

The role of the New Partnership for Africa's Development (NEPAD) in the creation of sustainable public and private technical infrastructure for trade facilitation

by

Michael Andrew Peet

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University of Pretoria
Pretoria
South Africa

Supervisor: Professor Dr Jerry O. Kuye
Director: School of Public Management and Administration
University of Pretoria

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It is better that we face the problems of Africa as Africa, for our history of being pushed around is an African history, and our strength to stop this is an African strength.

Julius Kambarage Nyerere (1922 – 1999)

ABSTRACT

Greater access to international markets is universally accepted as the solution for many of Africa's problems. Such increased access would theoretically allow African countries the opportunity to develop strong economies. Sustainable growth through trade would then replace the current common dependence on aid and enable African citizens to enjoy a fuller share of the myriad benefits of globalisation. The gradual global reduction in historic methods to protect markets aspects, such as tariffs, is bringing technical requirements to the fore. These requirements often become Technical Barriers to Trade (TBTs) between Africa and its trading partners. Simultaneously, there are continuous global demands for greater access to African markets. Such demands occur even as ever more stringent technical requirements for granting reciprocal access in developed markets are set. Such technical access requirements are insidiously becoming an increasingly important part of the African trading landscape.

African governments increasingly need therefore to ensure that domestic industry and agriculture have appropriate and affordable access to appropriate technical support infrastructure. The current African approaches to such generally unexpected technical challenges from elsewhere, are mostly reactive donor-driven projects managed as crises. In order to address such issues proactively, a vital first step is the formulation of a mutually supportive set of national, or preferably regional, policies and associated strategies to synergistically address African issues of trade, industrialisation, agriculture and the environment. The prevalent silo approach that exists both within and among African countries in these increasingly interlinking areas unfortunately simply exacerbates an already desperate situation.

The predominant focus of NEPAD presently revolves around demonstrating appropriate governance. Rather than continuing to be victims of globalisation, African states working cooperatively through NEPAD have an opportunity to redress their past difficulties. In the area of African Standards, Quality assurance, Accreditation and Metrology (SQAM) capacitation, NEPAD has an important leadership role to play. It could provide a foundation through which

solutions in SQAM be cooperatively sought and addressed. Aspects relating to proving compliance to the aforementioned agricultural, industrial and environmental policies need immediate attention. An African, public administration led approach to building SQAM technical capacity would then be possible.

Complying with the various and technically challenging regulatory requirements of foreign markets cannot continue be the sole thrust of Africa's trade facilitation efforts. Implementing foreign technical solutions that make sense in a limited and different context will not deliver large scale benefits for Africa. NEPAD fostered partnerships based on mutually beneficial and optimal solutions are preferable. Such a proposed role for NEPAD includes the creation of sound theoretical public administration underpinning and successful operational facilitation for African public administrators working in concert on mutually beneficial technical SQAM support strategies.

DECLARATION AND ACKNOWLEDGEMENTS

I declare that this dissertation is a product of my own efforts and I have listed references to the other sources that I have quoted.

SIGNATURE

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DEDICATION

To my soul mate and loving wife, Dorothy, without whose constant support and encouragement none of this would have been possible.



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List of Acronyms and Abbreviations

| | |
|----------|--|
| AFRIMETS | Intra–Africa Metrology System |
| ANC | African National Congress |
| APLAC | Asia Pacific Laboratory Accreditation Cooperation |
| APMP | Asia Pacific Metrology Program |
| APRM | African Peer Review Mechanism |
| ARSO | African Regional Organization for Standardization |
| ASGISA | Accelerated and Shared Growth Initiative South Africa |
| AU | African Union |
| BBS | Botswana Bureau of Standards |
| BIPM | <i>Bureau International des Poids et Mesures</i> |
| BSI | British Standards Institute |
| CAFMET | African Committee of Metrology |
| CEMACMET | Metrology cooperation of the <i>Communauté Économique et Monétaire de l’Afrique Centrale</i> |
| CEN | European Committee for Standardization |
| CENELEC | European Committee for Electrotechnical Standardization |
| CGPM | <i>Conférence General des Poids et Mesures</i> |
| CIPM | <i>Comiti International des Poids et Mesures</i> |
| CIPM MRA | Mutual Recognition Arrangement of the CIPM |
| CMC | Calibration and Measurement Capability |
| CMT | Committee of Ministers SADC |
| Codex | <i>Codex Alimentarius</i> |
| COMESA | Common Market for East and Southern Africa |
| COTII | Council of Trade and Industry Institutions – South Africa |
| CSIR | Council for Scientific and Industrial Research |
| EA | European Accreditation |
| EAC | East African Community |
| EAC | European Accreditation of Certification |
| EAL | European co–operation for the Accreditation of Laboratories |
| EAMET | Metrology cooperation of the East African Community |
| ECOWAS | Economic Community of West African States |

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| EFTA | European Free Trade Area |
| EPA | Economic Partnership Agreement |
| EU | European Union |
| EURAMET | European Association of National Metrology Institutes |
| FAO | Food and Agricultural Organization of the United Nations |
| FTA | Free Trade Area |
| GDP | Gross Domestic Product |
| GMO | Genetically Modified Organism |
| IAF | International Accreditation Forum |
| IEC | International Electrotechnical Commission |
| IGR | Inter Governmental Relations |
| ILAC | International Laboratory Accreditation Cooperation |
| IMF | International Monetary Fund |
| IPAP | Industrial Policy Action Plan – South Africa |
| ISO | International Organization for Standardization |
| KCDB | Key Comparison Data Base – CIPM |
| MAGMET | Metrology cooperation of the <i>al-Mağrib al-Arabī</i> |
| M&MTEK | Materials and Manufacturing division of the CSIR |
| MLA | Multi Lateral mutual recognition Arrangement |
| MNC's | Multi National Corporations |
| MoA | Memorandum of Agreement |
| MoU | Memorandum of Understanding |
| MRA | Mutual Recognition Agreement |
| NA | Norwegian Accreditation |
| NAFP | National Accreditation Focal Point – SADCA |
| NATA | National Association of Testing Authorities, Australia |
| NCOP | National Council of Provinces South Africa |
| NCS | National Calibration Service |
| NEDLAC | National Economic Development and Labour Council |
| NEPAD | New Partnership for Africa's Development |
| NIPF | National Industrial Policy Framework |
| NLA | National Laboratory Accreditation Service |
| NML | National Metrology Laboratory of South Africa |
| NMI | National Metrology Institute |

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| NMISA | National Measurement Institute of South Africa |
| NRCS | National Regulator for Compulsory Specifications |
| NSB | National Standards Body |
| NTB | Non–Tariff Barrier |
| OECD | Organisation of Economic Cooperation and Development |
| OIML | International Organization of Legal Metrology |
| PAC | Pacific Accreditation Cooperation |
| PASC | Pacific Area Standards Cooperation |
| PFMA | Public Finance Management Act |
| PMC | Project Management Committee |
| POP | Persistent Organic Pollutants |
| PPM | Process and Production Methods |
| PS | Permanent Secretary |
| PTB | <i>Physikalisch Technische Bundesanstalt</i> |
| R&D | Research and Development |
| RECs | Regional Economic Communities |
| RISDP | Regional Strategic Indicative Development Plan |
| RMO | Regional Metrology Organisation of the CIPM |
| SABS | South African Bureau of Standards |
| SADC | Southern African Development Community |
| SADCC | Southern African Development Coordination Conference |
| SADCA | SADC Cooperation in Accreditation |
| SADCAS | SADC Accreditation Service |
| SADCMEL | SADC Cooperation in Legal Metrology |
| SADCMET | SADC Cooperation in scientific and industrial metrology |
| SADCREC | SADC regional economic communities |
| SADCSTAN | SADC Cooperation in Standards |
| SAIIA | South African Institute of International Affairs |
| SANAS | South African National Accreditation System |
| SAPs | Structural Adjustment Programs |
| SAQA | South African Qualifications Authority |
| SDoC | Suppliers Declaration of Conformity |

| | |
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| SIDA | Swedish International Development Co–operation Agency |
| SITCD | SADC Industry and Trade Coordination division |
| SIM | <i>Sistema Interamericano de Metrologia</i> |
| SMMEs | Small Medium and Micro Enterprises |
| SOAMET | <i>Secrétariat Ouest Africain de Métrologie</i> |
| SOEs | State Owned Enterprises |
| SOGS | Senior Officials Group on Standardisation and Conformity Assessment Policy of the European Union |
| SPS | Sanitary and Phyto–Sanitary |
| SQAM | Standards, Quality Assurance, Accreditation and Metrology |
| SQAMEG | SADC SQAM Expert Group |
| SRMOs | Sub Regional Metrology Organisations |
| SSA | Sub–Saharan Africa |
| TBT | Technical Barrier to Trade |
| The dti | The South African Department of Trade and Industry |
| TIFI | Trade, Industry, Investment and Finance Directorate at SADC |
| TNF | Trade Negotiation Forum |
| TRCB | Trade Related Capacity Building |
| UNCTAD | United Nations Conference on Trade and Development |
| UNIDO | United Nations Industrial Development Organisation |
| WECC | Western European Calibration Co-operation |
| WELAC | Western European Laboratory Accreditation Co-operation |
| WHO | World Health Organization |
| WTO | World Trade Organization |

NOTE: In terms of spelling conventions, this study has adopted Standard British English but has retained the integrity of Standard American English within quotation marks.

CHAPTER 1

General Introduction

1.1 INTRODUCTION

The opening of African markets to increased foreign trade is an important and strategic imperative with many consequences. There are important roles for national governments and domestic public and private sectors in such an exercise. African Governments could previously regulate foreign goods coming into their local market by using various combinations of subsidies and quotas. Import levies in the majority of African countries were, and in some cases still are, a substantial source of government income. The international community, and many African commentators, appear to agree that free trade is the preferred way to encourage strong African economies. Ngoatje (2006:190) for instance opines that 'trade is accepted as a catalyst for economic growth and development'. Stewart (1999:106) concurs and also asserts that 'despite the presence of structures and processes which favour Northern economies, there are opportunities for developing nations and their companies to produce and trade a variety of goods and services'. As in any other activity, someone needs to take responsibility to determine what is required to ensure success from an African perspective. Mills (2000:7) argues that 'policies still require effective strategies for implementation to enable states to engage advantageously with the global environment'. What role can African States therefore play in identifying and assisting in the facilitation of such opportunities for the benefit of their own citizens? The many predicaments identified by this study raise the question as to whether cooperative engagement with such complexities, using a vehicle such as the New Partnership for Africa's Development (NEPAD), would assist African states in finding appropriate and sustainable solutions.

The continuous lowering of tariff barriers during international trade negotiations has highlighted the role of regulations as a significant issue as far as technical barriers to trade are concerned. The need by governments to

regulate often creates situations where exporters are faced with voluminous paperwork, complex formalities, and many potential delays and errors. Hill (2002:485) notes that 'a typical international trade transaction may involve thirty different parties, sixty original documents and three hundred and sixty document copies, all of which had to be checked, transmitted, re-entered into various information systems, processed, and filed'. Such a mountain of paperwork, plus specific technological factors for a product, can have very different consequences for exporters. If the exporting company requires proof of compliance to an international (or local) standard and does not have access to a sufficiently developed, recognised and appropriate national technical infrastructure, retesting may be required on delivery with the inherent delays and associated costs. Such difficulties are not only experienced between African exporters and developed countries. There are many such complexities, including language barriers, in inter African trade. If increased trade between African states is to be realised then major work in Africa is also required.

African countries have been encouraged over a period of many years, and often with external donor support, to establish a single public body to address standards-related issues. These typically create and when resources permit participate in the international harmonisation of standards. They may also perform a technical regulatory function on behalf of their government in terms of legislation. Many further develop to also provide testing and/or inspection and certification services to confirm compliance with national and, where appropriate, internationally harmonised standards. They are typically given the name of National Bureau of Standards (NSBs). Many African states, regardless of size, either have such a publicly funded body or are striving to establish one. The need for producing national standards, often an expensive process, and the subsequent activity to prove compliance to such standards, a potential source of revenue, can unfortunately easily create the potential for a conflict of interest. This is especially true when additional revenue is required to supplement scarce and decreasing public funding, which is almost always the case for such organisations whose significant but indirect impact on the economy is often difficult to understand.

In order to ensure financial sustainability, some of these NSBs have further developed the services they offer. Time has shown that without an appropriately overarching policy for Standards, Quality Assurance, Accreditation and Metrology (SQAM), their activities can easily conflict with longer term trade facilitation, and SQAM growth-related, objectives. This is especially true with regard to the promotion of an appropriate private sector involvement in standardisation and conformity assessment. The increasing trend of local adoption of internationally harmonised standards does call into question the future role and scope of work of such bodies. These organisations have historically also taken the lead role in providing technical support for African States. A key question therefore concerns the future role that these and other African public sector organisations should initially and continually play, versus that played by the private sector. Work by Jreisat (2002) is also important given that many of these organisations in Africa were created as replicas of similar institutions in developed countries. Jreisat (2002:70) points out that just because a 'particular structure performs certain functions in one government' one should not automatically assume that 'the corresponding structures will perform the same functions in all governments'. Jreisat (2002:70) also warns against the assumption that such transplants 'will perform with the same degree of competence and ethics across systems'. Another important point in this regard is mentioned by Antonsen and Jorgensen (1997:338) who contend that 'because of the varying age of public organizations and their relatively high immortality, some organizations lose their reasons for being public and remain so simply by tradition'. A review of function and purpose is therefore appropriate.

1.2 PUBLIC ADMINISTRATION AND TRADE FACILITATION

Is it only the privilege of developed country citizens to be able to actively participate in the global trading arena and gain the associated economic benefits? Surely it is time for the African states to claim their rightful place in the global economy on behalf of their citizens. Instead of continuing to be the victims of globalisation, NEPAD could offer new opportunities for African public administrators to tackle some of the past difficulties collaboratively and

innovatively. In attempting the proposed study from an African Public Administration perspective it is prudent to note the concern of White ([1926] 2004:59) who states that 'the role of administration in the modern state is profoundly affected by the general political and cultural environment of the age'. Welch and Wong (1998:43) also caution that the 'global environment should not be ignored as an influential force for bureaucratic change and decision making'. With reference to the state, Freysen (1999:60) argues that its purpose is to have a positive impact on the community through the promotion of the 'self-development of the individual'. The same author (Freysen, 1999:29) asserts that 'Service delivery by the state is not only necessary for the enjoyment of rights – it also secures those rights'. These sentiments are echoed and further amplified by Stewart (1999:128) who notes that 'a well-organised, efficient, and development-oriented government and public service is necessary for the state to play a development role'. Welch and Wong (1998:42) have identified 'a gap between public administration research and practice in Western and non-Western nations'. The same authors (Welch & Wong, 1998:42) also point out that 'ironically these gaps are occurring at a time in which the global environment is subjecting most governments to a similar set of global pressures'.

A fundamental question that therefore needs to be answered initially is if trade facilitation is in fact an African public administration problem or whether solutions should be left for market forces to seek alone? A clear definition of the boundaries of the field of public administration and its application would go some way in beginning to answer this double-edged question. In attempting to describe public administration, Fesler (1980:2) notes 'its paradoxical nature'. A similar difficulty in obtaining a precise definition for the domain of public administration is highlighted by many other authors (White, 1955:4; Rainey, Backoff and Levine, 1976:234; Henry, 1986:41; Jordan, 2006b:634; Lanham, 2006:605; Rugge, 2007:115; Thoenig, 2007:89). Such fluidity within the field suggests that trade facilitation and the related technical infrastructural activities could easily and safely be included within its mandate. The African public administrator after all has to shoulder a lot of the responsibility for ensuring that national commitments, made at such bodies as

the World Trade Organization (WTO), are actually implemented. Another reason for including trade-related issues under the purview of public administration is that the subject and science aim at being practical. Public administration is also one of the few social sciences that explicitly tries to be prescriptive. Africa is in dire need of practical SQAM-related solutions. However, foreign SQAM prescriptions need to be treated with caution.

