THE ROLE OF DIPLOMACY IN THE DELIVERY OF REGIONAL PUBLIC GOODS WITH SPECIFIC REFERENCE TO THE DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION (DIRCO) IN SOUTHERN AFRICA

by

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ACRONYMS AND ABBREVIATIONS

ADB   African Development Bank
ACP   Africa, Caribbean and Pacific
AEC   African Economic Community
AIDS   Acquired Immune Deficiency Syndrome
ANC   African National Congress
AU   African Union
CODIST   Committee on Development Information, Science and Technology
COM   Council of Ministers (SADC)
COMESA   Common Market for Eastern and Southern Africa
DFA   Department of Foreign Affairs (South African)
DIRCO   Department of International Relations and Cooperation (South African)
EAC   East African Community
EC   European Commission
ECJ   European Court of Justice
EU   European Union
FLS   Front Line States
GIS   Geographic Information Systems
HSGOC   Heads of State and Government Orientation Committee (NEPAD)
ICP   International Cooperating Partner
ICT   Information and Communication Technology
IPE   International Political Economy
ISPDC   Interstate Politics and Diplomacy Committee (SADC)
HIV   Human Immune Deficiency Virus
NEG   New Economic Geography
NEPAD   New Partnership for Africa's Development
NT   National Treasury (South African)
OAU   Organisation of African Unity
PIDA   Programme for Infrastructure Development in Africa
REC   Regional Economic Community
RETOSA   Regional Tourism Organisation of Southern Africa
RIFF   Regional Integration Facilitation Forum
RISDP   Regional Indicative Strategic Development Plan (SADC)
SADC   Southern African Development Community
SADCC   Southern African Developing Coordination Conference
SADPA   South African Development Partnership Agency
SAPP   Southern African Power Pool
SCO   Standing Committee of Officials (SADC)
SCU   Sector Coordinating Unit
SDI   Spatial Development Initiative
SIPO   Strategic Indicative Plan of the Organ (SADC)
SNC   SADC National Committee
SPV   Special Purpose Vehicle
SRII   SADC Region Information Infrastructure Project
TFCA   Transfrontier Conservation Areas
UNECA   United Nations Economic Commission for Africa
UNCTAD   United Nations Conference on Trade and Development
WESTCOR Western Power Corridor Project

Chapter 1

INTRODUCTION

"(Diplomacy) is less awe-inspiring the more that is known of it. In practice it is quite unprofessional in any scientific sense, and grossly inefficient in most of its functions outside the routines of diplomatic protocol and administration – where it usually excels". Joseph W. Burton (1968: 206)

1.1   General introduction and research theme

Within the international context, contemporary literature links the processes of regional integration to the phenomenon of globalisation and localisation, which constitute the two main forces shaping the world in the 21st century. On the one hand, the world is becoming more and more globalised because of a series of interrelated economic and social changes. On the other hand, globalisation has fuelled the desire for decentralisation ultimately leading to localisation: the tendency to give a more significant role in society to institutions and activities at the lower level. These institutions and activities consider the core of globalisation as the supraterritorial relations between people and the significant change in the organisation of social space – that is, a move to a new geography that goes beyond the classic concept of states. The integration of states has now become crucial in an increasingly interconnected world (Van Ginkel, Court & Van Langenhove 2003: 2).

Within the Southern African region, the Southern African Development Community (SADC) serves as the primary vehicle for South African foreign policy and action to achieve regional development and integration (RSA DIRCO 2009: 7). The aim of this regional organisation, recognised as a building block of the African Union (AU), is to promote sustainable and equitable economic growth and socio-economic development through productive systems, deeper integration and cooperation, good governance, and durable peace and security, in order for the SADC region to emerge as a competitive and effective player in international relations and the world economy (SADC 2001: Article 5(1)).

The SADC Council of Ministers (COM), amongst others, is responsible for overseeing the functioning and development of SADC and the execution of its programmes, as well as advising SADC Heads of State and Government on matters of overall policy. Article 11(1) of the 1992 *Declaration, Treaty and Protocol of the Southern African Development Community* (*SADC Treaty*) reads as follows: "The Council (of Ministers) shall consist of one Minister from each Member State, *preferably a Minister responsible for economic planning or finance*" (own emphasis).

With the adoption of the *Agreement Amending the Treaty of the Southern African Development Community* (*Amended SADC Treaty*), Article 11(1) was amended to read: "The Council shall consist of one Minister from each Member State, *preferably a Minister responsible for Foreign or External Affairs*" (own emphasis). What was thus envisaged was a more prominent and coordination role to be played by SADC foreign ministries, thereby introducing regional cooperation and integration into the realm of foreign policy. Before this, regional cooperation and integration was largely considered an economic activity aimed at economic growth and development.

In essence, Article 11(2) outlining the functions and responsibilities of the COM remains unchanged, apart from the insertion of one new sub-paragraph, reading: "Develop and implement the SADC Common Agenda and strategic priorities". These amendments are indicative of the evolution within SADC of a shift in emphasis from a narrow-based sectoral cooperative policy between participating states to the more wide-ranging realm of foreign policy. Central in this is the greater involvement of foreign ministries, also in terms of agenda-setting and prioritising within the organisation.

Subsequently, in August 2003, SADC adopted the *Regional Indicative Strategic Development Plan* (RISDP) aimed at deepening regional integration within SADC, and providing for the establishment of a Free Trade Area by 2008, a Customs Union by 2010, a Common Market by 2015, and a Monetary Union by 2016 (SADC 2003a: 66-67). To navigate this road map, SADC identified the following priority goals: development of a regional institutional capacity; macro-economic convergence, including exchange rate alignment; free flow of goods, services, capital and people; financial integration; and delivery of regional public goods (RSA NT 2006).

Considering the latter, the RISDP considers regional public goods of critical importance in order to create an environment that, in turn, is regarded as an enabler for market integration. As such, regional public goods are defined as any goods, commodities, services, system of rules or policy regimes that are public in nature, that generate shared benefits for the participating states and whose production is a result of collective action by the participating states (IADB 2006: 3). This implies adequate provision of the following: physical infrastructure, including energy, transport, water and information communication technology (ICT); social infrastructure, including the prevention of HIV/AIDS and communicable diseases; the certification of qualifications; the management of cross-border resources, including spatial development initiatives (SDIs), development corridors, transfrontier conservation areas (TFCAs) and fishery resources; and disaster management.

1.2   Aim of the study

In respect of the aforesaid, the provision of regional public goods is regarded the most effective means for regional economic communities (RECs) to reduce poverty. Cross-border infrastructure, regional utilities and improved access to power, water and health care can deliver significant economies of scale. By pooling resources, a regional approach can reduce poverty in ways that are beyond the capacity of national governments. Regional public goods have until recently been a marginal concern relative to other issues of regionalisation, in particular the economic agenda, with the expansion of regional trading blocs as its overriding priority. Paradoxically, the impact of regional public goods is considered to be wider, immediate and less ambiguous than the benefits of increased trade and investment (Senghor *et al* 2009: 88-89).

The aim of the study is therefore to identify and evaluate the role of diplomacy *vis-à-vis* the delivery of regional public goods in the Southern African region, with specific reference to the efforts undertaken by the South African Department of International Relations and Cooperation (DIRCO). The study will emphasise the prerequisite that regional public goods must be provided through equal prioritisation and collective action among SADC member states, and that benefits derived must be shared among the participating states.

Implicit in this action is the early involvement and collaboration by means of diplomacy by participating states in terms of diagnosing the issue and designing a solution in the form of a regional public good. These activities centre on the activity of negotiations, relating directly to the involvement of a foreign ministry. Within the broader definition of regional public goods, the study will specifically focus on programmes related to physical infrastructure, in particular energy, transport, water and ICT. Conversely, the strict application of the primary focus implies that the research will not venture onto the terrain of regional peace and security aspects; macro-economic convergence; free flow of goods, services, capital and people; financial integration; or the management of cross-border resources.

1.3   Literature survey

From a literature survey point of view, this study finds itself at the convergence of the following two sets of theories:

(a)   **Theoretical basis of a foreign ministry within the context of diplomacy**: A substantial volume of literature exists regarding the relationship between a foreign ministry and diplomacy. Consulted literature includes *Modern Diplomacy* (Barston 1997), *Diplomacy: Theory and Practice* (Berridge 2005) and *The Practice of Diplomacy: Its Evolution, Theory and Administration* (Hamilton & Langhorne 1995).

Diplomacy is considered an important means by which states pursue their foreign policies, and that these policies are to a significant degree framed by and in a foreign ministry. Differentiating between diplomacy and foreign policy, foreign policy is described as the overall course of action a state proposes to follow in its foreign affairs backed by supporting programmes, whereas diplomacy is the primary instrument for carrying out a state's foreign policy with other states with which it is at peace (Berridge 2005: 3; Geldenhuys 1984: 101, 121).

In essence, the foreign ministry constitutes the primary grouping of expertise on international matters within the government. Its core function is the execution of foreign policy, but it is also involved in the process of foreign policy making. These functions are based on the foreign ministry's geographical and institutional expertise,

control over the diplomatic service abroad, investment in public diplomacy and cultivation of domestic alliances. Most of these activities centre on the activity of negotiations, which represent the most important function of diplomacy (Berridge 2005: 19-20).

(b)   **Regional cooperation and the delivery of regional public goods in Southern Africa**: A considerable amount of literature is available on regional cooperation in Southern Africa, in particular related to the evolution of SADC through its progressive stages from the Southern African Development Coordination Conference to the early history of SADC following the adoption of the *SADC Treaty*. Consulted literature include *Integrating Africa: Perspectives on Regional Integration and Development* (Van Ginkel, Court & Van Langenhove 2003), *The Southern African Development Community: The Organisation, its Policies and Prospects* (Oosthuizen 2006), *The Political Economy of Regionalism in Southern Africa* (Lee 2003) and *Towards an African Economic Community (*Asante, Nwonwu & Muzvidziwa 2001).

Whilst the rich literature base available may be relevant in terms of the historical context of the research, it appears to be less applicable to the SADC's performance since the adoption of the *Amended SADC Treaty* in August 2001 and the RISDP in August 2003.   In contrast, post-1992 literature predominantly refers to the development integration paradigm followed by SADC and recognises the political and economic diversities of its member states, including their diverse production structures, trade patterns, resource endowments, development priorities, institutional affiliations and resource allocation mechanisms (SADC 2003a: 3).

Relating to the delivery of regional public goods in Southern Africa and the contribution that this priority goal makes to the reduction of poverty and the development of economies of scale, the earlier SADCC literature on regional cooperation remains relevant. Examples include *South Africa in Southern Africa: Economic Interaction* (Leistner & Esterhuysen 1988), *Regional Relations and Cooperation Post-Apartheid: A Macro Framework Study Report* (SADC 1993) and *South Africa in Subequatorial Africa: Economic Interaction* (Esterhuysen 1994).

(c) **Convergence of the two sets of theory**: In terms of the convergence of diplomatic and regional cooperation and the delivery of regional public goods theories, and the application thereof in SADC context, it is evident that literature on the description and analysis of the specific role of diplomacy is limited. Such references mainly concern the plans and activities of the SADC Organ on Politics, Defence and Security Cooperation, more specifically those of its Interstate Politics and Diplomacy Committee (ISPDC), also keeping in mind that Article 2(2)(c) of the *Protocol on Politics, Defence and Security Cooperation* states that a specific objective of the Organ is the development of common foreign policy approaches on issues of mutual concern and the collective advancement of such policy in international fora (SADC 2003b).

Albeit not explicitly stated or described, the assumption is nevertheless that diplomacy occupies a central position in the process of regional cooperation. Taking into consideration the article, *Does the European Union Transform the Institution of Diplomacy?* (Batora 2003), there is scope for applying the contentions of this article to the unique circumstances applicable to SADC, in particular to regional cooperation and the delivery of regional public goods.

As far as could be ascertained, no previous attempts have been made to research the role of diplomacy in the particular field of regional public goods delivery in SADC (as an organisation) or Southern Africa (as a geographic area). In the absence of specifically-related resource material, this study is therefore exploratory and groundbreaking. However, it does not have the benefit of being vested within a specific paradigm, for it has to find a concurrence between diplomacy and the need for public goods agenda-setting and policy prioritising, based on the central role of DIRCO as the focal point of expertise on regional matters within the South African government.

1.4   Formulation and demarcation of the research problem

The underlying research question of this study is: *Why is diplomacy necessary and essential for the delivery of regional public goods, with specific reference to the role of DIRCO in Southern Africa?*

As previously indicated, the RISDP considers the delivery of regional public goods of critical importance in order to create an enabling environment that, in turn, is regarded as an enabler for market integration within the Southern African region. As an assumption, the study will argue that because of the need for public goods agenda-setting and policy prioritising in a multilateral and bilateral context, and based on the utility of diplomacy in this respect, DIRCO – as the custodian of diplomacy and diplomatic practice within the South African government – plays a central and catalytic role within SADC.

The description and analysis of DIRCO's role are framed firstly, by the specific role of diplomacy in regional cooperation and integration related to SADC foreign ministries; and secondly, by the specific role of diplomacy with regard to DIRCO's position *vis-à-vis* the delivery of regional public goods. Conceptually, the study focuses on the role of diplomacy in the delivery of regional public goods programmes in the SADC region. Whilst exploring the possibility of identifying a specialised field within diplomacy, it is appreciated that, in the execution of its diplomatic function, DIRCO is staffed primarily by professional generalist diplomats who may be limited in terms of the technical competencies related to specific programmes within the delivery of regional public goods.

Geographically, the study will be limited to the SADC region, for reasons of proximity and the potential to extend (or to regionalise) programmes related to South African public goods across its borders. In terms of a time-frame, the focus will be on the period subsequent to the amendment of the *SADC Treaty* in 2001. For background and contextual purposes, relevant references will be made to the SADCC period from 1980 to 1986, during which time the organisation was relatively successful concerning the delivery of regional public goods programmes, and to the period 1992 to 2001, subsequent to SADC's adoption of the *Agenda for Integration*.

1.5 Methodological aspects

The study is presented in the form of a descriptive-analytical case study, theoretically contextualised as a synthesis of realism-liberalism with reference to elements of international political economy. As such, it utilises a non-comparative, qualitative,

single case study method. As a literature- and document-based study, the research will draw on primary sources available in the public domain which include the founding documents and treaties of SADC as well as of other African continental and regional organisations; protocols and agreements adopted by these organisations; and speeches, decisions and communiqués arising from summits, ministerial conferences and technical meetings. Secondary sources include books and journal articles commenting on the previously mentioned aspects. The study will also take into consideration the researcher's own, albeit limited, participation and personal experience in the process of regional cooperation and integration as a DFA and DIRCO official since 1989, in particular as a member of the Africa Multilateral division during the period 1995 to 2011.

1.6   **Structure of the research**

The study is structured in a conventional fashion and includes an introduction; a main body comprising the two sets of conceptual frameworks that form the basis of the study, followed by two chapters on the concurrence of the theories concerned; and a concluding section containing a summary and evaluation.

Chapter 1 is of a methodological nature and provides an identification of the research theme; a formulation and demarcation of the research problem; a literature overview; and a description of the research methods used and the structure of the study.

Chapter 2 provides a theoretical framework based on the relationship between diplomacy and foreign policy; the framing of diplomacy within the conventional context of international relations, foreign policy and interaction; and an elaboration of the tenets of diplomacy.

This is followed by Chapter 3 that provides a contextualisation of regionalisation, focusing specifically on regional cooperation. The concept of regional public goods is described, in particular related to infrastructure development, and an overview is provided of the SADC experience of regional public goods.

Chapter 4 describes and analyses the role (potential and actual) of diplomacy in the process of regional cooperation and integration, specifically related to the critical responsibility of SADC foreign ministries in terms of the management of regionalisation in Southern Africa. The chapter follows the broader view regarding the role of foreign ministries in the fulfilment of their roles *vis-à-vis* the *Amended SADC Treaty*.

Chapter 5 describes and analyses South Africa's use of diplomacy, in particular the application thereof by DIRCO, in the delivery of regional public goods in Southern Africa, with specific reference to the sequencing and implementation of infrastructure development programmes.

In conclusion, Chapter 6 summarises the key findings of the study and addresses the research problem posed in Chapter 1. Based on this assessment, the chapter makes specific recommendations on the role of diplomacy with regard to regional public goods in the SADC region, especially as far as DIRCO is concerned.

1.7   Conclusion

Within the Southern African region there is a critical need for public goods agenda-setting and policy prioritising, both in a multilateral and bilateral context. Based on the utility of diplomacy in this respect, it is contended that DIRCO plays a central and catalytic role within the region. As emphasised by the South African Minister of International Relations and Cooperation, Ms Maite Nkoana-Mashabane, South Africa (and therefore DIRCO) must ensure that its international relations and cooperation programmes contribute towards the creation of an environment that is conducive to economic growth and development, especially in Africa (RSA DIRCO 2010a: 2). This research focus is therefore deemed to be of specific relevance considering the evolution of DFA into DIRCO, which is indicative of the new emphasis on international relations, cooperation and partnership within South Africa's foreign policy.

Chapter 2

THE RELATIONSHIP BETWEEN DIPLOMACY AND FOREIGN POLICY WITH REFERENCE TO THE ROLE OF A FOREIGN MINISTRY

"Words of advice of a senior in diplomacy to a junior: Take snuff often and slowly, sit with your back to the light, and speak the truth; the rest you will learn by observing your older colleagues". David Playfair Heatley (1919: 38)

2.1   Introduction

Historically, diplomacy has been both a function and a determinant of the international order. Without independent and proximate political entities with a will to communicate amongst themselves, diplomacy would have been unnecessary. Without diplomatic intermediaries of some kind or other, a state system would be almost unintelligible. Given this significant role of diplomacy, the aim of this chapter is to provide a theoretical framework based on the relationship between diplomacy and foreign policy; to frame diplomacy within the conventional context of international relations, foreign policy and interaction; and to elaborate on the tenets of diplomacy.

2.2   Defining diplomacy

The popular perception of diplomacy is that it designates neither foreign policy nor international law, but the art of negotiation (Nicolson 1954: 2). This negotiation attempts to explore and reconcile conflicting positions in order to reach an acceptable outcome (Barston 1997: 84) or, as earlier stated by Nicolson (1939: 80), "the management of the relations between independent states by processes of negotiation".

