays a key role in deciding to enact and implement policy. It was found that political will is strongly linked with the fear of loss of national sovereignty and pressures from the domestic environment.

Chapter Five discussed the research findings within the context of the TFTA, supported by the analysis of the semi-structured interviews. The discussion emerged with inclusiveness, communication, infrastructure, monitoring and control as critical components for the TFTA MACAR enactment and implementation framework.

6.2.1 Revisiting the research questions

Four questions were raised in Chapter One to delineate the research question *“How can the MACAR enactment and implementation be improved in order to facilitate the acceptance of CAR amongst the TFTA Member States?”* This subsection revisits the questions in the context of the outcomes of this study.

1. How is the MACAR enactment and implementation framework administered in the African regional economic arrangements?

The question was addressed through the summary analysis of the status of MACAR enactment and implementation within the nine African RECs recognised by the AU and presented in Chapter One and Chapter Three’s case study on the TFTA. In principle, the context revealed that little progress had been recorded in

the nine RECs. Therefore best practice or a model case on the enactment and implementation of MCAR could not be found in Africa.

2. What are the factors that influence the MACAR enactment and implementation between trading partners in Africa?

Chapters Two and Three explored the factors that influenced the MACAR enactment and implementation internationally, regionally and nationally. The case studies in Chapter Three and findings and discussion of Chapter Four and Chapter Five shed further light on the critical factors that influence the MACAR enactment and implementation. These factors are as depicted in table 6.1:

Table 6.1: Factors that influence the MACAR enactment and implementation

<i>International environment</i>	<ul style="list-style-type: none"> • International obligations (WTO)
Policy enactment	
<i>Regional factors</i>	<ul style="list-style-type: none"> • Complementarities and revenue loss • Overlapping membership
<i>National factors</i>	<ul style="list-style-type: none"> • Political will and national sovereignty • Cost of compliance and complexity of requirements • Private sector participation • Regulations and control
Policy-implementation	
<i>Regional factors</i>	<ul style="list-style-type: none"> • Private sector participation • Infrastructure/institutions • Language barriers
<i>National factors</i>	<ul style="list-style-type: none"> • Complexity of requirements • Political will • Technical infrastructure & resources

3. What is the current state of affairs regarding the practice of the MACAR enactment and implementation within a regional economic arrangement?

The case studies and interview results presented in Chapter Three and Chapter Four provided some guidance on the current state of MACAR within the TFTA and

the regional economic arrangement of the EU. Furthermore, Chapter One reviewed the international influence of the WTO and its TBT Agreement on the practice of MACAR. Principally, the TFTA relies on the three RECs for the implementation of the TFTA MACAR system. Each of the TFTA RECs has made some progress in enacting and implementing MACAR. The strategies for enactment and implementation are not harmonised, however.

4. What are the key components for a TFTA MACAR framework that can facilitate a harmonised approach to the MACAR enactment and implementation within the TFTA?

This question was addressed by analysing the findings and discussions in Chapter Five. Possible solutions, as captured in Chapter Five, identified the critical components for a harmonised TFTA MACAR enactment and implementation framework. The chapter argues that the TFTA Member States will have to make a substantial investment in inclusiveness, communication, infrastructure development, monitoring and control of the requirements and human resources capital. Chapter Six presents and discusses the final framework, which can be used to facilitate a harmonised approach to the MACAR policy enactment and implementation.

6.3 THE ENACTMENT AND IMPLEMENTATION OF MACAR

The primary objective of this study was to contribute to the improvement of the MACAR enactment and implementation by exploring the building blocks for a MACAR enactment and implementation framework, to enable a harmonised approach to the MACAR enactment and implementation within the TFTA. A harmonised approach would thus facilitate the free flow of goods and services amongst the TFTA Member States. The previous chapters have highlighted the factors that impede and enable MACAR and thus the free flow of goods and services across the member states' borders. Chapter Five also discussed the findings and concluded that the critical elements of the TFTA MACAR policy enactment and implementation framework should comprise of the following:

- i) compliance with the requirements of the TBT Agreement;
- ii) inclusiveness;
- iii) communication;
- iv) human resource development; and
- v) Monitoring, control and sanction.

However, to enable the effective use of the conceptual framework, this study has to respond to the findings raised and provide the necessary recommendations to enable an effective harmonised MACAR framework for enactment and implementation. This study found eight key findings introduced by the international, regional and national environment of the TFTA. The findings are furthermore assigned to either policy enactment or policy implementation. The following section presents the key findings and recommendations.

Table 6.2: Summary of findings and findings applicability

Finding		Enactment	Implementation	TFTA	REC	National
1.	The TFTA lacks a clear TFTA trade strategy to provide the necessary guidance on priorities, resources required, programme design and clarity of communication, to enable broad acceptance of the policy enacted and the policy implementation.		X	X		
3	The TFTA lacks a CAP strategy to harmonise the CAP across its member states.		X	X		
4	Not all TFTA Member States will gain equally due to the loss of income from the liberation of tariff barriers and technical barriers.		X	X		
5	Separating voluntary standards and technical regulations.		X	X		X
6	Lack of stakeholder participation in the policy enactment and implementation.	X	X	X		
7	Establishing communication hubs (the use of national enquiry and notification points).	X	X	X	X	X
8	Investing in human resource development and knowledge sharing.		X	X	X	X

Source: Authors own

The following sections present the TFTA MACAR enactment and implementation framework and the recommendations emanating from the findings. These recommendations will address the main elements that can enable the effectiveness of the TFTA MACAR framework and the gaps as identified.

6.4 FINDINGS AND RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE TFTA MACAR FRAMEWORK

Based on the discussion in Chapters Three, Four and Five, six findings and associated recommendations evolved. The recommendations are presented below.

6.4.1 Finding One: The TFTA lacks a clear trade strategy

Recommendation One: Clarify the FTA trade strategy

Benjamin Franklin reportedly once said, “If you fail to plan, you plan to fail” (Goodreads, 2019). A strategy is defined as a plan of action designed to achieve a long-term overall aim (Collins Dictionary, 2019). It can, therefore, be argued that without a clear strategy geared toward the achievement of its aim of economic welfare, the TFTA will fail in its attempt. The MACAR policy enactment and implementation depend on a clear TFTA trade strategy to provide the necessary priorities, resources required, programme design and clarity of communication, so as to enable broad acceptance of the policy enactment and the policy implementation. The findings and subsequent discussion identified that although the TFTA provides no policy guidance on the trade strategy, it aims to pursue the industrialisation strategy. However, there is a difference between a policy and a strategy. In the absence of a clearly defined trade strategy, the TFTA will be required to develop one in order to facilitate the achievement of economic welfare gain for its member states.

Formulating a trade strategy requires the consideration of key components of an effective strategy, to ensure that the strategy meets the present needs, but does not compromise the ability of future generations to meet their needs. In other words, an

effective trade strategy should be developed with an appreciation for sustainability. Van Rooyen and Peet (2007:249) agree that an effective strategy considers the evaluation of the industrial sector's potential to make a contribution, inclusiveness on the basis of stakeholder partnership, ownership and strong implementation capability and capacity. Within the context of the TFTA and the development of a TFTA sustainable trade strategy, these key components are elaborated on in the next section.

In order to develop a sustainable TFTA trade strategy, the TFTA should initially embark on conducting a thorough and integrated evaluation of the member states' industrial sectors' potential to make a positive contribution to economic welfare gain. The potential should be realistically balanced with the negative impacts of the environment in which the member state is embedded. Furthermore, the evaluation should consider what is realistically possible, given the means that are available or that could be developed speedily.

The TFTA strategy development is dependent on partnership and ownership. Therefore inclusiveness plays a vital role. It is therefore important that stakeholders have a voice and share ownership in the vision, strategy and implementation of the TFTA at the regional and national levels. Such participation could encompass aspects such as facilitating civil society's active involvement in the trade strategy input, enactment and implementation, as well as encouraging the private sector to assist in the implementation and management of the required infrastructure, shaping the emerging standards, technical regulations and CA provisions as required.

The need for robust implementation capability and capacity is crucial to the successful implementation and maintenance of the TFTA trade strategy. The national and regional TFTA institutions require a healthy enabling environment that includes appropriate direction, capacity building and feedback/evaluation mechanisms. The institutions should play a leading role in setting an appropriate stage for the industry, with the selective use of incentives and consequences to guide the desired behaviour. Some of these enabling environments are already captured in the TFTA Agreement and are operational in the TFTA RECs, as identified in the preceding chapters. The

output of national and regional institutions should also assist the government as it engages in the TFTA and international negotiation in related areas.

Although the task sounds daunting, the work that was done by one of the TFTA RECs (the SADC) on its industrialisation strategy, roadmap and implementation plan could serve as a basis for the TFTA industrialisation strategy. Special consideration should be given to the phased approach adopted by the SADC. Ensuring medium-term achievements as a full industrialisation strategy is a long-term objective. With a current shortage of implementation capability and capacity, it would require significant time to implement the trade strategy.

The first recommendation leads the study to the second recommendation - addressing the gaps in the implementation of the MACAR system. Harmonisation of CAP was identified as a critical component of a WTO TBT compliance CAP, as it addresses the non-discriminatory and transparency requirements of the TBT Agreement. However, as previously discussed, the harmonisation of CAP has its challenges that need to be addressed. The key to the challenge identified is the speed of harmonising CAP, which relies on the harmonisation of standards and technical regulations.

6.4.2 Finding Two: The TFTA lacks a clear TFTA CAP strategy

Recommendation Two: Clarify the TFTA CAP strategy

Various CAPs can be found in the literature, with each having their strengths and weaknesses. The WTO formally recognised six voluntary CAPs as published in the WTO indicative list of CAPs (see Table 2.5). An essential requirement for the CAP to be trusted by trading partners is that the procedure employed must be seen as providing a level of assurance of conformance equivalent to that afforded by the practices in the importing country. Harmonisation of CAP can provide the required assurance of conformance equivalence. The WTO's indicative list of CAP cannot be applied under all circumstances that warrant CAP. Therefore the nation-states and regions must select those CAPs most appropriate and apply them across their membership, to ensure a harmonised approach to CAP.