A leading role for the public administrator, according to White ([1926] 1955:12), is the successful implementation of policy. Such a task in African SQAM includes the creation and appropriate harmonisation of policies related to trade, industrialisation, agriculture and the environment. The same author (White, [1926] 1955:12) points out that the first task for a public administrator is to gain a deep, insightful understanding of 'all the huge array of disciplines which enrich our complicated environment', followed by 'knowing which [disciplines] are relevant to its several missions'. Given the complexities involved in the narrowly selected area of SQAM and related conformity assessment activities, a high degree of technical specialisation is obviously required. Such insight (White, [1926] 1955:12) is then used to 'evaluate and interpret the contributions of each ingredient' and finally (White, [1926] 1955:12) to 'blend these components into a new element which will often be unlike any of its parts'. Given that the conditions confronting the majority of, if not all, African states are similar, there is much to commend the idea that such an activity become a public administration task under the auspices of NEPAD.

Coordinated and cooperative efforts in such specialist activities are especially important when one considers both the African context and the very sophisticated technical infrastructure required by developed countries to address the standards and regulatory issues that confront all African exporters. Naidoo and Kuye (2005:624) have found that 'it is not only the public service's obligation to provide services but [also] to oversee that they are actually delivered'. Such a role, in the context of the subject under discussion, involves not only defining an initial and ongoing public administration contribution but also creating the necessary conditions for

attracting, engaging and ultimately leading and cooperating with the private sector and other important stakeholders. The creation of suitable structures and processes to guide the work of such administrators is crucial to success. If such effort is required of one state, South Africa, in one of the Regional Economic Cooperation's (RECs) of NEPAD, namely the Southern African Development Community (SADC), why not share experience and knowledge both within the REC and also within NEPAD?

African countries are normally standards takers not standards makers. The cost of overprinting an international standard, and then distributing such as a local agent, is relatively small. The counter argument is that, especially in Africa, many of the experts involved in the development of such standards, either locally or internationally, and their subsequent initial interpretation and assessment, are specialist public officials employed by African standards' organisations. There is a need therefore to balance the views of these expert staff in both regional and international discussions on the technical issues surrounding trade facilitation with those of other stakeholders. The positions taken should reflect prevailing realities rather than serving narrow organisational or even self interests. Such influential bias can clearly be seen in the NEPAD document which stresses the need to 'establish organisations on national standards in African countries' (NEPAD, 2001:51); 'establish standards bureaux' (NEPAD, 2001:52); and 'tackle trade barriers in international trade through the improvement of standards' (NEPAD, 2001:55). Although partly true this is unfortunately not the whole picture.

It is evident that in the African context, the public sector, and public administration, has a key role in creating initial technical capability and capacity. With reference to the research topic (the role of the new partnerships for Africa's development), increasingly direct foreign and local investment is predicated on issues such as the availability of a sound conformity assessment infrastructure. It is vital that production facilities located in Africa can cost effectively prove compliance with international requirements, especially in respect of environmental and social issues. This trend in turn can be expected to boost the demand for more sophisticated

conformity assessment capability and services. Jreisat (2002:70) argues that 'In order to meet its obligations, a government needs specialized institutions.' This study proposes that an initiative under NEPAD could offer the chance for African countries to share the burden accruing from the creation and maintenance of such specialised capacity in all of its many facets.

1.3 GLOBALISATION, AFRICA AND AFRICAN TRADE

As companies in Africa grow from serving the needs of their local consumers they will be faced with issues accessing other markets that can only be solved by the local availability of appropriate technical support. Governments in Africa, as elsewhere, can no longer prevent competition by the imposition of tariffs. A growth in technical requirements can be expected. African countries need to embrace regional solutions for their technical needs, especially in the area of conformity assessment. Given the long lead times between conception and realisation of projects of such a specialised nature, it is vital that African states identify their needs for technical capacity building for trade facilitation as a priority project and commit appropriate human and other resources to it. Experience has shown that technical infrastructure capacity building and enhancing projects are by no means short term in nature and require large amounts of ongoing capital and operational expenditure. If African governments are serious about creating an enabling environment for export-led growth, it is obvious that well considered, appropriately timed and funded public administration-led interventions are required. These interventions cannot be merely incentive driven; They must also be appropriately supported by credible technical support from public institutions. It is clear therefore that public administrators have a major, collective role to play in ensuring that the intentions of their political leaders in this area are successfully carried out and that they achieve the desired outcomes.

Research by the United Nations Industrial Development Organisation (UNIDO, 2006:1) points out that 'most countries in Africa have failed to reap significant benefits from trading opportunities in expanding markets'. Thoburn (2000:4) declares that 'Africa, particularly sub-Saharan Africa, has been slow

to participate in globalisation'. The same author (Thoburn, 2000:4) points out that even though 'world trade has been rising faster than world output consistently since the second world war, this has not been true of Africa'. The UNIDO research (2006:1) notes that 'African markets are too constrained for adequate industrial expansion' and stresses that African producers of goods and services 'require access to global markets if vital increases in employment and income levels are to be achieved'. A possible reason as to why this might be so is provided in findings from Jun (2000:281) who reports that 'since the 1990s, economic globalization has further contributed to market rationality and competition' which, he (Jun, 2000:281) contends, 'is a basic characteristic of global free trade'. This is a view that is challenged in part by Jackson (2001:11) who also notes the lack of convincing theoretical evidence 'to support the case that competition is good'. Kotze and Steyn (2003:86) also refer to 'Africa's inability to capitalise on the process of globalisation' particularly over the last twenty years. They (Kotze & Steyn, 2003:86) also note the double impediments of a continuing loss of resources and less than optimal terms of trade. Giving an example from South Africa that anticipates support for these assertions, Abbot, Roberts and Robins (1999:37) contend that 'tough residue regulations and stringent phyto-sanitary controls make access to the US market difficult and are perceived by many as disguised protectionism'. Europe is also a major market for African produce. The role of European agricultural subsidies has been at issue for a long time. Abbot, et al. (1999:37) assert that the competitiveness of South African business is 'hampered by agricultural subsidies'.

South Africa has very sophisticated technical support infrastructures in place that are on a par with some of the best developed countries. Such is not the case, with rare exceptions, for the majority of countries in the rest of Africa. Given that both the United States and Europe are major markets not only for South, but also for the rest of Africa, one wonders how other African countries are going to cope if South Africa is facing such difficulties. While noting that South Africa has been successfully competitive, Nwonwu (2006:11) believes that because the vast majority of the other African states 'are suffering from technological backwardness' they only have the limited option of exporting

primary agricultural commodities ‘with consequent low export earnings’. The predominant reality facing Africa – that of increasing difficulty in accessing international markets and gaining any benefit from globalisation – is the cause of desperate measures. Nwonwu (2006:2) also argues that the various African states are almost forced ‘to adopt strategies that would contrive the realization of economic growth and sustainable development’.

The growth in global trade and a need to adhere to a set of common and internationally agreed rules places enormous pressures on African governments. As parties to international conventions and treaties, they need to intelligently participate in the creation and application of international, trade-related, regulations and standards. But what about those African countries who are individually unable to exercise this responsibility but are subject to its far reaching consequences? Given the present imbalances in the global environment, what are (1) the trade-related policy issues that jointly face African States and (2) how can coordinated African state intervention and African public administrators play a larger role in improving the situation? A specific problem for instance is that African exporters frequently face difficulties in gaining access to foreign markets due to requirements to have products tested and assessed in the importing country to ensure they meet local regulatory requirements. As Ngoatje (2006:41) points out: ‘Current trade rules create serious barriers to the processing and value adding that Africa needs in order to speed up economic growth.’

One important element of the current trade rules debate revolves around the issue of national regulations. Some regulation is required, according to Pongsiri (2002:490), as ‘a key element to maintain competitive market discipline on public service provisions in developing countries’. Henderson and McGloin (2004:392) also emphasise the need ‘for the establishment of a legal framework involving a complex mixture of regulatory activity’. The complexity is required, according to the same authors (Henderson & McGloin, 2004:392), ‘to reduce opportunistic tendencies’. In the absence of such legal frameworks, Henderson and McGloin (2004:392) note that ‘disputes are likely to occur and projects can and will be delayed’.

This gives rise to the question of models for regulatory practice in SQAM that Africa can learn from. Context is vitally important especially when dealing with the legacy of African colonial administrative systems that are largely still in place. White ([1926] 1955:5) points out that there are basically ‘two great systems of government administration’. The one ‘Anglo–American’ is characterized by a preference for ‘self–government in local communities’. The second, ‘French’ is characterized by a ‘dominance of national over local authorities’. With reference to the American tradition of Public Administration, Langrod (1961:72) notes that ‘business management, unknown and neglected in the European tradition, became for a time the American model for, and big brother to Public Administration’. All of which is important contextual information given the history of colonial domination within Africa previously mentioned. The present–day thrust by the WTO and other donor–related activities in the area of technical capacity building will continue and hopefully increase. Tangible benefits will remain variable unless such a fundamental problem is understood and appropriately addressed.

An interesting but critical by–product of the present form of globalisation is mentioned by Farazmand (1999:513) who notes that the ‘global corporate structure has also produced...a new level of organizational elite that tend[s] to influence public policy and administrative decisions virtually anywhere on the planet’. One important reason for the existence of such specialised individuals is reported by Harris and Fleisher (2005:xxxiv) who argue that the worth to commercial organisations of getting a word change to, or special exception inserted in, regulations ‘can be worth millions of dollars, euros or pounds’. Another reason why large private sector Multinational Corporations (MNCs), that are based predominantly in developed countries have identified the need for such a role is perhaps answered by earlier research undertaken by Welch and Wong (1998). Governments and their bureaucracies, according to these authors (Welch & Wong, 1998:43), ‘are increasingly making decisions that incorporate global constraints and opportunities into their own domestic agendas’. Fuhr (2001:424) raises a similar issue and not only declares that ‘globalization makes the traditional spheres of policy–making and governing in sovereign states more porous’ but also continues that ‘transnational policy

co-ordination among governments and new global public policies may constrain policy making by nation states in several critical areas'. If MNCs see the benefit of such activity African states should do so too.

NEPAD has played a very important role, according to Herbert (2004:2), in 'sensitising the world about African issues, such as trade'. Based on and building onto such sensitisation, a logical next step would be some sort of coordinating role for NEPAD, as far as African governments and their related public administered infrastructures are concerned, is needed to ensure that African manufacturers and service providers also gain a fairer share in future from the fruits of globalisation rather than continue to suffer from the consequences of marginalisation. Although logical, such an outcome is not automatic. Herbert (2004:4) also points out that 'African leaders remain unable to define clearly what NEPAD is'. He contends that 'many descriptions have been offered' but that 'they fail to answer two questions that are essential to any plan...what specifically does the plan propose to do and who will do the doing?

In the African context, earlier sporadic and uncoordinated interventions need to be carefully considered in order to ensure that previous mistakes are not inadvertently repeated. Nwafor (2003:3) reminds us that in Africa: 'It was generally believed that after independence, the apparatus of state would be used to eliminate mass poverty and deprivation and generally improve the quality of life of Africans.' Hartzenberg, Hoffman, Abeasi and Mbumba (2007:3) also mention the same public sector-led strategy but add that 'governments gave the impression (and indeed some governments still continue to act that way) that they can do it single-handedly and provide all the development needs of their respective countries'. These authors (Hartzenberg, et al., 2007:3) continue 'it was not the best approach because it ignored the tremendous potential of the private sector as a credible partner or ally in the development equation. This is what has become known as making the private sector the engine of economic and social growth' (Hartzenberg, et al., 2007:3). Research by Bayliss and Hall (2002:4) has found that 'private sector options should not be pursued where government stewardship is not

able to enforce quality levels', all of which points to the careful balancing act required of African governments to open markets, provide appropriate publicly funded technical infrastructure and encourage the private sector to take an active and increasing role in service delivery, while remaining ultimately accountable to the larger electorate. The need for African states to satisfy the ever increasing expectations of ordinary citizens regarding tangible personal benefits flowing from greater global inter connectivity coupled with coping with the relentless pressure by the developed nations for greater access to African markets would imply a greater coordinating role for NEPAD. This could only occur as part of a delegation of responsibilities by these states in certain of the identified technical support areas. It is vital therefore that a role for NEPAD be clearly enunciated in this regard.

1.4 THE NEED FOR AFRICAN STATES TO CREATE AND MAINTAIN SUPPORTIVE TECHNICAL INFRASTRUCTURE TO ASSIST IN GREATER MARKET LIBERALISATION

Responsible African governments want to seize the benefits of globalisation for their nationals, that is, larger markets and greater income for their local industries and lower prices for their consumers. The pursuit by African governments of such a laudable objective needs a carefully thought out strategy. Any interventions would require both political and administrative components. The challenge is to achieve such objectives whilst limiting the unintended consequences of any downstream actions such as higher safety risks, due to inferior quality imported goods, for the local consumer. Sophisticated technical requirements are obviously a major concern to African countries owing to their potential to negatively impact on exports from the continent. Such a concern has been identified by NEPAD. The need to 'establish organisations on national standards' and 'harmonise the technical regulatory frameworks' of African countries (NEPAD, 2001:51) is specifically highlighted. The widespread global focus on the role of internationally harmonised standards in trade facilitation logically leads to the issue of how does one satisfactorily prove compliance of an African product or service against such a standard? To ensure that products or services comply with

technical regulations or standards increasingly requires some sort of credible conformity assessment, for example, laboratory testing, inspection or third party certification. A global demand has therefore been created for appropriate mechanisms that allow for independent proof of the competence of both conformity assessment bodies and the integrity of the associated national technical support infrastructure. NEPAD (2001:51) has identified the need to 'acquire membership of relevant international standards organisations'. This strategy is required in order to 'give Africa a stronger voice in these bodies'.

An icon of modern economics, Adam Smith ([1776] 2003:xviii), expressed concern as far back as 1776 that 'merchants and manufacturers, pursuing their own self-interest, would orchestrate government regulation...to their advantage'. It is interesting therefore to note that, in Africa at least, the previously mentioned public providers of conformity assessment services could potentially be just as problematic. This is especially important if one considers that much effort and donor funding, encouraged by the WTO, are presently focused on creating such sustainable technical infrastructure in developing countries, particularly in Africa. Although the role of the private sector is recognised as being important, little is actually being done to create conditions for a more active role on their part. Another difficulty is that in many cases, substantial income from levies is generated against regulations and then used to provide income for most public Standards bodies.

As African states try to better integrate into the wider, and brutally competitive, global economy such challenges will not decrease. In facing this challenge there are several further issues. One is how should a country migrate from donor or government driven creation of publicly administered technical support capacity and delivery to encouraging an appropriate mix of public and private institutional capacity where required? A related issue is how to address sustainable private sector conformity assessment service provision in such a highly technical and potentially expensive field.

African governments, with appropriate public sector support, also need to address the issues of differing standards and support offered to competitors in the appropriate international forums like the WTO. They also have to ensure that there are appropriate domestic systems in place to back international negotiating positions. African governments certainly cannot be seen to be asking others to do one thing while applying different norms domestically. African governments, through the judicious use of the public sector, also have a key role at least initially in the creation of domestic and / or regional technical capability and capacity.

1.5 THE ROLE OF AFRICAN PUBLIC ADMINISTRATION

It has already been argued that leadership in creating SQAM policy and its subsequent implementation must be seen to be a public administration responsibility. What needs to be managed by the public sector as opposed to that which is delegated to the private sector is another issue entirely. Henry (2007:42) notes that with regard to the type of 'institutional setting, public, nonprofit, or private' within which 'public administration will be done is more open to alternatives than ever before'. The private sector, Kennedy and Hobohm (1999:1) assert, 'has become the central focus for the economic development of African countries in recent years. Two factors account for much of this new emphasis: the failure of public sector led economic development and the rise of globalization'. Diale (2005:59) cautions against 'an umbrella approach to replacing public sector practices with those of the private sector' as this 'will in the long run leave the public, ...at the mercy of the self-interested market forces'. Many economists, Pauw, Woods, van der Linde, Fourie and Visser (2002:19) point out, 'agree that there is a phenomenon called market failure'. This, they state, 'means that not all goods and services that the members of a community need or want will ever be produced on an individual payment basis'. (Pauw, et al., 2002:19). This is definitely the case as far as technical infrastructure is concerned, not only in South Africa where it is already well advanced even compared to developed countries, but also in the wider African region. Outside South Africa, prevalent activity in the area of conformity assessment relies mainly on funding the

normally underdeveloped infrastructure of the various national Bureaux of Standards based on their assessment of prevailing country needs. Private sector development of conformity assessment bodies, if considered at all, is largely seen as an unrelated and even unwelcome activity and effort is certainly not focused on producing a sustainable private sector component. This leads to the creation of specialised public capacity that ultimately impedes the creation of a sustainable private sector in this area while actively discouraging any chance of growth.