Diplomacy is thus seen as the conduct of business by peaceful means, defined by *Satow's Guide to Diplomatic Practice* (Gore-Booth 1979: 3) as "the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal states".

As summarised by Berridge, Keens-Soper and Otte (2001: 163), "diplomacy is therefore not an end but a means; not a purpose but a method. It seeks, by the use of reason, conciliation on and the exchange of interests, to prevent major conflicts arising between sovereign states".

The field in which diplomacy operates lies somewhere between power politics and civilised usage, and its methods have varied with the political conventions of each age (Gore-Booth 1979: 3). Therefore diplomacy is essentially a political activity and, well resourced and skilful, a major ingredient of power (Berridge 2005: 1). It follows that diplomacy consists of communication between officials designed to promote foreign policy by either formal approval or tacit adjustment. In the wider context, therefore, diplomacy serves as the management of a state's or an international governmental organisation's policy by official agents *via* communication with state and non-state actors of other states and with international governmental organisations according to established rules and practices (Kleiner 2010: 5).

Barston (1997: 1) frames diplomacy in a more inclusive manner as being concerned with advising, shaping and implementing foreign policy, therefore providing states with the means through which their formal and other representatives articulate, coordinate and secure particular or wider interests, using correspondence, private talks, exchanges of view, lobbying, visits, threats and other related activities.

In contemporary conditions of highly developed permanent civil services and improved communication, the term diplomacy is used to include the whole process of managing relations with other states and international institutions. This includes the complicated process of perception of the environment from a locality or from a central office, assessment or immediate and longer-term interests, balancing of internal and external pressures, testing of likely responses to proposed policies, final implementation, and perception of the environment again – in a never-ending sequence (Burton 1968: 199).

2.3   Diplomacy and national power

Morgenthau (1973: 517-518) defines diplomacy as an important element of national power, in terms of a four-fold task, namely: diplomacy must determine its objectives in the light of the power actually or potentially available for the pursuit of these objectives; it must access the objectives of other states and the power actually or potentially available for the pursuit of these objectives; it must determine to what extent these different objectives are compatible with each other; and it must employ the means suited to the pursuit of its objectives.

The essence of this is that a state that seeks to pursue a coherent and peaceful foreign policy cannot cease comparing its own objectives and the objectives of other states in the light of their compatibility. In its traditional form, diplomacy therefore is the art of the possible, the art of accommodation, and the art of coercion, in other words, the means of pursuing power politics to the limit, but avoiding where possible the use of force (Burton 1968: 200).

The success of diplomacy is relative to perceived possibilities; therefore, diplomacy is the art of approximating the possible. At best, the outcome for each state of the practice of diplomacy as an art is the avoidance of those conflicts that are more costly than the value of the interests that might be gained, and the contriving of relationships from which there is the highest possible gain – or the least possible loss – in all the prevailing circumstances (Burton 1968: 147).

Morgenthau (1973: 8, 141) elaborates on the notion of national interest, stating that it is the essence of politics, and as such unaffected by the circumstances of time and place. For him, diplomacy brings the ends and means of foreign policy into harmony within the available resources of national power, serving as the "brains of national power, as national morale is its soul". The quality of a state's diplomacy combines the different factors that determine national power into an integrated whole, provides them with direction and weight, and, in his eloquent phraseology, "awakens their slumbering potentialities by giving them the breath of actual power".

Comparatively, the conduct of a state's foreign affairs by its diplomats is for national power in peace what military strategy and tactics by its military leaders are for national power in war (Morgenthau 1973: 140)[1].

2.4   Diplomacy, foreign policy and the role of the foreign ministry

While foreign policy, in its most generic sense, could be regarded as the legislative aspect of international relations, diplomacy serves as its executive aspect. In a democratic system, foreign policy is usually a matter for the government of a state to decide with the approval of the elected representatives of the people, while the execution of that policy, whether referred to as diplomacy or negotiation, should generally be left to professionals of experience and discretion (Nicolson 1939: 12).

Policy, in its diplomatic idiom, is described as a reasoned line of action taken in relation to conditions as present, and as seen and understood, with a view of improving them (Heatley 1919: 4). Derived from this, foreign policy is used to describe the objectives and actions of a state or states – as distinct from international relations, which refers to all forms of interaction in the international system, including states as well as societies (Mills 2000: 186).

Foreign policy could otherwise be defined as the content of foreign relations, comprising the aspirations and aims, which a state wants to achieve in its relations with other states and international governmental organisations (Kleiner 2010: 1). Diplomacy and foreign policy are both aimed at adjusting national to foreign interests. However, "foreign policy is based on a general conception of national requirements, derived from the need of self-preservation, the constantly changing shapes of economic and strategic advantage and the condition of public opinion as affected at the time" (Berridge, Keens-Soper & Otte 2001: 163).

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[1]   Additional to the relationship between diplomatic and military concepts, Nicolson (1939: 14) compares the indiscriminate use of the concept of diplomacy to the utilisation of the word 'army', stating that if the word was used to mean the exercise of power, the art of strategy, the science of tactics, the profession of a soldier and the combative instincts of man, it could be expected that public discussion on military matters would lead to much misunderstanding.

Foreign policy is described in terms of three components: firstly, as generalised statements containing the broad aims and the overall interests of the state, articulated in statements, communiqués and other public pronouncements; secondly, as the range of issue areas and preoccupations of a state – referring to the foreign policy agenda-setting with which the state is pre-occupied; and thirdly, as the specific daily operational issues that make up the routine of foreign ministries (Barston 1997: 32).

Within this description, diplomacy serves as but one of a set of foreign policy instruments through which decisions are implemented. Other tools that may be used by states to influence one another include military information and economic instruments that are generally coordinated and used with skill to achieve foreign policy objectives (Mills 2000: 186). In this context, Du Plessis (2006: 125) explains that diplomacy is seldom, if ever, used on its own. Rather, it is applied in conjunction with economic, psychological and military instruments. Regardless of the instrument employed, the ultimate aim of foreign policy is always the same: to promote a state's interests by changing the mind of the opponent. To that end, all foreign policy "is a struggle for the minds of men" (Morgenthau 1973: 331).

In essence, the execution of the foreign policy of a state is the core function of a foreign ministry, which constitutes the primary grouping of expertise on international matters within a government. Apart from the execution of foreign policy, the foreign ministry is also involved in the process of foreign policy making. The comparative advantage of a foreign ministry lies therein that it maintains significant influence *via* its geographical and institutional expertise, control over the diplomatic service abroad, investment in public diplomacy, cultivation of domestic alliances, and growing acceptance that it is uniquely positioned to coordinate the state's multidimensional international relationships. Most of these activities centre on the activity of negotiations, which represent the most important function of diplomacy (Berridge 2005: 19-20).

According to Mills (2000: 196), the development of an effective foreign ministry and policy is critical in both getting views across to the international community and in creating the opportunities domestically that will enable states to prosper.

Contemporary diplomacy is interdisciplinary in that it is concerned with recent extensions of many social studies such as economics, psychology, anthropology and geography (Burton 1968: 209).

The modern diplomat is thus described as a polymath, capable of dealing with the wide range of new issues and multiplicity of actors in contemporary international relations. Amongst others, these include economics, human rights concerns and information technology management, as well as new threats to security, such as terrorism, pollution, climate change and health hazards (Mills 2006: 196). Accordingly, the central task of diplomacy in its contemporary setting is not just the management of order, but also the management of change and thus, through continued persuasion, the concurrent maintenance of order in the midst of change (Barston 1997: 2).

2.5   Functions and roles of diplomacy

In fulfilling the aforementioned central task, the three distinct functions of diplomacy are the accumulation and analysis of information; negotiation; and the promotion of national interests – including trade, finance, politics, culture and tourism (Mills 2000: 187). Barston (1997: 4) identifies six tasks that apply to the conduct of diplomacy, namely representation (formal or substantive); information gathering (in particular the identification of key issues and emerging domestic or external patterns, together with their implications, linked to timely warning of adverse developments); laying the groundwork or preparing the basis for a policy or new initiatives; reducing friction or 'oiling the wheels' of bilateral or multilateral relations (in the event of actual or potential conflict); contributing to order and orderly change; and the creation, drafting and amendment of a wide body of international rules of a normative and regulatory kind to provide structure in the international system.

Within this functional setting, *Satow's Guide to Diplomatic Practice* (Gore-Booth 1979: 3) provides a framework indicating the character of diplomacy, describing it as the management of international relations by negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomatist; the skill or address in the conduct of international intercourse

and negotiations; the subject of study at colleges and universities; and the diplomatic career. This description is read in conjunction with the contention (previously stated in section 2.4) that diplomacy is an important means by which states pursue their foreign policies, and that these policies are to a significant degree framed in a foreign ministry. The latter, as previously indicated, constitutes the primary grouping of expertise on international matters within the government, being responsible for the execution of foreign policy, and also being involved in the process of foreign policy making (Geldenhuys 1984: 121; Berridge 2005: 3).

The enhanced role of personal diplomacy at head of state or government level – frequently at the expense of the resident ambassador – does not negate the importance of foreign representation explaining policy at crucial moments, making political assessments, being involved in economic and trade work, and participating in international conferences. The rapid expansion of the international system since the 1960s has also witnessed the corresponding rise in multilateral diplomacy and regional diplomacy, through meetings, conferences and less formal gatherings of political, diplomatic and technical experts (Barston 1997: 5, 103).

In particular, it was the growth of post-2nd World War multilateral diplomacy that consolidated the active participation of a wider range of ministries in the field of foreign relations, for example trade, industry, transport, environment, health, education, science, technology and sport. This steady rise of multilateral diplomacy has emphasised the importance of popular consent in sustaining governmental authority: if governments were to be democratically accountable in the domestic sphere, it followed that they must be similarly accountable in the international sphere. This provides added impetus to the achievement of open diplomacy, namely the conduct of negotiations in the face of public scrutiny (Berridge 2005: 155).

As another development, Langhorne (1998: 1) refers to the changing level and manner of contemporary diplomatic practice, where the balance of power among players has shifted from governments towards private actors. This trend is due to the proliferation of non-state actors, both in number and in type, ranging from traditional economic interest groups or organisations that pursue resource, environmental, humanitarian, criminal and global governance interests. As a result,

traditional diplomacy has been obliged to include and accommodate non-state actors. This has advanced the popularisation of diplomacy by ensuring public access thereto, and ensuring that effective pressure is brought to bear on governments (Barston 1997: 5).

Gore-Booth (1979: 438) identifies the post-2nd World War expansion in all states of the direct involvement of the government in economic, social and technical affairs. Previously a large proportion of these affairs had been handled outside government. The consequence is a corresponding expansion, at governmental level, of direct contact with other governments, the volume and content of which could not possibly be carried by a professional generalist diplomatic service. Whilst this has made serious inroads into the traditional domain of the foreign ministry, the task of the latter is to establish a leading position or otherwise to coordinate the formulation and implementation of international legal frameworks and post-conference follow-up (Barston 1997: 5).

The framing of diplomacy within its contemporary operational environment, in particular the centrality of the foreign ministry, brings to the fore five tenets indicative of the roles of diplomacy within the context of international relations, foreign policy and interaction, as identified by Du Plessis (2006: 124-125), namely:

- In the context of global politics, diplomacy is the master institution of international relations.
- In the context of foreign policy, and as a means to an end, diplomacy is the master instrument within the foreign policy process.
- As an instrument of foreign policy, diplomacy is associated with the administrative function within government.
- Diplomacy also influences or plays a role in the formulation of foreign policy.
- In the context of international interaction, diplomacy refers to a dialogue or communication process between international actors.

The application of these five tenets as criteria serves as a useful tool in evaluating the different roles of diplomacy, as follows:

2.5.1 Diplomacy as the master institution of international relations

De Broglie (in Gore-Booth 1979: 3) considers diplomacy as the best means devised by civilisation for preventing international relations from being governed by force alone. It is described as the master institution of international relations. In other words, it is the agency through which foreign policy seeks to attain the purposes by agreement rather than by war, 'the lubricant' that guarantees the smooth conduct of international affairs, and "the art of creating and expanding confidence" (Berridge, Keens-Soper & Otte 2001: 2).

Diplomacy therefore represents a specific pacific approach to the management of international relations in pursuit of order and justice and, as a particularly human and humane institution, a way of acting and accomplishing tasks in the international arena with a civilising effect on the general conduct of states and other international actors (Du Plessis 2006: 124). In this respect, diplomacy has proved remarkably resistant, specifically in terms of its contribution towards shaping the international community (Kleiner 2010: 29). This has led to a situation where, within the contemporary environment, diplomacy remains the first line of defence and engagement with the challenges facing states (Mills 2000: 189).

2.5.2 Diplomacy as the master instrument of foreign policy

Using a Nicolson adage (1939: 13), diplomacy is employed as a synonym for foreign policy, "as when we say, British diplomacy in the Near East has been lacking in vigour". In this context as the master instrument of foreign policy, diplomacy is regarded as the most direct, traditional, conventional and peaceful instrument of foreign policy. Therefore diplomacy is primarily a political instrument with which to maximise the national interest of states and to pursue foreign policy goals and objectives. As such, diplomacy serves as the executive aspect of foreign policy (Du Plessis 2006: 124; Nicolson 1939:12).

2.5.3   Diplomacy as an administrative function within government

As described by Nicolson (1939: 13), diplomacy denotes the processes and machinery by which negotiation is carried out. His use of the example, "my nephew is working for diplomacy" is indicative of diplomacy as a branch of the Foreign Service, also known as "the diplomatic service" or "the foreign service" (1939: 13, 202).

The professional diplomatist is the servant of the sovereign authority in his/her own state. The civil service, of which the diplomatic service is a branch, is supposed to be apolitical. Rather, its duty is to place its experience at the disposal of the government in power, to tender advice and, if need be, to raise objections. In accordance with this assumption, if advice is disregarded by the foreign minister, it is the duty and function of the civil service to execute instructions without further question (Nicolson 1939: 80).

According to this description diplomacy is a profession, the diplomatic corps (body of foreign representatives) are agents of diplomacy, the diplomatic service is an institution of diplomacy, and the ministry of foreign affairs is an administrative component of government and foreign policy. While foreign ministries cannot be held wholly responsible for foreign policies, being only one element in a total decision-making process, they remain the focal points of formal decision-making in the field of foreign relations (Burton 1968: 210).

2.5.4   Diplomacy as the formulation of foreign policy

Du Plessis (2006: 125) identifies a particular role of diplomacy in terms of influencing or participating in the formulation of foreign policy. As an institution, diplomacy not only provides the information needed for the formulation of informed decisions, but also forms part of the foreign policy bureaucracy within which policy is formulated. The extent of this role of diplomacy is dependent on the level of democratisation and the locus of foreign policy decision-making in a particular state. According to Morgenthau (1973: 520), the foreign ministry is the policy-forming agency and therefore the brain of foreign policy where impressions from the outside world are

gathered, analysed and evaluated; where policy is formulated; and from where the impulses emanate which the diplomatic representatives transform into actual foreign policy.

In this context, the task of diplomacy includes the whole decision-making process as far as foreign policy is concerned, which in turn is part of a whole: the interplay of domestic and foreign influences renders a foreign ministry ineffective unless it serves to combine all relevant influences in its decision-making processes (Burton 1968: 205).

The diplomatic function of the foreign ministry involves a two-way communication process, with its own staff abroad and with foreign diplomats stationed in its own state. In discharging these responsibilities, foreign ministry officials are constantly engaged in making "a vast number of policy decisions, at all but the highest level of importance" (Geldenhuys 1984: 101).

2.5.5 Diplomacy as a dialogue between international actors

The shaping of the international community by diplomacy occurs within a large communication network used by diplomats to protect the interests of their states and of international governmental organisations (Kleiner 2010: 29). Because diplomacy is based on an established body of rules and communication practices, this ability of states to communicate in a predictable and organised manner provides a common organisational platform for their interactions and existence (Kleiner 2010: 2; Batora 2003: 1). In this context and according to Nicolson (1939: 13), diplomacy serves as negotiation, "as when we say, the problem is one which might well be solved by diplomacy".

Invariably, diplomacy refers to a dialogue or communication process between international actors. In this respect, as a process of negotiation, diplomacy is a means of maintaining contact between and managing the conduct of international actors (Du Plessis 2006: 125). Applying this to the contemporary environment, diplomacy has seldom, if ever, had a more significant role to play in human affairs than it has in the present time (Hamilton & Langhorne 1995: 1).

2.6   **Conclusion**

The aim of this chapter was to provide a theoretical framework based on the relationship of diplomacy and foreign policy; on the framing of diplomacy in the context of international relations, foreign policy and interaction; and an elaboration of the tenets of diplomacy. Although there are several definitions of diplomacy, for the purpose of this study, diplomacy, as a normative concept, is not limited to the organised art of mediation or negotiation between international actors, in particular sovereign states. As such diplomacy is a state of mind, an approach to the conduct and/or management of international relations that emphasises the timeous and pacific application of intelligence and tact in the making and implementation of foreign policy.

A summarising description of diplomacy in the context of foreign policy states that diplomacy is "the political process by which political entities (generally states) establish and maintain official relations, direct or indirect, with one another, in pursuing their respective goals, objectives, interests, and substantive and procedural policies in the international environment; as a political process it is dynamic, adaptive, and changing, and it constitutes a continuum; functionally it embraces both the making and implementation of foreign policy at all levels, centrally and in the field, and involves essentially, but is not restricted to the functions of, representation, reporting, communicating, negotiating, and manoeuvring, as well as caring for interests of nationals abroad" (Du Plessis 2006: 124).

As the custodian of diplomacy and diplomatic practice within a national government, the foreign ministry constitutes the primary grouping of expertise on international matters, responsible for the execution of foreign policy but also involved in the process of foreign policy making. Considering that it is not regarded as a line-function ministry responsible for a specific sectoral activity, and as such not restricted by the parameters of each of these ministries' principal functions, a foreign ministry is therefore inclined to adopt a strategic approach based on the integration of cross-sectoral line-function activities.