The findings of this study suggest that a CA strategy based on both public and private MRAs, accreditation, SDoC supported by market surveillance and the relevant enabling laws, as well as a risk-based approach to the selection of the type of CAP, appears to be a possible strategy for the TFTA. However, due to the long-term nature and limited infrastructure within the member states, it is suggested that the CAP strategy makes provision for a phased approach to CAP implementation.

In this regard, COMESA employs a process based on the government to govern MRA, which does not allow for accreditation or SDoC. Still, oversight and control are exercised through structures agreed on by the MRA partners. The challenges with this approach concerning cost and heavy reliance on donor funding were discussed in Chapter Three and Chapter Five. Notwithstanding the challenges, the COMESA application seems to be working and can be accommodated within a TFTA CAP strategy.

A further challenge for the TFTA CAP strategy is to clarify under which circumstances a chosen CAP strategy should apply. This question remains a challenge globally and is currently under discussion within the WTO TBT Committee. Nonetheless, the EU guides the selection of a CAP through the adoption and application of a risk-based approach, based on the exposure of its citizens and environment to health, safety and legitimate considerations. As an assurance of conformity for the TFTA could include accreditation and SDoC, it is further recommended that the selection of CAP within the TFTA strategy should be set on a risk-based approach. High-risk goods and services should be evaluated by an independent, third-party CAP, which involves accreditation. Lower-risk goods and products can be subject to SDoC.

However, for a risk-based approach to CAP and SDoC, as well as to a lesser extent, accreditation to function appropriately, two supporting requirements need to be in place. Firstly, a risk-based approach requires clear criteria for each product to be assigned the appropriate risk level. As an example, the EU develops and issues product directives, which identify the essential safety requirements and prescribe that the CAP be applied. The TFTA might have to embark on a similar approach that will

require public administration to take responsibility for this function. Secondly, the use of SDoC requires robust monitoring, liability, recall laws and a sanction regime. The market surveillance system is generally accepted as a market monitoring system supported by liability and recall laws, as well as the appropriate sanction mechanisms. Market surveillance is a national responsibility and in most TFTA Member States, it is weak and would require time to be fully implemented. However, over the short to medium-term, the TFTA Member States could ensure that the sanctions for providing false assurance of product compliance to the relevant requirements when applying SDoC are of such a nature that it will discourage unethical behaviour. Furthermore, border and ports control should be strengthened to ensure that goods and services entering the member states meet the relevant requirements.

The study recommends that the TFTA CAP policy and associated strategy should, in principle, be based on a regime of government-to-government MRAs, as an interim measure, accreditation and SDoC, all supported by an effective market surveillance system and backed up by the relevant laws and sanctions.

6.4.3 Finding Three: Not all member states will gain from the TFTA. Revenue loss due to the lowering of tariff barriers and non-tariff barriers needs to be addressed

Recommendation: Three: Address the loss of income from the liberalisation of tariff barriers and technical barriers

The discussion as presented in Chapter Five suggests that, as a result of the size of the TFTA Member State economies and the liberation of tariff and technical barriers, some member states may initially not gain from their association with the TFTA. Therefore, the TFTA needs to investigate a mechanism to compensate the member states or at least set more precise guidelines on how and what measures a member state can take when the member finds itself in financial difficulty.

Some solutions proposed through the interviews conducted are retrieving losses through a tax system, such as the EU's use of VAT, as well as providing direct financial

and technical support to the member states, where justified. A possible solution for providing financial aid could include a compensation mechanism that ensures that those that gain from the unequal trade flow and tariff revenue losses compensate those that lose in the medium-term, to minimise the impact of the losses. Revenue sharing mechanisms are not new in the African context. The SACU uses a revenue sharing formula based on the distribution of net customs revenue, which is exercised amongst its members. Revenue generated is distributed based on a member state's GDP. Thus, the main impact of the formula is to redistribute tariff revenue amongst the members.

It is accepted that some member states will initially suffer income loss due to the tariff reductions and the MACAR, which could introduce impacts on the revenue generated nationally. Accommodating such loss is a complex problem that warrants further research. Therefore, the study recommends that the TFTA investigate a mechanism to address the revenue loss of its member states.

6.4.4 Finding Four: Harmonisation of CAP, technical regulations and standards are progressing; however harmonisation should be prioritised.

Recommendation Four: Speed up the process of harmonisation of CAP

The harmonisation of CA has mainly been addressed using international standards and global and regional coordination of the relevant players in the CA space. As an example, in accreditation, ABs are recognised and are signatories to ILAC and IAF. MRAs/MLAs comply and demonstrate their competence against the international standard ISO/IEC 17011. Furthermore, the ILAC and IAF set rules and requirements for regional accreditation cooperations such as AFRAC and EA to comply with, to be recognised by the ILAC and the IAF. Harmonisation is maintained through a peer evaluation process every four years by the regional accreditation cooperations. The regional accreditation cooperations, in turn, peer evaluate all member ABs. Upon successful evaluation, the accreditation body becomes a signatory to the regional accreditation cooperation's MRA/MLA as well as the ILAC/IAF MRA/MLA.

Furthermore, at the CAB level, CABs must meet the relevant international standard to be accredited by the AB. As an example, testing and calibration laboratories must meet the requirements of the international standard ISO/IEC 17025, (ISO/IEC 2017b) standard and inspection bodies, as well as the requirements of the ISO/IEC 17020 (ISO/IEC 2012) standard. Therefore confidence is provided that the entities carrying out the evaluations are seen as reliable and credible through this network, by the trading economies. The procedure provides a level of assurance of conformance equivalent to that afforded by the practices in the importing country if they are signatories to the ILAC and IAF MRA/MLA. Therefore, one wonders as to what the problem entails.

The challenges lie within the harmonisation of technical standards and technical regulations. Both technical standards and technical regulations are key components for providing the necessary trust that goods and services traded are safe, healthy, fit for purpose and meet the customers' expectations. A CAP that facilitates the MACAR needs to assure that the standard against which the goods or services are evaluated must be seen as satisfying the requirements in the receiving country. Herein the harmonisation of standards and technical regulations, or the equivalence of standards and technical regulation, plays a significant role in achieving the acceptance requirements. As highlighted by the findings, harmonisation is a lengthy, costly exercise and enactment of harmonisation standards has not been very successful in the RECs of the TFTA.

Two options are available to the TFTA. The EU's experience shows that by legislating only the essential requirements (health, safety and environment) and allowing the member states to prove compliance with the essential requirements, irrespective of the standard applied, the acceptance and harmonisation process has been sped up. The EU, however, still allows for the recognition of harmonised standards. However, compliance with the EU harmonisation standards is voluntary. Although closely linked to the EU's essential requirements strategy, the second proposal makes a distinction between existing technical regulations and new technical regulations. It proposes ways in which to address the challenge of harmonisation. The proposal is to assess the member states' existing technical regulations for equivalence, and by such

equivalence accept that products or services satisfy the requirements in the receiving country. However, for new technical regulations, the harmonisation process should be applied. Herein the EU strategy of mandating the essential requirements could be considered to avoid/bypass the costly and lengthy harmonisation process.

The study acknowledges the importance of ensuring that the standards against which the goods or services are evaluated must be seen as satisfying the requirements in the receiving country. Furthermore that harmonisation, the equivalence of technical regulations and standards and harmonised essential requirements can address the time and cost challenges of harmonisation. However, further in-depth research is required as all possibilities mentioned require a high level of expertise, finances and time. Therefore, such future research is recommended.

6.4.5 Finding Five: The TFTA lacks formal stakeholder and regulators engagement structure(s)

Recommendation Five: Establish stakeholder and policy role-players' participation structures

Within the policy process, the request and demands of the public cannot be ignored (Anderson 1984:63). Stakeholders, citizens and policy role-players' engagement in the MACAR enactment and implementation/decision-making has been mooted as a solution to address the challenges of fears of sovereignty loss, private sector participation and political will, and is closely linked to meeting the WTO requirement for transparency. Seeking the views of stakeholders and allowing participation in the decision-making structures concerning policy enactment and policy implementation, as well as strategy formulation, is therefore necessary. It is revealed through Michels' (2011:275) study that citizen involvement increases issue knowledge, civil skills and public engagement, thus garner public support for decisions. Stakeholder and citizen participation form a significant part of policy enactment.

Policy enactment concerns policy interpretation and policy translation. As presented in Chapter Two, policy interpretation involves making sense of policy and policy

translation, which requires forums such as meetings, talks and lessons involving citizens and stakeholders to participate in the process. Noting the importance of engagement, the TFTA must establish the required structure to accommodate the active participation of citizens, stakeholders and policy role-players. At the TFTA level, various structures allow for the policy role-player's involvement and, to a lesser extent, stakeholder/experts' participation. However, at a regional and national level, citizen and stakeholder participation remains a challenge for some TFTA countries. Obasi and Lekorwe (2014:1) offer a plausible reason for the weak national stakeholder participation, apportioning it to some African countries' top-down approach to policy-making, which is caused by the long period of military dictatorship or from authoritarian one-party systems prevalent in some TFTA Member States. However, despite the negative sentiment, some TFTA Member States, such as Botswana and South Africa, can provide excellent examples of citizen and stakeholder engagement at a national level. Furthermore, at the regional level, the SADC offers a working model through the provision of a SADC Regulatory Liaison Committee, where all member states can participate in a SADC stakeholder committee, making provision for stakeholder participation in the works of SADC.