Several approaches to the provision of conformity assessment are mooted by such influential bodies as the World Bank, the Organisation of Economic Cooperation and Development (OECD) and the European Union (EU). These proposed remedies fall, simplistically, into two categories. One is private sector dominated and based on an underlying philosophy of control by the so-called market forces of competition and relying on the Suppliers Declaration of Conformity (SDoC). This approach is enthusiastically driven in international forums, largely by the United States. The second, the so-called 'New Approach' relies on appropriately sophisticated regulation and a menu of conformity assessment choices based on risk. The latter approach is preferred by the European Union (EU). The EU promotes this view for at least two reasons. One is the inherent risk from incorrect but cheap test results. Another is the legislative need as contained in European Directives for public institutions within Europe to take appropriate responsibility for protecting the welfare of their citizens. Stone's (2004:571) assertion, that 'two contradictory interpretations cannot both be true...and political life is full of them', sums up the situation exactly. African industry needs to export to both of these important markets complete with their 'contradictory interpretations'.

There is a need to determine if there is a cost effective way, as an African country exporter, to satisfy the apparently conflicting but entrenched export market philosophies on which the fragile global trading system is presently constructed. Stewart (1999:106) asserts that 'despite the presence of structures and processes which favour Northern economies, there are opportunities for developing nations and their companies to produce and

trade [in] a variety of goods and services'. Unfortunately Stewart does not then elaborate in any detail where the problems usually emerge. Of direct relevance to African public administration and the associated public institutions are the findings from Raadschelders (2000:381) who declares that 'the influence of the West on African government is not only visible in the pursuit of Western style reforms but also continues to be visible in the usage of Western-based theoretical frameworks for analyzing reform'. Jreisat (2002:121) challenges such a generic strategy and argues that the 'administrative concepts and techniques evolved in the context of the social, economic, and political conditions of Western countries are not fully valid or applicable in the new contexts'. That the concerns of Jreisat are valid is underlined by Nzwei and Kuye (2007:205) who report that 'policies from the North may be well intended, there have been no conclusive research evidence that they have worked'. A good reason why this may be the case is provided by Haruna (2004:202) who contends that 'because public problems are "wicked," there can be no quick fixes'.

Should African countries blindly follow present global trade and SQAM related orthodoxies? There is sufficient evidence that African states need to become more active in the international trade arena and shape it towards serving their own interests. They cannot rely on the good intentions of the private sector whose *raison d'être* ranges from self-preservation for small or newly emerging businesses at one extreme to global domination by the large MNCs in brutal competition with each other at the other end of the spectrum. Neither of these two extremes easily accommodates an altruistic outlook as far as African countries or their domestic industries are concerned. This would suggest an important role for public administration in general and African Governments working, independently or preferably together, on mutually beneficial strategies in particular.

The need for African countries to actively participate at the international level to protect its interests while simultaneously researching policies and frameworks that would benefit its citizens is already an overwhelming challenge. To these tasks must also be added the need for successful

ongoing implementation of such policies. Such complex and interlinking activities need to be managed whilst coping with increasing demands for the rationalisation of both the services government provides and the public officials required to execute such tasks. Each one of these activities is significant in its own right let alone in combination. The effort required to try to perform such tasks simultaneously, in a coordinated fashion that achieves the desired benefits, whilst minimising unintended consequences, defies the imagination. All of which causes Stiglitz (2007:21) to posit that globalisation creates a far greater need for countries to 'act together to solve their common problems'. The implication is that far greater responsibility needs to be taken by African governments, before seeking assistance, to more fully understand what they want to achieve. Related issues are how they would determine success and whether the proffered remedies by others would indeed provide sustainable solutions.

South Africa is currently the only country in Africa that has fully developed the sophisticated infrastructure required to prove equivalence of conformity assessment activities. South Africa's experience could provide valuable lessons for those donors and recipients who think that technical infrastructure capacity building and strengthening projects are a short term remedy. Mathiasen (2005) provides some sage advice in this regard. Mathiasen (2005: 667) notes that 'what works and what does not tends to be heavily context-dependent, that is to say, a technique or organizational structure that succeeds in one place may fail in another'. At issue therefore is the role that African Governments and related public administered infrastructures might play, individually and cooperatively within a framework such as NEPAD, in creating the appropriate environment for African manufacturers and service providers to gain from participation in international trade.

1.6 THE COORDINATION OF AFRICAN TECHNICAL INFRASTRUCTURE DEVELOPMENT AS PART OF NEPAD

The initial and ongoing role of both private and public funded conformity assessment activity and the supporting technical infrastructure is an important component in creating holistic solutions for Africa in addressing Technical Barriers to Trade (TBT's). In facing this challenge there are several issues. As already mentioned, one is how countries migrate from a scenario of donor or government driven creation of publicly administered service capacity and delivery to one that encourages the creation and use of an appropriate mix of public / private institutions. A related issue is how to address sustainable private sector conformity assessment service provision in such a highly technical field. Melber (2004:4) for one expresses doubt about a meaningful role for NEPAD. He claims that 'NEPAD remains controversial among leaders of African states. It has also utterly failed to gain approval from many stakeholders'. A factor that is 'indispensable for the success of NEPAD' according to Ngoatje (2006:41) is the role of partnerships between 'Africa and the richest countries of the North'. It might also be useful to also stress the need for appropriate partnership with the richest country in the South of Africa. Ngoatje (2006:41) does argue that such partnerships need to be grounded 'on mutual respect, dignity, shared responsibility and mutual accountability' – essential advice, given South Africa's past traumatic relationship with many African States.

South Africa is one of only two African states (the other is Egypt) with the standards, metrology and accreditation functions fully separated and independently operational as envisaged by the NEPAD document. Such a separation has been a slow, painful and relatively expensive exercise that mimics developed European countries but would be impossible to replicate in many African states. Regional provision of such facilities is also mooted by NEPAD. A regional accreditation service has only just begun in one of the NEPAD RECs, SADC, supported by both South African and Norwegian funding. The many challenges that have had to be addressed over a period of nearly eight years prior to this realisation are fully addressed in the case

studies in Chapter 4 of this thesis. The lessons learnt from the South African and SADC initiatives in the area of standards and conformity assessment related technical support structure creation and maintenance are investigated and compared to work at the NEPAD level in order to extract guidance and lessons for future work in this important area.

1.7 CHAPTER SUMMARY

This chapter presented an overview of the emergence of a new form of globalisation and its impact on African countries that seek to grow through inter and intra regional trade. Given the focus of the study, the role of public administration in the support of trade facilitation was articulated. The need for African states to corporately and individually address the issue of supportive technical infrastructure was identified as an important area of activity under the umbrella of NEPAD. Thereafter a definite role for African public administration was expounded. The role identified for NEPAD and its limitations followed with some of the accompanying challenges that are foreseen as areas of concern. Informed by this background, the next chapter focuses on the research methodology adopted to allow a deeper investigation of the many and various issues involved in African SQAM.

CHAPTER 2

Research Methodology

2.1 INTRODUCTION

Although not always the case, in many instances, research is predicated on the identification of a particular problem. Ayto (1993:413) points out that, etymologically, a problem is something ‘thrown forward’ and argues that ‘things that are ‘thrown out’ project and can get in the way and hinder one’. Hoad (2003:400) also adopts an etymological perspective, and defines research as an intensive search. The same source (Hoad, 2003:400) notes that there is a purpose and focus to such an investigation which is to lead to discovery. Given these insights it is postulated that the purpose of the research is an intensive investigation directed towards discovery of obstacles and their causes albeit with a focus on trade facilitation, Africa and NEPAD. Arriving at such an initial understanding is an important and vital step for determining how to proceed. In order, however, to make further progress it is very important to consider, amongst other things, the scope, context, focus and depth of such an ‘intensive investigation’.

The first decision in narrowing the focus of the research is the decision to adopt a public perspective. Given the African trade facilitation context of this research project and the concomitant regional environment, it is suggested that a focus on research for the African public sector is a valuable exercise. The potential to identify interesting opportunities for unique public administration insights is ever present, given the rich cultural heritage of Africa that is still largely untapped. If further justification were necessary, and noting the link between the public sector and the political environment, especially in Africa, one need look no further than Stone (2004). Stone (2004:571) asserts that ‘[s]omething cannot be two different things at once. Two contradictory interpretations cannot both be true. A paradox is just such an impossible situation, and political life is full of them’. One might add that so is the prevailing understanding of Africa and its problems.

Is research into African public policies and their successful implementation therefore an optional extra that might or should be done as resources permit? Cloete (2006:285) would challenge that view and argues not only that ‘the economic, effective and efficient performance of every activity of a public institution requires that it be subject to research’ but also ‘that the research findings are taken into account by political office–bearers and officials’. Cloete’s remarks are obviously based on some fundamental assumptions about both the type of research processes adopted and the intelligent use of the results once the research is completed. Cloete is acutely aware of the difficulties in the latter case. He (Cloete, 2006:286) calls attention to the fact that ‘it is essential that political office–bearers and officials have the knowledge and skill to use research and research findings to obtain economic, effective and efficient public administration’. It is obviously possible to gain deeper understanding through research prior to, during, and after policy implementation, even when evaluating any unintended consequences. As Brynard (2006:169) sagely points out ‘[p]olicy comprises vague guidelines for decision making’.

This chapter identifies relevant research instruments and data analysis methods employed in academic research of public administration issues. It then provides insights into the rationale behind the use of the particular research methodologies that have been chosen for the study. The reasons for the research and its objectives are also explained. The definitions used, limitations and value of the research are then articulated followed by a conclusion to the chapter.

2.2 RESEARCH IN PUBLIC ADMINISTRATION

With reference to the ‘object of administrative study’, Woodrow Wilson ([1887] 1988:9) argued that such studies were required in order to ascertain both ‘what government can properly and successfully do’, and ‘how it can do these proper things with the utmost possible efficiency’. In discussing the nature of public administration, many authors discuss the difficulty of prescribing boundaries for the issues and activities covered by the subject (White,

1955:4; Rainey, Backoff and Levine, 1976:234; Henry, 1986:41; Jordan, 2006b:634; Lanham, 2006:605; Ruge, 2007:115; Thoenig, 2007:89). In order to assist in the delimitation of studies of public administration and the public sector, Robbins (1980:69) and Schwella (1999:348) agree to a focus on three generic areas: purpose, the means and 'the power required by the bureaucracy' to achieve the desired results. Robbins (1980:69) and Schwella (1999:348) also agree that deeper understanding of the means assists in gaining new insights that could contribute towards future 'optimal utilisation of human and other facilitating resources'. As Robbins (1980:68) asserts 'all three spheres are interdependent and closely interwoven'.

An 'important interdependency' is identified by Heyen (2000:721) between 'administrative tasks, administrative professions, and administrative sciences'. He (Heyen, 2000:721) concludes that 'no component of this complex changes fundamentally without causing changes in [the] other parts'. Regarding how best to study the field of public administration, which acknowledges that there are 'numerous schools of thought', Pfiffner and Presthus (1967:10) point out that 'most of them fall into three categories: legal–historical, structural–descriptive, and behavioural'. These three areas will be now looked at in more detail.

2.2.1 The legal historical approach to the study of public administration

The legal–historical approach to the study of public administration, according to Pfiffner and Presthus (1967:10), is based on 'a framework of legal rights and obligations of government', and that an important point when considering the legal–historical approach is to note that 'policy and administration are separated'. Public administration is an historical discipline, according to Heyen (2000:720) as the 'object of study is historical' and the 'study itself is historical'. Such a view is supported more recently in studies by Jun (2000) and Jordan (2006b). New possibilities, Jun (2000:280) asserts, 'must be reflexively examined in relation to history and to tradition' – a vital insight that appears to have been sadly lacking in many of the foreign imposed solutions for Africa in the context of the research. Jordan (2006b:632) also encourages

one to return to 'the early texts with a critical eye for lasting insights' as a prerequisite before beginning 'to grapple with other concepts'. Moreover, Raadschelders, Wagenaar, Rutgers, and Overeem, P. (2000:773) caution against using an historical perspective as 'a mere annex to the study'. These authors (Raadschelders, et al., 2000:777) argue that '[a]lthough history cannot point the way into unknown territory, it could help us to map what is there'. While cautioning against unrealistic expectations, they (Raadschelders, et al., 2000:775) point to the usefulness of administrative history, which can be summarised into three components. The first component is to acquire knowledge that would assist in a better understanding of the present. The second is to obtain practical insights from such knowledge. The knowledge and insights thus obtained are then used towards finding appropriate solutions to present-day problems. Given the African context of this research, Thoenig (2007:89) offers a pertinent reminder that '[p]olicy choices made in the past shape choices made today'. Historical approaches, he (Thoenig, 2007:90) rightly avers also 'underline the fact that politics and policies shape institutions'. This is an important point that will become increasingly evident later in the study.

2.2.2 The structural descriptive approach to the study of public administration

The structural-descriptive approach, according to Pfiffner and Presthus (1967:11), accepts the relevance and assumptions of 'scientific management' and business methods for application in the study of public administration. The downside to such an approach according to the same authors (Pfiffner & Presthus, 1967:11) is that it 'tends to restrict the field to organization and personnel management combined with financial and legal controls'.

With reference to the 'traditional approach' to the study of public administration in South Africa, both Rowland (1987:62) and Hanekom and Thornhill (1993:86) refer to a grouping proposed originally by Cloete (2006:85) into generic administrative and delivery, auxiliary and 'functional, also referred to as line functions'. Such a categorisation by Cloete has strong

ties to the structural–descriptive approach. The benefit of such an approach in the local context, according to Hanekom and Thornhill (1993:86), is the provision of a framework to ‘explain the administrative duties of an official in a supervisory post in the public sector’.

A major and unintended consequence in the South African environment argues Rowland (1987:58) is that because Cloete’s approach resembled a ‘dogma’, it unfortunately led to ‘stagnation in academic thought and discussion’ which is only relatively recently being addressed given both the new found freedom and associated challenges now facing South Africa.

2.2.3 The behavioural approach to the study of public administration

The behavioural approach to the study of public administration, Pfiffner and Presthus (1967:12) declare is ‘concerned essentially with the systematic study of human behavior in an organizational context’. The usefulness of the approach is based on the assumption that although the ‘substance of administrative programs is obviously varied, individual and group behavior in bureaucratic organizations tends to exhibit significant regularity’ (Pfiffner & Presthus, 1967:12).

In the context of public administration and with reference to Africa, Haruna (2004:205) states that ‘[t]he old mechanisms for studying Africa as a continent in crises of poverty, disease, conflict, squalor, and corruption that has been used as an experimental laboratory are no longer enough’. He (Haruna, 2004:205) stresses the need to ‘investigate people’s modes of understanding of organization, authority, government, and public service’ as a vital initial step. The suggested emphasis clearly aligns itself to the behavioural approach.

2.3 APPROACHES TO POLICY EVALUATION IN PUBLIC ADMINISTRATION

Public administration, according to Fesler (1980:3), ‘translates paper

declarations of intent into reality'. That such a translation exercise is not trivial is alluded to by the same author (Fesler, 1980:5) who argues that related activities include 'shaping of policy on the way up, execution of policy after it has been made, and...decision making about policy matters on the way down'. Such an understanding is supported by the earlier work of White ([1926] 1955:4) who, writing about the role of Administration, concluded that it provides the means through which 'policy adjustments are made effective'. In order to better understand different policy options there are several established models identified in the literature.

One set of models specifically concentrates on analysing the content of a policy. Four of the most popular of these models, the rational–comprehensive model, the incremental model, the mixed–scanning model and, lastly, the so-called "garbage can" approach are described in paragraphs 2.3.1 to 2.3. 4. Another set of models within the incrementalist public policy paradigm addresses the policy–making process. The institutional, group, systems and elite / mass models for analysing public policy–making processes are further described in paragraphs 2.3.5 to 2.3.8 respectively.