Three aspects of diplomacy were emphasised. Firstly, diplomacy is an important means by which states pursue their foreign policies. Secondly, the central task of diplomacy is not just the management of order, but also the management of change and thus, through continued persuasion, the concurrent maintenance of order in the midst of change. Thirdly, diplomacy is defined within the context of international relations, foreign policy and interaction in terms of the following tenets:

- In the context of global politics, diplomacy is the master institution of international relations.
- In the context of foreign policy, and as a means to an end, diplomacy is the master instrument of foreign policy.
- As an instrument of foreign policy, diplomacy is associated with the administrative function within government.
- As part of the foreign policy process, diplomacy influences or plays a role in the formulation of foreign policy.
- In the context of international interaction, diplomacy refers to a dialogue or communication process between international actors.

Serving as a framework and central guideline, in Chapters 4 and 5 these tenets will be utilised to describe and analyse diplomacy in the process of regional cooperation and integration, with particular reference to the role of DIRCO regarding the delivery of regional public goods. Similarly, in Chapter 6 the framework will be applied to the key findings of the study and specific recommendations on the role of diplomacy with regard to regional public goods in the SADC region, especially as far as DIRCO is concerned. However, before the application of the tenets in these chapters, it is necessary to provide a description of regional public goods within the broader context of regional cooperation in Chapter 3, as the designated field in which diplomacy will be applied in the later chapters.

Chapter 3

REGIONAL COOPERATION AND THE PROVISION OF REGIONAL PUBLIC GOODS IN SOUTHERN AFRICA

"The progress of diplomatic theory has been from the narrow conception of exclusive tribal rights to the wider conception of inclusive common interests".
Harold George Nicolson (1939: 37)

3.1   Introduction

The aim of this chapter is to provide a contextualisation of regional cooperation, as a distinct theory and practice, within the theoretical approach of regionalisation. As a core component of regional cooperation, the focus will be on regional public goods, in particular to the extent that the latter relates to infrastructure development (e.g. concerning water, energy, transport and communication).

The underlying principle is that SADC member states must, firstly, plan for and invest in regional public goods, specifically the construction of physical infrastructure that lies at the core of development corridors and SDIs; and secondly, must inform all regional infrastructure planning to facilitate intraregional and global trade, as well as inward investment. The chapter also explores the necessity and advantages of regional infrastructure development, to which end it will provide an overview of the SADC experience of regional public goods, specifically its adoption of the RISDP and the related notion of micro-regionalisation.

As stated previously (see Chapter 1), literature on the specific role of diplomacy in the process of regional cooperation is limited. Albeit not explicitly stated or described, the assumption is nevertheless that diplomacy occupies a central position in the process of regional cooperation. For this purpose and in the context of regional cooperation, the subsequent two chapters (Chapters 4 and 5) will respectively focus on the role of diplomacy at the regional level, related to the role of SADC foreign ministries, and at the national level, specifically concerning the role of DIRCO in the delivery of regional public goods programmes in Southern Africa.

3.2 Regional coordination, cooperation, harmonisation and integration

Regionalism represents the body of ideas, values and concrete objectives that are aimed at creating, maintaining or modifying the provision of security, wealth and other goals within a particular region or as a type of world order (Söderbaum 2003: 71, 73). Schoeman (2002: 2) elaborates on this notion by defining regionalism as an aim or objective. Although often used as synonymous with regionalism, regionalisation refers to the process(es) through which *regioness* is increased. In this regard the concept of regionalisation is often implicitly presented as being a largely cooperative process – states in various regions 'band' together for their mutual benefit and in this way formulate and execute a proper, efficient and profitable response to global economic demands and trends. By definition, regionalisation encompasses efforts by a group of states to enhance their economic, political, social, or cultural interaction. Such efforts can take on different forms, including regional cooperation, market integration, development integration, and regional integration (Lee 2002: 1).

The nature and magnitude of the potential benefits of regionalisation depend on *inter alia* the type of regional integration arrangement, including its spatial coverage, referring to the number of states involved in an arrangement; its substantive scope, pertaining to the range of issues or activities including in regional agreement; and its depth of integration, indicating the degree of sovereignty a state is ready to surrender, and which ranges from regional coordination through regional cooperation to regional integration (Kritzinger-van Niekerk 2008: 5).

Considering the depth of integration, regional coordination is the weakest issue-focused arrangement in terms of which states may cooperate for a joint development project and the facilitation of exchange of information or best practices. As such, it is often used to solve time-inconsistency issues, for example the Regional Integration Facilitation Forum (RIFF), which represents a coordinated, concerted liberalisation effort and serve as forum for information exchange and as a peer-pressure mechanism. However, the RIFF does not require any form of enforceable national or unilateral action within a coherent regional framework (Kritzinger-van Niekerk 2008: 7).

The next level is regional cooperation, which implies an issue-focused arrangement, in terms of which a group of states within a specific geographic area cooperate for a joint development project and the facilitation of exchange of information or best practices. Except for narrow issues calling for joint development, cooperation signals a low level of multilateral commitment. The participating states retain full control and if needed, may opt-out of the agreement with relative ease (Kritzinger-van Niekerk 2008: 9). Regional cooperation ventures can include the execution of joint projects, technical sector cooperation, the common running of services, the joint development of common natural resources, and the joint promotion of production (Lee 2002: 3). imply

Following regional cooperation, the next level is regional harmonisation, which involves a higher and more formalised degree of cooperation and commitment, hence it culminates in a more effective lock-in arrangement compared to cooperation. Typically, harmonisation is intended to address inconsistency in policy content. Harmonisation may best apply to tax policy, trade policy (tariff and trade facilitation), as well as legal (business law) and regulatory frameworks (standard rules and procedures). The activities of the Regional Tourism Organisation of Southern Africa (RETOSA), aimed at the harmonisation of standards and procedures pertaining to the tourism industry in Southern Africa, serve as an example of this level of regional arrangement (Kritzinger-van Niekerk 2008: 9).

The next level is regional integration, which concerns a higher degree of lock-in and loss of sovereignty, which could be limited to specific markets or include all goods, factor and capital markets, ranging from a free trade area, a customs union, common markets, economic unions to total economic integration (Kritzinger-van Niekerk 2008: 9; Lee 2002: 3).

In focusing on regional cooperation in particular, for the reason that it forms the basis of the delivery of regional public goods, Kritzinger-van Niekerk (2006: 9) describes it as the most effective approach to addressing the common causes that require regular exchange and consultation between the participating parties, without a supranational body to take and enforce decisions. The European Commission (EC 2008: 9-10) states that regional cooperation provides the ideal formula to supply or

protect regional public goods for the reason that is more effective in addressing challenges that have a transnational dimension.

The expected effects of regional cooperation are the provision of regional governance public goods such as international economic governance and regional institutional development; the provision of regional knowledge public goods such as experience learning and information sharing; and overcoming other market and coordination failures and coordinating activities with strong regional externalities, such as competitiveness challenges. Typically, transmissible diseases, the fight against migratory pests, the protection and management of natural resources (e.g. water and land) and migration are cross-border challenges that require cross-border cooperation if they are to be mitigated and if increased economic activity of a regional scale is to be sustained (EC 2008: 10)[2].

3.3 Regionalisation as a state-driven process

Regionalisation becomes a political project when cross-border transactions and the perceived need for closer cooperation are recognised by the participating states. This becomes evident when governments react to these internal and external forces by means of attempting to find a transnational level of governance (Schoeman 2002: 2). With this assumption, SADC provides the following general undertaking: "Member states undertake to adopt adequate measures to promote the achievement of the objectives of SADC, and shall refrain from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty" (SADC 1995: Article 6(1)). As such,

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[2]   It is noted that an earlier South African study introduced the notion of "systematic cooperation in the sub-continent", which emphasised a higher level of competition. The following quote is self-explanatory: "It is also realised by economists such as Robbins, and by statesmen such as Hallstein that a truly common market or economic community involves a large degree of political integration as well. This consideration alone rules out the possibility of a true customs union. To our mind, the idea of a customs union points in the wrong direction. What are needed are more diversification and the development of greater competitiveness in the various member states. This would, by the same token, require the opposite of a common market and actually a certain protection of the industrial possibilities of the various regions. The protection would, however, have to take place within a broad overall plan for the sub-region as a whole, with the very positive cooperation of South Africa. The systematic cooperation proposed in this work would accordingly have to be planned on the basis of the inter-industrial relationships already existing in the sub-continent" (Lombard, Stadler & Van der Merwe 1968: 35).

the basis of regionalisation is the understanding that the actual implementation of regional processes falls within the ambit of participating states[3].

Related to the aforementioned, it is an inherent and necessary feature of any regional integration arrangement to involve some reduction in the freedom of action of its participating states (Clapham 2001: 60). This implies that it is essential that each participating state must recognise the need to take the regional dimension into account when formulating national policies. As such, participating states must be prepared to accept compromises and trade-offs (Ramsamy 2001: 35).

3.4 Defining regional public goods

Regional public goods follow a linear progression from the national to the global space. At the national level, a public good is described as a commodity, measure, fact or service that can be consumed by one person without diminishing the amount available for consumption by another person (non-rivalry), that is available at zero or negligible marginal cost to a large or unlimited number of consumers (non-exclusiveness); and that does not bring about disutility to any consumer now or in the future (sustainability). At the cross-border level, an international public good is a public good that provides benefits crossing national borders of the producing state. A regional public good is an international public good that displays spillover benefits to states in the region of the producing state. A global public good is an international public good that benefits consumers all over the world, although not necessarily to the same extent (Reisen, Soto & Weithöner 2004: 12).

Additional to the above definition, and specifically related to the notion of sustainability, a regional public good is aimed at present and future generations, meeting two criteria. Firstly, its benefits must have strong qualities of 'publicness', i.e. the good is marked by non-rivalry in consumption and non-excludability.

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[3] The particular role of member states in fulfilment of the obligations set out in Article 5 of the *Protocol Establishing the African Economic Community* (OAU 1991), as is also the case with SADC, appears not to be a popular research theme. Literature surveys indicate a pattern whereby analysts prefer to evaluate the performance of continental organisations and/or RECs in terms of the collective, either as OAU or AU, or as a particular REC. Alternatively, analysts appear to be inclined to review the performance of the central administrative structure of a particular organisation, for example the General Secretariat of OAU or the AU Commission.

Secondly, its benefits are quasi-universal in terms of states (covering more than one group of states), people (accruing to several, preferably all, population groups), and generations (extending to both current and future generations, and at least future generations) (Reisen, Soto & Weithöner 2004: 12).

Ferroni (2002: 3) describes regional public goods as a service or resource whose benefits are shared by neighbouring states (the states within the region). The benefits of pure regional public goods are non-rival (one state's consumption does not subtract from the amount available to other states) and non-excludable (no state in the region can be excluded from benefiting, except at prohibitive cost). Most regional public goods are significantly, but not wholly, non-rival and non-excludable. Rather than being 'pure' they are 'mixed', meaning that they bestow a combination of national and transnational benefits. The typical definition of the characteristics of 'publicness' of public goods involves individuals as the relevant units or referent objects. However, in the discussion of regional public goods, states, and not individuals, are taken as the relevant units.

According to the Inter-American Development Bank (IADB 2006: 3), regional public goods are defined as any goods, commodities, services, system of rules or policy regimes that are public in nature, that generate shared benefits for the states participating in a regional project, and whose production is a result of collective action by the participating states. This definition singles out the most important element of a regional public good, namely the requirement that the good must be produced by means of collective action among the participating states.

The IADB (2006: 3,4) further specifies that the good has to be produced by institutions that are in a position to guarantee the implementation, at the national level, of the commitments that result from the collective regional public good agreement. These are the public sector institutions that are responsible for the public policy in the area of the good. Therefore, the determining characteristics of a regional public good are the demonstration of public interest to produce the good, and the lack of incentives to privately produce the good. The collective action aspect entails that benefits of regional public goods are shared among the participating states and requires that these states cooperate to produce the good. Usually, this

implies that the states initiate their collaboration early on, i.e. during the stages of diagnosing the issue and designing a solution, in the form of a regional public good, including the institutional arrangements that will allow the good to be produced.

According to the EC (2008: 10) public goods must be provided at a regional rather than a national level, either if the underlying problem cannot be dealt with at national level, or if regional level intervention is deemed more efficient. Examples of potential regional public goods include cross-border transport links, peace-keeping operations, combating human trafficking, the fight against specific crimes (notably fraud and smuggling), infectious disease control, agricultural pests control and specific climate agricultural research (i.e. food security).

For the purpose of this study, the principle is adopted that regional activities (as opposed to national activities) must typically seek to enhance the supply of regional public goods, or to capture regional externalities. Therefore, they require the commitment – and most often the involvement – of more than one state. The key characteristics of such goods are that benefits and/or costs inevitably spill over national borders, to which end effective supply requires a shared commitment and collective actions (Kritzinger-van Niekerk 2008: 7). Three broad classes of regional public goods are described, depending on the nature and the scope of the externality involved, namely goods/services for which scale and competition matter; goods and/or activities with spillovers; and activities that benefit from a joint commitment, as follows:

(a)   **Goods/services for which scale and competition matter**: These are goods where small market size due to fragmentation reduces the scope for competition and economies of scale. In some cases (e.g. air transport, financial markets), competition and scale mutually reinforce one another. These services would typically be supplied by large corporations, and most effectively in a larger regional market that allows competition and permits optimal choice and deployment of technology and capacity. Another case is where competition is the overriding factor, and where market size is mostly a means for fostering competition (e.g. telecommunication and labour markets). The opposite case is when scale is the predominant factor, which holds, for example power pooling – the broader the space

and the more complementary the sources of power (e.g. hydro and thermal), the greater are the potential for reliable and cost-effective energy supply. All of these cases find expression in Southern Africa, for example the Southern African Power Pool (SAPP) (Kritzinger-van Niekerk 2008: 7).

(b)   **Goods and/or activities with spillovers**: This class of activity includes common goods that are associated with joint and non-rival consumption, or that are predominantly state-based but with significant spillovers to other sectors (e.g. the private sector). For this type of good, because states may not reap the full benefit in the absence of regional cooperation, too few of the common goods will be supplied in the absence of cooperation. An example of this type of good is the prevention of diseases such as malaria, which is widespread in SADC (Kritzinger-van Niekerk 2008: 7).

(c)   **Activities that benefit from a joint commitment**: These are activities that a state may unilaterally undertake, but where commitment and consistency are important for credibility, hence for maximum effectiveness. Macroeconomic policies (e.g. monetary, fiscal, trade and investment), and regulatory and legal reforms are examples of this class of activities. Joint commitment may be more or less effective, depending on the degree of economic interaction and the concomitant opportunity cost of exits (financial cost, economic cost and intangibles such as the loss of trustworthiness and prestige). These types of activities are typically the domain of national governments, for the reason that issues that are common to participating states within a regional integration arrangement, such as the problems of HIV/AIDS and food insecurity in SADC, are largely national in nature. Their containment, however, would benefit from harmonised and even collective solutions among states (Kritzinger-van Niekerk 2008: 7)[4].

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[4]   A related implication, falling outside the scope of this study, is the contention by Söderbaum (2003: 84), particularly related to SDIs but also applicable to major cross-border infrastructure programmes, that there is an intention for these programmes to be non-institutionalised and non-bureaucratic in order to be flexible and adjustable to private and contextual demands. This simply implies a loss of public participation and democratic control in the decision-making and implementation process. The end result is the reduced provision of regional public goods, first and foremost as a consequence of the fact that public goods are commercialised and turned into private goods. In order to counter this trend, the RISDP states that its member states must shift from a 100 percent reliance on public finance for physical infrastructure to a 70:30 ratio of public-to-private finance by 2010 and a 50:50 ratio by the year 2015 (SADC 2003a: 80).

3.5   Regional public goods related to infrastructure development

Infrastructure is identified as one of the key areas of collective regional interest that the New Partnership for Africa's Development (NEPAD) and a number of regional integration initiatives have recently raised.   The objectives are partly to foster integration of African markets through improved connectivity and partly to facilitate cross-border investment in Africa.   The high proportion of landlocked states necessitates cross-border trade facilitation and coordination in trans-boundary infrastructure investment.   In other cases, cross-border cooperation in the provision of infrastructure services could lead to a substantial reduction of their cost and enhance reliability of services (Ndulu, Kritzinger-van Niekerk & Reinikka: 117).

Elaborating on the essential nature of cross-border infrastructure, Foster and Briceño-Garmendia (in World Bank 2010: 145) contend that regional infrastructure is only one aspect of broader regional integration.   In contrast to economic or political integration, cooperation in infrastructure provision is easier to achieve, because benefits are more clearly defined, and states need to cede less sovereignty.   They therefore regard regional infrastructure cooperation as an initial step towards broader integration, in effect providing an entry point for integration processes because the costs and benefits and the rights and responsibilities of participating states can be more easily defined.   Regional infrastructure sharing builds institutions that promote closer economic integration, and mutual dependency encourages political stability.   States would be more willing to cede some sovereignty in exchange for tangible benefits, such as water sharing or lower prices for electricity or ICT services (World Bank 2010: 145).

The World Bank (2010: 144) furthermore argues that regional approaches can address the infrastructure backlog in Africa and enhance economic growth, overcoming the continent's restrictive geography.   Most infrastructure investments share characteristics of public goods and all benefit to varying degrees from scale economies.   Infrastructure sharing addresses the problems of small scale and adverse location, specifically those related to landlocked states, who are dependent on their neighbours for access to global markets.   Joint provision increases the scale of infrastructure construction, operation and maintenance, while at the same time

reducing costs, pools scarce technical and managerial capacity, and creates a larger market.

The World Bank's publication, *Africa's Infrastructure: A Time for Transformation* (World Bank 2010: 144-145), states that coordinated management and investment allow participating states to reap advantages and benefits from multistate infrastructure systems. Some regional infrastructure investments, for example types of transport investments, provide regional public goods, or facilitate access to a common pool resource. Water resource management for irrigation and other uses serves as a notable example. The critical requirement is that both regional public goods and common pool resources require effective coordination – since the quality of a transport network is determined by its weakest link, broad participation is crucial. Furthermore, regional infrastructure sharing builds institutions that promote closer economic integration and mutual dependence on infrastructure encourages political stability[5].