6.4.6 Finding Six: The TFTA lacks a communication channel for information dissemination and general communication

Recommendation Six: Establish communication hubs (use of national enquiry and notification points)

Communication has emerged as one of the key cross-cutting requirements to deal with the WTO transparency, cost of CA, the complexity of requirements and dealing with the language barriers identified. As an integral part of the TFTA MACAR enactment and implementation framework, communication channels and mediums are vital to the success of the MACAR. However, this could be very costly. The EU provides a guide by extensively using information technology to disseminate and collate information to stakeholders. Furthermore, two structures to support the WTO transparency requirements exist, namely a notification and an enquiry point, as prerequisites for WTO membership. Although not all TFTA Member States have

established a notification or enquiry point for others to inquire/be notified about new national CA requirements, these structures prove valuable for communication. Therefore, in addition to optimising the use of information technology, the TFTA must assess the feasibility of using the country's enquiry or notification points as communication hubs. However, for this to happen, the TFTA should ensure that all member states fulfil their obligations under the WTO and Annex of the TFTA Agreement, requiring notification and enquiry points to be established in those countries where they are currently absent or not fully functional.

The presentation of the TFTA MACAR enactment and implementation framework addresses the final objective of this study. The study intends to present a framework which can assist policy actors in the enactment, implementation and trade negotiations, that is both practical and informative to support the intended users.

6.5 THE TFTA FRAMEWORK

As one of the main objectives of this study was to present a MACAR enactment and implementation framework, Chapters Three and Five presented the main building blocks, impediments, findings and discussions that form the basis of the framework. This section presents the TFTA MACAR enactment and implementation framework, as depicted in Figure 6.1. The section starts with a presentation of the draft framework that indicates the principal elements and their relationship to each other. The presentation is done through an explanation of the components.

6.5.1 Key elements of a MACAR framework

The key factors which impact on the MACAR policy enactment and policy-implementation at the TFTA, RECs and nation-state level are discussed below.

6.5.1.1 External environment

The external environment is characterised by the influence of the WTO TBT Agreement on the TFTA level, the REC level and the national level. Non-discrimination and avoidance of unnecessary obstacles to trade, transparency in the notification,

enquiry and publication of CAP and technical assistance to developing countries form the principles applicable to a CA and the MACAR. These principles are relevant and should form the basis for all policies, strategic planning, roadmaps, and all implementation, control, infrastructure and administration concerning CA.

6.5.2 Policy enactment

Policy enactment entails the incorporation of regional policy into national laws, which remains the responsibility of public administration at the national level. However, two components are critical to policy enactment, namely policy interpretation and policy translation. To ensure policy enactment success, citizens and stakeholders' buy-in is vital. Inclusiveness and communication through citizens and stakeholder consultations, and communication mediums such as workshops, roadshows, meetings etc. must take place transparently and honestly, to achieve a level of understanding and thus real buy-in to the new policy implementation that flows from the enactment stage.

6.5.2.1 Domestic environment

Both policy enactment and policy implementation require assurance that key concerns of the citizens and the relevant stakeholders are addressed. At the level of government, sovereignty loss fears and revenue loss must be addressed through inclusiveness in the decision-making structures of the TFTA. At the citizen and industry level, the cost of compliance, the complexity of requirements and language barriers emerged as key impediments. Human resource development is cross-cutting and requires a focus and investment in human resource development aimed at enhancing the skill sets of public administration, policy actors, infrastructure staff and all other persons vital to the enactment, implementation and operation of the MACAR system. Comprehensive skills and capability audits should be undertaken to determine the gap and how the gap will be addressed. The language barrier needs to be addressed through investment in capable translations and interpretation of key documentation and communicate that affect stakeholders and require citizens and stakeholders' engagement.

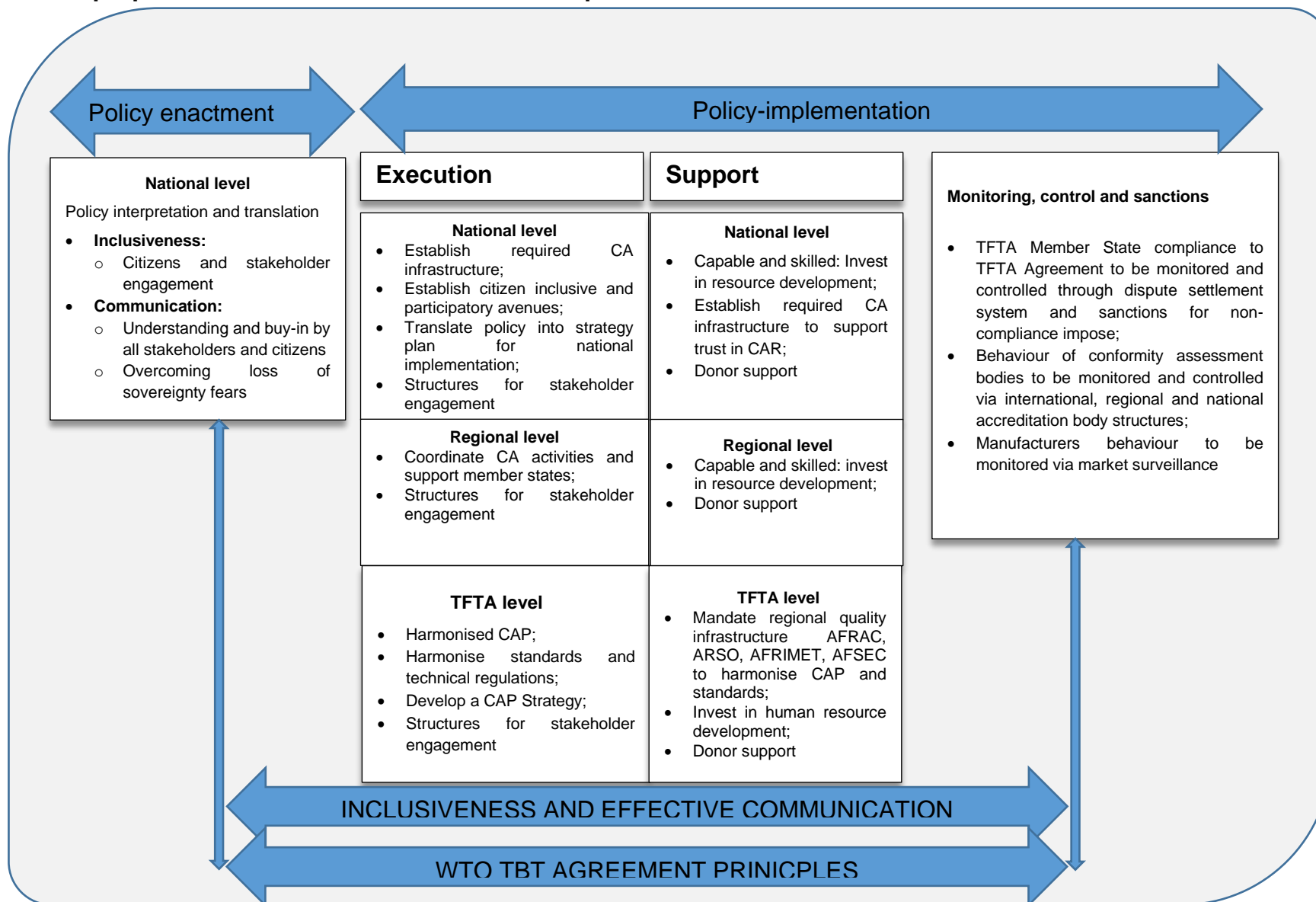
The challenges of complementarities and revenue loss can be addressed by clarifying the TFTA trade strategy. Recommendation One provides some guidance as developed through the course of this study. The revenue loss challenge remains a problem that needs to be addressed. Recommendation Three provides the study's position on this critical impediment.

Required infrastructure at TFTA level, regional and national level is paramount to the success of a MACAR system. Although various key structures are in place at all levels of the TFTA, some gaps, such as stakeholder and regulators' participation structures, must be set up. Recommendation Five and Six provide some guidance.

6.5.2.2 Monitoring, control and sanctions

At a TFTA and REC level, the monitoring of the national implementation of commitments undertaken is crucial to the attainment of the TFTA benefits envisioned. Furthermore, the behaviour of accreditation and CABs can be monitored by the TFTA structures, such as AFRAC. At the national level, monitoring of the behaviour of CA role-players such as CABs and related quality infrastructure, as well as the behaviour of manufacturers, is vital to maintaining trust in such structures. Market surveillance and systems for monitoring compliance are required for monitoring and control. The extensive use of ICT can support the national regulators to monitor the market actors' behaviour. An effective dispute and sanctioning regime is required to discourage non-compliance. A proposed TFTA MACAR enactment and implementation framework incorporating the essential elements previously identified can now be presented. Figure 6.1 presents the TFTA MACAR enactment and implementation framework.

Figure 6. 1: A proposed TFTA MACAR enactment and implementation framework



6.6 TESTING THE FRAMEWORK

As highlighted in Chapter Two, Donaldson and Gundlach (ISO 1998) put forward four conditions for the acceptance of CA. The following section tests the developed framework against the four conditions.

Condition One: *The approval procedure employed must be seen as providing a level of assurance of conformance equivalent to that afforded by the practice in the importing country.*

The study proposes a harmonised approach to the CA and the MACAR. Through a harmonised approach to CA, the approval procedure should not differ, however, the study recognises that not all member states are at the same developmental level, and thus recommends that donor support should be utilised to support the development of the required infrastructure.

Condition Two: *The importing country must have some incentive to accept this arrangement with the other country.*

The study recognises that some member states might not benefit from the TFTA Agreement. It thus proposes that the TFTA develop a gain-sharing formula to compensate the member states for the loss of income from lowering tariff barriers and opening up their markets. The study further proposes that donor support should be directed to assist the member states in developing the required infrastructure.