2.3.1 The rational–comprehensive model for policy content analysis

According to Birkland (2005:214) and De Coning and Cloete (2006:34), the rational–comprehensive model for policy content analysis can be traced to rational–comprehensive decision–making. Henry (2007:283) argues that the rationalist paradigm is 'theoretical, effectual, prescriptive and normative'. Lindblom (2005:29) calls the rational comprehensive method of decision–making the "root" method, because decisions start from the "root" of the issue or problem. The rational–comprehensive model assumes that a policy maker has access to, and choice of, a comprehensive range of policy options. Using the rational–comprehensive approach, a policy analyst needs to identify and then analyse all possible policy alternatives. Such an analysis would also include all discipline specific frameworks. The next step would be to investigate the consequences contingent upon each option. The final activity would be to choose an appropriate option(s) from the possible alternatives

that would satisfy the identified need in its broadest context. Dye (2005:15), for instance, asserts that rationalism attempts, through the selected policy, to attain the greatest possible 'social gain'. Dye (2005:15), points out that a rational policy is one where differences between the values achieved and those sacrificed are 'positive and greater than any other policy alternative' and argues that policies that cost more than the intended benefits should not even be considered.

The rational model is underpinned by several important assumptions. These are that initially a decision maker understands the problem and also what is needed or desired as an outcome once the problem is solved. Their next task is to gather all the available, relevant information in addition to that already in their possession. The final phase, according to Birkland (2005:215), is to examine the various alternatives including taking no further action. A major critic of the approach, Lindblom (2005:27), asserted in 1959 that '[i]t is impossible to gather all the information about a particular problem; one could spend a lifetime doing so and not find a final answer'. Considering the vast improvement in information storage and retrieval systems since then, Birkland (2005:215) argues that 'significant resource constraints and time pressure' prevent today's decision makers from collecting 'all the information needed'. Frederickson and Smith (2003:167) contend that individual, but notably collective, decision makers 'are constrained by limited cognitive capacity, incomplete information, and unclear linkages between decisions and outcomes'.

In recognition of such a reality, the 1978 Nobel Laureate in economics, Herbert Simon, referred to 'bounded rationality' (Birkland, 2005:216; Shafritz & Russell, 2005:53). Bounded rationality considers the constraints of time, limited information and imperfect human ability. The concept notes that a decision maker will behave as rationally as possible 'within certain bounds or limits'. Several authors (Frederickson & Smith, 2003:167, Shafritz & Russell, 2005:53) refer to the "satisficing" concept, invented by Simon that asserts that decision makers, rather than finding the best course of action, usually search for actions that are good enough.

2.3.2 The incremental model for policy content analysis

The incremental model was championed by Lindblom in a ground-breaking article called 'muddling through' published in *Public Administration Review* in 1959 (Birkland, 2005:216; Dye, 2005:18; Oberman, 2005:65; Shafritz & Russell, 2005:53; De Coning & Cloete, 2006:34; Henry, 2007:284). Lindblom (2005:28) argues that decisions are made in relatively small increments and are often based more on events and circumstances than policy. These choices are also usually made in environments characterised by incomplete access to key sources of information. Henry (2007:283) notes that the incremental policy analysis paradigm is 'substantive, processual, descriptive and objective'.

The incremental approach, Oberman (2005:65) contends, uses 'successive limited comparisons as opposed to comprehensive analysis'. According to Dye (2005:18), the policy makers focus their attention on 'new programs and policies and on increases, decreases, or modifications of current programs'. De Coning and Cloete (2006:34) also note that the incremental model 'regards public policy as a continuation of existing government activities with the potential for small, incremental adoptions only'. The underlying assumption is that a rational and more comprehensive approach to change in the public environment is impossible given the inherent difficulties associated with 'obtaining full and adequate data on all aspects of policy' (De Coning & Cloete, 2006:34). The incremental method, according to Birkland (2005:216), gives scope for a decision maker 'to take a fair number of short cuts'. He (Birkland, 2005:216) notes that decision-making efficiencies include the elimination of 'the need to explicitly separate means from ends, to pick the analytically "best" policy, and to rely heavily on theories that the decision maker may have neither the time nor the inclination to use'. Another important advantage is identified by De Coning and Cloete (2006:34) who point out that 'incremental adaptation contributes to a redefinition of policy on a continuous basis'. Lindblom (2005:29) describes incrementalism, or successive limited comparisons as 'the branch', justifying this description by arguing that 'it uses and builds on what is already known, without relying on reanalyzing

everything about what is currently being done’.

2.3.3 The mixed scanning model for policy content analysis

The rational and incremental models are, according to Shafritz and Russell (2005:54), ‘often viewed as two ends of a continuum’. Contending that these two models provide ‘useful intellectual tools for conceptualizing the decision-making process’, they (Shafritz & Russell, 2005:54) note the existence of ‘a "split the difference" compromise model that combines the two’. The mixed-scanning model was developed as an alternative to the previous models in 1967 by Etzioni (2005:46). It seeks to obtain short-term solutions to problems by using both the incrementalist and rational-comprehensive approaches. Etzioni (2005:48) points out that ‘[u]sers of the mixed-scanning model integrate the good characteristics of the rational-comprehensive model with those of the incremental model’.

2.3.4 The garbage can approach to policy content analysis

The last model that will be described is the so called “garbage can” approach (Birkland, 2005:218; Oberman, 2005:65; De Coning & Cloete, 2006:36). Frederickson and Smith (2003:177) refer to the Cohen, March, and Olsen’s description of an organisation as ‘a collection of choices looking for problems, issues and feelings looking for decision situations in which they might be aired, solutions looking for issues to which they might be the answer, and decision makers looking for work’. Birkland (2005:218) notes that ‘[t]here are three elements or streams in the garbage can model: problems, solutions, and participants’. According to Birkland (2005:218), an important aspect of the model is the availability of many existent solutions looking for problems ‘as much as vice versa’. Another distinguishing feature is the presence and role of participants who are ‘looking for a way to participate’ and ‘advance their solution to a problem, even when it seems that they are simply carrying a solution in search of a problem’ (Birkland, 2005:218).

2.3.5 The institutional model for analysing the policy-making process

According to the institutional model, 'public policy is the product of public institutions' (De Coning & Cloete, 2006:39). Government institutions, according to Dye (2005:13), confer three distinctive characteristics on public policy. These are legitimacy, as they generally involve 'legal obligations', universality, such policies 'extend to all people in a society' and lastly, coercion, violators of such policies can be legitimately imprisoned (Dye, 2005:13).

Proponents of the institutional paradigm (De Coning & Cloete, 2006:39) posit that 'the structure of governmental institutions can have an important bearing on policy results'. According to Henry (2007:286), the model 'describes the arrangements and official duties of bureaus and departments, but customarily it has ignored the living linkages between them'. The same author (Henry, 2007:286) notes that the methodology fell out of favour '[w]ith the onrush of the behavioral revolution in political science' with more reliance being placed on the group, systems and elite-mass models 'in about that order of emphasis'.

2.3.6 The group model for analysing the policy-making process

According to Dye (2005:20), 'Group theory begins with the proposition that interaction among groups is the central fact of politics'. De Coning and Cloete (2006:38) argue that 'group pressures are of particular importance in policy-making processes of a participative nature'. They (De Coning & Cloete, 2006:38) point out that the use of forums to gather policy input is an 'institutionalised arrangement to ensure that interaction' occurs. Henry (2007:285) explains the concept by noting that it can be 'conceived of as a system of forces and pressures acting [on] and reacting to one another in the formulation of public policy'. Dye (2005:20) points out that within group theory, public policy 'is the equilibrium reached in the group struggle'. Frederickson and Smith (2003:232) refer to 'capture theory' that posits the notion that because of too close a relationship with a certain group, regulators can inadvertently become 'advocates of those they purportedly regulate'.

2.3.7 The systems model for analysing the policy-making process

The systems model is based on the work of Easton in the mid 1960s (Birkland, 2005:201; De Coning & Cloete, 2006:42; Henry, 2007:286). According to Henry (2007:285) and Birkland (2005:201), the systems model conceptualises policy process ‘as being essentially cyclical’. Public policy in this paradigm is therefore ‘originated, implemented, adjusted, re–implemented, re–adjusted, ad infinitum’ (Henry, 2007:285). De Coning and Cloete (2006:40) assert that the systems model ‘is regarded as one of the most valuable tools for the purposes of policy analysis’. Birkland (2005:201) argues that such models can help ensure that all aspects of policy-making have been taken into account. Care still needs to be exercised when utilising systemic thinking in public administration. Frederickson and Smith (2003:232) caution that ‘[t]he inaccurate portrayal of the real world represented by the [politics – administration] dichotomy lessens the replicative, descriptive, and predictive capacities of the theory’. Toonen (2007:307) argues that ‘retrospective rationalizations have to be avoided’, pointing out that the administrative process ‘is full of inconsistencies, and self–induced consequences, but also with unexpected serendipities, which, in the long run, may actually generate some decent results, next to the misses inherent in any experimental and learning process’.

2.3.8 The elite model for analysing the policy-making process

The elite model contends that a small and elite group of policy makers (usually government) is responsible for policy decisions (Birkland, 2005:112; Dye, 2005:22; De Coning & Cloete, 2006:36; Henry, 2007:285). According to Henry (2007:285), the model simplistically segregates society into a small group, or elite, who ‘have power and a larger group who do not’. De Coning and Cloete (2006:37) point out that an important corollary of the model is that ‘the elite are firmly in power, that they know best and that consensus on policy exists within the elite group’.

The elite model assumes disinterest and even apathy on the part of a largely passive population (Chomsky 1991:2; Dye, 2005:24; De Coning & Cloete,

2006:37; Henry, 2007:285). Dye (2005:23) and Henry (2007:285) opine that the elite share a set of values differing from the masses. These values are then reflected in public policies. The focus is on incremental change to policies only and on substantially preserving the prevailing system because of the advantageous position occupied by the elite within it. Shafritz and Russell (2005:63) argue that elite structures offer little direct participation as they are 'closed, pyramidal, consensual, and unresponsive'.

2.4 THEORIES, CONCEPTS, PRIMARY AND SECONDARY DATA

2.4.1 Theories

According to Leedy and Ormrod (2005:4) a theory is 'an organized body of concepts and principles intended to explain a particular phenomenon'. Cooper and Schindler (2003:54) and Welman, Kruger and Mitchell (2005:22) concur but stress the interrelatedness of concepts, definitions, and propositions that together 'present a systematic view of specifying relations among variables'. The challenge, according to Cooper and Schindler (2003:54), is to 'build a better theory and to be more skillful in fitting theory and fact together'. Zikmund (2003:50) identifies the two main purposes of theory as '[p]rediction and understanding'. Theories, Zikmund (2003:50) argues, 'allow us to generalize beyond individual facts or isolated situations'. Welman, et al. (2005:20) suggest that it is desirable that a research project be associated with 'a specific theory'.

With regard to the formulation of theory in public administration 'that could withstand a penetrating analysis', Hanekom and Thornhill (1993:52) acknowledge that it 'may prove to be difficult'. These authors (Hanekom & Thornhill, 1993:52) encourage public administrators 'not [to] shy away from the challenge' and have identified three sequential elements in the process of knowledge orientation and transfer. Their suggested process begins with the summation and subsequent interpretation of extant information in order to arrive at appropriate explanations of administrative phenomena or activities. The next step is to create suitable frameworks 'to order facts and values

related to administration' (Hanekom & Thornhill, 1993:52). The final step is to identify inherent patterns that may in turn assist in guiding action in the future.

2.4.2 Concepts

A concept is defined by Welman, et al. (2005:20) as 'an abstraction representing an object, a property or a certain phenomenon'. They (Welman, et al., 2005:20) argue that '[c]oncepts are the building blocks of any theoretical model'. According to Pesch (2005:15), the use of concepts 'is necessary for humans in order to understand reality and enable communication with others'. Welman et al. (2005:20) state that '[c]oncepts are crucial in the researcher's tool bag' and identify four important reasons for their usage. The first concerns communication. Welman, et al. (2005:20) also argue that 'without a set of agreed concepts, there cannot be any meaningful communication'. The second use is as a means to provide an appropriate perspective. The third is that a concept provides a useful 'means of classification and generalisation' (Welman, et al., 2005:20). Lastly, Welman, et al. (2005:20) note that concepts are 'components of theories and thus of explanations and predictions'

The role and importance of both political and administrative concepts is highlighted by Jordan (2006b:632) who maintains that political concepts assist in the description of 'the utilization and deployment of power'. Administrative concepts, he (Jordan, 2006b:632) stresses can be usefully employed to 'describe the art and science of organizing communication, goods and services in a regime'. One wonders if there are reasons, given the perspective of the research, why such usefulness might be prevented from being usefully extended to a region.

2.4.3 Primary data and Secondary data

Primary data are original data, usually collected at source and assembled for a specific research project (Hussey & Hussey, 1997:149; Zikmund, 2003:740; Welman, et al., 2005:149; Mouton, 2008:69). Cooper and Schindler (2003:87) point out that 'data reflect their truthfulness by closeness to the phenomena'

and note that '[p]rimary data are sought for their proximity to the truth and control over error'.

Secondary data comprise information which already exists, previously collected for some purpose other than the research being undertaken by individuals, agencies and/or institutions other than the researcher themselves (Hussey & Hussey, 1997:149; Zikmund, 2003:741; Welman, et al., 2005:149; Mouton, 2008:71). Cooper and Schindler (2003:87) state the obvious: that '[s]econdary data have had at least one level of interpretation inserted between the event and its recording'.

2.5 STRATEGIC APPROACHES TO RESEARCH

The need for a predetermined amount of theoretical underpinning, structure and rigour in the academic research process is emphasised by Marshall and Green (2004:77). Saunders, Lewis and Thornhill (1997:72) wisely insist that 'knowledge of the different research traditions enables you to adapt your research design to cater for constraints'.

Table 2.1: Types of Research and methodologies (Adapted from Hussey & Hussey, 1997:84)

| <i>Approaches to research</i> | <i>Methodologies</i> |
|---------------------------------|-------------------------|
| Quantitative or positivistic | Comparative studies |
| Qualitative or phenomenological | Case studies |
| Exploratory | Cross-sectional studies |
| Descriptive | Longitudinal studies |
| Explanatory | |

Various approaches to research and the supportive methodologies are shown in Table 2.1. A detailed explanation of these research paradigms now follows under appropriate sub-headings.

2.5.1 Positivistic or quantitative research

Several authors (Hussey & Hussey, 1997:52; Saunders et al., 1997:77; Rudestam & Newton, 2001:27; Welman et al., 2005:6) note that positivistic research is based on a philosophical approach known as logical positivism. These authors (Hussey & Hussey, 1997:52; Saunders et al., 1997:77; Rudestam & Newton, 2001:27; Welman et al., 2005:6) point out that adopting such an approach implies that the research will be limited to that which can be observed directly, accompanied by logical and objective inferences on the recorded data. Leedy and Ormrod (2005:94) note that quantitative research usually starts 'with a specific hypothesis to be tested'. Further illumination is provided by Hussey and Hussey (1997:52) who assert that 'precision, objectivity and rigour replace hunches, experience and intuition as the means of investigating research problems'.

Welman et al. (2005:6) point out that the 'positivist approach to research is also known as the quantitative approach'. Hussey and Hussey (1997:12) and Zikmund (2003:111) note that the goal of quantitative research is ultimately quantification of the object under study in numerical form. Such an objective is achieved by the collection and analyses of numerical data. Although Saunders, et al. (1997:77) assert that the positivistic approach to research is strongly based on 'scientific research', Hussey and Hussey (1997:149) indicate that 'data about the variables under study' are collected in positivistic and phenomenological research. The latter is addressed in the next section.

2.5.2 Phenomenological or qualitative research

The phenomenologist (Hussey & Hussey, 1997:52; Saunders, et al., 1997:72; Rudestam & Newton, 2001:38; Welman, et al., 2005:191) is concerned with the description and the elucidation of human experience within a particular context. Welman, et al. (2005:6) declare that the phenomenological approach to research 'is also known as the qualitative approach'. The same authors (Welman, et al., 2005:192) contrast the positivists who 'require a research design to be decided on before data are collected' with the methods adopted

by phenomenologists who 'usually favour emergent designs'. Leedy and Ormrod (2005:94) point out that 'qualitative researchers often start with general research questions rather than specific hypotheses'.