From a continental perspective, the *Protocol Establishing the African Economic Community* makes provision for the strengthening of sectoral integration at the regional and continental levels in all areas of activity, in particular the areas of trade, agriculture, money and finance, transport and communication, industry and energy (OAU 1991: Article 6(a)(ii)). The Protocol specifies that, in order to achieve a harmonious and integrated development of the continental transport and communication network, member states must develop coordinated programmes to restructure Africa's road transport sector for the purposes of establishing interstate links and the construction of major transcontinental trunk roads; as well as to prepare plans to improve, reorganise and standardise the various rail networks of member states with a view to improve their interconnection and to construct new railways as part of the Pan-African network.

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[5] An alternative approach offered by Kennes (2003: 160) confirms that the lack of adequate transport and communication infrastructure is a formidable constraint on the African continent, making trade between states difficult and costly. However, he contends that this lack of infrastructure is not really a good explanation for the lack of progress in economic integration. It is progress towards integration that usually leads to better infrastructure, rather than *vice versa*. This, Kennes argues (2003: 160), is because successful integration is inclined to increase the rate of return of investments in cross-border transport and communication infrastructure. Essentially, it is the transit trade that indirectly pays for the infrastructure and its maintenance.

Furthermore, member states have to harmonise their policies on air, maritime and river transport; modernise and standardise their transport and communication equipment in order to permit member states to be linked with one another and with the outside world; promote the proper integration of air transport in Africa and coordinate flight schedules; and coordinate and harmonise their transport policies at regional and continental levels in order to eliminate non-physical barriers that hamper the free movement of goods, services and persons (OAU 1991: Article 61).

The aforementioned must be read in conjunction with Article 54 of the *Protocol Establishing the African Economic Community*, which states that member states must coordinate their policies and programmes in the field of energy and natural resources. Specific provisions within this clause specify that member states must ensure the effective development of the continent's energy and natural resources, *inter alia* through the establishment of an adequate mechanism of concerted action and coordination for the collective solution of the energy development problems within Africa. In particular, this concerns those problems relating to energy transmission, the shortage of skilled technicians and the limited financial resources available for the implementation of the energy projects of member states.

3.6   The notion of micro-regionalisation

Foster and Briceño-Garmendia (in World Bank 2010: 156) are of the opinion that, too often in Africa, political expediency has encouraged the distribution of investments in regional public goods to all parts of a state or region, when a concentration of productive investments in high potential areas would yield greater economic benefits. They argue that the goal of all regional infrastructure efforts must be to facilitate the spatial organisation of economic activity as a catalyst for faster growth (World Bank 2010: 144). The RISDP introduces the concept within SADC that, in order to realise maximum impact and to address the development discrepancies that exist between member states, it is essential that the programme be implemented, as far as possible, within the context of SDIs such as development corridors, growth triangles, growth centres and TFCAs. These regional development corridors must be promoted as microcosms of regional integration and must replicate lessons from successful pilot projects (SADC 2003a: 31, 84).

Spatial development projects are considered as targeted, short-term and often extremely comprehensive initiatives, designed to facilitate global competitiveness, access to global capital and investment, infrastructural development and sustainable job creation in specific spatial locations (Söderbaum 2003: 82). Such a project is the key to the successful implementation of regionalisation in Southern Africa, in particular because regional infrastructural development in the context of a SDI serves not only as a gateway to long-term economic development, but tends to be less threatening than market integration initiatives. The additional advantage of these projects include the provision of clear gains for all concerned; the imposition of little or no loss of national sovereignty; and the absence of special compensation arrangements (Lee 2003: 164).

Slocum, Mordonu and De Lombaerde (2003: 109) refer to SDIs, development corridors and growth triangles as micro-regional cooperation projects, aimed at stimulating development, attracting private investment, enhancing regional economic integration, and integrating into the global economy – as such, they often seem to be inspired by a neo-liberalist view. Analysing the relationship between micro-regionalisation and macro-regional integration, the authors are of the opinion that the former does not substitute, but rather compliments, the latter – neither does micro-regionalisation duplicate other regional agreements covering a specific regional integration framework, as it is in principle an informal structure of cooperation.

The critical understanding is that broad regional integration agreements are not sufficient for specific cross-border situations that are covered by micro-regional cooperation arrangements. In effect, micro-regionalisation creates an operational framework and fast-tracks the existing formal agreements in an environment where the speed of action influences policy effectiveness. In addition, the dimensions of a micro-regional project do not impress by size. In contrast to wide, inefficient programmes, narrow agreements such as SDIs, development corridors or growth triangles can be steered more effectively (Slocum, Mordonu & De Lombaerde 2003: 106).

Although a micro-regional project characterises itself broadly on the basis of symmetrical conditions in terms of socio-economic development, asymmetries

appear when the relative importance of the project for the participating states is considered. Some states have more to gain from regional infrastructure cooperation than others, for example landlocked states depend particularly on effective road and rail corridors to the sea, as well as on intracontinental fibre-optic networks that link them to submarine cables. Coastal states depend particularly on the sound management of water resources upstream. Small states benefit especially from regional power trade that reduces the costs of energy supply. As long as regional cooperation and/or integration provide a substantial economic dividend to some of the participating states, designing compensation mechanisms that benefit all of them is not only essential but must be possible (World Bank 2010: 154).

3.7 The SADC experience with regional public goods

While the overall regional picture in Southern Africa is one of inadequate coverage, poor maintenance, weak financing and inefficient management systems, differences do exist among SADC member states. A number of states, such as Angola, Namibia and Mozambique, have been able to upgrade and expand their infrastructure assets and improve services through a combination of policy changes, institutional reforms and a conducive investment climate. These policy reforms have paved the way for increased private sector involvement in the provision of infrastructure resulting in commercialisation and cost recovery measures being put in place. The challenge facing the governments of member states is to establish regulatory frameworks to foster fair competition, support the emergence of a regional market and ensure that end users obtain the expected benefits (SADC 2003a: 28).

3.7.1 The SADCC foundation

Masemola (2005: 57) captures the early essence of what SADCC, as the predecessor of SADC was about, stating that, by 1977, a series of consultations among the Front Line States (FLS) took place under the leadership of President Seretse Khama of Botswana. An outcome of these consultations was the FLS' commissioning of various sectoral studies on the regional economy, covering all aspects of regional public goods, with a view to assessing the feasibility of creating a REC among the independent majority-ruled states of Southern Africa. These

sectoral studies became the basis of SADCC's Programme of Action for coordinated regional development and disengagement from South Africa.

Masemola (2005: 59) furthermore brings to the fore that the founding of SADCC was due largely to the initiative of the European Union (EU) commissioner in charge of cooperation with African, Caribbean and Pacific (ACP) states, Claude Cheyson, who during the time held the view that as a result of South Africa's apartheid policies, the state would probably be destroyed by civil war and/or internal strife. The onus, according to Cheyson, was therefore on South Africa's land-locked neighbours to develop new trade routes to the sea. Consequently, SADCC member states concentrated on developing their own infrastructure in order to reduce their dependence on the South African economic domination.

At the time South Africa was viewed as a threat to SADCC member states, with the effect that South Africa was not invited to participate in any of its programmes. As such, the aims of SADCC were to reduce an individual member state's economic dependence on South Africa and to promote economic development. The core SADCC strategy was to concentrate on promoting cooperation in the field of infrastructure that, in practice, meant that its primary activities were aimed at the coordination of members' development initiatives and assisting in raising donor funds for these projects (RSA DFA 1996: 2).

SADCC's early success was in the field of infrastructural development. In fact, in the first five years of its existence, almost 80 percent of SADCC's effort was directed towards infrastructure. Masemola (2005: 64) records that, from the outset, SADCC member states decided on transport and communication as a priority sector, based on the principle that, without the establishment of an adequate regional transport and communication system, other areas of cooperation became impractical. Despite, or perhaps because of the success achieved in this sector, SADCC became one of the main targets of South Africa's destabilisation policy during the 1980s (Schoeman 2002: 4).

The aforementioned process subsequently evolved into an approach where the emphasis from 1985 onwards shifted from specific projects towards the coordination

of sectoral plans and programmes, and from the development of infrastructure to measures intended for the promotion of investment and production. All of this was seen not only as a step towards reducing economic dependence, but also as laying the foundation for genuine and equitable integration (Masemola 2005: 64).

3.7.2 Adoption of the Regional Indicative Strategic Development Plan

By the time that SADCC converted itself into SADC in 1992, the organisation was inclined to adopt a development integration approach. This was based on SADC's recognition of the political and economic diversities of the constituent member states, including their diverse production structures, trade patterns, resource endowments, development priorities, institutional affiliations and resource allocation mechanisms (SADC 2003a: 3).

In August 2003, SADC Heads of State and Government adopted the RISDP, as the basis for the rationalisation of the SADC Programme of Action resulting from the restructuring exercise. Essentially, the RISDP provides strategic direction for achieving SADC long-term goals of deepening regional integration. The plan outlines strategies and timeframes for achieving these goals over the next fifteen years. The roadmap for deepening regional integration is to establish a Free Trade Area by 2008, a Customs Union by 2010, a Common Market by 2015, and a Monetary Union by 2016 (SADC 2003a: 66-67). Naturally, the effective operationalisation and implementation of the SADC Organ on Politics, Defence and Security Cooperation, and the *Strategic Indicative Plan of the Organ* (SIPO) as its programme of action underpins the RISDP.

The core purpose of the RISDP is deeper regional integration, to be achieved through peace and security; transparent and accountable governance; and the establishment of a Common Market (RSA NT 2006). The first two goals are regarded as pre-requisites, and are mainly dealt with in SIPO. Concerning the establishment of a Common Market, the following priority goals are identified: development of a regional institutional capacity; macro-economic convergence, including exchange rate alignment; free flow of goods, services, capital and people; financial integration; and delivery of regional public goods.

The RISDP considers regional public goods of critical importance in order to create an environment that, in turn, is regarded as an enabler for market integration. As such, regional public goods are regarded as enablers for market integration (Short 2006: 10). In this regard the RISDP (SADC 2003a: 67) states that, for SADC, bridging the infrastructure gap has the potential of deepening integration through the sharing of the production, management and operations of infrastructure facilities, hubs and development corridors.

It is axiomatic that the provision of regional infrastructure is key to the SADC region meeting some of the objectives stated in the *Amended SADC Treaty*, in particular those relating to economic growth, poverty reduction, sustainable development and the maximisation of productive employment. The RISDP states that investment in infrastructure remains a priority for the region and has been recognised as the backbone of regional integration (SADC 2009: 8).

In presenting infrastructure development as essentially a regional cooperation activity, the RISDP states that the aim of this critical intervention must be to ensure the availability of sufficient, integrated, efficient and cost-effective infrastructure that will support and sustain regional economic development, trade, investment and agriculture that will contribute towards poverty eradication. Specific RISDP strategies for achieving these goals include:

- For the energy sub-sector, promoting power pooling through the extension of grid interconnections and consolidating the transformation of SAPP from a cooperative to a competitive power pool.
- In the petroleum and gas sub-sector, promoting the joint exploration and development of resources and cooperation in joint procurement of petroleum products.
- In the tourism sub-sector, increasing cooperation in marketing and promotion and attracting investment.
- In the transport and communication sub-sector, reducing capital, maintenance and operating costs as well as policy harmonisation and liberalisation of markets in respect of all forms of transport.

- In the water sub-sector, establishing and strengthening shared watercourse systems and promoting the development of water infrastructure (SADC 2003a: Preamble).

This policy framework on infrastructure is also supportive and responsive to SADC's strategic priorities that are targeted at industrialisation, the promotion of economic and social infrastructure, developing agriculture, gender mainstreaming, human resources development, and improving social welfare (SADC 2003a: 28).

As in the case of the *Protocol Establishing the African Economic Community*, the core responsibility for the implementation of the RISDP lies with the respective member states. As stated by President Benjamin Mkapa of Tanzania, "we believe that the RISDP and SIPO will assist the region to create a promising future and stability, peace, security, democracy, prosperity and equity. Member states, through SADC National Committees (SNCs), will be key implementers of these plans" (SADC 2003a: Preamble). This implies that individual member states must intensify their efforts to implement comprehensive economic and social reforms within the NEPAD development framework, pursuing poverty reduction oriented policies, addressing good governance issues, infrastructure and production capacity constraints (SADC 2003a: 15).

3.7.3 Current situation *vis-à-vis* the implementation of the RISDP

An analysis of the twelve RISDP priority intervention areas, conducted by the SADC Secretariat, has shown that two intervention areas are central to the overall process of economic development integration. The first area is trade/economic liberalisation and development including, among others, free movement of goods, services and factors of production, and intra-regional investment and foreign direct investment. The liberalisation of trade in goods would, however, not necessarily imply the complete abolishment of non-tariff barriers.

The second priority area is related to the development of efficient infrastructure and services to facilitate the free movement of people, goods and services across the region, which will be enhanced through interventions in the key areas of transport

and communication, ICT, energy and water (SADC 2006). These twin intervention areas are accommodated in the *Windhoek Declaration* of 2006, which captured the *Regional Economic Programme* and *Infrastructure Support for Regional Integration* programmes as the key priorities to be pursued as one *Regional Integration Programme* (SADC 2009: 5).

Apart from the abovementioned priority interventions, SADC also has to deal with the regional dimensions of emergencies such as HIV/AIDS, natural disasters and food security. These interventions are included as priorities in the implementation of the RISDP, as directed by previous SADC Extraordinary Summits on HIV/AIDS and Food Security. However, all other intervention areas, including social and human development, gender and development, environment and sustainable development, must be pursued in as much as they contribute and add value to the two core interventions outlined above (SADC 2006).

Despite early progress, by 2005 it became apparent that SADC's economic development and integration process had lost momentum. Four factors have contributed to this:

- Firstly, the restructuring of SADC's institutional framework in 2001 resulted in the loss of capacity to drive the development and integration agenda from a technical perspective, and in the marginalisation of sectoral ministers in decision-making.
- Secondly, member states are unwilling to surrender their sovereignty in order to reap the benefits of economic integration, partly because such benefits remain ill-defined and elusive.
- Thirdly, the absence of an enforcement mechanism, in the form of a supranational authority (e.g. the SADC Tribunal) has resulted in the failure to honour the vast majority of political and economic commitments made by member states, as evidenced by the sluggishness in terms of implementation of SADC's sectoral protocols.
- Lastly, the de-linking of SADC's economic and political agendas and the fragmentation of the various elements of the economic agenda have narrowed

the scope for negotiating trade-offs across the two areas and for developing a full understanding of the benefits that economic integration can yield (Short 2006: 15; see also RSA NT 2006).

Former South African Minister of Finance Trevor Manuel provided an analysis of the implementation of the RISDP when he addressed the annual SADC Integrated Committee of Ministers' meeting in Sandton on 22 June 2006, stating that while SADC's political agenda had advanced, progress on the economic front was limited. This was evidenced by the fact that intra-regional trade within SADC, as well as Africa's other RECs, remained low compared with non-African RECs (RSA NT 2006).

Manuel identified the obstacles as poor inter-regional trade as the non-complementarity of domestic production, poor infrastructure linkages, the absence of enforcement of regional protocols, sovereignty, prohibitive customs and border controls, and the lack of international trade financing. The *status quo* was therefore disintegrated markets and industries, where individual SADC states were constrained by the small size of their economies. He pointed out that the key reason that the economic integration agenda had stalled was that most SADC member states could not envisage concrete benefits from economic integration, against the substantial cost of surrendering sovereignty. This, said Manuel, was not unique to SADC: the unwillingness of individual member states to give up sovereignty for a future of common good has been the central challenge to regional integration agreements all over the world (RSA NT 2006; see also Diabre 2003: 148).

Related to this is the failure of member states to incorporate the provisions of regional instruments into domestic laws and policies, which undermines regional efforts at policy harmonisation (SADC 2003a: 46); a concomitant low level of implementation of treaty obligations; limited complementarity between African regional economies; a failure to resolve deep-rooted political differences among member states of RECs; and the increase of conflicts in Africa. In addition, a lack of broad participation by all stakeholders in African states has been an important stumbling block to the success of these groupings (Diabre 2003: 148).

A critical current deficiency confronting SADC, alongside inadequate technical capacity, is the absence of appropriate decision-making structures to drive economic integration (Short 2006: 12). The restructuring of SADC institutions resulted in the dismantling of the Sector Coordinating Units (SCUs) without a concomitant replacement of this capacity in the centralised technical structure located in the newly created Directorates within the SADC Secretariat (RSA NT 2006). This has led to a situation where the Secretariat has been unable to steer the implementation of the RISDP.

There appears to be almost too much reliance on the SADC Secretariat to initiate issues and to provide content, while not enough emphasis is accorded to the implementation of programmes, also by member states. The functions of coordination and implementation of sectoral programmes, previously the responsibility of SCUs, have in the new structure been replaced by the coordination function resorting with the SADC Directorates, and implementation being primarily the responsibility of member states (Short 2006: 12).

3.8   Conclusion

The aim of this chapter was to provide a contextualisation of regional cooperation, as a distinct theory and practice separate from regional integration and/or market integration within the theoretical perspective of regionalisation. Regional cooperation is defined as an issue-focused arrangement, in terms of which a group of states within a specific geographic area cooperate for a joint development project and facilitation of exchange of information or best practices.

The particular focus on regional cooperation, in contrast to the other types of regional integration arrangements, is for the reason that it forms the basis of the delivery or protection of regional public goods. The participating states retain full control and if needed, may opt-out of the agreement with relative ease. Specifically compared to regional integration, regional cooperation is easier to achieve, because benefits are more clearly defined, and participating states need to cede less sovereignty. As a component of regional cooperation, regional public goods are defined as any goods, commodities, services, system of rules or policy regimes that

are public in nature, that generate shared benefits for the participating states and whose production is a result of collective action by the participating states.

The RISDP considers regional public goods – in particular infrastructure – of critical importance in order to create an enabling environment, which, in turn, is regarded as an enabler of market integration. Serving as a vehicle for the implementation of regional infrastructure programmes, micro-regionalisation projects in the form of SDIs, development corridors and growth triangles are aimed at stimulating development, attracting private investment, enhancing regional economic integration, and integrating the Southern African region into the global economy.