Condition Three: *The standard against which the goods or services are evaluated must be seen as satisfying the requirements in the receiving country.*

The study proposes the use of international standards as obliged under the TFTA and WTO commitments. However, where national and regional standards are required, the study suggests harmonisation of new standards and determination of equivalence of existing standards and technical regulations.

Condition Four: *The bodies carrying out the evaluations must be seen as reliable and credible by the second country.*

The study presents two possibilities through which the CABs can obtain the required reliability and credibility attributes. These are through accreditation and SDoC. The choice between the use of accreditation or SDoC is dependent on the risk associated with the product being placed on the market. For high-risk products, accreditation is recommended for the TFTA; for low-risk products, SDoC might suffice. However, in most cases of accredited testing, the inspection could underpin the claims made by the SDoC.

The study's response to the conditions posed for the MACAR framework meets the required criteria raised by the ISO (1998) for the acceptance of CARs. However, to enable the full implementation of the proposed framework, further studies and projects are required to implement the framework fully. The following sections elaborate on what is still needed for the MACAR enactment and implementation framework to be effective.

6.7 STUDY CONTRIBUTION

The theoretical and empirical findings have contributed to the understanding of the enactment and implementation of MACAR within a regional integration arrangement. Apart from providing some direction for future research, this study makes a significant contribution to the literature on the mutual acceptance of CA within an African regional economic integration arrangement, since research in this area is relatively scarce and new. Thus, the related literature is still limited. This study contributes to the understanding of the question of what should be in place for the enactment and implementation of regional policy on the MACAR. Placing this study within the context of a relatively newly established TFTA that relies on other RECs increases the originality of the study, as it also stretches the narrow focus of the study of Public Administration across national borders into the realm of IPA and IE. It is hoped that this study will attract more researchers to address the internationalisation of Public Administration within the regional integration context.

From a methodological perspective, the study embarked on a comparative case study and the data collection strategy was augmented by semi-structured interviews employing a purposive selection strategy with experts identified. The experience gained may be useful for other studies on the investigation of CA within a regional or national context.

From a practical perspective, the insight provided by the case studies and semi-structured interviews is very useful. The case studies augmented by the interviews revealed that a MACAR conceptual framework takes cognisance of the environmental factors and that trust in the system and the results it produces is of paramount importance to facilitate enactment and implementation of a region's policy.

The key findings of the study indicate that inclusiveness regarding citizens and stakeholder participation in the decision-making structures, as well as effective communication, play a significant role in mitigating some of the identified impediments. There are many impediments identified that could affect the MACAR. Critical amongst them is a lack of a clear TFTA trade strategy, as well as a lack of a CAP strategy. Furthermore, the TFTA is subject to the WTO TBT Agreement and therefore needs to acknowledge the TBT principle concerning CA in all of its agreements, policies and strategies.

As the TFTA uses the three RECs (the EAC, COMESA and SADC), the study has identified gaps in the TFTA CA systems as presented by the TFTA REC. These gaps relate to clarifying the TFTA trade strategy, clarifying the CAP strategy and selection of CAP for the TFTA, addressing the loss of income from the liberalisation of tariff barriers and technical barriers, separating the voluntary standards and technical regulations, establishing stakeholder participation structures, establishing communication hubs (use of national enquiry and notification points) and investing in human resource development and knowledge sharing. The presentation of a MACAR enactment and implementation conceptual framework is the last objective of this study and has been presented in this chapter.

The TFTA attempts to create economic wealth for its member states and thereby contribute to alleviating poverty. However, it is dependent on the trading of goods and services across member states' national borders. Free trade is positioned as a catalyst to achieve the objectives of the TFTA and to achieve this goal, the MACAR needs to form an integral part of such success.

6.8 SUGGESTIONS FOR FUTURE RESEARCH

The study has focused on presenting a conceptual framework for the MACAR enactment and implementation based on the assumption that by removing the impediments to the MACAR, its chances of success are improved. The framework, as illustrated in figure 6.1 above, addresses the objective of this study. However, as pointed out in the delimitation presented in chapter one, further research could be undertaken to address the influence of cross border transportation, customs and technical regulations on the MACAR. An opportunity exists for research to investigate the potential application of the model in the recently established African Continental Free Trade Area (AfCFTA), as the AfCFTA aims to use the TFTA as a building block.

In addition, the research identifies the need for a cost-sharing mechanism as a result of the revenue loss incurred from complying with the requirements of the TFTA Agreement. Some options have been identified. However, the development of such a cost-sharing mechanism is complex and requires in-depth research. Therefore, an opportunity exists to research and develop a cost-sharing mechanism that can be applied in Africa. Information in this regard is provided as Recommendation Three of this study.

Lastly, the study highlights the need for a clear TFTA trade strategy. Although SADC has developed its industrialisation strategy, roadmap and plan, a similar undertaking is required for the TFTA. A trade strategy requires significant research to test strategy suitability for the environment in which it needs to be applied. Therefore, it presents an opportunity for future research. Information on the TFTA strategy can be found as Recommendation One of this study.

The MACAR is the key to unlocking the free flow of goods and services amongst the TFTA Member States, leading to the realisation of the economic welfare gain promises pronounced by the TFTA. However, enacting and implementing enabling policies at a regional and national level is complex and has many challenges. Africa's history serves as an example where agreements are entered into but seldom fully acted upon or implemented as required. In order for policies to be enacted and implemented, public administration should be more attentive to the policy environment and factors that hinder the enactment and implementation of the required enabling policies. Such is the case for the MACAR. The MACAR is subject to various international, national and regional impediments that could hinder and facilitate the MACAR and TFTA trading partners. This thesis focuses on policy enactment and policy-implementation for the MACAR in the TFTA, to present a conceptual framework for the MACAR policy enactment and implementation within the TFTA. A review of the literature, interviews with experts and a comparative case study approach inform this research, the outcomes of which have been triangulated so as to present productive and unbiased findings and a discussion that informs the conceptual framework. This study ends with a suggested MACAR enactment and implementation framework to enable a harmonised approach to the MACAR enactment and implementation within the TFTA improvement of the MACAR enactment and implementation. This would be useful for harmonising the MACAR within the TFTA and assisting policymakers, trade negotiators and policy implementers.

AfrDB. 1999. *Bank group policy on good governance*. [Online] Available at: www.afdb.org/fileadmin/uploads [Accessed 12 July 2019].

Akor, E.U. 2008. *Government intervention in higher education in South Africa: Policy options*. University of Pretoria ed. Pretoria: Unpublished Doctoral Thesis.

Aldrich, E.H. & Fiol, M.C. 1994. Fools rush in? The institutional context of industry creation. *Academy of Management Review*, 1994, 19(4), pp. 645-670.

Aloui, O. & Keny, L. 2005. *The cost of compliance with SPS standard for Moroccan exports: A case study*. Washington: The World Bank.

Amenta, E. & Ramsey, K.M. 2010. *Institutional Theory*. In: L. & C.J. Kevin T, ed. *The Handbook of Politics: State and civil society in global perspective*. New York: Springer, pp. 15-35.

Anderson, J. E. 1984. *Public Policy-making*. 3rd ed. New York: Holt, Rinehart and Winston.

APEC, OECD 2001. *Cooperative initiative on regulatory reform proceedings: Promoting participation in the APEC Mutual Recognition Agreements*. Proceedings of the second workshop, Merida Mexico, April 2002.

Apecu, J. 2011. *The Level of African Countries Engagement at the World Trade Organization from 1995 to 2010*. Thesis no 918 ed. Geneva: The Graduate Institute of International and Development Studies.

Arab Maghreb Union. 2016. *UMA Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment*, s.l.: UMA.

Bachmann, R. Inkpen, C. Understanding Institutional-based trust building processes in an inter-organisational relationship. *Organisational studies*. 32(2) pp 281-301

Balboa, M. & Deloffre, Z.M. 2015. Policymaking in the Global Context: Training students to build effective strategic partnerships with Nongovernmental Organisations. *Journal of Public Affairs Education*, 21(3), pp. 417-434.

Baldwin, R., Kawai, M. & Wignaraja, G. 2014. *A WTO for the 21st century: The Asian perspective*. Cheltenham: Edward Elgar Publishers.

Bamgbose, A. 2011. *African Languages Today: The Challenge of and Prospects for Empowerment under Globalization*. Somerville, MA: Cascadilla Proceedings Project.

Bardach, E. 2005. *A Practical Guide for Policy Analysis: The eightfold path to more effective problem solving*. 2nd ed. Washington: CQ Press.

Bache, I & Flinders, V.M. 2015. *Multi-Level Governance: Essential readings*. Cheltenham: Edward Elgar.

Bache, I & Flinders, V.M. 2004. *Multi-Level Governance and the study of the British State*. Oxford: Oxford University Press.

Batala, C. 2015. *Roadmap to boost intra-COMESA trade in maize*. [Online] Available at: www.tralac.org [Accessed 25 December 2017].

Bauer, W.M., Eckhard, S., Ege, J. & Knill, C. 2016a. A Public Administration perspective on international organizations. In: *International Bureaucracy: Challenges and Lessons for Public Administration Research*. London/New York: Palgrave Macmillan.

Bauer, W.M., Knill, C. & Eckhard, S. 2016b. International Public Administration: A New Type of Bureaucracy? Lessons and Challenges for Public Administration Research. In: *International Bureaucracy: Challenges and Lessons for Public Administration Research*. London/New York: Palgrave Macmillan, pp. 179-198.

Bell, S. & Hindmoor, A. 2009. *Rethinking governance: The centrality of the State in modern society*. 1st ed. New York: Cambridge University Press.

Berg, B.L. 2004. *Qualitative methods for research for the social science*. 5th ed. Long Beach: Pearson Education, Inc.