Rudestam and Newton (2001:36) note that in qualitative research there 'is more emphasis on description and discovery', meaning that 'qualitative data are usually reduced to themes or categories and [are] evaluated subjectively'. The focus of qualitative research, according to Zikmund (2003:111), 'is not on numbers but on words and observations'. Mouton (2008:161) argues that the focus is on 'the process of implementation rather than (quantifiable) outcomes'. Hussey and Hussey (1997:12) contend that a qualitative approach 'is more subjective in nature and involves examining and reflecting on perceptions'. Another facet according to Rudestam and Newton (2001:156) is that qualitative studies 'are likely to produce large quantities of data that represent words and ideas rather than numbers and statistics'. They (Rudestam & Newton, 2001:37) note that while such an exercise 'begins with specific observations', it then 'moves toward the development of general patterns that emerge from the cases under study'. In terms of Africa and its development, Jreisat (2002:114) argues that the 'objectives or criteria of development are heavily qualitative and seem to defy direct statistical development'. Such an argument would seem to favour qualitative approaches to research such as the present study.

2.5.3 Exploratory studies

There are three distinct but interrelated purposes for exploratory research identified by Zikmund (2003:111). These are: (1) diagnosing a situation, (2) screening alternatives, and (3) discovering new ideas. According to Saunders et al. (1997:78), Rudestam and Newton (2001:66) and Zikmund (2003:111), exploratory studies are a valuable way to gain greater understanding of either a concept or to obtain greater insights into a problem or both. Hussey and Hussey (1997:10) point out that exploratory research is extremely useful 'when there are very few or no earlier studies' to use as reference with regard to an issue or problem. In the same context, Cooper and Schindler (2003:151)

argue that '[b]oth qualitative and quantitative techniques are applicable, although exploration relies more heavily on qualitative techniques'. Hussey and Hussey (1997,10), Rudestam and Newton (2001:66) and Zikmund (2003:111) agree that although exploratory studies in theory can provide both quantitative and qualitative data, many exploratory studies result in qualitative data only.

2.5.4 Descriptive studies

The object of descriptive research, according to Saunders, et al. (1997:79), is 'to portray an accurate profile of persons, events or situations'. Hussey and Hussey (1997:10) add that such research 'describes phenomena as they exist'. As a major contribution towards successful research output, Saunders, et al. (1997:79) stress the need for a clear understanding of the phenomena on which data will be collected prior to the beginning of the data collection process. Owing to the need for such clarity, both Saunders, et al. (1997:79) and Zikmund (2003:55) contend that descriptive research 'may be an extension of, or a forerunner to, a piece of exploratory research'. Additional clarification on the role of descriptive research is provided by Zikmund (2003:55) who notes that it 'seeks to determine the answers to who, what, when, where, and how questions'.

2.5.5 Explanatory studies

Explanatory research is the logical next step, according to Hussey and Hussey (1997:11), after completing a descriptive research project. Explanatory research, as its name suggests, attempts to both analyse and explain why things are or are not occurring. Hussey and Hussey (1997:11) and Saunders, et al. (1997:79) point out that after studying a situation or a problem, the emphasis in such research is to identify and explain causal links and relationships between variables.

2.6 RESEARCH METHODOLOGIES

Some types of research methodology are associated directly with either the positivistic or the phenomenological approach to research. These linkages are shown in Table 2.2.

Table 2.2: Linking research strategy to methodologies (Adapted from Hussey & Hussey, 1997:59)

| Positivistic | | Phenomenological |
|---------------------------------|--|---------------------------------|
| <i>Associated methodologies</i> | | <i>Associated methodologies</i> |
| Comparative studies | | Case studies |
| Cross-sectional studies | | Participative enquiry |
| Longitudinal studies | | |

2.6.1 Comparative studies

According to Mouton (2008:154), comparative studies focus ‘on the similarities and differences between groups of units of analysis’. The use of comparative studies as a tool in public administration research has both enthusiastic proponents and detractors. As one for the former, Jreisat (2002:2) believes that such research ‘promotes understanding of global influences while expanding the domain of intellectual inquiry beyond traditional parochial tendencies’. Welch and Wong (1998:41) report that revisionists ‘criticize the lack of cumulative knowledge in comparative public administration’. Such criticism is based on a belief that such studies are ‘limited to the comparison of bureaucracies operating under similar political, economic and social contexts’ (Welch & Wong, 1998:41). Jun (2000:277) argues that the growth in research that uses other approaches is more than enough evidence of the limitations of comparative studies that use established, in other words, ‘Western-based theories’. The same author

(Jun, 2000:274) points out that the assumption that ‘non–Western countries could adopt Western methods in order to improve their administration’ led historically to the incorrect selection of an appropriate theoretical framework in comparative research. Another difficulty is identified by Farazmand (1999:515) who refers to the ‘shifting debate over the nature and size of the state and public administration in developing knowledge and building theoretical generalizations’. Jun (2000:277) asserts that ‘every society has conflicting visions, goals, and policy orientations’, and notes therefore that ‘differences among societies and localities are more important to our pursuit of gaining comparative knowledge than are similarities’. This is sage advice indeed given the different legal and public administration traditions in Africa due to its colonial past.

2.6.2 Case studies

Case studies are defined by Mouton (2008:149) and Saunders, et al. (1997:76) as the development of in depth descriptions about a single ‘case’, or a small number of related ‘cases’. The aim of using a case study, according to Zikmund (2003:115), ‘is to obtain information from one or a few situations that are similar to the researcher's problem situation’. Saunders, et al. (1997:76) contend that a case study ‘can be a very worthwhile way of exploring existing theory’. Jreisat (2002:69) points out that the use of case studies can supply a ‘comprehensiveness that is hard to reach through other methods of research without sacrificing specificity and relevance’.

2.6.3 Cross–sectional studies

A cross–sectional study is a snap shot using data collected at a single point in time that focuses on a particular phenomenon or variables in different contexts, but at the same time (Hussey & Hussey, 1997:59; Saunders, et al., 1997:77; Cooper & Schindler, 2003:149; Zikmund, 2003:187).

2.6.4 Longitudinal studies

Several authors (Hussey & Hussey, 1997:62; Cooper & Schindler, 2003:149; Zikmund, 2003:187) point out that longitudinal studies are those that are repeated over an extended period in order to observe and track changes of either a variable or group of subjects that occur over time.

Even when time is a constraint, Saunders, et al. (1997:78) aver that 'it is possible to introduce a longitudinal element' to a study. They (Saunders, et al., 1997:78) base such an assertion on the fact that 'there is a massive amount of published data collected over time just waiting to be analysed!'

2.7 THE REVIEW OF THE LITERATURE

An important prior step to commissioning any new research is to determine what is already available in the specific or related areas of scholarship. This implies a thorough review of appropriate literature. Finn (2005:90) cautions against using this exercise merely to summarise 'the state of knowledge'; he continues: 'although the role of summary is necessary in a literature review, it is far from sufficient.' A critical interrogation of prevailing knowledge, including the identification of any significant gaps, regarding the specific issue(s) under investigation is thus the minimum output expected from a literature review.

With reference to the study of public administration policy, a study by Brynard (2005) has identified the existence of 'three different generations' of research. Brynard (2005:651) reports that the first generation is characterised by assumptions that 'implementation would happen automatically' once 'policies had been authoritatively proclaimed'. The second generation identified by Brynard (2005:651) realised that 'implementation was a political process no less complex (and often more so) than policy formulation'. Brynard (2005:651) points out that the third 'analytical' generation, have been trying to understand 'how implementation works in general and how its prospects might be improved'. Given these developments in public administration research, it is important to understand these underlying assumptions of the various authors

if value is to be obtained from using such prior work to guide future research in related areas. As is elaborated under 2.12 of the current research project, the thrust of this thesis falls broadly into the analytical generation, within very carefully defined parameters but depending upon existing studies, which are examined in some detail in Chapter Three.

2.8 THE SELECTED RESEARCH APPROACH, METHODS AND DESIGN

The methodology adopted for the study is an exploratory study using primary and secondary data collection techniques. These are used as part of a qualitative research approach using some quantitative aspects to enable scientific and logical conclusions to be formulated. As no less a luminary as Albert Einstein (1879–1955) once said ‘Not everything that can be counted counts, and not everything that counts can be counted’. The primary sources are personal research, observations and meetings with various public officials, technical experts and international donor organisations over several years at the national, SADC, African regional and international levels aimed at identifying an African approach to providing the specialised technical infrastructure required to reliably prove conformance to appropriate standards and technical specifications.

The secondary sources used are various journal articles, official documents, books and Web sources as quoted. The review of prevailing scholarship begins with a contextualisation of the research within the current global trading arena. Key issues regarding the need for African states to create and maintain a sustainable and functioning technical support infrastructure for trade facilitation are identified. The literature review also notes the existing work in NEPAD. An historic perspective is used to both ground as well as identify the significant future role of African public administration.

Owing to the nature of the topic and the specific focus on the perspective of the role of NEPAD from a public administration viewpoint, three case studies based on national, REC and NEPAD initiatives were chosen for comparison. Rudestam and Newton (2001:43) suggest the adoption of such an approach

in similar circumstances as 'it is more likely that theory will emerge once the data are collected'. As intimated, some limited quantitative secondary data concerning inter and intra regional trade flows are utilised as appropriate to identify trends and highlight related issues for the study.

The first of these case studies identifies and describes relevant activity in South Africa. South Africa is specifically chosen owing to the lessons that can be learnt from the many years of experience within the technical institutions there and very recent developments from government strategy in the area under study. The next case study addresses the same activity but using insights from the SADC REC. The final case study investigates the existing activity at the NEPAD level.

Although the review of the scholarship is recognised as an important component of the research, it was recognised from the outset that the ideas acquired in evaluating the three selected case studies would provide both (a) valuable guidance in finalising the structure of the text and also (b) play a crucial role in arriving at an appropriate conceptual framework for African public administration in the area of study.

2.9 THE PURPOSE OF THE STUDY

Nations that trade internationally expect proven compliance of imported agricultural products and manufactured goods against increasingly sophisticated technical requirements. These requirements may be perceived or real Technical Barriers to Trade (TBTs) by their trading partners. The problems experienced in developing countries, such as those in Africa, without credible demonstration of compliance with the aforementioned technical requirements are increasingly and painfully obvious. The public sector is already recognised as having an important role in assisting industry to address these and other market access issues.

Much donor effort in the area of conformity assessment is currently directed at public sector capacity building in Africa but doubts on sustainability are

beginning to surface. A related problem concerns the creation of appropriate and sustainable private sector conformity assessment capability and capacity to support and supplement existing public funded institutions. Prevalent international trends in public administration appear to actively promote a smaller, more focused, public service. Such a trend may be counterproductive in the current context. Any African project that challenges the prevailing orthodoxies would therefore need careful preparation, rationalisation and implementation.

The document 'New Partnership for Africa's Development, October 2001 (Official Text)', sketches some of the aspects regarding the need to create a sustainable technical infrastructure for Africa. This research attempts to identify and explain the impact of the numerous issues confronting Africa and African public administration in order to offer new insights into (a) the need for a harmonised regional approach to lobbying at the international technical level whilst, with specific focus on the role of NEPAD, (b) discussing the need for African public administration specialists in the area under study and (c) exploring the role of NEPAD and African public administration as facilitators of joint solutions for the many challenges involved in the implementation and maintenance of such an infrastructure within Africa.

2.10 RESEARCH OBJECTIVES

The following research objectives pertain –

- 2.10.1 The identification of current NEPAD mechanisms to assist its Regional Economic Communities (RECs) in sustainable capacity building in this area
- 2.10.2 The identification of areas where NEPAD mechanisms to assist its RECs are currently lacking
- 2.10.3 The identification of areas where regional public administered technical infrastructure is already assisting African inter and intra regional trade
- 2.10.4 The identification of areas where regional public administered technical infrastructure is required to assist inter and intra regional trade.

2.11 THE RESEARCH QUESTION

There is an important need for sufficient time and emphasis to be placed initially on question formulation. Saunders et al. (1997:21) encourage such diligence in order to ensure that any subsequent research successfully delivers the intended results. Zikmund (2003:99) expounds the need to begin research with the objective in mind. Cooper (2003:80) also sounds a warning and notes that '[t]o be researchable, a question must be one for which observation or other data collection can provide the answer'. The need for careful preparation in the initial stages of the research process is emphasised by Rugg and Petre (2005). They (Rugg & Petre, 2005:146) affirm that 'asking the right research question is a key academic skill'. As they (Rugg & Petre, 2005:146) insist: 'bad research questions are a common cause...of tragedy when a mistaken result is used for public policy making.'

Focusing on NEPAD, it is clear that African public administrators have a major, collective role in ensuring that the intentions of their political leaders for the continent are successfully carried out and that they achieve the desired outcomes. Such a role involves not only defining an initial and ongoing public administration contribution but also creating the necessary conditions for attracting and engaging the private sector and other important stakeholders.

The research question therefore is: ***'To what extent can the New Partnership for Africa's Development (NEPAD) assist in creating sustainable public and private standards and conformity assessment related infrastructure for African trade facilitation.'***

2.12 THE NEED FOR THE STUDY

Any practice adopted by African countries that gives no external confidence in the continuous competence of its public and private standards and conformity assessment organisations to accurately report on the results of inspections and tests could easily jeopardise more than individual organisation reputations. Although NEPAD has documented some of the underlying issues

at the broader philosophical level, there is no existent research on the role of NEPAD or its constituent RECs regarding the type of public administration mechanisms that should be promoted and adopted to allow sustainable creation of appropriate technical infrastructure needed to address the pressing issue of proving conformity to international standards. The role and type of regional monitoring processes required to ensure cooperative implementation have also not been addressed in any way. The research is therefore undertaken to contribute to the discipline of African public administration by identifying the role of public administrators, acting in concert with and under the auspices of NEPAD, in addressing the trade facilitation and technical capacity building challenges that face the African region.

2.13 DEFINING CONCEPTS AND CONSTRUCTS

Technical Barriers to Trade (TBT) is the World Trade Organization (WTO) term for those potential barriers to international trade that occur once tariff barriers are removed between trading partners. The WTO has a TBT agreement that has been signed by all members. This agreement seeks to ensure that technical regulations, standards and procedures adopted by member states for assessment of conformity do not create unnecessary obstacles to such trade.

Technical regulation is a legislative, public administrative approach used by governments to safeguard the health and safety of consumers as well as the environment. Technical requirements can vary from country to country. Goods must comply with the technical requirements of the relevant country as defined in a specific technical regulation in order to be permitted into that country.

Technical capacitation is a methodological description of the holistic activities and resources required to identify, prioritise, implement and maintain a technical infrastructure in support of specified government policy objectives.

2.14 LIMITATIONS

The study identifies existing and potential trade facilitation initiatives of NEPAD from an African public administration perspective, focusing specifically on the role of NEPAD and African public administration regarding the technical capacitation of infrastructural elements of trade related regulation, standards, metrology and accreditation only.

It is important to point out that South Africa is acknowledged both within the greater region, and internationally, as having by far the most technically sophisticated and internationally recognised domestic SQAM infrastructure. The South Africa government has also actively encouraged its public funded technical experts to take a leading role in SADC over many years. The SADC SQAM interventions are also recognised by other NEPAD RECs, namely the Common Market for East and Southern Africa (COMESA) and the East African Community (EAC), as being relatively well advanced compared to their own SQAM related REC projects. The research therefore focuses on the present SQAM infrastructure developments in South Africa, SADC and NEPAD in the form of three case studies. The research compares such activities with recent public administration related developments in the European Union. It seeks to identify ways to develop and promote alternative, Afro centric solutions to Africa's unique SQAM infrastructural problems through NEPAD. As these are developmental in nature, they differ fundamentally from the harmonisation problems in SQAM matters presently experienced by Europe and the United States.

Owing to the vast complexities surrounding the study at hand together with funding and time constraints, a conscious decision was made to focus specifically on “analysing the contents” of current SQAM-related policies. The adopted approach has been used in order to suggest appropriate remedial action. It is acknowledged that the determination of who was involved, why they were involved and how they were involved in the various policy options at the present time in NEPAD are significant areas of research in their own right.

2.15 CHAPTER DELINEATION

Chapter 1: General introduction

The chapter provides the general background of the study. It introduces the subject of globalisation and its impact on the efforts of governments to simultaneously regulate imports while trying to benefit from increased export trade flows. The important role for public administration in the issue of trade facilitation is then elaborated. The focus moves to the issues surrounding globalisation, Africa and specifically African trade. The need for African states to create and maintain appropriate, specialised technical infrastructure for trade facilitation is also highlighted together with the specific role of African public administration. The chapter concludes with a section that highlights the limitations in the NEPAD strategy regarding the topic under study.