What is, however, of concern, is SADC's lack of momentum or drivers for the development of efficient infrastructure and services to facilitate the free movement of people, goods and services across the region. This falls primarily within the ambit of member states. Chapters 4 and 5 will therefore focus on an analysis and description of how SADC member states, and particularly South Africa – considering that it is a key stakeholder in the regional development and integration process, could focus their efforts on the urgent need for strategic regional infrastructure interventions. Prioritising efforts towards the integration of infrastructure by means of diplomacy will also serve as a precursor to and an enabler for the deeper economic integration, thereby allowing SADC states to gain scale economies and harness regional public goods.

Chapter 4

THE REGIONAL LEVEL:
THE DIPLOMACY OF SADC FOREIGN MINISTRIES IN REGIONAL COOPERATION IN SOUTHERN AFRICA

"Not, really, that it makes the slightest difference to the conclusions of a meeting what the Ministers say at it. Everything is decided, horse-traded off, by officials... The Ministers arrive on the scene at the last minute, hot, tired, ill, or drunk (sometimes all of these together), read out their piece, and depart. Strange, really, because the EC constitution is quite well drawn. Together, Council of Ministers is sovereign, and can/could boss (the officials) around. But, as always in politics everywhere, democratic or autocratic, it's the chaps on the spot, who call the shot". Kenneth Clark (quoted in Batora 2003: 17)

4.1   Introduction

The assumption made in Chapter 1 is that because of the need for regional public goods agenda-setting and policy prioritising, and based on the utility of diplomacy in this respect, DIRCO plays a central and catalytic role within SADC. However, considering the wider context of the role of diplomacy in pursuit of regionalisation, the aim of this chapter, at the onset, is to describe the convergence of the concepts of diplomacy and regionalisation. The assumption is that diplomacy is necessary and essential for the management of regionalisation in Southern Africa, before attempting to analyse the specific role of DIRCO *vis-à-vis* the delivery of regional public goods in the next chapter.

For the purpose of this chapter the five tenets of diplomacy, indicative of the role of diplomacy, as identified by Du Plessis (2006: 124-125), will be utilised as a framework for analysis, albeit in a different order. This change of order is necessitated because of the amendment of Article 11(1) of the *SADC Treaty* in 2001, which implies that SADC foreign ministries must now assume responsibility for overseeing the functioning and development of SADC and the execution of its programmes. The first tenet for discussion will therefore be diplomacy as an

administrative function within government, to emphasise the mandate and responsibilities of the SADC foreign ministries. The discussion of the other four tenets will follow the regular order.

4.2 Aim and purpose of SADC

The aim of SADC, in order for the SADC region to emerge as a competitive and effective player in international relations and the world economy, is to promote sustainable and equitable economic growth and socio-economic development through productive systems, deeper integration and cooperation, good governance, and durable peace and security (SADC 2001: Article 5(1)).

A fundamental principle is stipulated in Article 5(1)(e) of the *Amended SADC Treaty*, which states that a key objective of the organisation is to achieve complementarity between national and regional strategies and programmes. Article 5(2) elaborates on a number of key guiding principles that member states have to implement in order to achieve SADC objectives, *inter alia* to harmonise political and socio-economic policies and plans of member states; to encourage the people of the Southern African region and their institutions to take initiatives to develop economic, social and cultural ties across the region, and to participate fully in the implementation of SADC programmes and projects; to develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the people of the region generally, among member states; to improve economic management and performance through regional cooperation; and to promote the coordination and harmonisation of the international relations of member states.

Article 21 of the *Amended SADC Treaty* outlines the areas of cooperation necessary to foster regional development and integration, on the basis of balance, equity and mutual benefit. A key requisite, as stipulated in Article 21(2), is that member states must, through appropriate institutions of SADC, coordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects in the areas of cooperation. These areas are provided in Article 21(3), being food security, land and agriculture; infrastructure and services; trade, industry, finance, investment and mining; social and human development; social welfare,

information and culture; science and technology; natural resources and environment; and politics, diplomacy, international relations, peace and security.

4.3   Diplomacy as an administrative function within SADC

The SADC COM, amongst others, is responsible for overseeing the functioning and development of SADC and the execution of its programmes, as well as advising SADC Heads of State and Government on matters of overall policy. As stated in Chapter 1, the *SADC Treaty* was amended in 2001 to specify that the membership of the COM should consist of foreign ministers, replacing ministers for economic planning or finance, as was previously specified. The other sub-paragraphs of the relevant Article assign the following key responsibilities to the COM: Oversee the functioning and development of SADC; oversee the implementation of the policies of SADC and the proper execution of its programmes; advise the Summit (of Heads of State and Government) on matters of overall policy and efficient and harmonious functioning and development of SADC; approve policies, strategies and work programmes of SADC; and direct, coordinate and supervise the operations of the institutions of SADC subordinate to it (SADC 2001: Article 11).

Additional to the composition, functions and responsibilities of the COM, Article 13(1) of the *Amended SADC Treaty* stipulate that the Standing Committee of Officials (SCO), which serves as a technical advisory committee to the COM, "shall consist of one permanent secretary or an official of equivalent rank from each Member State, *from the Ministry that is the SADC National Contact Point*" (own emphasis). This must be read in conjunction with the revised Article 16A that introduces SNCs as formal institutions within the organisation of SADC. Article 16A(4) assigns the following key responsibilities to SNCs: Provide input at the national level in the formulation of SADC policies, strategies and programmes of action; coordinate and oversee, at the national level, implementation of SADC programmes of action; and initiate projects and issue papers as an input to the preparation of the RISDP, in accordance with the priority areas set out in the SADC Common Agenda.

Although not stipulated in the *Amended SADC Treaty*, the *de facto* practice in SADC is for the senior official representing a member state in the SCO as well as the nodal

point of the National Committee to be of the same ministry as the minister representing the particular member state in the COM.

The author, returning to South Africa from a diplomatic posting to London in 1995, served as a member of the progressive expansion of the nodal point for South Africa's SNC within DFA, later DIRCO, and as such is in a position to provide an overview of this process. Initially, upon South Africa's accession to the *SADC Treaty* in August 1994, the SADC function was the responsibility of a sub-directorate within the Directorate Africa Multilateral, which resorted under the Chief Directorate Southern Africa in the Africa Branch. In early 1996, the Directorate Africa Multilateral was transformed into the Directorate SADC, comprising three dedicated SADC sub-directorates. Within this structure, the nodal point for the SNC was elevated to the Director SADC. Upon South Africa's taking over the chair of SADC in Maseru in August 1996, a second short-lived Directorate Regional Coordination was created, specifically for the purpose of providing a support service to President Nelson Mandela in his capacity as chair of SADC. This second Directorate, which also formed part of Chief Directorate Southern Africa, was soon abolished and its members re-allocated to the Directorate SADC.

In April 2000, the SADC Directorate was amalgamated with the OAU Directorate, which previously formed part of the Chief Directorate North Africa, into a newly established Chief Directorate Africa Multilateral. In its new guise, the two component Directorates were renamed Directorate Political and Security and Directorate Social and Economic, aimed at dealing with the regional and continental multilateral issues within a functional (or issue-based) context. The Director Social and Economic assumed the role of nodal point for the SNC. This configuration did not last long, and soon the DFA adopted a hybrid organisations/functional approach, now comprising four directorates within the Chief Directorate, respectively responsible for the AU, SADC, the newly-established NEPAD programme and the National Office for the Coordination of Peace-keeping Missions. The nodal point for the SNC resorted back to the Director SADC.

In 2004, the Chief Directorate Africa Multilateral was transformed into a new Branch within DFA, to be headed by its own Deputy Director-General. In effect, its

organisation remained the same as before, based on the allocation of a Deputy Director-General and associated staff to its existing establishment of a Chief Directorate with four constituent directorates. In August 2005, the level of the nodal point for the SNC was once more upgraded, now to the level of the Chief Director Africa Multilateral. Despite numerous proposals during the period 2006 to 2010 aimed at upgrading the Branch Africa Multilateral to become a multi-Chief Directorate structure, no such restructuring has been forthcoming.

The inclination towards having foreign ministers representing member states in the COM is mirrored by a similar representation in the SCO, while the nodal points for SNCs are located within the foreign ministry. The evolution of this organisational arrangement with SADC is indicative of the evolution in SADC from narrow-based sectoral cooperative policy between member states into the more wide-ranging realm of foreign policy. Central in this is the greater involvement of foreign ministries, also in terms of agenda-setting and prioritising within SADC.

4.4 Diplomacy as an institution of regional relations

With specific reference to diplomacy, SIPO (SADC 2003b: 15) states that SADC member states undertake regular consultations on matters of mutual interest both through formal and informal networks. The formal networks that member states maintain to promote political, economic, social and other forms of cooperation include accreditation of resident and non-resident diplomatic missions to each other's capital. SADC policies acknowledge the links between the organisation's socio-economic objectives and its political and security objectives – underscoring that 'ills' in one sphere beget 'ills' in the other. However, as Oosthuizen (2006: 321-322) argues, SADC has not moved beyond this. In his opinion, the joint development of coordinated, integrated and practical policy responses across the socio-economic and political and security divide – and across divides in these spheres – by institutions and bodies below the Summit and the COM is left to chance. This is mainly as a result of an overemphasis on the role played by ministers, compared to the role of senior officials participating in the SCO and in SADC's technical committees.

Oosthuizen (2006: 322) furthermore argues that notwithstanding best management practice and what SADC treaties and plans envision, political leaders appear not to be keen to delegate decision-making to either Secretariat staff or to national officials. While not content to steer, oversee and manage other institutions and officials, the elected officials are inclined to exercise control and be apprised of everything at every step. Whatever lies behind this, such top-heavy, ministerial micro-management is not the cheapest or most effective and expeditious way of going about SADC's business.

The inclination is not to support Oosthuizen's contention. As will be discussed below in terms of the process of decision-taking in SADC, the tendency is for officials participating in the SCO to follow a clearly-identifiable interest-driven approach, to the detriment of overall community interests. At the political level, however, it is often the influence of the COM that contributes towards the balancing of member state interests *vis-à-vis* community interests. What is more critical is the availability of ministers to comprehensively engage in the critical responsibilities of the COM, due to their national commitments; bilateral commitments; regional commitments (often compounded by their member states' multiple membership of RECs); continental commitments (in particular the AU); and the plethora of general international commitments brought about by the phenomenon of globalisation.

The comparative advantage of the COM comprised of foreign ministers is its ability to attain a closer alignment between the political, peace and security agenda of SADC and its socio-economic development agenda[6]. Managing this complimentarity on one axis, must however be supported by the concurrent management on a different axis of the different standards of appropriateness in member states' relations to fellow member states in SADC on the one hand – both within the SADC collective and individually in terms of bilateral relations – and to third states (extra-SADC) on the other hand (Batora 2003: 14).

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[6]   Berridge (2005: 22) notes that in states where the foreign ministry is completely marginalised, for example certain developing states where economic and financial problems completely dominate their international relations, coordination by the foreign ministry is a forlorn hope.

Illustrative of this notion, Batora (2003: 14) states that "the new challenges and threats to Germany's security no longer originate primarily in Europe but outside of it. This does not mean a return to a presumably harmless 'normality' in a pacified Europe, but it is about our freedom to take on an international responsibility". The reason for this is the change of the standards of diplomatic appropriateness within Europe as opposed to outside Europe – while the Westphalian system is based on the notion of an anarchical collection of states, the EU is a community of states regulated and bound by law.

The intra-SADC mode of diplomacy followed within the deliberations and activities of the COM is essentially different to the traditional mode of diplomacy as followed in terms of the bilateral relations amongst individual SADC states. This difference resides therein that the SADC mode is stripped of traditional national security concerns and that it focuses on facilitating the sectoral and functional cooperation between national administrations – the very fact of membership of SADC precludes the possibility of war between member states (Batora 2003: 13-14). The system of bilateral diplomatic relations within SADC is therefore characterised by a move from the traditional set of diplomatic rules and norms premised on the idea of international anarchy towards the emerging logic of appropriateness based on the assumption of a SADC legal community and common security (Batora 2003: 15).

For each SADC member state there is therefore the critical need for a closer alignment and mutual reinforcement of regional (i.e. SADC) and bilateral priorities within Southern Africa, in the process combining the political and socio-economic agendas of SADC, while at the same time developing and maintaining a common foreign policy approach on issues of mutual concern and the collective advancement of such policy in international fora, in particular towards the AU – as per Article 5(2)(h) of the *Amended SADC Treaty*.

In addition, the aforesaid implies that the diplomatic and consular missions of the member states in third states and at international conferences, and their representations to international organisations, must cooperate to ensure that SADC common positions and joint actions are complied with and implemented.

Batora (2003: 15-16) expresses caution, stating that there is no guarantee that all member states would be changing in the same manner within the three-dimensional character of regional diplomacy described above. In terms of their mutual awareness of being involved in a common enterprise of intra-SADC diplomacy, the change at the foreign ministries may involve the development of multiple and/or varying standards of diplomatic appropriateness. The result would be the fragmentation of intra-SADC bilateral diplomacy, reflecting divergent views when it comes to the notion of what form of integration SADC is or should be. This is already noticeable in SADC, considering the different and even competing visions within the member states about the type of regional integration the member states wish to see – a consequence of the extreme differences between the size, structure and strength of member state economies (SADC 2010: Paragraph 2.19; see also Short 2006: 12). This situation can be counteracted through an increased interaction and information flow between the foreign ministries of member states supporting such a diplomatic mode, and the emergence of clear patterns of coalition building and domination, especially regarding shared normative expectations.

It is evident that the utility of diplomacy, as practiced by SADC foreign ministries serving as the custodians of diplomacy and diplomatic practice with their respective governments – serves a catalytic role as the master institution in the management of regionalisation.

4.5 Diplomacy as an instrument of regional foreign policy

Whilst the concepts of diplomacy and doctrine are rarely used in the same context, the development of specific doctrine relevant to the application of diplomacy in the management of regionalisation may direct and support the role of SADC foreign ministries in the execution of regional foreign policy. This suggestion is based on the transference and application of the notion of doctrine from the military to the diplomatic mode. A typical definition of military doctrine is that it comprises fundamental principles by which the military forces or elements thereof guide their actions in support of national objectives. It is authoritative, but requires judgement in application (Baker & Jordaan 2010: 186). Doctrine offers a distillation of experience, providing a guide based on methods that have worked in the past and that are

thought to be of some enduring utility. Applied in a military sense, by providing a common orientation, language and conceptual framework, doctrine helps soldiers navigate through the so-called 'fog of war' (Baker & Jordaan 2010: 186).

It should, however, be noted that doctrine, while authoritative, remains a guide and is not a substitute for thought, but is complementary to it. Doctrine requires cognitive and interpretive engagement by the user. Central to the identification of doctrine is the process of adaptation (Baker & Jordaan 2010: 187). Adaptation comprises the constant incorporation of skills, methods and tactics gained through experience and the development of new and more appropriate skills, tactics and capabilities to more effectively address specific challenges. A pragmatic organisation is one that has a memory, imagination and willingness to adapt, and has established knowledge about a given situation rather than attempting to implement set theory (Baker & Jordaan 2010: 37). This returns to the notion expressed previously (see Chapter 2) that the central task of diplomacy is not just the management of order, but also the management of change and thus, through continued persuasion, the concurrent maintenance of order in the midst of change

In this sense, by transferring and applying the military definition to the diplomatic mode, doctrine is not used as a synonym for foreign policy or strategy. Instead, it is applicable to the authoritative application of the three specific principles that relate to development integration, being the principles of additionality, subsidiarity and variable geometry. Whilst being authoritative, the application of these three principles obviously require judgement and adaptation in application (Berridge, Keens-Soper & Otte 2001: 163).

The first principle, additionality, is deemed essential in the sense that member states must respect transnational programmes only to the extent that they are seen to add value or generate solutions to common problems faced by the SADC region. In essence, this implies that RECs must only do what national governments cannot do as well, where they have additionality. This principle is important in the sense that member states will respect the RISDP only to the extent that it is seen to be adding value or generating solutions to common problems faced by the region (SADC 2003a: 84; Ndulu, Kritzinger-van Niekerk & Reinikka: 118).

By the time of the adoption of the *Amended SADC Treaty* in August 2001 and the RISDP in August 2003, the SADC Programme of Action covered about 470 projects, of which 80 percent had a strong national character, which were expected to be implemented under the national programmes of member states.   Therefore the critical requirement for SADC is to adopt only those projects that fall beyond the national reach of its member states, where collective action within the regional context will be able to generate solutions to problems while at the same time avoiding the adoption of projects with a strong national character (Oosthuizen 2006: 100-101).

The second principle of subsidiarity is framed by *Murphree's Law*[7], which states that any level of a structural hierarchy will be inclined to assume as much of the powers and competencies of a higher level as possible, and at the same time be reluctant to release powers and competencies to lower levels. Phrased differently, *Murphree's Law* (1992) implies that power structures at the political and economic centre are not disposed to surrender their privileges and will use their power, including their abilities to shape policy and law, to maintain their monopolist position. In the context of the management of regionalisation, these postulations are applicable to the principle of subsidiarity that implies that SADC policy institutions and/or technical bodies should be willing to delegate the implementation of programmes and projects to levels where they can best be managed.

The RISDP (SADC 2003a: 84) defines the principle of subsidiarity as "all programmes and activities are undertaken at levels where they can be best handled". This implies that the involvement of institutions, authorities and agencies outside formal SADC structures to initiate and implement regional programmes using their own resources must be promoted and encouraged. The advantage of this approach is that it ensures that the available capacity within SADC, specifically that of the Secretariat, is most efficiently utilised for policy development and harmonisation, as well as for programme coordination and management.

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[7]   As shared with the author by Professor Marshall Murphree, Director of the Centre for Applied Social Studies, University of Zimbabwe in 1992.

To illustrate, Foster and Briceño-Garmendia (in World Bank 2010: 156) use the example of a power pool that has a clear mandate, sufficient autonomy to execute responsibilities, a dedicated funding mechanism and career opportunities that attract and retain high-calibre staff. The members of a power pool are national electricity utilities, which similarly have clear functions and roles within their national contexts and are less subject to immediate political pressures than less technical public agencies.