Bertelsmann-Scott, T. & Markowitz, C. 2017. *Are regional value chains a myth in Southern Africa?*. [Online] Available at: <https://saiia.org.za> [Accessed 2 January 2019].

Birkland, T.A. 2005. *Policy implementation and policy failure*. 2nd ed. New York: M.E. Sharpe.

Blackhurst, R., Lyakurwa, B. & Oyejide, A. 2000. Options for Improving Africa's Participation in the WTO. *World Economy*, 23(4), pp. 491-510.

Brink, H.I. 2003. *Fundamentals of research methodology for health care professionals*. Cape Town: Juta & Company.

Brunel, C. 2015. *Maghreb Regional Integration*. [Online] Available at: <http://researchgate.net/publication/265497718> [Accessed 28 May 2017].

Byiers, B., Vanheukelom, J. & Kingombe, C.K. 2015. A five lenses framework for analysing the political economy in regional integration. *Africa Economic Brief*, 6(3), pp. 1-10.

Caiden, E. G., 1982. *Public Administration*. 2nd ed. California: Palisades Publishers

Cameron, F. 2010. *Council on Foreign Relations*. [Online] Available at: <https://www.cfr.org/report/european-union-model-regional-integration> [Accessed 10 May 2019].

CE Marking Association. 2014. *Implementation of the New Legislative Framework*. [Online] Available at: www.cemarkingassociation.co.uk/new-legislative-framework [Accessed 20 April 2019].

Cherifi. A.M. 2005. *Comparative analysis of trade liberalization programmes of economic integration groupings*. UNTAG.

Creswell. W. J. 2014. *Research design: Qualitative, quantitative and mixed method approaches*. 4th ed. California: SAGE Publications, Inc.

Cirera, X., Willenbockel, D. & Lakshman, R. 2011. *What is the evidence of the impact of tariff reductions in unemployment and fiscal revenue in developing countries?*, London: University of London: EPPI Centre, Social Science Research Unit, Institute of Education.

Cochran, E.C., Meyer C.L., Carr R.T. and Cayer N.J. *American public policy: An introduction*. 9th ed. Boston: Micheal Rosenberg

COMAID. 2017. *E.COMESA/EAC Harmonised Standards- Indicator 5*. [Online] Available at: www.comaid.comesa.int [Accessed 25 December 2017].

COMESA, EAC, SADC. 2015. *Agreement establishing a tripartite free trade area among the Common Market for Eastern and Southern Africa, the East African Community and the Southern African Development Community*, Egypt: COMESA, EAC, SADC.

COMESA. 2009. *The COMESA Standards, Metrology, Conformity Assessment and Accreditation Policy*, s.l.: COMESA.

COMESA. 2015. *COMESA-EAC-SADC Tripartite launched*. [Online] Available at: <http://www.comesa.int> [Accessed 2 April 2017].

COMESA. 2015. *Agreement Establishing a Tripartite Free Trade Area Amongst the Common Market for Eastern and Southern Africa, The East Africa Community and the Southern African Development Community*, Sharm El Sheikh: Arab Republic of Egypt.

Committee on TBT. 2016. *G/TBT/38/Rev.1: Twenty-first annual review of the implementation and operation of the TBT Agreement*, Geneva: World Trade Organisation.

Committee on Technical Barriers to Trade. 2015. *Decision and recommendations adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995*, Geneva: WTO Secretariat.

Conteh, C. 2013. *Policy Governance in Multi-level Systems: Economic Development and Policy Implementation in Canada*, Montreal & Kingston, London, Ithaca: McGill-Queen's University Press.

Conteh, C. 2015. *Towards a more strategic and collaborative governance of regional economic development in Northern Ontario - Lessons from other regions of Canada*, Canada: Northern Policy Institute.

Correia de Brito, A., Kauffmann, C. & Pelkmans, J. 2016. *The contribution of mutual recognition to international regulatory co-operation*, Geneva: OECD Publishers.

Cote, J. & Latham, C.K. 2006. Trust and commitment: Intangible drivers of interorganisational performance. *Advances in Management Accounting*, pp. 293-325.

deLeon, P. & deLeon, L. 2002. Whatever happened to policy implementation? An alternative approach. *Journal of Public Administration Research Theory*, 12(4), pp. 467-492.

Dictionary.com. 2019. *Sovereignty*. [Online] Available at: <https://www.dictionary.com/browse/sovereignty> [Access 10 May 2019].

DiMaggio, J.P. & Powell, W. 1983. "The iron cage revisited" institutional isomorphism and collective rationality in organisational fields. *American Sociological Review*, Volume 48, pp. 147-160.

Disenyana, T. 2009. *Towards an EAC, COMESA and SADC Free Trade Area: Issues and challenges*, s.l.: SAIIA.

Donaldson, J & Gundlach, H. 1998. *Conformity Assessment, Development manual 2: Cross border recognition*. 2nd ed. France: ISBN 92-67-10277-X

Draper, P., Halleson, D. & Alves, P. 2007. *SACU, Regional Integration and the Overlap Issue in Southern Africa: From Spaghetti to Cannelloni*, Johannesburg: South African Institute of International Affairs.

Dye, R.T. 1976. *Policy Analysis: what government do, why they do it and what difference it makes*. Alabama: University of Alabama Press.

Dye, T. 2013. *Understanding Public Policy*. 14 ed. Boston: Pearson.

EAC. 2001. *Protocol on Standardization, Quality Assurance, Metrology and Testing*, Arusha: East African Community.

EAC. 2007. *The East African Community, Standardisation, Quality Assurance, Metrology and Testing Act, 2006*, Nairobi: EAC.

Eberl, P. 2004. The development of trust and implications for organisational design: A game theory attribution-theoretical framework. *Schmalebach Business Review*, pp. 258-273.

ECCAS. 1992. *Economic Community of Central African States: The treaty establishing the Economic Community of Central African States*, Gaborone: ECCAS.

ECOWAS. 2013. Supplementary Act A/SA.1/02/13: *Adopting the ECOWAS quality policy (ECOQUAL) and its implementation framework*. Abidjan: ECOWAS

ECOWAS. 2012. Supplementary Act A/SA.14/12/12: *Adopting ECOWAS standard harmonisation model and procedures*. Abidjan: ECOWAS

Einhorn, S.E. and Logue, J. 2003. *Modern Welfare State: Scandinavian politics and policy in the global age*. 2nd ed. Westport: Praeger Publishers.

English Oxford Living Dictionaries. 2017. *English Oxford Living Dictionaries*. [Online] Available at: <https://en.oxforddictionaries.com> [Accessed 13 August 2017].

Ettarp, L. 1998. An overview of international conformity assessment systems. SWEDAC Doc. 97:10, 4th ed. Boras: JustNu-Tryck Allegatan

EU. 1983. *Publications Office of the European Union*. [Online] Available at: <https://publications.europa.eu/en/publication-detail/-/publication/0caf27cc-d179-4aa9-9565-92c0d5ab273e/language-en> [Accessed 10 May 2019].

EU. 1985. *Council resolution on a new approach to technical harmonisation and standards*. [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A121001a> [Accessed 10 June 2019].

EU Commission. 1996. *Community external trade policy in the field of standards and conformity assessment*, Brussels: European Union.

EU Commission. 2010. *Regulation (EU) No. 1218/2010 of 14 December 2010*. Brussels: European Union.

EU. 2012. *Standards in Europe*. [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1025&from=EN> [Accessed 1 December 2018].

EU. 2016a. *Commission notice: The "Blue Guide" on the implementation of EU products rules*, Brussels: European Union.

EU. 2018a. *European Union: The economy*. [Online] Available at: <https://europa.eu> [Accessed 1 December 2018].

EU. 2018b. *GROWTH: Internal Market, Industry, Entrepreneurship and SMEs*. [Online] Available at: <https://ec.europa.eu> [Accessed 11 December 2018].

EU. 2019. *European Union: Policies, information and services*. [Online] Available at: www.ec.europa.eu/growth/industry [Accessed 10 March 2019].

EU Commission. 2016a. *Information from European Union Institutions, Bodies, Offices and Agencies: The Blue Guide on the implementation of EU product rules 2016*, Brussels: European Union Commission.

EU Commission. 2018a. *Types of EU law*. [Online] Available at: <https://ec.europa.eu> [Accessed 10 December 2018].

EU Commission. 2018b. *Commission and its priorities*. [Online] Available at: <http://trade.ec.europa.eu> [Accessed 20 January 2018].

EU Commission. 2018c. *The EU Single Market: Single market scoreboard*. [Online] Available at: <http://ec.europa.eu> [Accessed 10 December 2018].

EU Commission. 2019a. *Accreditation and conformity assessment bodies*. [Online] Available at: http://ec.europa.eu/growth/single-market/goods/building-blocks/accreditation_en [Accessed 20 April 2019].

EU Commission. 2019b. *Commission and its priorities: Policies, information and services*. [Online] Available at: https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls_en [Accessed 10 May 2019].

EU Commission. 2019c. *EU-CANADA: Comprehensive economic and trade agreement (CETA)*. [Online] Available at: <http://ec.europa.eu/trade/policy/in-focus/ceta/> [Accessed 18 May 2019].

EU Commission. n.d. *The implementation of market surveillance in Europe*. [Online] Available at: http://ec.europa.eu/growth/single-market/goods/building-blocks/market-surveillance/organisation_en [Accessed 10 May 2019].

EU Commission. 2009. *Introduction to Conformity Assessment and Conformity Assessment Procedures of the New Legal Framework. Certif doc 2009-04*, Brussels: European Union Commission.

EU Commission. 2010. *Regulation (EU) No. 1218/2010 of 14 December 2010*. Brussels: European Union.

EUR-Lex. 2018. Legal acts. [Online] Available at: <http://eurlex.europa.eu/collection/eu-law/legislation/recent.html>. [Accessed 10 May 2018].