Chapter 2: Research Methodology

This chapter identifies the research instruments and data analysis methods employed in the academic research of public administration issues. It then defends the use of the particular research methodologies that have been chosen for the study. The reasons for the research and the objectives of the research are also listed. The definitions used, limitations and value of the research are articulated. The chapter concludes after a breakdown of the content of each chapter.

Chapter 3: The need for public led interventions in addressing African technical infrastructure capacitation

The chapter provides an overview of the scholarship in the area covered by the research by means of a review of appropriate literature. The chapter addresses the background in the search for both a theoretical framework and critical role of African public administration in creating a suitable environment within NEPAD for successful trade facilitation. The impact of the prevailing form of globalisation on free trade, governments and public administration are

also investigated. The understanding of the definition and scope of public administration is addressed as part of the identification of the need for an enhanced role for it in the generation of Africa's own solutions to technical infrastructure issues. The same theme is addressed by exploring the evolution of the science of public administration from American and European perspectives. This is important, given Africa's colonial past, as well as the developed country domination of international trade related organisations. The role of the state and its institutions as far as regulation and market liberalisation is then examined.

Market failure and the associated need for legislation and policy administration regarding the role and use of technical regulations and standards as part of a NEPAD strategy to facilitate inter and intra regional trade follows. The focus shifts to proving conformity against such technical regulations and standards and the need for African capacity and capability. The role of both public and privately funded technical resources is scrutinised within previous donor funded interventions and other African experience. The legacy from, and impact of, colonially created public administrative structures inherited by African states industry is then addressed. The major but often uncoordinated efforts of donors in the area of SQAM, including their role as well as the states themselves in enhancing sub regional and regional technical cooperation, are highlighted. The chapter ends by studying NEPAD, as the vehicle tasked with addressing such technical issues for Africa. A potential role includes addressing the creation and maintenance of shared technical infrastructure and how NEPAD might coordinate such activity at the continental level.

Chapter 4: Case Study

Chapter Four focuses on three case studies that address the creation of sophisticated technical infrastructure from the South African, NEPAD REC, namely SADC and NEPAD perspectives. South Africa has been chosen both because of the maturity of its technical infrastructure and the international reputation that such infrastructure has subsequently earned. The relatively

recent role given to the technical infrastructure in public policy aimed at both trade facilitation and industrialisation is also addressed. SADC as a sub region of NEPAD was chosen in recognition of its role in supporting the political goals of the member states to create a regional trading bloc. Comparisons are also drawn with the relatively recent developments in the European Union regarding the increasing preferential use of accreditation in proving conformity.

The last case study addressed in the chapter, NEPAD, focuses on the uneven development of regional efforts to address the important domain of technical infrastructure and why certain elements have enjoyed a priority to the detriment of the holistic approach that is desirable.

Chapter 5: An analysis of the case(s)

The chapter provides an analysis of the various case studies described in Chapter Four. The analysis identifies areas where South African, SADC and NEPAD directed public administrative activity is currently assisting African industry to demonstrate compliance with international technical criteria in a sustainable manner and, more importantly, where it is not and why this might be so. Such an analysis is important in order to identify key impact factors. The intended and unintended consequences of the various planned activities are also probed.

Chapter 6: Research findings, recommendations and conclusion

The concluding chapter provides an appropriate summary of the findings of the research. A set of recommendations for NEPAD coordinated and directed SQAM related initiatives to promote inter and intra regional trade are then detailed and supported. The chapter ends with a conclusion.

CHAPTER 3

The need for public led interventions in addressing African technical infrastructure capacitation.

PART I

3.1 GLOBALISATION AND FREE TRADE

The use of the term globalisation is both recent and increasing in popularity. Globalisation, Wolf (2005:13) argues, 'is a hideous word of obscure meaning...that came into ever-greater vogue in the 1990s'. In spite of such widespread popularity, any attempt made to describe the phenomenon called globalisation, according to Jreisat (2002:6) 'is like defining the wind'. Arriving at a definition for globalisation is 'no trivial task' according to Wolf (2005:13). 'There is much background noise' in globalisation according to MacGillivray (2006:12) who also contends that, 'not all of it [is] so easy on the ear'. Legrain (2003:9) further attests that 'globalisation is a process, not a destination'. Jreisat (2002:6) points out that 'one feels it and recognizes its effects more than one sees it'. Farazmand (1999:513) further amplifies the impact of such effects and points out that in the new global environment it is 'possible to produce a product anywhere, using resources from anywhere, by a company located anywhere, to be sold anywhere'.

Productive benefits flowing from the globalisation paradigm are highlighted by Lall (2004:189) who asserts that it is 'the most pervasive and powerful influence on industrialization today'. Luke (2005:234) argues that the needs of the global consumer, as perceived by marketing experts and promoted by the global advertising media, 'allow firms to set about making more and more commodities hitherto inaccessible in many markets available to all who desire them'. With reference to globalism in its topical manifestation, Jreisat (2002:6) is concerned that 'its future trends are unpredictable in many vital aspects'. Such unpredictability also creates victims as is increasingly now being realised.

Not all impacts of the global phenomenon are either intended or beneficial. Dunkley (2004:6) points out that '[g]lobalism is complex, with crosscutting impacts'. With the focus on trade between Sub-Saharan Africa (SSA) and the United Kingdom, McWilliams provides some tangible and convincing evidence that at least this part of Africa is at once very much involved and, as will be shown later, not always positively impacted upon by global developments. Findings from McWilliams (2007:17) indicate that consumers in the United Kingdom 'spend over £1 million (US \$2.4 million) daily on produce imported from SSA'. The same research has also found that 'seventy percent of the green beans grown in Kenya go the UK and 87% of the UK's green bean imports come from five African countries' (McWilliams, 2007:17). One might wonder how such perishable produce can be delivered to a discerning customer, more than seven thousand kilometres away, in sufficient time to ensure that the produce is still fresh enough for consumption. The answer is provided by the exponential increase in the availability of technology that allows rapid communication of the requirements in the first instance. Such communication technology is supported by the sophisticated packaging and transport arrangements that are now available at a cost that makes their use commercially viable.

The ever increasing manifestations of the new form of the globalised world hold important consequences for African traders. Brown and Sander (2007:2) report that owing to technological improvements and more open capital and consumer markets over the last two decades, large supermarkets based in Europe are now 'global sourcing companies'. McWilliams (2007:17) reports 'almost half of the imports sent into UK by air come from [Sub-Saharan Africa] SSA'. With the strong dependence by African economies on agricultural produce as a means to generate external revenue this could be, as some African countries have already realised, a major opportunity for positive change. Unfortunately, as will be shown later in the research, there are also major challenges confronting suppliers from these same developing countries in Africa.

The impact of globalisation and more open markets on developing nations in general is addressed by the research of Hopwood, Mellor and O'Brien (2005). Using economic data for countries collected over a period of nearly fifty years, Hopwood, et al. (2005:48) show that 'the gap between the richest 20% and the poorest 20% has widened substantially'. Goonatilake and Kaeser (2006:1) point out that both the increase in volume and any associated developmental impact flowing from developing to developed country markets 'has been limited'. Closer to home, research by UNIDO (2006:1) provides evidence that 'Africa's share of world exports has fallen from 4.5% to 2.4% in the last 20 years'. Hutton–Wilson (2007:12) reports that during 2006, the 50 African countries reached 'a combined GDP of just over US1 trillion for the first time'. That this is no cause to rejoice is highlighted in the same report. Hutton–Wilson (2007:12) notes that the figure equates to approximately 2% of global economic activity. Even more disconcerting is the fact that the global Gross Domestic Product (GDP) now stands at US\$48 trillion (Hutton–Wilson, 2007:12). With so much growth, a reasonable and obvious question is why has Africa not been able to capture more of a share of the benefits? One possible reason is identified by Brenton and Hoppe (2006:157) who note that, according to World Bank estimates, 'the cost of doing business in Africa...is as much as 40 percent higher than in other developing regions'. The global exploitation of Africa is highlighted by Stiglitz (2007:11) who notes that 'during the years of colonialism the world took its resources but gave back little in return'. Political fragmentation in Africa coupled with the legacies of colonialism that exacerbate an already desperate situation are addressed later in the study.

The need to successfully participate in the international market is, according to Chen, Otsuki and Wilson, (2006:3), 'increasingly critical to job creation and poverty alleviation in developing countries'. The global movement from 'protectionism to liberalization' of markets has, according to UNIDO (2006:1), 'opened up opportunities for the advancement of trade and industry'. Goonatilake and Kaeser (2006:1) report that, unfortunately, such opportunities have been underutilised by developing countries. Possible impediments, according to Lall (2004:196), are 'the inability to apply new

technology’ and/or even more interestingly ‘because of trade barriers and subsidies in the industrial world’. Findings by UNIDO (2006:2) indicate that ‘barriers to trade with developed countries are estimated to cost the developing countries \$100 billion a year – approximately twice the amount provided in aid each year by the rich countries’.

Evidence that a substantial part of the existent playing field for global trade is not level is provided by Stewart (1999:106), who claims that ‘areas not covered by free trade principles are very large’. Stewart (1999:106) argues that such areas ‘are controlled by the rich industrial countries through their political and economic power’. Even with a level playing field, Goldsmith (1996:255) cautions that ‘when the strong confront the weak on a level playing field the result is a foregone conclusion’. Another major role player in today’s global trade environment is identified by Fuhr (2001). Fuhr (2001:424) points out that ‘the omnipresence of an international private sector intensifies the demand for institutional arrangements that promote market–led development’. Feinstein (2007:245) points out that ‘corporations have become increasingly more powerful actors in society’, adding that their ‘impact and influence on the public sector is wide–ranging and profound’. The impact of such demands on both the domestic and international trade environment is mentioned by Welch and Wong (1998). Global trade agreements, according to Welch and Wong (1998:45), can ‘have even greater influence on a country’s economy than any of the domestic economic institutions in each individual country’. The global environment, the same authors (Welch & Wong, 1998:43) caution, ‘should not be ignored as an influential force for bureaucratic change and decision–making’.

In order to seize the benefits of larger economies of scale, MNC’s prefer to operate in countries that share essentially the same technical requirements for their products and services. Lack of harmonised technical specifications for the same product within different countries leads to increased costs, which can make a product uncompetitive in a particular market. Another and increasing area of concern for MNCs is the need to comply with differing national environmental legislation either during production or in the later use

of the product or both. Abbot et al. (1999:26) contend that because 'environmentally-driven trade is relatively new, fast-moving and far from maturity' there are various different policy frameworks that 'provide many incentives for unsustainable production and trade'. The same authors (Abbot, et al., 1999:26) also note that the present reality is that '[m]any environmental initiatives are also in competition with one another, with different visions of the future, for example, integrated pest management and organic farming'. This is a significant problem for those African countries that still have a significant portion of their export trade based on agricultural produce.

3.2 THE ROLE OF PUBLIC ADMINISTRATION

3.2.1 Critical issues in public administration

In order to investigate the role of public administration within the area of research, it is important to make a distinction between two different uses of the term. The first use regards public administration as a phenomenon as applied by governments and their public servants in their daily tasks. The second use, sometimes identified in literature by the capitalized 'Public Administration', refers to a distinct academic field studying public administration as a scientific endeavour in order to increase knowledge. The difference between these two activities needs to be clearly understood. Public administration, according to Marini (2000:5), combines the activities of the 'practice and study of the professional formulation and influence of public policy' followed by implementation 'on behalf of the public interest of a society, its civic subparts, and its citizenry'. Such a division partly describes the difference between the academic study of public administration and actual practice.

In addressing the study of public administration, Welch and Wong (1998) identify the emergence of 'two main methodological trajectories' which the authors call 'traditionalists' and a more recent group the authors call 'revisionists'. According to Welch and Wong (1998:41), the traditionalists treat bureaucracies as a subsystem operating 'within the political, economic

and social context of a particular nation'. The aim of these studies is to describe and explain why 'bureaucracies are what they are and why they do what they do' (Welch & Wong, 1998:41). More recently, and in an attempt to improve scientific integrity, the revisionists have studied bureaucracies to identify and analyse both universal phenomena and differences after which a 'context is then formed around the findings of research' (Welch & Wong, 1998:41). Such developments have unfortunately not 'helped develop theory that is more applicable to or informative for non-Western nations' (Welch & Wong, 1998:41). More worrying is that Welch and Wong (1998:41) argue that it is also 'creating a gap between public administration research and practice in Western and non-Western nations' at the time when 'the global environment is subjecting most governments to a similar set of global pressures'. Welch and Wong (1998:42) therefore suggest that the 'identification of a set of environmental pressures common to all nations and their subsequent inclusion into a theoretical model for analysis may serve to reduce the theoretical and application gaps' that their research has identified.

Another important issue for public administration is its pervasion by private management principles. Frederickson and Smith (2003:114), for instance, note that 'modern principles of entrepreneurial public management are now nearly a hegemony in the practices of public administration'. They (Frederickson & Smith, 2003:114) inform us that such doctrines are collectively known as 'New Public Management (NPM)' and are 'presently [sic] very influential in the practices of public administration'. Past tendencies in Africa for donor funded activities based on foreign philosophical approaches are at issue. Frederickson and Smith (2003:114) inform us that NPM not only has a 'particularly strong base in Western Europe...as well as in the United States' but also that the OECD 'encourages countries to adopt its principles'. Previous experience has shown that policies adopted and promoted amongst OECD members ultimately form the agenda for similar work by the United Nations and its related agencies such as UNDP and UNIDO. Both UNDP and UNIDO are very active in Africa in the area being studied. What is troubling is the conclusion reached by Frederickson and Smith (2003:114) that '[o]nly time will tell whether the principles of New Public

Management will deliver their promise’.

Administration is an art, according to White ([1926] 1955:2), that involves the ‘direction, coordination, and control of many persons to achieve some purpose or objective’. With this definition in mind, the same author declares therefore that ‘an administrator is consequently one who directs, coordinates, and controls the activities of others’ (White, [1926] 1955:2). Writing over a decade later, Gladden is not as confident to offer such a clear and concise definition as that offered by White. Research by Gladden (1966:11) has found that ‘administration...is not easy to explain, and different writers on the subject offer different definitions’. Simon, Smithburg and Thompson, (1950:3) writing over fifteen years earlier do not seem to have any difficulty in claiming that ‘administration can be defined as the activities of groups cooperating to accomplish common goals’. Moving nearer to the present, in 2006 Goodsell circumscribes the difficulty of definition by focusing on describing its role. According to Goodsell (2006:633), administration ‘is a social asset at the core of democratic governance’ and as such ‘makes critical contributions to society that go unnoticed’. Such a description brings us very much closer to the public side of administration.

A further reason to study public administration as a particular academic exercise is amplified by Robbins (1980). Robbins (1980:69) contends that the study of public administration provides ‘tools of knowledge and skill’ to present day and future incumbents of ‘management or supervisory positions in the public sector’. If this appears to be a straightforward task, Fesler (1980:15) notes ‘the study of the study of public administration should by now have yielded stable principles’ but this is still not the case. Fesler (1980:15) offers a partial explanation by mentioning that knowledge generation activities in public administration ‘have not been funded and sorted out in a way that permits confident generalization about the wide range of problems encountered in public administration’. Jordan (2006a:563) is more controversial and comments that ‘for decades now, public administration scholars have laboured tirelessly to solve the perennial and pressing questions of administrative responsibility, namely ‘who are administrators

responsible to?' and 'what are administrators responsible for?'. According to Jordan (2006a:563), 'neither of these questions, despite the literature available within the Western context ...are [sic] sufficiently resolved'.

In attempting to explain the term public administration, Pfiffner and Presthus (1967:7) postulate a definition as 'the coordination of individual and group efforts to carry out public policy'. Policy is, however, ambiguous, according to Sharkansky (1975:4), who argues that it can be interpreted as 'a proposal, an ongoing program, the goals of a program, or the impact of a program upon the social problems that are its target'. Whatever difficulties arise in definition, Fesler (1980:3) asserts that policy comes first. A policy is then followed by administration. Administration, according to Fesler (1980:3), achieves objectives such as 'altering the behavior of citizens toward conformity with the statutory mandates and delivering promised benefits to the intended beneficiaries'. With reference to the identity of the 'intended beneficiaries', public administrators, according to Henry (1986:47), now appreciate 'that the public in public administration...must be cast into philosophic, normative, and ethical terms; public becomes that which affects the public interest'.