Notably, as an example, the exercise of the powers of the EC is also governed by the subsidiarity principle. Under this principle, in areas which do not fall within its exclusive competence, the EC may act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the member states, either at central level or at regional and local level. In turn, by reason of the scale or effects of the proposed action, they can be better achieved at the Community level. By implication, there are two facets to the subsidiarity principle as applied in the EU. Firstly, the affirmative statement that the EC must act where the objectives to be pursued can be better attained at Community level, which enhances the EC's powers. Secondly, the negative statement that the EC must not act where objectives can be satisfactorily attained by the member states acting individually. In practice, this means that all institutions of the EU, in particular the Commission, must always demonstrate that there is a real need for EU rules and common action. The inverse is that, when it is not necessary for the EC to take action, it is essential that it should indeed take none (Borchardt 2000: 29). The same approach should apply to the SADC Secretariat, both in the exercise of its powers as well as in terms of the expectations of the member states[8].

The third principle, variable geometry, makes provision for a sub-grouping of participating states to move towards deeper, more advanced integration than other member states, on a more or less permanent basis (Kennes 2003: 158). Used in this context, this principle denotes the possibility of differential participation in the policies of a REC (Cremona 2001: 193). Oosthuizen (2006: 319) mentions that

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[8]   The researcher is indebted to Dr Themba Mhlongo of the Southern African Trust (previously serving as Chief Director in the SADC Secretariat *inter alia* responsible for the drafting of RISDP) for his explanation of this principle.

SADC has no official policy of allowing members to permanently opt out of cooperation in a particular area or on a particular issue – the failure of a member state to implement a particular policy may have the same effect, but is altogether a different aspect.

Nomenclature, such as enhanced cooperation, two-speed and/or multi-speed approaches, describe this principle and related practices in the EU, and convey the sense of flexibility it envisages. Oosthuizen (2006: 320) contends that by putting variable geometry to use more frequently and by permitting member states to permanently opt out of cooperation in a particular area or on a given issue, could, if handled correctly, help SADC become more effective and cohesive. From an overall regional integration perspective, such arrangements may not be ideal. However, they may offer a better alternative to the present situation in which implementation in many areas of cooperation are held back in part because sub-groups of member states, differing from area to area, are not wholly committed to it.

Variable geometry provides two options, namely *à la carte* integration and flexible integration. In *à la carte* integration, each participating member would be allowed to make its own selection from a menu of integration policies – expressed differently, each member can opt-out of any policy that it does not like. Flexible integration involves agreement on a list of core policies to which all participating state parties must subscribe, together with other areas where participation is voluntary – thus the opting-out possibility is limited to non-essential matters (Kennes 2003: 158). Specific clauses in EU treaties apply to flexible integration, whereby member states that intend to establish closer cooperation may make use of the institutions, procedures and mechanisms laid down in EU treaties, subject to specific provisos. This introduces the possibility of closer cooperation within the EU, to enable a sub-group of member states to work together in some areas, when not all the member states want to (or can) do so (Kennes 2003: 158; Borchardt 2000: 8).
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In applying diplomacy as the master instrument of regional foreign policy, it is obvious that its key function would be the management of all regionalisation initiatives, with specific reference to the application of the principles of additionality, subsidiarity and variable geometry. In doing so, diplomacy serves not as an end but

a means; not a purpose but a method. It seeks through the use of reason, conciliation on and the exchange of interests to prevent major conflicts arising between states (Berridge, Keens-Soper & Otte 2001: 163).

4.6 Diplomacy as the formulation of regional foreign policy

Morgenthau (1973: 520) describes the foreign ministry as the policy-forming agency, the 'brains' of foreign policy where the impressions from the outside world are gathered, analysed and evaluated, where policy is formulated, and from where the impulses emanate which the diplomatic representatives transform into actual foreign policy. In other words, foreign ministry officials are constantly engaged in making "a vast number of policy decisions, at all but the highest level of importance" (Geldenhuys 1984: 101).

Applied to the management of regionalisation, a key function of SADC foreign ministries is the establishment and maintenance of a national network of excellence for developing or formulating an integrated approach to member states' participation in SADC. The main purpose of the institutional framework is the development of consolidated and integrated regional policy as far as national participation in SADC and beyond in the rest of Africa is concerned. This requires a layered process, involving the mapping of specific economic and political elements by individual line-function ministries and their alignment and sequencing in a cooperative government setting.

In the longer term, SADC foreign ministries must consider the need for a fundamental transformation of SADC's institutional framework as a necessary condition for the formulation of policy on successful implementation of deep economic integration. In particular, a supranational authority (in the form of the SADC Tribunal) is required to enforce commitments made by member states, as well as to deal with disputes that may arise between member states. At present, the aim of the SADC Tribunal is to ensure adherence to and the proper interpretation of the provisions of the *SADC Treaty* and subsidiary instruments, and to adjudicate disputes referred to it (SADC 2001: Article 16(1)).

Oosthuizen (2006: 209-210), writing from a legal background, summarises the type of matters that may serve before the Tribunal, namely: the Tribunal has exclusive jurisdiction over all disputes between SADC and member states; it has jurisdiction over disputes among member states, referred to it by them; it has exclusive jurisdiction over all disputes between SADC and its staff relating to their conditions of employment; it has exclusive jurisdiction over disputes between natural or legal persons (such as companies) and SADC; and it has jurisdiction over disputes between member states and natural or legal persons, referred to it by them. In addition, national courts or tribunals are supposed to request a preliminary ruling from the Tribunal if a question before them concerns the application or interpretation of the *SADC Treaty* or subsidiary instruments, and if they consider a preliminary ruling necessary to enable them to give judgement.

By comparison, the EC, apart from its usual powers and functions, also serves as the guardian of the Community Treaties. The EC has a principal responsibility in terms of the monitoring of member states' application and implementation of primary and secondary Community legislation. The EC may institute infringement proceedings in the event of any violation of Community law and, if necessary, it refers the matter to the Court of Justice. The Commission also intervenes if Community law is infringed by any natural or legal person and imposes heavy penalties. Over the last few years, efforts to prevent abuse of Community rules have become a major part of the EC's work (Borchardt 2000: 22).

Related to this, SADC should take note of the way that the European Court of Justice (ECJ) uses particular cases as an opportunity to set out a number of findings of a fundamental nature concerning the legal nature of the EC. The 1963 *Van Gend and Loos* matter prompted the ECJ to decide that: "The objective of the EEC Treaty ... implies that this Treaty is more than an agreement which merely creates mutual obligations between the contracting states. This view is confirmed by the preamble to the Treaty, which refers not only to governments but to peoples. It is also confirmed more specifically by the establishment of institutions endowed with sovereign rights, the exercise of which affects member states and also their citizens". The conclusion drawn from this is that the EU constituted a new legal order of international law within which its member states have limited their sovereign rights,

albeit within limited fields. The subjects of this new legal order comprise not only EU member states but also the citizens of the member states (Borchardt 2000: 22).

In 1964, in its judgement pertaining to the *Costa/ENEL* matter, the ECJ stated the following in relation to the legal nature of the EC: "By creating a Community of unlimited duration, having its own institutions, its own personality, its own legal capacity and capacity of representation on the international plane and, more particularly, real powers stemming from a limitation of sovereignty or a transfer of powers from the States to the Community, the member states have limited their sovereign rights ... and have thus created a body of law which binds both their nationals and themselves" (Borchardt 2000: 23). Thus the EU's own legal system in effect becomes an integral part of the legal systems of its member states and also one that the respective courts of member states are bound to apply.

A critical aspect for diplomacy of SADC foreign ministers in the formulation of foreign policy will be to foresee within the ongoing evolution of the regional organisation is how the SADC Tribunal can utilise particular cases as an opportunity to produce a number of findings of a fundamental nature concerning the legal nature of SADC. This will directly involve the utility of diplomacy within the process of formulating regional foreign policy where specific rules have to be developed regarding the powers of SADC as far as the monitoring of member states' application and implementation agreed programmes are concerned. What is required in the medium- to long-term is an extensive process of diplomacy to determine when and how the Tribunal to be provided with the necessary powers be in a position to consider matters regarding non-implementation of by member states, referred to it by the SADC Secretariat.

4.7 Diplomacy as a dialogue between regional actors

The actual implementation of regional cooperation and integration is a delicate process covering the setting of realistic targets, negotiation, implementation, control and resolution of disputes. It is conditioned by the decision-making process, which can be intergovernmental, supranational or mixed (Kennes 2003: 157). The principle of decision-taking by consensus – stipulated by Article 19 of the *SADC Treaty* – is a

definite factor retarding progress, as decisions invariably have to be watered down to cater for all objections and opinions, sometimes to the critical detriment of the decisions and their effectiveness. Decisions are therefore often based on the lowest common denominator, resulting in the objectives and needs of SADC as a whole being compromised by member states defending their own interests.

This point was emphasised by former President Thabo Mbeki, albeit in AU context, when he said that "even though we will defend our interests as member states in the various organs of the Union, we must at the same time be obliged to take into account the objectives and needs of the Union as a whole. I am confident that we will continue to work within the organs of the Union on the understanding that these are continental institutions for the benefit of all our states. We should not aspire to seek the lowest common denominator between us in our deliberations within each organ, but rather work towards an optimum balance between the Union's and the member states' interests" (RSA Presidency 2003).

The question ultimately arises whether SADC has matured from an inter-governmental conference into an institution aimed at the establishment of a development community. The ongoing task of diplomacy, therefore, is maintaining a continuous dialogue between SADC member states to ensure the optimum balance between SADC's and the member states' interests.

4.8 Conclusion

This chapter described the critical responsibility of SADC foreign ministries in terms of the management of regionalisation in Southern Africa. The 2001 amendment to the *SADC Treaty* placing foreign ministries in the forefront of the functioning and development of SADC has greatly contributed to moving SADC from narrow-based sectoral cooperative arrangements between participating states into an enhanced organisation set to become a competitive and effective player in international relations. This has contributed to the fact that SADC ranks as one of the better performing RECs in Africa.

At the regional level, diplomacy serves, firstly, as an administrative function within the governments of SADC member states, where the foreign ministries, given their ministerial responsibility as a member of the COM and the concurrent responsibility at senior departmental level as a member of SCO, act as the nodal points for SNCs within the respective member states. Secondly, as an institution of regional relations, it is evident that diplomacy serves a catalytic role in the management of regionalisation, in particular in terms of agenda-setting and prioritising, as well as combining the political and socio-economic agendas of SADC.

Thirdly, considering diplomacy as an instrument of regional foreign policy, it is applied in the management of all regionalisation initiatives in SADC, in particular in terms of the alignment and mutual reinforcement of regional and bilateral priorities within Southern Africa. Fourthly, considering diplomacy as the formulation of regional foreign policy, its main purpose is the development of consolidated and integrated foreign policy as far as national participation in SADC and beyond in the rest of Africa is concerned. Lastly, with reference to diplomacy as a dialogue between regional actors, the ongoing task of diplomacy is maintaining a continuous dialogue between SADC member states to ensure the optimum balance between SADC's and the member states' interests.

The majority of the above tenets of diplomacy form part of the day-to-day activities of SADC foreign ministries, creating an enabling framework for negotiating the provision of regional public goods. There are, however, a number of issues that could be reviewed within the mandate of serving as a SNC, especially those relating to the foreign ministries playing an enhanced leadership role applying the principles of additionality, subsidiarity and variable geometry, instead of being a mere nodal point regarding SADC matters. In addition, in all SADC member states, and particularly in South Africa considering it as a key stakeholder in the regional development and integration process, there is an urgent need to prioritise the delivery of regional public goods. In Chapter 5 the application of diplomacy in the overall management of regionalisation will to this end be transferred and applied as a function with regard to South Africa's, and in particular DIRCO's position, *vis-à-vis* the delivery of regional public goods.

Chapter 5

THE NATIONAL LEVEL:
THE DIPLOMACY OF SOUTH AFRICA IN THE
DELIVERY OF REGIONAL PUBLIC GOODS IN SOUTHERN AFRICA

"Cross-border infrastructure is a regional public good, as is the free movement of peoples, and conflict prevention. Some may be highly profitable, such as foreign investment in telecommunications. Others are not narrowly commercial, such as the eradication of onchocerciasis, or river blindness. Regional public goods are the most effective way for these institutions (RECs) to help the poor" (Senghor *et al* 2009: 40)

5.1   Introduction

Concerning the role of diplomacy in the delivery of regional public goods, the assumption (see Chapter 1) is that because of the need for public goods agenda-setting and policy prioritising, and based on the utility of diplomacy in this respect, DIRCO – as the custodian of diplomacy and diplomatic practice within the South African government – plays a central and catalytic role within SADC.

Accordingly, the aim of this chapter is to investigate and analyse the role of South African diplomacy, and of DIRCO in this context, in the delivery of regional public goods in SADC. Similar to the previous discussion of the diplomacy of the foreign ministries of SADC member states (see Chapter 4), the tenets of diplomacy are aligned to the upstream and downstream elements of the programme sequencing (see Figure 1), with the proviso that their application be considered in conjunction with the comparative advantage presented by DIRCO as a foreign ministry, relative to other government ministries involved in regional cooperation.

5.2   Sequencing of regional public goods programmes

The RISDP explicitly states that the involvement of member states at the early stages of programme development and implementation is critical to the success of

the RISDP. In this connection, every effort has to be made to ensure that potential problems that will hinder the enhanced interaction and involvement of member states are anticipated and addressed up-front (SADC 2003a: 85). In terms of the implementation of the RISDP, an evaluation of the success factors for the successful implementation of regional public goods programmes relate to sequencing, ownership, commitment, enabling legal frameworks and financing.

In a brochure distributed during the 2007 SADC Summit in Lusaka (see SADC 2007), it was stated that experiences in many parts of the region, and in other parts of the world, have shown that cross-border infrastructure projects and programmes are complex and that they require a comprehensive, integrated framework to deal with the inherent challenges facing such initiatives. While approaches differ from project to project and from sector to sector, the brochure describes an ideal framework to guide implementation. As such it provides an effective tool for planning and design that covers the key dimensions of the following factors that need to be addressed to ensure successful results within an appropriate timeframe:

(a)   **Political factors**: Infrastructure is by nature political and cross-border infrastructure even more so because it invariably raises geopolitical issues. A political decision by the leadership of member states involved is necessary to open the way for any regional infrastructure project. However, sustained political intervention at an appropriate level is even more critical if such a project is to be implemented efficiently and cost-effectively within agreed timeframes.

Given the limitation of resources and other factors, a political decision is required to prioritise what should be the minimum infrastructure network in SADC. This is critical for clearing the current implementation backlog as well as for attracting the required funding (SADC 2007: 29). Due to the cross-border nature of these projects, two or more member states are involved and, as such, a political decision is needed on who will act as the project sponsor in the interim phase.

An official sponsor – which could be an international cooperating partner (ICP) – will be established during the later stages when a joint legal entity or structure (commonly known as a Special Purpose Vehicle – SPV) has been jointly created by

the states involved. The SPV can then transact on behalf of the participating states in order to secure resources to fund each stage of the project preparation process. Recognising this ideal, different legal systems can prevent the establishment of a single company across-borders. This is overcome by establishing separate companies in each sovereign territory answering to a holding company registered in the member state that receives the greatest benefit from the project.

To create an enabling environment for the successful implementation of a project, the following outputs need to be achieved: Treaties or Memoranda of Understanding (MoUs) on the project concept and agreement to jointly develop the project; approvals, permits and directives for the allocation of resources to the project; and the establishment of a SPV (SADC 2007: 29-30).

(b)   **Economic and financial factors**: Following the above political process, the economic and financial factors related to regional infrastructure projects need to be analysed through pre-feasibility and feasibility studies. Pursuant to regional integration, the viability of a project needs to be established through the following criteria commonly used by member states and ICPs: Contribution to economic development; commercial and financial requirements; technical design requirements; and the impact of the project on the social fabric and the environment within the project's area of influence.

Due to the cross-border nature of most regional projects, there are complexities that relate to costs and benefits, to long-term and sometimes indirect impacts, to regional public goods attributes and to capital intensities. A cross-border infrastructure project can contribute to and form sub-components (e.g. bridges) of overall regional projects (e.g. roads). It is therefore crucial to isolate, technically, a section of such a network and to translate it into a stand-alone project that contributes to the efficiency and enhancement of the total network (SADC 2007: 30).

Pre-feasibility studies are required to produce reports that facilitate a decision on whether to proceed with a project or not. This process requires close collaboration between the states involved as well as with prospective ICPs. Once a pre-feasibility study produces a positive report, a proper feasibility study will be done to determine,

under different scenarios and approaches, the viability of a proposed venture. The sum total of these processes is a set of economic, financial, commercial and technical feasibility reports. If feasibility reports are in the affirmative, the next step is to undertake environmental and social impact assessments. Economic and financial analyses are also necessary to determine the distribution of costs and benefits among the various stakeholder groups or states (SADC 2007: 30-31).

(c)   **Institutional factors**: Overall, an institutional arrangement is needed to coordinate and integrate the political, economic and financial dimensions of cross-border infrastructure projects. For the implementation of such projects, the *soft* aspects of the infrastructure development are essential to support the development of the *hard* physical infrastructure, requiring proper institutional coordination. As stated above, this can be achieved through means such as SPVs set up by the states involved.

Another institutional factor relates to capacity building in respect of member states, the SADC Secretariat and the implementing agencies. Institutional coordination is also critical in terms of addressing various *soft* issues such as policies, regulations, procedures, technical standards, environmental and safety requirements and debates. Equally important is the use of institutional mechanisms to build consensus among all stakeholders in the states involved *(*SADC 2007: 31).

Based on the researcher's personal experience in regional cooperation, the following example of the Maputo SDI offers a basic project sequence that serves as an appropriate model (see Figure 1[9]).

The upstream activities cover the initial programme conceptualisation and definition, culminating in the adoption of a binding legal agreement by the participating member states at the highest political level. This agreement ensures ownership of the programme and creates a favourable business environment through the adoption of an enabling policy and a regulatory and budgetary framework.

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[9]   The model was developed by the author in collaboration with the former Deputy Director-General of DIRCO's Africa Multilateral Branch, Ambassador Yasmin Duarte, who served as South Africa's High Commissioner in Maputo when the Maputo SDI was established.