Faem, D., Janssens, M., Madhok, A. & Van Looy, B. 2008. Towards an integrative perspective on alliance governance: Connecting contract design, trust dynamics and contract application. *Academy of Management Journal*, 6(51), pp. 1053-1076.

FDA. 2017. *U.S. Department of Health and Human Services*. [Online] Available at: <https://www.fda.gov/BiologicsBloodVaccines/InternationalActivities/ucm271079.htm> [Accessed 14 December 2017].

Fliess, B and Schonfeld, R. 2006. Trends in conformity assessment practices and barriers to trade: Final report on survey of conformity assessment bodies and exporters. *OECD Trade Policy Papers*, 37

Fennell, C. 2019. *The surprising damage small mistakes make*. [Online] Available at: www.six-degrees.com [Accessed 4 January 2019].

Fitzpatrick, J., Goggin, M., Heikkila, T., Klinger, D., Machado, J. & Martell, C. 2011. A new look at comparative public administration: Trends in research and an agenda for the future. *Public Administration*, December, 17, pp 821-830.

Frederickson, G.H., Smith, B.C. Larimer, C.W. & Licari, M. 2012. *The Public Administration Theory Primer*, Boulder: Westview Press.

Geda, A. & Kibret, H. 2002. *Regional economic integration in Africa: A review of problems and prospects with a case study of COMESA*. London: University of London.

Geda, A. & Kibret, H. 2008. Regional economic integration in Africa: A review of problems and prospects with a case study of COMESA. *Journal of African Economies, Centre for the Study of African Economies*, 17(3), pp. 357-394.

Gladden N.E. 1972. Public Administration and History. *International Review of Administrative Sciences*, 38(4), pp. 379-384.

Global Policy Forum (GPF). 2017. *What is a "State"?*. [Online] Available at: www.globalpolicy.org [Accessed 22 March 2017].

Gulrajani, N. & Moloney K. 2012. Globalizing public administration: Today's research and tomorrow's agenda. *Public Administration* 72(1), pp 78-86

Hailu, B.M. 2014. Regional economic integration in Africa: Challenges and prospects. *Mizan law review*, December, 8(2), pp. 299-332.

Haas, M. 1974. *International systems: A behavioural approach*. New York: Chandler Publishing Company Inc.

Hanekom, S.X. & Thornhill, C. 1983. *Public Administration in contemporary society: A South African perspective*. Johannesburg: MacMillan

Hassine, B.W. 2015. *Arab Maghred Union: Overcoming Competition in Favor of Cooperation (Part II)*. [Online] Available at: www.jadaliyya.com [Accessed 28 May 2017].

Hatch, A. J. 2002. *Doing qualitative research in education settings*. Albany: State University of New York Press.

Hartzenberg, T. *Regional integration*. Staff working paper ERSD-2011-14. Geneva: WTO Economic Research and Statistics Division.

Hill, C.L.W. 2014. *International Business: Competing in the global marketplace*. Global Edition ed. Berkshire: McGraw Hill Education.

Hill, M. & Hupe, P. 2014. *Implementing Public Policy*. 3rd ed. London: SAGE.

History.com, 2010. *History*. [Online] Available at: <https://www.history.com/this-day-in-history/common-market-founded> [Accessed 18 May 2019].

Hoekman, B., Mattoo, A. & English, P. 2000. *Development, trade and the WTO: A Handbook*. Washington: The World Bank.

Hoffman. S. 1966. Obsolete or Obsolete? The fate of the nation-state and the case of Western Europe. *Daedalus*, 95(3) pp. 862-915

Hongyu, W. 2013. *Comparative Regionalization: EU Model and East Asia's Practice for Regional Integration*. [Online] Available at:

<https://link.springer.com/content/pdf/10.1007%2Fs40320-013-0040-5.pdf> [Accessed 20 May 2019].

Hood, C. 2004. A public management for all seasons?: The rise of New Public Management. In: D. Tatom, ed. *Classics of Public Administration*. Belmont: Clark Bexter, pp. 503-516.

Hooghe, L. & Marks, G. 2003. *Unravelling the central state, but who?; Types of multi-level governance*, Vienna: Institute for advanced studies.

Hooghe, L. & Marks, G. 2004. Contrasting visions of multi-level governance. *Political Science*, 7 April.

Hooghe, L., Marks, G. & Blank, K. 1996. European integration from the 1980': State-centric v. multi-level governance. *Journal of common market studies*, 34(3), pp. 341-378.

IGAD, 1998. *Agreement Establishing the Inter-Governmental Authority on Development (IGAD)*, Addis Abba: IGAD.

ISO. 2010. *Building trust: The conformity assessment toolbox*, Geneva: ISO & UNIDO.

ISO. 1992. *Participation in international standards, Development manual 7*. 1st ed. France: ISBN 92-67-10169-2, Geneva

ISO & IEC. 2017a. *ISO/IEC 17011: Conformity assessment -Requirements for accreditation bodies accrediting conformity assessment bodies*, Geneva: Conformity Assessment Standards Committee (CASCO).

ISO & IEC. 2017b. *ISO/IEC 17025: General requirements for the competence of testing and calibration laboratories*, Geneva: Conformity Assessment Standards Committee (CASCO).

ISO & IEC. 2016. *ISO/IEC 17043: Conformity assessment -General Requirements for the competence of reference material producers*. Geneva: Conformity Assessment Standards Committee (CASCO)

ISO & IEC. 2004a. *Conformity assessment -Vocabulary and general principles (ISO/IEC 17000)*, Geneva: Conformity Assessment Standards Committee (CASCO).

ISO & IEC. 2004b. *Standardization and relate activities: General vocabulary (ISO/IEC Guide 2)*. Geneva: ISO Committee on conformity assessment (CASCO).

ISO & IEC. 2004c. *Conformity assessment: Suppliers declaration of conformity - (ISO/IEC 17050-1)*. Geneva: ISO Committee on conformity assessment (CASCO).

ISO & IEC. 2002. *Guide 68: Arrangements for the Recognition and Acceptance of Conformity Assessment Results*. Geneva: ISO Committee on conformity assessment (CASCO).

Investor Words. 2017. *InvestorWords*. [Online] Available at: <http://www.investorwords.com> [Accessed 13 December 2017].

Jessop, B. 2004. Multilevel governance and multilevel metagovernance. Changes in the EU as integral moment in the transformation and reorientation of contemporary statehood. In Oxford, ed. *Multi-level governance*. Oxford: Oxford University Press, pp. 49-74.

Jordan, A. 2001. The European Union: an evolving system of multi-level governance or government. *Policy & Politics*, 29(2), pp. 193-208.

Jreisat, J.E. 2002. *Comparative public administration and policy*. Oxford: Westview Press.

Jutta, J. & Verbeek, B. 2004. *International Organisations and Policy Implementation: Pieces of the Puzzle*. Uppsala, Jutta Joachim, Bertjan Verbeek.

Kaplinsky, R. 2000. Globalisation and unequalisation: What can be earned from value chain analysis? *The Journal of Development*. 37(2) pp. 117-146

Kenton, W. 2019. *Investopedia: Specialisation*. [Online] Available at: www.investopedia.com/terms/s/specialization.asp [Accessed 20 May 2019].

Krist, W. 2013. *Globalization and America's trade agreements*. Washington, D.C: Woodrow Wilson Center Press

Kjaer, A.M. 2004. *Governance*. Cambridge: Policy Press.

Kondo, K. 2010. *In the twilight of the Revolution: The Pan Africanist Congress of Azania (South Africa) 1959-1994*. 2nd ed. Switzerland: Basler Afrika Bibliographien.

Koos, K.A. 2011. The European Regional Integration in the IR Literature: A review of Scholarly Support and Opposition. *Open Journal of Philosophy*, 1(2), pp. 90-101.

Kumar, R. 2014. *Research Methodology: A step-by-step guide for beginners*. 4th edition ed. London: SAGE Publications Ltd.

Lawrence, T.B. & Shadnam, M. 2008. Institutional theory. In: W. Donsbach, ed. *The international encyclopedia of communication*. Malden: Blackwell Publishing Ltd, pp. 2288-2293.

MacLaughlin, M.W. 1987. Learning for experience: Lesson from policy implementation. *Education evaluation and policy analysis*, 9(2), pp. 171-178.

Marks, G. 1996. An actor-centred approach to multi-level governance. In: *in C. Jeffrey, The regional dimension of the EU*. London: Frank Cass.

Marks, G., Hooghe, L. & Blank, K. 1996. *European integration and the state*. New York, the University of Western Ontario.

Marume, M.S. 2016. International Public Administration. *Quest Journals: Journal of Research in Humanities and Social Science*, 4(7), pp. 01-20.

Maskus, K.E. & Wilson, J.S. 2000. *Qualifying the impact of Technical Barriers to Trade: A review of past attempts and the new policy context*. Colorado, World Bank.

Maskus, K.E. & Wilson, J.S. 2001. *Qualifying the impact of Technical Barriers to Trade: A review of past attempts and the new policy context*. Colorado, World Bank.

Mathieson, C. 2016. [Online] Available at: <http://ecdpm.org/peria/eac> [Accessed 28 November 2017].

Mayer, R.C., Davis, J.H. & Schoorman, F.D. (1995). An integrative model of organisational trust. *Academy of Management Review*, 20 pp 709-734.

McDaniels, D. & Karttunen, M. 2016. *Trade, Testing and Toasters: Conformity Assessment Procedures and the TBT Committee*, Geneva: WTO Economic Research and Statistics Division.

Mendonca, S. 2019. *Fact sheet on the European Union- 2019*. [Online] Available at: http://www.europarl.europa.eu/ftu/pdf/en/FTU_5.2.2.pdf [Accessed 18 May 2019].

Merriam-Webster. 2018. *Merriam Webster*. [Online] Available at: <https://www.merriam-webster.com> [Accessed 2 February 2018].