If the ambiguity already identified were not enough, White had already identified, in the first American text in public administration, the need to be careful in offering limited definitions of the subject. White ([1926] 2004:57) posited that public administration involved the 'management of men and materials in the accomplishment of the purposes of the state'. White ([1926] 2004:57) is very careful to point out that the definition offered 'leaves open the question to what extent the administration itself participates in formulating the purposes of the state, and avoids any controversy as to the precise nature of administrative action'. Research by Fesler (1980:2) also found difficulties in finding an exact definition for the subject of public administration. Fesler offered the following examples in order to better inform the reader as to why an exact definition was so problematic. According to Fesler (1980), public administration is not something that is easy to generalise. Anticipating Welch and Wong (1998) the author (Fesler, 1980:13) suggests the need to carefully consider the fact that 'public administration is timeless but is time-bound, it is

universal but is culture-bound and varies with situations, and it is complex but is intelligible only by a simplified model or a step by step combining of such models'. Fesler (1980:2) also notes that 'it is other things as well, but these provide sufficient orientation and offer enough paradoxes to introduce the subject'. According to Pesch (2005:178), another source of confusion is that public administration 'incorporates two meanings of publicness at the same time'. Pesch (2005:178) argues that one role of public administration is that of an economic agency in that it manages and produces goods and services. The other role of public administration, according to Pesch (2005:178), is acting in response to the public interest by formulating laws and policies.

An African perspective is offered by Haruna (2004:204) who also warns against too prescriptive or restrictive a definition for the subject of public administration arguing that this would be 'insufficient for meeting the challenges of complexity, fragmentation, uncertainty, risk, and conflict facing contemporary civil societies and polities'. A South African standpoint is offered by Hanekom and Thornhill (1993:57) who assert that public administration is a 'comprehensive and peculiar field of activity'. They (Hanekom & Thornhill, 1993:57) add that it involves 'numerous activities or functions...aimed at producing goods and rendering services for the benefit of the community'. Another South African, Cloete (1994), tackles the subject matter from the slightly different perspective. Cloete (1994:57) refers to the creation, maintenance and operation of public institutions and points out that these perform a 'variety of activities, also known as functions or processes...collectively known as public administration'. A further South African perspective is provided by Pauw (1999:22), who defines public administration as the 'organised, non-political, executive functions of the state'. He (Pauw, 1999:22) also points out that there are 'numerous other definitions – some focus on policy, some...classes of activities, some...institutions and bureaucracy'. Overly mechanistic definitions for public administration are challenged by Thoenig (2007:96) who points out that 'change processes such as globalization and issues such as economic development suggest that governmental organizations are also vehicles for social and political identities, not only passive technocratic machineries'. In a

similar vein, Goodsell (2006:634) reminds us that the agencies of public administration 'constitute great engines of rule and response in governance' and that 'their success contributes crucially to the building and maintenance of the public trust underlying democracy'. The same author (Goodsell, 2006:634) also poses a challenge by asking public administration 'to see itself as a major contributor to democratic life'. This is deeply significant given the African context of the study.

3.2.2 The evolution of European and American public administration

Given the colonial past of Africa together with the accompanying transplanted public systems, a review of the implications thereof is important. Such a review should allow a deeper understanding of the many complexities of the subject matter and reveal how these might assist in the study at hand. Raadschelders, Wagenaar, Rutgers and Overeem (2000:775) admonish public administrators not to 'reinvent the wheel', pointing out however, that 'without a grounding in history, such re-invention will continue'. With such encouragement, the focus of the study now turns to the history of public administration.

Traditionally public administration, as noted by Ruge (2007:115), 'has been conceptualized as distinct from and often as the opposite of politics'. Ruge (2007:15) also points out that 'such a distinction is very problematic in theory and separation has proved more than problematic in practice'. In spite of the difficulty associated with such a distinction, Ruge (2007:115) asserts that such a separation 'strongly contributed to shaping and animating public administration throughout the past two centuries'. A similar view was posited many years earlier by Sayre (1958:103), who noted that 'in the pioneer texts...politics and policy were separate from administration'. There are two basic functions in all governmental systems, according to seminal work by Goodnow ([1900] 2004:36), who argues that these are (1) the 'expression of the will of the state and (2) the execution of that will'. Goodnow ([1900] 2004:36) elaborates about the 'separate organs' in all states that are responsible for the 'discharge of one of these functions...respectively, Politics

and Administration'. Robbins (1980:39) reports that White was arguing as long ago as 1926 'that administration should be separate from, and not intrude upon, politics'. According to Robbins (1980:39), White bases his argument on the fact that 'the field of administration is a legitimate discipline, lending itself to scientific study'.

With reference to the United Kingdom in the mid–nineteen century, Rugge (2007) gives some very practical reasons for the 'politics / administration dichotomy'. Rugge (2007:115) indicates that as Ministers struggled to cope with the detail of the portfolios that they were responsible for, civil servants were confronted with an ever–increasing workload that was both technically intensive and complex. Such developments (Rugge, 2007:115) logically led to 'the establishment of a permanent civil service was largely prompted by the want of personnel with an entire and stable devotion to the administrative work'. A further refinement, according to the same author (Rugge, 2007:115), was that the civil service so created was 'neutralised' in order to provide 'a solution to possible frictions between politicians and bureaucrats'. The positive impact of such neutralisation was that 'whatever the party in power, administration would steadfastly follow its policy' (Rugge, 2007:116). An interesting comment by Rugge (2007:118), in the light of the research, is that '[t]here is no doubt that government [in the United Kingdom] reacted to direct or systemic pressure to provide the infrastructure necessary for economic development'.

With the clarity obtained on the difference between politics and public administration, attention can now focus on public administration aspects. 'Within the framework of Western civilization', White ([1926] 1955:5) points out that two great systems of government administration have developed, 'One is the Anglo–American...self–government in local communities...The other is the French...dominance of national over local authorities'. The relevance of such information to Africa, given its colonial past, is obvious and could assist in understanding why regional integration of different legislation might be problematic.

The existence of a separate European concept of public administration is questioned by Rutgers and Schreurs (2000:621), who contend that '[t]here is no such thing as a well-developed European concept of public administration'. Rutgers and Schreurs (2000:623) argue that understanding came through an evolutionary process among the various European states. Such a consensus building process has gradually led to the establishment of 'principles for public administration shared by EU member states with different legal traditions and different systems of governance' (Rutgers & Schreurs, 2000:623). A similar process can be seen in other key areas within Europe such as harmonised technical requirements. Such processes, even at the national European level, according to Agatiello (2007:69), require both 'sustained political determination' and a foundation of 'widespread national consensus'. Owing to the nature of consensus building even at the national level, let alone among such a richly diverse group of countries with long and cherished traditions, this is a long and tedious process.

Once a consensus has been reached and appropriate legislation enacted it is then legally binding on each member state of the European Union. It is not difficult to imagine what then confronts non-European states faced with the output of such arduous processes in terms of negotiating bilateral agreements, including trade, with the European Union. Aid supported training and support are then offered as a solution to allowing others to understand and comply with such regulations. Given the advice of Hartzenberg, Hoffman, Abeasi and Mbumba (2007:4), that complying with the various and technically challenging regulatory requirements of the 'European Market should not become a cornerstone for Africa, other markets should also be considered as important (for example, the US market)', it is wise to consider whether such an option is any easier.

In the United States, the practice and study of public administration developed separately and in isolation from European practices. The Americans, according to Langrod (1961:69), 'developed a science of Public Administration of its own'. Pesch (2005:71) also contends that the study of public administration in continental Europe, seen as a branch of law, is

different from that in the United States where it 'became an independent academic field before it did in other countries'. The fundamental differences in evolution of public administration in Europe and the United States, according to Pesch (2005:71), are due to 'the American version of the doctrine of the separation of powers, which differs essentially from the Continental–European version'. A problem with the American approach, according to Langrod (1961:69), is the lack of 'knowledge of what was done elsewhere in the past in dealing with similar problems'. Welch and Wong (1998:40) hold a similar opinion and contend that 'American public administration is not considered to be either informed by international theoretical perspectives or very adaptable to other national contexts'.

Raadschelders, et al. (2000:786) contend that there are two further issues that need to be considered with respect to American public administration. The first issue (Raadschelders, et al., 2000:786) raised about the American approach is that it is 'overshadowed by administrative management and its enthrallment with science and rationalism'. Raadschelders, et al. (2000:786) rightly claim that 'administrative history could help to strengthen the interpretative tradition that was so characteristic of the days that the study of public administration was part of the study of law'. A European perspective is self–evident in these remarks. The problem of exporting public administration principles from one part of the world to assist others is embedded in the above points of view and was addressed by Sayre nearly fifty years ago. Public administration doctrine and practice, Sayre (1958:104) argued, is both culture and time–bound, a view reiterated by Fesler, who more than twenty years later (Fesler, 1980:17), reported that 'Western models have proven not very suitable points of departure for the understanding of the role of the bureaucracy in non–Western political systems'. Greater insights were required, according to Fesler (1980:17), owing to the 'significant and inadequately understood differences [even] among the administrative systems of the developed countries of the West'. The transportability of principles of public administration, as originally suggested by White in 1926, has also been investigated by Henry (1986). According to Henry (1986:41), White had thought that such principles would be as 'useful a guide to action in the public

administration of Russia as of Great Britain, of Iraq as of the United States'. Henry (1986:41) notes that 'cultural factors could make public administration on one part of the globe quite a different animal from public administration on another part'. Moving closer to the present time, and with reference to the globalisation of public administration, Welch and Wong (1998:40) claim that freer availability of literature on the subject has only served to highlight its 'parochial nature'. They (Welch & Wong, 1998:40) note that the majority of the literature available at that time, nearly ten years ago, 'was written to apply to one nation or to a small group of similar countries'.

In the context of Africa, Haruna (2004:188) identifies the emergence of a 'dominant administrative model, employing market-oriented solutions to government failures'. He (Haruna, 2004:185) also notes that the model is 'based on the culture of the market, management principles, and neo-liberal ideals' and 'tends to equate economic liberalization with good governance'. The same author (Haruna, 2004:197) challenges the emerging model for its lack of sensitivity to 'diverse and multicultural populations with different traditions and social norms'. A similar concern is expressed five years earlier by Farazmand (1999:518), who encourages public administrators to 'resist the market based concepts of treating citizens as consumers and degrading them to market commodities'. Such a call is better understood if considered together with the advice of Fuhr. Fuhr (2001:436) asserts that 'better-informed and better-connected citizens are likely to push their states more strongly towards better public management, better service provision, broader political participation and democratization'. It is perhaps tragic that such desirable outcomes, often given as the cornerstone for future African development, are completely at odds to the public administration strategy now globally promoted as "the" solution. The same problem is neatly described by Haruna (2004:189), who points out that 'much administrative theorizing is narrowly circumscribed, focusing on organizational goals and objectives without linking them to overall societal need and aspiration'. The impact of continuing in this narrowly focused manner is bound to deliver many unintended and negative consequences. With reference to the initialisation of, and preparation for, policy-making Fesler (1980:4), realised that

‘developments have enhanced the role that administrative agencies play’. He (Fesler, 1980:4) amplifies these developments as the ‘increased technicality of subjects with which legislation deals, a phenomenon that is paralleled by a growth in the specialized competence of administrative agency staffs’ and concludes that the ‘need for expert help has mounted as public–policy problems have become increasingly technical’.

In the new globalised world that confronts all nations, Jun (2000:274) notes that ‘many countries strive for the modernization and rationalization of their society and institutions’. Why this should be so has already been discussed. In attempting to modernise public institutions it is obvious that countries, particularly developing countries, want to ensure that any domestic changes are based on available best practice and achieve the desired outcomes. Jun (2000:274) points out that ‘many non–Western academics and practitioners look to Western countries as they work to modernize public institutions in their own countries’. Kuye (2006:2) sounds a warning to developing countries about the unbridled import of public administrative practices from elsewhere and notes that ‘most developing nations utilize systems which may not really address the needs of local concern’.

Are there major problems in the field of public administration generically or is it just research and understanding in the context of Africa? Not if Marini is to be believed. The science of public administration has, according to Marini (2000:16), ‘always been influenced by, and participated in, the intellectual climate and dialogue of its times’. Such ongoing interaction and refinement, according to Marini (2000:16), does not indicate ‘crises of identity or future, but rather of vitality and engagement’. Further encouragement for seeking home grown public administration solutions for African and other developing countries is provided by Lanham. Lanham (2006:605) expresses the hope that ‘work on Africa or Asia may begin to unravel some of the boundary objects in force today’. Similarly Jackson (2001:25) also asks; ‘Where should the boundaries of the state be drawn? [and] How should bureaucracy be shaped?’ The same author (Jackson, 2001:25) concludes that ‘[t]hese are age–old questions but they remain on today’s policy agenda’. The need for

unique African public administration solutions in the context of the present study is addressed later in the study.

3.2.3 A role for public administration and administrators?

A non-negotiable for public administration suggested by Jabbra and Dwivedi (2004:1106), is to provide 'the framework of rules, institutions and practices, set limits and provide incentives for individuals, organizations and businesses'. Jreisat (2002:6) also argues for a pivotal role for public administration in the restructuring of societies. In the area of trade liberalisation, global agendas and strategies nowadays appear to be largely driven by economics. There is no doubt that economists have played an important role in assisting public administration (Robbins, 1980:51). Their work is evidenced in efforts to quantify and predict external conditions by providing relevant forecasts through to assisting in the appropriate allocation of resources in support of a particular area of activity or policy. The prominent role of economists is also noted by Stiglitz and Charlton (2005:36) who report, in addition, that many have serious reservations regarding the ability of developing country officials in managing complex trade policies.

Economists and economic theory continue to play an important role in such international organisations as the World Bank and the International Monetary Fund (IMF). Their work has created a global expectation, according to Nzwei and Kuye (2007:202), regarding core issues identified in 'neo-liberal' policies that each state must aggressively pursue in order to 'remain competitively relevant'. Nzwei and Kuye (2007:202) mention, by way of example, 'reduction of trade barriers, privatisation, and deregulation'. Without a credible counterbalance supported by appropriate underlying public administrative theory, trade liberalisation and related donor activity will continue to rely solely on economic theory. The 'one size fits all' prescriptions of Structural Adjustment Programs (SAPs) evident in Africa, and elsewhere, are an example. Structural Adjustment Programs, driven by economics and economists, were delivered 'as is' in many cases to countries for implementation by local public administrators, guided by foreign advisors.

The resultant outcomes certainly bring new perspectives to the insights offered by White ([1926] 2004:59) over eighty years ago, when he stated ‘the role of administration in the modern state is profoundly affected by the general political and cultural environment of the age’.

There has been a copious amount of research, from an economics perspective, regarding the benefits of free trade contemporaneous with global thinking about the need for increased efficiencies in both private and public institutions. Is there room therefore for any input from public administration? If such input is required, is it at the theoretical level or purely to give reactive feedback to economists about the very real problems that continue to surface while implementing their prescriptions, however well intentioned? One can only wonder if Wilson ([1887] 1988:12) envisaged such specific complexities when he stated so long ago that ‘[s]eeing every day new things which the state ought to do, the next thing is to see clearly how it ought to do them’. As far as developing countries are concerned, a more holistic approach is evidently required to ensure that citizens are given the necessary opportunities to trade beyond their borders. This is especially true if the words of Freysen (1999:29), who maintains that ‘[s]ervice delivery by the state is not only necessary for the enjoyment of rights – it also secures those rights’ are considered.

Is the opportunity to be part of, and gain from, the global economic marketplace only the privilege of those fortunate enough to be citizens of developed nations? If one agrees that such an opportunity should be open to all citizens regardless of the nation state to which they belong, then certain aspects of public service delivery need to be revisited. In order to deliver the required national outcomes, such a review should be based on sound public administration concepts. It is recognised that such insights may or may not be part of the present academic landscape. Welch and Wong (1998:47) encourage such a far-sighted view and point out that ‘the global environment provides a natural and useful opportunity for developing a more comprehensive theory of public administration’. Not long after the work by these two authors, a study by Marini (2000:7) reached a similar conclusion

and noted that ‘public administration worldwide is in creative tension and undergoing rapid change and attempts at reconceptualization’. That such an understanding arose is probably explained by the work of Jun (2000:276) who found that ‘[w]hen foreign scholars apply Western theories and approaches to their understanding of their own history, culture, politics, and administration, they experience the limits of these theories and approaches’. Goodsell (2006:634) is far more militant in outlook and posits that ‘[i]f the field does not develop its own vision for itself, no one else will’.