Figure 1: Implementation of regional public goods programmes

Upstream					Downstream
PROJECTS	**HEADS OF STATE**	**PROJECT PREPARATION & FINANCING**			**PROJECT IMPLEMENTATION**
		PARTNERS & FUNDING	**STUDIES**	**PRIVATE SECTOR**	
Project conceptualisation & definition	**Agreement by Heads of State to jointly implement trans-boundary project (MoU)**	**Trilateral partnership & funding arrangement**	**Pre-feasibility studies**	**Private Sector Participation**	**Project implementation (plus monitoring & evaluation)**
	Improve business environment (Policy & Regulatory)		**Feasibility studies**		
	National budget appropriation		**Investment appraisal & risk analysis**	**Public-Private Partnerships**	

Downstream activities involve sequential phases comprising the finalisation of trilateral cooperative partnerships and funding; pre-feasibility and feasibility studies providing investment appraisals and a risk analysis; private sector involvement through the establishment of public private sector partnerships; and finally the actual implementation, monitoring and evaluation of the programme.

In general, however, ownership of RISDP programmes tends to be held by the SADC Secretariat or ICPs until the final stage of programme preparation, in which instance the diplomacy aspect, especially in terms of the involvement of Heads of State and Government, is relegated to the downstream instead of the upstream aspect of the project sequence.

5.3   Diplomacy as an institution of South Africa's foreign relations

Member states are pivotally involved in the actual implementation of the regional cooperation process, which applies to both upstream and downstream activities in the sequence of implementing regional public goods programmes. As stated above,

public goods in the form of infrastructure are by their nature political. Regional public goods, in terms of cross-border infrastructure are even more political because they invariably raise geopolitical issues. In terms of the upstream requirements, a political decision by the leadership of member states involved is necessary to open the way for any regional infrastructure project.

As a foreign ministry, the role of DIRCO is instrumental and catalytic, as evidenced by the translating national interest into efforts related to community building within SADC. By bringing additionality into this equation, the driving force for DIRCO must be that, as a prerequisite, cross-border programmes have to add value or generate solutions to common problems faced by the region.

The DIRCO finds itself at the juncture of two competing schools of thought, given, in the realist sense, Morgenthau's (1973: 517-518) stipulation is that diplomacy must determine its objectives in the light of the power actually or potentially available for the pursuit of these objectives; it must access the objectives of other states and the power actually or potentially available for the pursuit of these objectives; it must determine to what extent these different objectives are compatible with each other; and it must employ the means suited to the pursuit of its objectives. The operative terms are the application of intelligence and tact (Gore-Booth 1979: 3), with the ultimate aim to promote a state's interests by influencing and changing the mind of the adversary (Morgenthau 1973: 331).

In contrast to this realist view, and from an international political economy perspective, DIRCO officials are obliged to emphasise the mutual advantage that can be derived through diplomatic cooperation, thus striving towards contact rather than confrontation. As contact increases, affinity of values, mutual understanding and cooperation will increase into various fields, and where DIRCO officials find themselves acting within an atmosphere of animosity, they can avoid a hardening of attitudes and endeavour to cultivate a climate conducive to good relations (Loubser 1980: 1).

The specific value contribution of DIRCO's diplomacy must be seen in context of the changing *raison d'être* of regional integration, moving away from a mere process of

intra-regional trade liberalisation to a vehicle for raising private investment through confidence building. Within this process simplistic recipes of merely encouraging integration initiatives in the hope of producing significant economic or political effects are unlikely to be productive (Goldstein 2003: 64).

The DIRCO, more than any department within the South African government, has to ensure that the traditional approach to the design of regional cooperation and integration projects emphasises both the democratic principles on which the project should be based and the importance of its sustainability. The critical issues to be considered are the relationship between micro-regionalisation and macro-regional integration, as well as the scale of the proposed regional public goods initiative (Slocum, Mordonu & De Lombaerde 2003: 104-105).

The role of diplomacy as an institution of South Africa's foreign relations, in particular related to its application by DIRCO in the delivery of regional public goods, therefore conforms to what Gore-Booth (1979: 438) refers to as "the rising incidence of diplomacy other than purely political diplomacy dealing with highly specialised subjects that cannot escape the intrusion of political argument". As such, the continuous application of diplomacy within the terrains of this tenant of diplomacy remains premised on the principle that, where it cannot be expected of professional generalist diplomats to handle highly technical arguments, their intervention, or at least advice, may be essential at moments of international sensitivity.

5.4   Diplomacy as an instrument of South Africa's regional policy

In terms of upstream activities of regional public goods delivery, it is essential that South Africa's participation in regional public goods programmes be pursued within the context of an alignment of the outward dimension of South Africa's national development framework and the inward implementation of the RISDP. Serving as an example of this, in an effort to champion acceleration of infrastructure development in SADC during South Africa's term of office as chair of SADC from 2009 to 2010, DIRCO established an Infrastructure Task Team and thematic committees that worked closely with the SADC Secretariat and other member states on the following regional programmes: five SDI programmes entailing the Central,

Mtwara, Nacala, Beira and Bas-Congo Corridors; the Western Power Corridor Project (WESTCOR); the SADC Region Information Infrastructure Project (SRII) as the regional component of the NEPAD Broadband Infrastructure Project; key infrastructure projects within identified TFCAs; and the Lubumbashi Water Supply and Sanitation Project (SADC 2009: 3).

During the 23rd Meeting of the NEPAD Heads of State and Government Orientation Committee (HSGOC) in Kampala on 23 July 2010, South Africa was instrumental in raising regional infrastructure development to a higher level on the AU agenda. Responding to policy initiatives prepared by DIRCO, President Jacob Zuma's intervention at the HSGOC was specifically levelled at the discrepancy that, while the AU/NEPAD *Africa Action Plan 2010-2015* is presented as the basis for Africa's engagement with all Africa's ICPs, in Africa itself, implementation is not prioritised.

President Zuma emphasised that the primary responsibility for implementing the *Africa Action Plan* lies with national governments, specifically in terms of sponsoring and promoting cross-border infrastructure projects. Without sponsorship by national governments, the secretariats of RECs will not be able to make progress. The President reiterated that political leadership and the championing of cross-border infrastructure projects remained a prerequisite for success. In order to give effect to the above, President Zuma offered to champion the North-South Corridor (from Kenya southwards through Tanzania, Malawi, Zambia, and Zimbabwe to South Africa), which serves as a vital component of the SADC/COMESA/EAC Tripartite initiative (RSA DIRCO 2010b).

Following the intervention of President Zuma, the HSGOC agreed to the establishment of a High-Level Sub-Committee on Infrastructure, to be chaired by South Africa. This Sub-Committee is tasked to consolidate and prioritise existing AU and NEPAD infrastructure initiatives for high impact and results, and to develop the modalities and procedures regarding the championing of these projects by specific African Heads of State (AU 2010: Paragraphs 12-13).

In terms of these developments, it is essential that the South African efforts be coordinated by DIRCO in the continental strategic approach in prioritising the *Africa*

Action Plan and developing modalities for championing prioritised projects. This must be aligned to the SADC operational level, where DIRCO has to consolidate South Africa's efforts in terms of its championing of the North-South Corridor.

It is evident that as far as diplomacy as an instrument of South Africa's regional policy is concerned, a critical role is played by DIRCO in the implementation of policies on regional public goods delivery. As such, DIRCO must facilitate, guide and support the efforts of South African government departments in creating linkages with the RISDP, specifically in terms of the doctrinal approach (see Chapter 4) to the execution of foreign policy within SADC in terms of the application of the principles of additionality, subsidiarity and variable geometry.

5.5 Diplomacy as an administrative function within the South African government

Within the national government of South Africa, DIRCO, as a foreign ministry, is not regarded as a line-function ministry responsible for a specific sectoral activity at the operational level. As such, it is not constrained by the parameters of principal functions, especially in terms of transnational programmes, of other ministries, for example transport, communication, energy or water. DIRCO's *Strategic Plan 2010-2013* recognises infrastructure development as a key component in consolidating a holistic (economic) SADC integration agenda. In addition, it not only recognises infrastructure development as a prerequisite for market integration, but also as being paramount in addressing unemployment and poverty (RSA DIRCO 2010a: 12).

Considering the specific contribution that DIRCO makes in terms of its key performance areas, the *Strategic Plan* states that DIRCO promotes infrastructure development and the coordination of multi-sectoral plans. For the department, the deliverable is its support rendered to the location of regional infrastructure development within the regional integration agenda in collaboration with NEPAD, NEPAD business fora and the SADC Secretariat as well as the SADC/EAC/ COMESA Tripartite initiative (RSA DIRCO 2010a: 32).

DIRCO's responsibility is related to its assignment as a SNC within the South African government context (see Chapter 4). As such, DIRCO's involvement in the regional goods project cycles covers the full spectrum from upstream to downstream activities. This role is also in fulfilment of the responsibility of SADC foreign ministries to maintain a formal network in terms of the accreditation of resident and non-resident diplomatic missions in each other's capital (SADC 2003b: 15). With the exception of the Seychelles, where South Africa is represented on a non-residential basis by its mission in Mauritius, South African residential missions are maintained in all SADC member states. DIRCO is therefore in a position to maintain a significant influence *via* its geographical expertise and its control over the South African diplomatic service abroad.

The aforementioned enables South Africa, through DIRCO, to provide a coordinated and integrated platform for all its activities *vis-à-vis* SADC, based on the close alignment of the political, peace and security and socio-economic development agendas of SADC. This is achieved within the SADC collective, individually through bilateral diplomatic relations, as well as through third states outside SADC and through ICPs. This approach ensures DIRCO's value addition to both upstream and downstream activities of regional public goods delivery.

Concerning downstream activities, DIRCO's linkages to prospective ICPs are critical in terms of the finalisation of trilateral cooperative partnerships and funding arrangements. Apart from bilateral relations with ICPs, DIRCO is the leading South African agency *vis-à-vis* the South-South and South-North dialogues. This allows the department to provide strategic direction in developing the international component of the African Agenda. In light of this, these partnerships must be encouraged to synergise the implementation of AU, NEPAD and SADC developmental programmes. In addition, DIRCO – considering its in-house funding mechanism in the form of the African Renaissance and International Cooperation Fund, as well as the proposed South African Development Partnership Agency (SADPA) – is in an advantageous position to utilise these funds. This includes, amongst others, the provision of catalyst or seed funding to selected regional public goods projects, especially the provision of funding for pre-feasibility and/or feasibility studies.

5.6 Diplomacy as the formulation of South Africa's regional policy

The key attribute of DIRCO is its ability of agenda-setting and prioritising within SADC. As far as accelerated infrastructure programmes in Southern Africa are concerned, DIRCO has the ability to focus South Africa's leadership and the active participation of its private sector based on the pursuit of micro-regionalisation programmes (see Chapter 3), which can be regarded as the convergence of the principles of additionality, subsidiarity and variable geometry. The most obvious of these will be through the broader implementation of SDIs, both in terms of current programmes under implementation as well as new programmes to be identified and developed.

Based on the experience of the Maputo SDI, the World Bank publication *Africa's Infrastructure: A Time for Transformation* (2010: 156) makes the following observation: "South Africa's leadership was key in moving the initiative forward. However, whether similar leadership will emerge in other parts of the region is unclear. Indeed, most of the SDIs are brownfield initiatives, in which some regional infrastructure already exists. This fact raises the question why private anchor investments have not yet been seen. A concern is that corridor development will simply facilitate the exports of raw materials, whereas the goal should be economic development and employment growth through manufactured exports". In the experience of researcher, South Africa is renowned within the institutions of SADC for its leadership role because of its focused and well-articulated policy contributions.

The majority of the infrastructure projects identified by the SADC Secretariat are projects that have been on the agenda of the organisation more or less since its inception in 1980. The Secretariat has profiled 75 regional programmes/projects on infrastructure development, of which 34 relate to energy, 21 to transport, three to ICT, and 17 to water and sanitation. These projects will be included in SADC's Regional Infrastructure Master Plan, which is currently under development. The Master Plan will essentially form the Southern African component of the finalised Programme for Infrastructure Development in Africa (PIDA) (SADC 2009: 74).

Based on the geographical expertise of DIRCO, the department would perform a key role in terms of the conceptualisation of new, more efficient and relevant priority regional public goods programmes. The success of such an approach lies both in the product and in the process. As a product, it aims to improve the quality of decisions, taking into account the views and expertise of all stakeholders of an issue. As a process, it mobilises the participants and their networks.

Furthermore, the application of foresight can make a unique strategic contribution to future-orientated thinking as an element of sound policy-making. It accomplishes this by including multiple perspectives, actors and disciplines; by emphasising the interrelations between the technological, economic, social, political and cultural sectors of society; by focusing on both opportunities and risks; and by aiming to produce orientations rather than predictions (Slocum, Mordonu & De Lombaerde 2003: 113).

The foresight process itself generates new opportunities for communication among all stakeholders; counters the tendency toward short-sighted, oversimplified decisions; and encourages enthusiasm and cooperation among otherwise disparate or even conflicting interest groups. Allied to regional cooperation with the SADC region, foresight would improve the quality of policy decisions as well as their probability for success.

An adjunct of regional integration that would serve a useful purpose in this regard is the Committee on Development Information, Science and Technology (CODIST) of the United Nations Economic Commission for Africa (UNECA), of which the researcher was a regular member during one of his postings in Addis Ababa. This Committee was established in order to review challenges and issues pertaining to ICT, science, technology and innovation, geo-information and libraries and information services sectors in Africa; and to formulate policies and strategies to address Africa's development challenges. Whilst CODIST has been in existence for a number of years, and its reports and recommendations are readily available to member states, the work of the Committee has not been mainstreamed into the regional cooperation and integration process at either continental or regional levels.

Closely related to the work of CODIST, the utilisation of geographic information systems (GIS) – that integrate hardware, software, and data for capturing, managing, analysing, and displaying all forms of geographically referenced information – can provide DIRCO with the capability to view, understand, question, interpret and visualise data presented in the form of maps, globes, reports, and charts, in order to reveal relationships, patterns and trends. DIRCO's application of GIS – involving technology such as remote sensing (satellite images and aerial photographs), global positioning systems and database design – can as a management and analysis tool in the foresight role be aimed at the conceptualisation and prioritisation of new, more efficient and relevant regional public goods programmes.

Geographic information systems in addition provide diverse opportunities, as it can be utilised during all the phases of a project, from early conceptualisation to implementation and monitoring. With particular reference to regional infrastructure, those projects have a significant impact on spatial development patterns. As part of the core diplomacy function of DIRCO, the consideration of optimal development patterns would be based on an understanding of these spatial development patterns, taking into account political, socio-economic and environmental factors.

5.7   Diplomacy as a dialogue between South Africa and regional actors

Reference was made earlier (see Chapter 2) to the incidence of diplomacy where it cannot be expected of professional generalist diplomats to handle highly technical arguments but where their intervention, or at least advice, may be essential at moments of international sensitivity. It is exactly this introduction of non-traditional technical aspects in the field of diplomacy, combined with the increasing involvement of non-state actors, that has bestowed contemporary diplomatic practice with some of its most prominent features, namely openness and transparency.

The need exists for DIRCO to adopt a broad working definition of regional public goods, which are, by implication, the result of regional cooperation – whether in the formal or in the informal sectors, given the strong role of the South African private sector in the Southern African region. As previously indicated, these goods may be provided by governments, or business, or other non-state actors, involving public,

private or external capital. Accordingly, narrow definitions of regional public goods that refer only to the state sector or governments are too restrictive (Senghor *et al* 2009: 88). The essence of this conforms to what Hocking (1995: 13), in respect of the evolution of diplomacy, describes as a shift from traditional diplomatic functions of negotiation, representation and information gathering towards policy making, research and coordinating-managing roles – or diplomatic inflation, as Hamilton and Langhorne (1995: 217) refer to it.

In this respect, in DIRCO's dialogue with regional actors the content of diplomacy increasingly extends to the technical realm, drawing in many area and subject specialists into inter-governmental dialogue. This has brought a modification to the role of the professional generalist diplomat, also influenced by the pace of technological change, the speed of modern communication and a heightened awareness of regional and global interdependence.

5.8 Conclusion

The aim of this chapter was to investigate and analyse the role of South African diplomacy, and in particular the role of DIRCO, in the delivery of regional public goods in SADC. However, whereas at the regional level various tenets of diplomacy form an integral part of the day-to-day roles and functions of SADC foreign ministries, albeit in various degrees of strength, the application of the tenets within DIRCO as far as the delivery of regional public goods are concerned, were both groundbreaking and exploratory. It therefore analysed and described an ideal situation of what DIRCO should be doing by means of diplomacy, instead of reflecting on its current activities in this regard. The reason for this was cascading the levels of DIRCO's expertise below the strategic interventionist level – which a foreign ministry such as DIRCO is accustomed to, into the more operational level of the technical realm – which DIRCO is obviously not accustomed to.

At the operational level, specifically concerning the role of DIRCO in the delivery of regional public goods programmes in Southern Africa, the tenets of diplomacy identified above are aligned to the upstream and downstream elements of the programme sequencing *vis-à-vis* the delivery of regional public goods. In fulfilling

this role, it is evident that diplomacy serves, firstly, as the institution in DIRCO's management of regional public goods delivery, especially considering the catalytic role of DIRCO in securing approval and ownership by South Africa's political leadership to open the way for a regional infrastructure project. Secondly, considering diplomacy as the instrument guiding DIRCO's participation in the execution of policies towards regional public goods delivery, the role of DIRCO is to facilitate, guide and support the efforts of South African government departments in aligning the outward dimension of South Africa's national development framework and the inward implementation of the RISDP. Thirdly, considering diplomacy as an administrative function within the South African government, DIRCO is in an advantageous position to provide a coordinated and integrated platform for all South Africa's activities in SADC, which ensures DIRCO's value addition to both upstream and downstream activities of regional public goods delivery. Fourthly, in terms of diplomacy as the formulation of South Africa's regional policy, the key attribute of DIRCO is its ability of agenda-setting and prioritising within SADC, especially regarding the conceptualisation of new, more efficient and relevant priority regional public goods programmes within SDIs. Fifthly, considering diplomacy as a dialogue between international actors, DIRCO is uniquely placed to accommodate the non-traditional technical aspects in the field of diplomacy, thereby drawing in many area and subject specialists into the intergovernmental dialogue in SADC.