Meunier, S. & Nicolaidis, K. 1999. Who speaks for Europe? The delegation of Trade Authority in the EU. *Journal of Common Market Studies*, 37(3), pp. 477-501.

Michels, A. 2011. Innovations in democratic governance: How does citizen participation contribute to a better democracy?. *International Review of Administrative Sciences*, 22(2), pp. 275-293.

- Milward, A. 1992. *The European rescue of a nation-state*. London: Routledge
- Moise, E. & Le Bris, F. 2013. *Trade Cost -What have we learned?: A Synthesis Report, OECD Trade Policy Papers, No. 150*, s.l.: OECD Publishing.
- Mold, A. & Mukwaya, R. 2015. *The effect of the Tripartite Free Trade Area: Towards a new economic geography in Southern, Eastern and Northern Africa?*, Nottingham: University of Nottingham.
- Moon J.M., Lee, J. & Roh, C. 2014. The evolution of internal IT applications and e-government studies in Public Administration: Research themes and methods. *Administration & Society*. 46(1) pp. 3-36.
- Moravcsik, A. 1993. Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *Journal of Common Market Studies*, 31(4), pp. 473-524.
- Moravcsik, A. & Schimmelfennig, F. 2013. *European Studies HUB*. [Online] Available at: www.hum.port.ac.uk [Accessed 10 February 2018].
- Moti, U. n.d. International Public Administration and Domestic Public Administration.
- Muhabie, M.M. 2015. Multiplicity of African Regional Economic Communities and Overlapping Membership: A challenge for African Integration. *International Journal of Economics, Finance and Management Sciences*, 3(5), pp. 417-425.
- National Research Council (US), International Standards, Conformity Assessment and U.S. Trade Policy Committee. 1995. *Standards, conformity assessment, and trade: Into the 21st century*, Washington: International Standards, Conformity Assessment and U.S. Trade Policy Project Committee, National Research Council.

News: European Parliament, 2018. *Eurobarometer survey shows the highest support for the EU in 35 years.* [Online] Available at: <http://www.europarl.europa.eu/news/en/headlines/eu> [Accessed 1 December 2018].

Ney, B. n.d. *AZQuotes.com.* [Online] Available at: http://www.azquotes.com/author/10790-Bob_Ney [Accessed 4 November 2019].

Nzwei, O.I. & Kuye, J.O. 2007. The Developmental State and Conceptual Interpolations: A Comparative Policy-targeting for South Africa within the global context. *Journal of Public Administration*, 42(3): 195-210.

Obasi, N.I. & Lekorwe, H.M. 2014. Citizen Engagement in Public Policy Making Process in Africa: The Case of Botswana. *Public Policy and Administration Research*, 3(4), pp. 1-11.

OECD(4). 2000. *Reducing the risk of policy failure: Challenges for regulatory compliance*, Geneva: OECD.

OECD. 2005. *Standards and conformity assessment in trade: Minimising barriers and maximising benefits*. Berlin, OECD.

OECD. 2014. *Glossary of statistical terms.* [Online] Available at: <http://stats.oecd.org/glossary/detail.asp?ID=2683> [Accessed 24 October 2018].

OECD. 2016. *Glossary of statistical terms.* [Online] Available at: <http://stats.oecd.org/glossary/detail.asp?ID=2683>

Oppenheim, B. 2017. *The EU has 36 Free Trade deals with non-EU countries will they roll over to Britain after Brexit.* [Online] Available at: <https://cer.eu/in-the-press/eu-has-36-free-trade-deals-non-eu-countries-will-they-roll-over-britain-after-brexite> [Accessed 10 April 2019].

Osnago, A., Piermartini, R & Rocha, N. 2015. *Trade policy uncertainty as barrier to trade*. World Trade Organisation, Geneva.

Otenyo, E.E. & Lind, S.N. 2006. Comparative Public Administration: Growth, Method, and Ecology. In: E. E. Otenyo & S. Lind, eds. *Comparative Public Administration: The essential readings Amsterdam*: JAI Elsevier, pp. 1-7.

Othieno, L. & Shinyekwa, I. 2011. Prospects and challenges in the formation of the COMESA-EAC and SADC tripartite free trade area. *Economic Policy Research Centre - EPRC*, November, Volume Research series No.87, pp. 17-18.

Parker, Kuuttiniemi, K. Klaasen, B. Hill, J. & Jacobs, H.C. 2000. Reducing the risk of policy failure: Challenges for regulatory compliance. Geneva: OECD

Panke, D. 2010. *Small states in the European Union: Structural disadvantages in EU policy-making and counter strategies*. Surrey: Ashgate Publishing.

Pasara, T.M. & Dunga, H.S. 2019. The welfare effects of economic integration in the tripartite free trade area. *African Journal of Business and Economic Research*, March, 14(1), pp. 49-67

PAQI. 2017. *Pan-African Quality Infrastructure: Stocktaking document 2017*, Nairobi: PTB.

Peet, M.A. 2009. *The role of the New Partnership for Africa's Development (NEPAD) in the creation of sustainable public and private technical infrastructure for trade facilitation*. Pretoria: University of Pretoria.

Pelkmans, J. 2012. *Mutual Recognition: Economic and Regulatory Logic in Goods and Services*, Brugge: College of Europe.

Peters-Berries, C. 2010. *Regional integration in Southern Africa- A guidebook*, Berlin: International Institute for Journalism.

Peters, G. B. 2015. *Advance introduction to public policy*. Cheltenham: Edward Elgar Publishing Limited.

Poggi, G. 1990. *The state, its nature, development and prospects*. Standford: Standford University Press.

Pollitt, C. 2011. Not Odious bu Onerous: Comparative Public Administration. *Public Administration*, 1(89), pp. 114-127.

Pressman, L.J. & Wildavsky, A. 1973. Implementation. In: T. L. A. R. Center, ed. *Classics of Public Administration*. Belmont: Wadsworth, pp. 339-342.

PTB. 2018. *PTB technical cooperation in Sub-Shaharan Africa*. [Online] Available at: <https://www.ptb.de/lac/index.php?id=6808> [Accessed 18 May 2019].

Quora. 2014. *European Union: Why do countries want to join the EU*. [Online] Available at: <https://www.quora.com/European-Union-Why-do-countries-want-to-join-the-EU> [Accessed 1 December 2018].

Rainey, H.G., Backoff, R.W. & Levine, C.H. 1976. *Comparing Public and Private Organizations*. *Public Administration Review*, 36(2):233-244.

Rathbun, J., Nemeroff, E. & Bao, L.Q. sa. *Standard, metrology, conformity assessment and the TBT agreement: A desk top reference handbook*. Vietnam: USAID.

Reinalda, B. 2013. *Routledge handbook of international organisations*. New York: Routledge.

Richie, J. & Lewis, J. 2003. *Qualitative research practises: A guide for social science students and researchers*. London, Thousand Oaks, New Delhi: SAGE publication.

Riggs, F. W. Public Administration: A comparative framework. *Public Administration Review*. 52(6), 473-477

Roberts, D. 2017. *What is "political will," anyway? Scholars take a whack at defining it.* [Online] Available at: <https://www.vox.com/2016/2/17/11030876/political-will-definition> [Accessed 10 April 2019].

Roberts, J. 2004. *The Modern Firm: Organisational design for performance growth*, Oxford: OUP Oxford.

Rosamond, B. 2000. *Theories of European Union integration*. Basingstoke: Macmillan.

Rosebloom, D.H., Kravchuk, R.M. 2009. *Public Administration: Understanding Management, Politics, and Law in the Public Sector*. New York: McGraw-Hill Higher Education.

Rosenbloom, D.H. 2004. Public administrative theory and the separation of power. In: D. Tatom, ed. *Classics of Public Administration*. Belmont: Clark Baxter, pp. 446-457.

Rubin, A. & Babbie, R.E. 2009. *Research methods for social work*. 7th ed. Belmont: Pre-Press PMG.

Rugge, F. 2007. Administrative traditions in western Europe. In: Peters, B.G. & Pierre, J. (eds) *The handbook of public administration concise paperback edition*. London: Sage Publishers: 113-128

Rutgers, M.R. 2010. Theory and scope of Public Administration: An introduction to the study of epistemology. *PAR Foundation of Public Administration*, p.p. 1 to 45.

SADC. 2014. *Technical Barriers to Trade (TBT) Annex to the SADC Protocol on Trade*, Gabarone: SADC.

SADC. 2017. *SADC Industrialisation strategy and roadmap 2015-2063*. Gabarone: SADC.

Saetren, H. 2014. Implementing the third generation research paradigm in policy implementation research: An empirical assessment. *Public Policy and Administration*, 29(2), pp. 84-105.

SAGE. 2017. *The SAGE handbook of qualitative research*. 5th ed. London: SAGE Publications, Inc.

SAIIA. 2008. *A pending crisis of overlap*. [Online] Available at: <http://saiia.org.za/research/a-pending-crisis-of-overlap> [Accessed 1 December 2018].

Salvatore, D. 2001. *International Economics*. 7th ed. New York: John Wiley & Sons, Inc.

Savanovic, A. 2014. *Economic sovereignty*. 12th International academic conference. Prague: Czech Republic.

Sampson, T. 2017. Brexit: The Economics of International Disintegration. *Journal of Economic Perspectives*, Volume 31(4), p.p. 163-184.

Saunders, M., Lewis, P. & Thornhill, A. 1997. *Research methods for business students*. London: FT Pitman Publishing.

Shafritz, J.M., Russell, E.W. & Borrick, C.P. 2013. *Introducing Public Administration*. 8th ed. New Jersey: Pearson Education, Inc.

Sharan, B.M. 2009. *Qualitative research: A guide to design and implementation*. San Francisco: Jossey-Bass Wiley Imprint.