As previously mentioned, in the execution of its diplomatic function, DIRCO is staffed primarily by professional generalist diplomats. Present indications are that DIRCO will continue this approach in the foreseeable future, as argued by a former Director-General of DIRCO, "the Continent needs a well-rounded diplomatic like any other region, but what distinguishes an African diplomat is that he or she believes in the development and prosperity of the African continent, whilst understanding fully the numerous challenges this Continent faces" (Ntsaluba 2008: 1). However, considering the central role of DIRCO as nodal point within South Africa's SNCs, in which it is responsible to coordinate and oversee, at the national level, implementation of SADC programmes of action; and initiate projects and issue papers as an input to the preparation of the RISDP, the situation arises to what extent this may be identified as a specialised field within diplomacy, specifically as far as the delivery of regional public goods are concerned.

Chapter 6

EVALUATION AND RECOMMENDATIONS

"Investing national resources in regional public goods is a test of political will. Regional plans depend on commitment from national authorities. They make sense only after a hard-headed assessment of the prospects for smaller scale programmes. A combination of vision and humility is required – an amalgam which at first can seem counter-intuitive for those yoked to a domestic agenda" (Senghor *et al* 2009: 41)

6.1   Concluding summary

The aim of this study was to identify and evaluate the role of diplomacy *vis-à-vis* the delivery of regional public goods in the Southern African region, with specific reference to the involvement of DIRCO. As an assumption, it was argued that, because of the need for public goods agenda-setting and policy prioritising in a multilateral and bilateral context, and based on the utility of diplomacy in this respect, DIRCO – as the custodian of diplomacy and diplomatic practice within the South African government – plays a central and catalytic role within SADC.

Premised on the prerequisite that regional public goods must be provided through equal prioritisation and collective action among SADC member states, and that benefits derived must be shared among the participating states, the critical requirement within Southern Africa is the early involvement and collaboration by participating states in terms of diagnosing the issue and designing a solution in the form of a regional public good. These activities centre on the activity of diplomatic negotiations, relating directly to the involvement of a foreign ministry.

The study explored the role of a foreign ministry within the context of diplomacy and regional cooperation. A number of definitions for diplomacy exist, however, for the purpose of this study, diplomacy is not limited to the organised art of mediation or negotiation between international actors, in particular sovereign states. As such diplomacy is a state of mind, an approach to the conduct and/or management of

international relations that emphasises the timeous and pacific application of intelligence and tact in the making and implementation of foreign policy. Differentiating between diplomacy and foreign policy, foreign policy was described as the overall course of action a state proposes to follow in its foreign affairs backed by supporting programmes, whereas diplomacy serves as the primary instrument for carrying out or implementing a state's foreign policy relative to the international environment and actors therein.

Three aspects of diplomacy were emphasised: firstly, diplomacy is an important means by which states pursue their foreign policies, and that these policies are to a significant degree framed in a foreign ministry; secondly, the central task of diplomacy is not just the management of order, but also the management of change and thus, through continued persuasion, the concurrent maintenance of order in the midst of change; and thirdly, diplomacy is defined within the context of international relations, foreign policy and interaction in terms of the following tenets:

- In the context of global politics, diplomacy is the master institution of international relations.
- In the context of foreign policy, and as a means to an end, diplomacy is the master instrument within the foreign policy process.
- As an instrument of foreign policy, diplomacy is associated with the administrative function within government.
- Diplomacy influences or plays a role in the formulation of foreign policy.
- In the context of international interaction, diplomacy refers to a dialogue or communication process between international actors.

As the custodian of diplomacy and diplomatic practice within a national government, the foreign ministry constitutes the primary grouping of expertise on international matters, responsible for the execution of foreign policy but also involved in the process of foreign policy making. The comparative advantage of a foreign ministry in the coordination of the state's multidimensional international relationships lies therein that it maintains significant influence *via* its geographical expertise, control over the diplomatic service abroad, investment in public diplomacy and cultivation of domestic

alliances. Most of these activities centre on the activity of negotiations, which represents the most important function of diplomacy.

While the essence of diplomacy, as vested in the core business of a foreign ministry, is focused on integrating the different elements of national power to bear with maximum effect upon those international situations that concern national interest most directly, the application of diplomacy within the context of regionalisation focuses the interest of the state on the stability of a specific geographic region. In this instance, regional cooperation is described as an issue-focused arrangement, in terms of which a group of states within a specific geographic area cooperate for a joint development project and facilitation of exchange of information or best practices. The participating states retain full control and if needed, may opt-out of the agreement.

The RISDP, as the SADC 15-year regional cooperation and integration plan, considers regional public goods – in particular physical infrastructure – of critical importance in creating an environment that, in turn, is regarded as an enabler of market integration. These regional public goods are defined as any goods, commodities, services, system of rules or policy regimes that are public in nature, that generate shared benefits for the participating states and whose production is a result of collective action by the participating states. Regional public goods are considered the most effective way for RECs to reduce poverty, as well as the development of economies of scale.

As a regional public good, regional infrastructure provides an ideal entry point for regional cooperation processes, because the costs and benefits and the rights and responsibilities of participating states can be more easily defined. In addition, regional infrastructure sharing builds institutions that promote closer economic integration, whereas mutual dependency encourages political stability. In contrast to regional integration, cooperation in infrastructure provision is easier to achieve, because benefits are more clearly defined and states need to cede less sovereignty. Regional infrastructure cooperation is therefore an effective initial step on the path to regional integration.

Serving as a vehicle for the implementation of regional infrastructure programmes, SDIs, development corridors and growth triangles are regarded as micro-regional cooperation projects aimed at stimulating development, attracting private investment, enhancing regional economic integration, and integrating into the global economy. Micro-regionalisation does not duplicate other regional agreements covering a specific regional integration framework, as it is in principle an informal structure of cooperation. The critical understanding is that broad regional integration agreements are not sufficient for specific cross-border situations that are covered by micro-regional cooperation arrangements. In effect, micro-regionalisation creates an operational framework and fast tracks the formal existing agreements in an environment where the speed of action influences policy effectiveness.

6.2   Key findings

As an assumption, the study contended that, because of the need for regional public goods agenda-setting and policy prioritising, and based on the utility of diplomacy in this respect, DIRCO plays a central and catalytic role within SADC. This assumption was described and analysed at two levels: the role of diplomacy at the regional strategic level, specifically related to the critical responsibility of SADC foreign ministries in terms of the management of regionalisation in Southern Africa; and the role of diplomacy at the national operational level, particularly the specific role of DIRCO *vis-à-vis* the delivery of regional public goods. At both levels, it is appreciated that foreign ministries, while not regarded as line-function ministries responsible for a specific sectoral activity at the operational level, are not constrained by the parameters of each of these ministries' principal functions. Conversely, the foreign ministry is inclined to adopt a strategic approach based on the integration of cross-sectoral line-function activities.

At the regional level, SADC foreign ministries are positioned at the juncture of the alignment and mutual reinforcement of regional and bilateral priorities within Southern Africa. In the process, they align and merge the political and socio-economic agendas of SADC and, at the same time, develop and maintain common foreign policy approaches on issues of mutual concern and the collective advancement of such policy in international fora. At this level, diplomacy serves,

firstly, as an administrative function within the government of a SADC member state, where a foreign ministry, given its ministerial responsibility as a member of the COM and its concurrent responsibility at senior departmental level as a member of the SCO, acts as the nodal points for SNCs within the member state. Secondly, as an institution of regional relations, it is evident that diplomacy serves a catalytic role in the management of regionalisation, in particular in terms of agenda-setting and prioritising, as well as combining the political and socio-economic agendas of SADC. Thirdly, considering diplomacy as an instrument of regional foreign policy, it is applied in the management of all regionalisation initiatives in SADC, in particular in terms of the alignment and mutual reinforcement of regional and bilateral priorities within Southern Africa. Fourthly, considering diplomacy as the formulation of regional foreign policy, its main purpose is the development of consolidated and integrated foreign policy as far as national participation in SADC and beyond in the rest of Africa is concerned. Lastly, with reference to diplomacy as a dialogue between regional actors, the ongoing task of diplomacy is maintaining a continuous dialogue between SADC member states to ensure the optimum balance between SADC's and the member states' interests.

At the operational level, specifically concerning the role of DIRCO in the delivery of regional public goods programmes in Southern Africa, the tenets of diplomacy identified above were aligned to the upstream and downstream elements of the programme sequencing *vis-à-vis* the delivery of regional public goods. Considering the central role of DIRCO as a nodal point within South Africa's SNC – in which it is responsible to coordinate and oversee, at the national level, the implementation of SADC programmes of action and to initiate projects and issue papers as an input to the preparation of the RISDP by means of diplomacy – the question arises to what extent these actions constitute a specialised field of diplomacy, specifically as far as the delivery of regional public goods is concerned.

In DIRCO's fulfilling of its national mandate, it is evident that diplomacy serves, firstly, as an institution in DIRCO's management through diplomacy of regional public goods delivery, especially considering the catalytic role of DIRCO in securing approval and ownership by South Africa's political leadership to open the way for a regional infrastructure project. Secondly, considering diplomacy as an instrument

guiding DIRCO's participation in the execution of policies towards regional public goods delivery, the role of DIRCO is to coordinate South African efforts towards aligning the outward dimension of South Africa's national development framework and the inward implementation of the RISDP. Thirdly, considering diplomacy as an administrative function within the South African government, DIRCO is in an advantageous position to provide a coordinated and integrated platform for all South Africa's activities in SADC, which ensures DIRCO's value addition to both upstream and downstream activities of regional public goods delivery. Fourthly, in terms of diplomacy as the formulation of South Africa's regional policy as a sub-set of its foreign policy, the key attribute of DIRCO is its ability of agenda-setting and prioritising within SADC, especially regarding the conceptualisation of new, more efficient and relevant priority regional public goods programmes within SDIs. Fifthly, considering diplomacy as a dialogue between South Africa and regional actors, DIRCO is uniquely placed to accommodate the non-traditional technical aspects in the field of diplomacy, thereby drawing in many area and subject specialists into the intergovernmental dialogue in SADC.

6.3   **Recommendations**

As stated in the 2009 Election Manifesto of its ruling party (ANC 2009: 22), South Africa must continue to work towards regional economic integration in Southern Africa on a fair, equitable and developmental basis, promoting further SADC integration based on a developmental model that includes infrastructure development, cooperation in the real economy and the development of regional supply chains.

By means of diplomacy, South Africa can and does play a role in the delivery of regional public goods, in particular the acceleration of regional infrastructure cooperation. Considering South Africa's comparative advantageous position to act as a key driver in this process, the state's greatest contribution is its stated foreign policy focus in terms of *Priority 1: Continued Prioritisation of the African Continent* and *Priority 2: Improving Political and Economic Integration of SADC* (see RSA DIRCO 2010a: 7-8, 12), through which it can play a leading role in the prioritisation of regional infrastructure programmes and projects that have a high potential of early

implementation. The intention is that these projects will serve as a catalyst to other projects and contribute to regional cooperation.

In the process of translating the above priorities into actual foreign policy deliverables, especially in terms of upstream activities, South Africa, as a leading member state of SADC, is firstly in a favourable position to use the five tenets of diplomacy to influence SADC member states on the establishment of programme drivers and enabling legal frameworks for the early implementation of projects. Secondly, the South African government has the ability to influence and/or challenge the well-developed South African private sector business community to play a leading role in implementation of priority programmes and projects. Thirdly, South Africa's bilateral and multilateral foreign policy focus plays a key role to focus ICPs to buy into the priority programmes.

South Africa, and therefore DIRCO, must ensure that its international relations and cooperation programmes through the conduct of diplomacy contribute towards the creation of an environment that is conducive to economic growth and development, especially in Africa (RSA DIRCO 2010a: 2). By maximising its diplomatic network in the Southern African region and beyond, South Africa, through DIRCO, will be able to provide a coordinated and integrated platform for all its activities in SADC. However, DIRCO can ensure that greater use be made of structured high-level bilateral engagements within SADC to strengthen and enhance South Africa's positions.

Due to the urgency and priority accorded to the delivery of regional public goods within Africa in general and SADC in particular, specifically in terms of regional infrastructure development, it is evident that DIRCO must give consideration to the establishment of a core capability specialising in the technical competencies related to specific programmes within the delivery of regional public goods, in particular within the context of micro-regional programmes such as SDIs. This core capability would require diplomat specialists in the field of project management, combined with expertise in the foresight role, in particular the geopolitical interpretation, utilisation and application of GIS data.

Whilst the current functional structure of DIRCO makes provision for an infrastructure sub-directorate within the SADC Directorate in the Africa Multilateral Branch, staffed by generalist diplomats, a specialist capability should be established and attached to the office of the Deputy Director-General responsible for the Africa Bilateral Branch. This Branch is more directly involved in the facilitation of high-level bilateral meetings that are integral to the upstream activities in regional public goods activities. The possibility exists at a later stage, when SADPA becomes operational, to consider the placement of such a capability within the structure of this organisation. Considering that members of the Africa Bilateral Branch are subject to periodic diplomatic postings outside South Africa, the SADPA option may offer greater continuity in its ability to retain specialist diplomats in this field.

6.4   **Future research**

Three key areas are identified as themes for further research. The first theme is a study at the operational level of the management of micro-regionalisation, as introduced in Chapter 3. Given DIRCO's role *vis-à-vis* the delivery of regional public goods as a function of the overall responsibility of SADC foreign ministries to manage regionalisation in Southern Africa, the constraints of this mini-dissertation did not allow the description and analysis of the topic to its fullest extent, especially as far as micro aspects in the practice of diplomacy is concerned.

The second theme, as described in Chapter 4, concerns the development of doctrine on the application of diplomacy in the management of regionalisation. The application of diplomatic doctrine could include the role of SADC foreign ministries in the execution of regional foreign policy, specifically to the extent that the latter includes the application of the three principles that relate to development integration, namely the principles of additionality, subsidiarity and variable geometry.

The third research topic, to be based on a comparative study related to the major RECs in Africa, is identified by Foster & Briceño-Garmendia (in World Bank 2010: 144), namely that the goal of all regional infrastructure is to facilitate the spatial organisation of economic activity as a catalyst for faster growth. In this regard, they refer to lessons from the New Economic Geography (NEG), for which Krugman

received the Nobel Prize in Economics in 2008. Describing productive capacity as an economic activity, the NEG identifies the three key location variables as market size; the cost of production and the availability of relevant production factors; and market access. In this sense, offering the most segmented market in the world, Africa's trade costs are much higher than in any other continent (UNCTAD 2009: 6). Finding complimentarity with the NEG, Foster & Briceño-Garmendia's argument is that, for a connection to global markets, primary production centres in Africa must become regional infrastructure hubs with efficient ports and airports. Little point exists in developing several deep-water ports in neighbouring states when the lack of scale deters international shipping firms from serving many African ports. Complementary connective infrastructure (roads, transport services and smooth border facilitation) encourages regional factor mobility and trade in semi-final goods in production processes. By comparing the situation within each REC (actual and potential), the utility of diplomacy would be invaluable in connecting the individual RECs to world markets for semi-final goods for further value addition and/or high end value-added end products (World Bank 2010: 145).

In conclusion, based on the findings at the regional strategic and national operational levels, it is clear that diplomacy is necessary and essential for the delivery of regional public goods, emphasising a specific role to be played by DIRCO with SADC. As the custodian of diplomacy and diplomatic practice in the South African government, DIRCO plays a central and catalytic role within SADC in its role as SNC: facilitating, guiding and supporting the South Africa's efforts in the Southern African region, both in terms of the formal and the informal sectors, given the strong role of the South African private sector in SADC.

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SUMMARY

THE ROLE OF DIPLOMACY IN THE DELIVERY OF REGIONAL PUBLIC GOODS WITH SPECIFIC REFERENCE TO THE DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION (DIRCO) IN SOUTHERN AFRICA

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This study explores the role of a foreign ministry within the context of diplomacy and regional cooperation, focusing on the delivery of regional public goods. Diplomacy is described as a state of mind, an approach to the conduct and/or management of international relations that emphasises the timeous and pacific application of intelligence and tact in the making and implementation of foreign policy. As the custodian of diplomacy and diplomatic practice within a national government, the foreign ministry constitutes the primary grouping of expertise on international matters, responsible for the execution of foreign policy but also involved in the process of foreign policy making.

Regional cooperation is defined as an issue-focused arrangement, in terms of which participating states may cooperate for a joint development project and facilitation of exchange of information or best practices. Within the context of regional cooperation, regional public goods are defined as any goods, commodities, services, system of rules or policy regimes that are public in nature, that generate shared benefits for the participating states and whose production is a result of collective action by the participating states. Arguably, the provision of regional public goods is considered the most effective way for regional economic communities to reduce poverty and to develop economies of scale.

As an assumption, this study contends that, because of the need for regional public goods agenda-setting and policy prioritising, and based on the utility of diplomacy, the Department of International Relations and Cooperation (DIRCO) plays a central and catalytic role within the Southern African Development Community (SADC). This assumption is described and analysed at the regional strategic level, specifically related to the responsibility of SADC foreign ministries in terms of the management of regionalisation in Southern Africa; and at the national operational level, emphasising the role of DIRCO *vis-à-vis* the delivery of regional public goods.

At the regional strategic level, it was found that diplomacy serves as an institution of regional relations; as an instrument of regional foreign policy; as an administrative function in SADC, specifically related to the responsibilities of foreign ministries; as an instrument in the formulation of regional foreign policy; and as a dialogue between regional actors. At the national operational level, it is evident that diplomacy serves as an institution in DIRCO's management of regional public goods delivery; as an instrument within DIRCO's participation in the execution of policies towards regional public goods delivery; as an administrative function within DIRCO; as an instrument in terms of DIRCO's role towards the formulation of policies towards regional public goods delivery; and as a dialogue between DIRCO and key regional actors in terms of regional public goods delivery.

Due to the urgency and priority accorded to the delivery of regional public goods, DIRCO must consider the establishment of a core capability specialising in the technical competencies related to specific programmes within the delivery of regional public goods.

Key words: Diplomacy, regionalisation, regional cooperation, regional public goods, cross-border infrastructure development, Department of International Relations and Cooperation (DIRCO), Southern Africa, Southern African Development Community (SADC), Regional Indicative Strategic Development Plan (RISDP).