Singh, P. Heimans S. and Glasswell, K. 2014. Policy enactment, context and performativity: Otological politics and researching Australian national partnership policies. *Journal of Education Policy*. 29(6), pp. 826-844

Siziba, C. 2016. *Working paper No. 02/2016 - Trade dispute settlement in the Tripartite Free Trade Area*. Bern: World Trade Institute.

Stephenson, S.M. 1997. *Standards, conformity assessment and developing countries*, New York: World Bank.

Steyn, E.J. 2009. *Policy Review of Technical Regulatory framework: The case for Africa*. Pretoria: University of Pretoria.

Stokes, G. 1998. *Governance as theory: Five propositions*, Oxford: Blackwell Publishers.

Strauss, A. & Corbin, J. 1998. *Basics of Qualitative Research*. London: SAGE Publications.

Sugathan, M. 2016. *Mutual Recognition Agreement on Conformity Assessment: A Deliverable on Non-Tariff Measures for EGA?*, Geneva: International Centre for Trade and Sustainable Development (ICTSD).

Surbhi, S. 2015. *Difference between strategy and policy*. [Online] Available at: <https://keydifferences.com/difference-between-strategy-and-policy.html> [Accessed 10 November 2018].

Tamayao, M.J. 2014. *Law, Politics, and Philosophy*. [Online] Available at: <https://tamayaosbc.wordpress.com> [Accessed 26 March 2017].

TBD. 2015. *the COMESA, EAC, SADC tripartite free trade area benefits implications*. [Online] Available at: <http://www.competition.co.za> [Accessed 28 August 2015].

TFTA. 2015. *Agreement establishing a Tripartite Free Trade Area amongst the Common Market for Eastern and Southern Africa, The East African Community and the Southern African Development Community*, Sharm el Sheik: TFTA.

The Concise Oxford Dictionary of Politics. 2019. *Pooled Sovereignty*. [Online] Available at: <http://oxfordindex.oup.com/view/10.1093/oi/authority> [Accessed 2 January 2019].

The Economist. 2016. *Dreaming of sovereignty*. [Online] Available at: <https://www.economist.com/britain/2016/03/19/dreaming-of-sovereignty> [Accessed 20 December 2018].

The Week. 2017. *EU overspend budget by 3 million pounds*. [Online] Available at: <https://www.theweek.co.uk/eu/88088/eu-overspends-its-translation-budget-by-3m> [Accessed 30 December 2018].

Thornhill, C. 2012. *JJN Cloete's South African public administration and management*. 10th edition. Pretoria: Van Schaik

Thornhill, C. & Van Dijk, G. 2010. Public Administration Theory: Justification for Conceptualisation. *Journal of Public Administration* , 45(1.1), pp. 95-110.

Thornhill, C., van Dijk, G. & Ile, I. 2014. *Public Administration and Management in South Africa: A Developmental Perspective*. South Africa: Oxford University Press Southern Africa (Pty) Ltd.

Tralac. 2019. *Fresh push for states to ratify the Tripartite FTA as deadline draws near*. [Online] Available at: <https://www.tralac.org/news/article/13999-fresh-push-for-states-to-ratify-the-tripartite-fta-as-deadline-draws-near.html> [Accessed 20 May 2019].

Trondal, J. 2016. *Dissecting International Public Administration*. Oslo: ARENA Centre for European Studies.

UNIDO, 2017. *Statistical country brief 2017*. [Online] Available at: https://www.unido.org/resources/statistics/statistical-country-briefs_ [Accessed 20 July 2019].

United Nations. 2006. *Economic and Science Council*. [Online] Available at: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan022332.pdf> [Accessed 10 September 2017].

United Nations Economic Commission for Africa. 2012. *Assessing Regional Integration in Africa V: Towards an African Continental Free Trade Area*, Addis Ababa: UNECA Document Publishing Unit.

Universal Class. 2017. *Types of case studies*. [Online] Available at: <http://www.universalclass.com> [Accessed 27 May 2017].

USC University of South California. 2017. *USCPrice*. [Online] Available at: <http://publicadmin.usc.edu/resources/news/federal-government/4-different-positions-in-international-public-administration/> [Accessed 16 September 2017].

USDA. 2018. *Foreign Agricultural Service*. [Online] Available at: <https://www.usda-eu.org> [Accessed 10 December 2018].

Van de Walle, S. Brans, M. 2018. Where comparative Public Administration and Comparative Policy studies meet. *Journal of Comparative Policy Analysis: Research and Practice* 20(1) pp. 101-113.

Van Meter, S.D. & Van Horn, E.C. 1975. The policy implementation process and conceptual framework. *Administration & Society*, 6(4), pp. 445-448.

Van Rooyen, J.E. & Peet, A.M. 2007. Sustainability in Developing Country trade and the role of African Public Administration. *Journal of Public Administration*, 42(5), pp. 247-261.

Van Tongeren, F. Beghin, J. Marette, S. 2009. *A cost-benefit framework for the assessment of non-tariff measures in agro-food trade*. Agriculture and Fisheries working paper No.21. OECD Publishing.

Velez, P. 2000. *Interpersonal trust between supervisor and subordinate*, California: Doctoral dissertation.

Verma, D. 2017. *4 Phases of the process of group development in organisations*. [Online] Available at: www.shareyouressays.com [Accessed 22 March 2017].

Viljoen, W. 2011. *Non-tariff barriers affecting trade in the COMESA-EAC-SADC Tripartite Free Trade Area*, Stellenbosch: TRALAC.

WAQSP. 2018. *The WAQSP supports the quality policies of ECOWAS and its Member States*. [Online] Available at: www.wasqsp.org/en/node/548 [Accessed 20 May 2018].

Webfinance Inc. 2016. *Business Directory*. [Online] Available at: www.businessdirectory.com [Accessed 28 April 2016].

White, L.D. 1926. *Introduction to the study of public Administration*. New Jersey: Prentice Hall.

Wincott, D. 1995 Institutional interaction and European integration: Towards an everyday critique of literal Intergovernmentalism. *Journal of Common Market Studies*. 33(4). pp 597-609.

Williamson, G.F. 2008. *Globalization and greater divergence: Terms of trade booms and volatility in the poor periphery 1782-1913*. Working paper 13841. Cambridge: National Bureau of Economic Research.

Wilson, W. 1887. The Study of Administration. *Political Science Quarterly*, 1 July, pp. 197-222.

WorldAtlas. 2018. *Poorest countries in Europe*. [Online] Available at: <https://www.worldatlas.com/articles/the-poorest-countries-in-europe.html> [Accessed 1 December 2018].

World Bank. 2017. *African Pulse*. Washington D.C: World Bank Group

World Bank. 2016. *Factory Southern Africa? SACU in the global value chain*. Summary report. Washington D.C: World Bank Group

WTO. 2019c. *Regionalism: friend or rivals?*. [Online] Available at: https://www.wto.org/english/thewto_e/whatis_e/tif_e/bey1_e.htm [Accessed 18 May 2019].

WTO. 2018a. *WTO TBT Enquiry Point: Making transparency work*, Geneva: The World Trade Organisation.

WTO. 2018b. *Understanding the WTO basics: Principals of trading system*. [Online] Available at: <https://www.wto.org> [Accessed 10 December 2018].

WTO. 2017. *Standards and safety*. [Online] Available at: <https://www.wto.org> [Accessed 16 June 2017]

WTO. 2015a. Seventh Triennial Review of the Operation and Implementation of the TBT Agreement, *G/TBT/37*, 3 December, pp. 1-26.

WTO. 2015b. The theory and measurement of trade facilitation. *Speeding up trade: Benefits and challenges of implementing the WTO trade facilitation agreement*, pp. 58-71.

WTO. 2012. The trade effects of non-tariff measures and service measures. *World Trade Report 2012*, pp. 136-159.

WTO. 2011. Decision and recommendations adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995. *G/TBT/1/Rev.10(11-2857)*, p. 45.

WTO. 2000. Indicative list of approaches to facilitate the acceptance of the results of conformity assessments. *Second Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers To Trade*, 13 November, pp. Annex A 27-28.

WTO. 1995. *Agreement on Technical Barriers to Trade*, Geneva: WTO

WTO. 1997. First Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade. *G/TBT/37*, 19 November. WTO

WTO. 1994. *Agreement Establishing the World Trade Organisation*. [Online] Available at: https://www.wto.org/english/docs_e/legal_e/04-wto.pdf [Accessed 25 April 2016].

.

.

WTO. n.d. *World Trade Organisation*. [Online] Available at: <http://wto.org> [Accessed 16 June 2017].

www.comesa.int. 2017. *Regional trade in maize set to flourish as the states prepare to sign the Mutual Recognition Agreement*. [Online] Available at: www.comesa.int [Accessed 31 December 2017].

www.dictionary.com. 2018. *Dictionary.com*. [Online] Available at: <http://www.dictionary.com> [Accessed 22 February 2018].

www.gov.scot. 2013. *Scotland in the European Union*. [Online] Available at: <http://www.gov.scot> [Accessed 20 January 2018].

www.publicadmin.usc.edu. 2015. *4 Different positions in International Public Administration*. [Online] Available at: <https://publicadmin.usc.edu> [Accessed 22 January 2018].

www.wits.ac.za. n.d. *University of the Witswatersrand, Johannesburg: International Relations*. [Online] Available at: <http://www.wits.ac.za/social-science/international-relations> [Accessed 22 February 2018].

Yin, K.R. 1981. The Case Study Crisis: Some Answers. *Administrative Science Quarterly*, 26(1), pp. 58-65.

Yin, K.R. 2014. *Case study research: Design and methods*. 5th ed. California: SAGE Publications, Inc.

Yin, K.R. 2018. *Case Study Research and Applications: Design and Methods*. 6 ed. Thousand Oaks: SAGE Publications Inc.