That public administration and its role in Africa is in need of major research is obvious given the many failures of previous public interventions in the region in the area of study. It is suggested that not all of the work required needs to be based on new or untried theories but rather an insightful consideration of a ‘[m]ixed bag of theories that need to reflect and effect African development’ as suggested by Nzwei and Kuye (2007:205). Another vital element in the pursuit of long-lasting African solutions is identified by Haruna. Developing a culture of collaboration, according to Haruna (2004:204), would ‘help to bridge the gap between theory and practice and test new possibilities for a better understanding of comparative and international public administration’. Just how such collaboration would work and who would be included in it for the purposes of African trade facilitation is addressed later in the study.

Once an underlying understanding has been obtained, it is necessary to move towards appropriate policy formulation guidelines and, ultimately, sustainable implementation. In order to ensure that the burden for such an intervention does not rest solely with public officials, it is vital that private sector representation and other stakeholders are included as collaborative partners. Haruna (2004:194) calls such an approach ‘development management’, contending that by using such an approach ‘the state, civil society and the private sector can share the burden of development, each carrying what it can legitimately shoulder’. It is also necessary, according to Fuhr (2001:421), that in facilitating and participating in such a process the state should be realistic about, and focus on, what it can and should be doing. Collaborating partners should also be used as a focal point in building

appropriate and additional capability. Such an approach would address an important concern raised by Cloete (1994:64), who argues that ‘the rights and freedom of the citizens are curtailed whenever a product or service is provided solely by a public institution’. Such a concern leads Cloete (1994:64) to point out that ‘a decision on whether or not a public institution should itself be involved in any way cannot be taken lightly’. Freysen (1999:60) would later suggest that such decisions should also initially consider the very ‘purpose of the state’ which he contends is to ‘promote self–development of the individual and hence the community’.

The characteristics of the type of state required to achieve specific goals using collaborative activities is discussed by Nzwei and Kuye (2007:204), who identify the concept of a ‘democratic facilitative state’. To qualify for such a title the ‘state consciously and strategically shapes, guides and co–ordinates the market but encourages cooperation between government, business and civil society’. In a similar manner, Tawfik (2005:4) addresses the concept of the ‘developmental state’ which ‘conceives its mission as that of ensuring economic development’. Tawfik (2005:3) argues that, in the African context, the state is required to play ‘a central leading role’. He (Tawfik, 2005:5) also points out that such a leading role is enthusiastically supported by African scholars, in spite of their concerns regarding the ‘predatory, elitist and repressive features’ of the African state. Stewart (1999:119) earlier stressed the necessity for a ‘strong and pervasive state’ to take responsibility for development as part of ‘a national endeavour’, asserting that in Africa, the assignment of such a key role to the state is an important issue for ‘non–industrialised countries (e.g. Tanzania) and semi–industrialised countries (e.g. South Africa)’. Stewart (1999:120) elaborates on exactly the type of role that a ‘strong and regulating’ state is expected to play. The study by Stewart (1999:120) identifies that such a state ‘organises national economic strategy, does long–range planning and investment, and protects strategic industries’. Interestingly, in terms of this current research, the state’s role in creating supportive technical infrastructure is not mentioned. Once the necessary collaborative interaction has yielded sufficient and appropriate information, responsibility must be accepted by the

state for formulating policy, appropriate supportive legislation together with actionable and appropriately resourced plans. Such a responsibility would, in the public service, then be delegated to the public administrators. Their role is addressed in the next section.

A vital component in the running of any state is the public administrator. A crucial problem in many a developing country, according to Fesler (1980:3), 'is administrative incapacity to get the government's decisions and programs carried out'. With regard to the implementation of public policy, Jreisat (2002:10) later also stresses the key role played by leaders who possess the requisite professional competence. Just exactly what competence is required is still open to question. A related question is raised by Jordan (2006a:572) whose recent research has found that identifying '[j]ust who is a public administrator...is woefully underarticulated in existent literature.' Welch and Wong (1998) and Haruna (2004) agree that given the new context, new skills and knowledge are required in order to be effective. From an African perspective, Haruna (2004:199) goes as far as to suggest that a 'new breed of public administrators is needed'. Managerial skills such as 'flexibility, adaptability, cooperation, and creativity' are specifically identified by Jreisat (2002:9). A more somber note, with Africa in mind, is sounded by Hodgkinson (1978:152) who reminds us that '[a]dministrators will continue to be ordinary and defective men. Yet they will have to deal with power, their basic coinage, and all its corrupting influence'. Rutgers and Schreurs (2000:626) offer one solution to such a concern by suggesting that '[c]ivil servants must be subject to a set of legal conditions, which enable them to effectively execute their functions and competencies, in a proper and lawful manner'.

Role definition together with appropriate accountability and well documented delegations of authority are thus vital components of a suitable and enabling public service environment. Another component is the determination of suitable and specific measurands. The need for instance to measure the efficiency of a public institution is addressed by Cloete (1994). With specific reference to public sector efficiency, Cloete (1994:82) mentions that its measurement is 'often neglected because there is no exact criterion, such as

profit in the private sector'. He (Cloete, 1994:82) cautions that '[c]are should also be exercised not to brand a public institution as being inefficient merely because one does not agree with the policy'.

3.2.4 Globalisation, governments and public administration

Government, according to Thoenig (2007:92), 'is in the business of forming its environment, not adapting to it'. Public administration, Thoenig (2007:92) continues, 'is driven by societal visions and political projects'. This view runs counter to that of Welch and Wong (1998:44) who argue that global pressures act directly on public bureaucracies but also indirectly 'through the filters of national political, economic, and social systems'. Fuhr (2001:427) states that public institutions 'appear to be faced with growing pressure in terms of performance and legitimacy, which goes far beyond national boundaries'. Globalisation has created significant external pressure that, according to Farazmand (1999:514), 'has caused major changes in the character of the modern state'. A study by Farazmand identifies five such specific changes. The first change (Farazmand, 1999:515) is the increased importance and rise to prominence of supra-national 'governance organizations'. These organisations make collective decisions and mutually agree on issues such as codes of conduct that then become morally or even legally binding on their nation state membership. Such decisions and associated policies then affect the administrative systems of each of these states which can be either beneficial or problematic. Gladden (1966:19) reminds us that 'in a democracy the general policy of a nation is formulated and moulded by a complexity of agencies, operating through a multitude of channels'. Subjecting nationally crafted policies to wider regional and/or international harmonisation can be expected to be problematic unless the policy ultimately chosen is similar. Caution is required. Trade negotiators tasked to seek appropriate accommodation, as is often the case in reaching consensus within supra-national organizations, need to be well informed. The need for insight into the potential implications and national impacts of the various options proffered during such negotiations is crucial. Unintended consequences that arise post agreement are an ever present possibility in such scenarios.

A hint of the complexities that now face developing countries in the global trading environment, managed under the auspices of the WTO, is provided by Goonatilake and Kaeser. They (Goonatilake & Kaeser, 2006:2) point out that 'developing countries have to compete in a highly demanding rules-driven trading system'. They continue by amplifying some of the issues facing manufacturers from developing countries as they attempt to access more sophisticated markets. After the basic product specifications have been successfully met, developing country exporters then face 'increasingly stringent requirements applied to goods in terms of quality, safety, health and the environment' (Goonatilake & Kaeser, 2006:2). Such requirements are often agreed at meetings of supra national organisations, which often lack a developing country voice. Findings from Chen, et al. (2006:16) indicate that developing countries continually express concerns that 'both voluntary and regulatory testing and certification programs may not be taking local market conditions and capacities into account'. This is perceived by such countries 'as a barrier to export to developed country markets' (Chen, et al., 2006:16). Such a barrier may be the result of either commission or omission on the part of those participants who assisted in devising such programmes but neither possibility gives comfort when confronted with such barriers.

The second change (Farazmand, 1999:515) identified is the increasing trend of 'interdependence among modern states to handle territorial and supraterritorial issues'. Such changes prompt Farazmand (1999:518) to posit that 'public administration has just entered a new stage of human civilization, with a future that is both brightened and darkened by globalization'. This view is endorsed by Jreisat (2002:9) who states that 'public administration finds itself operating within a different global context that is still evolving but that is simultaneously causing novel and hard challenges'. These insights are important from an African perspective if findings from Haruna are also considered. Haruna (2004:194) notes that in the case of post independence African States, the expanded role of the public service both affects and is in turn 'affected by existing practices and understanding of public administration'. Such an outcome is not altogether unexpected if research by Welch and Wong is to be believed. These authors (Welch & Wong, 1998:43)

declare that a 'vast body of American public administration literature considers the environment of organizations to be a primary contributor to administrative and policy outcome'.

The need to strategise and then proactively manage state interaction between the domestic and international environment is considered by Kotze and Steyn. According to them (Kotze & Steyn, 2003:91), successful state development under the prevailing circumstances requires 'a strategy of managed openness, which involves seeking to influence the sequencing, speed and scope of the engagement of their economies with globalization'. A similar issue but from a slightly different perspective is raised by Lanham (2006:605) who asserts that Public Administration needs 'to interpret borders and boundaries in new ways—a topic that is dramatically under worked'. It is suggested therefore that, at the present time, African Public Administration has a window of opportunity to determine how it could better serve both inter and intra regional interests. As Jreisat (2002:9) reports 'globalization introduces new opportunities as well as new tensions and disruptions for public administration to deal with'.

The third change mentioned by Farazmand (1999:515) is that all states have gained 'information–age advantages to process information for almost all functions of governance and administration'. From a developing country, and specifically an African perspective, perhaps the words 'the opportunity to access' should be inserted after 'gained' in order to give a more accurate reflection of the existent state of affairs. Whether such development has translated into tangible performance improvements, for those administrations that are in the fortunate position to acquire and implement such technology, is however still questioned by Jreisat (2002:9).

The fourth change (Farazmand, 1999:515) 'is the growing role of governments as partners with and promoters of the private sectors, often at the expense of public goods and services'. The reason for such a development can be explained in part by the research of Welch and Wong (1998:45) who refer to the existence of 'a worldwide pressure on public

bureaucracies to cut waste and increase output'. Haruna (2004:203) is not convinced that such a tendency is to be welcomed and argues that 'privatization is both weakening the role of public administration and diverting such a role in favor of market forces and private interests'. Farazmand (1999:517) also expresses concerns that 'the 'public sphere' and the space for citizen involvement have been shrinking as a result of globalization and government restructuring'. A possible solution is offered by Farazmand (1999:517) who encourages public administrators to play 'a proactive role in managing societal resources away from the dominant control of globalizing corporate elites'. These and other issues associated with moving public functions to the private sector are more fully addressed later in the study.

The fifth, and according to Farazmand (1999:515) 'the most important change for public administrators, is the shift of the administrative state from a welfare state to a corporate state'. Although true of some developed countries in the north, there are other examples, such as countries in Scandinavia where perhaps this shift is not as evident. That some good for developing countries can still be derived is argued by Haruna (2004:202) who believes that 'professional competency and economic efficiency, two of the key values associated with administrative globalization are worth saving'.

3.3 THE ROLE OF THE STATE IN REGULATION AND MARKET LIBERALISATION

3.3.1 Trade facilitation: The role of the state and its institutions

In order to better understand what role the state and its institutions can play in trade facilitation, it is important to agree on exactly what is meant by the term. According to Maur (2008:8), the activity called trade facilitation is the collective interventions by both the public and private sector that 'help goods cross borders'. The objective of trade facilitation, according to Staples (2002:140), is 'to reduce the cost of doing business for all parties by eliminating unnecessary administrative burdens associated with bringing goods and services across borders'. In a similar vein, Khumalo (2005:139) opines that 'the main aim of trade facilitation measures

is to reduce the complexity and cost of transactions'. The difficulties created, in turn, by such activities give rise, according to Agatiello (2007:64), to 'new, unforeseen challenges – economic, political and administrative'. As if to further emphasise that this is not a trivial exercise, both Staples (2002:148) and Agatiello (2007:70) note that for many countries, the broad achievement of trade facilitation objectives is going to be a long term process. The need for a sustained and collaborative effort by all interested parties is also stressed by both authors.

Moving to the issue of businesses trying to export from developing countries, some interesting facts begin to emerge. Najam and Robins (2001:50) address the issue of trade barriers between developing countries and the Organisation of Economic Cooperation and Development (OECD). OECD membership is exclusively focused on developing countries. These authors (Najam & Robins, 2001:50) point out that 'over \$700 billion worth of trade barriers still confront exports' and lament that 'neither North nor South has managed to design a positive strategy for making international commerce an engine...for sustainable trade'. Unfortunately there is much evidence (Pangestu, 2002:154; Legrain, 2003:327; Meredith, 2005:684; Stiglitz & Charlton, 2005:47; Goldin & Reinert, 2006:64) that the area of developed country subsidies, particularly in agriculture, is a major obstacle in the way of developing countries accessing developed country markets. Cosbey (2004) alerts us to three sets of obstacles that will need to be addressed if any progress is to be made. The first difficulty concerns the issue of 'differing standards in different markets' (Cosbey, 2004:26). The second relates both to technical problems arising from conformity assessment and the related costs (Cosbey, 2004:26). The last issue highlighted concerns foreign government support that may be available to foreign based competitors to assist them in gaining export market share in their own or foreign countries (Cosbey, 2004:26). Redclift (2005) is more controversial. He (Redclift, 2005:221) asserts that developing countries begin with a huge disadvantage due to 'highly unequal capital and information systems, to which groups of people, and governments [such as the members of the OECD], have highly unequal access'. Rotherham (2003) provides further valuable insights into a difficult and relatively new area of trade facilitation activity. The study by Rotherham (2003:2) has found that 'a relatively complex institutional structure has

developed at the national, regional and international levels' based on three separate responsibilities 'rule making (standardization and regulation); conformity assessment; and accreditation'.

The need for a clearly defined goal for any public service delivery activity is emphasised by Fox and Maas (1997:3), who point out that 'the delivery of public goods and services, notwithstanding their efficient and responsive delivery, is of no value if it does not benefit the individual, the community and society at large'. While the need for the state to address trade facilitation issues has become non-negotiable, the role that public organisations should initially and continually perform, versus that of the private sector, is one of the issues at hand. The delineation of possible tasks between the two sectors is further complicated by the lack of a clear definition of what exactly constitutes a public organisation or what it should do. Public administrators have not assisted in solving such problems, according to Moe (2004). Moe (2004:469) laments the lack of development by public administrators of 'sophisticated or comprehensive criteria to assist lawmakers in deciding where best to assign a public function'. A 'public organization', according to Bozeman and Bretschneider (1994:199), could either be 'an organization charged with operating in the public interest, or one with goods and services having public goods characteristics'. The need for appropriate and periodic review is highlighted by Antonsen and Jorgensen (1997:338) who report that 'some organizations lose their reasons for being public and remain so simply by tradition'. The role of some of the publicly funded conformity assessment activities in Africa is particularly relevant.

Perceptions of inefficiency and red tape in the public service delivery remain. In his seminal work, White ([1926] 2004:61) contends that 'international competition in trade and industry continues to sharpen the demand for efficiency in government'. From a different angle, Jackson (2001:25) asks: 'Can bureaucracy deliver value for money?' The role of the public and private sector is therefore discussed later in the study. Agatiello (2007:69) does not share such concerns and argues that '[a]dopting a public goods approach for advancing trade facilitation may be one of the most effective ways to enhance competitiveness in the developing world'. The same view is echoed by Hausmann, Rodrik and Sable (2008:4) whose research

on reconfiguration of industrial policy with application to South Africa notes that the private sector needs government to provide ‘public inputs to meet the obligations of framework regulation’, which, in turn, leads to the topic of market failure, covered in the next section.

3.3.2 Market failure

States are not the only role players in the newly globalised environment. Business has continued to expand globally. They demand that governments stick to what they do best and leave business and the global market place to establish appropriate norms for trade related activities. Such a view is noted by Lall (2004). According to Lall (2004:189), such advocates argue that ‘neo-liberal policies’ accompanied by the ‘withdrawal of the state from all economic activity apart from the fundamental provision of...basic public goods’ is the optimal solution. Earlier work by Dell (1989:102) identified similar and growing sentiments that ‘it is the market that knows best, not the Governments, and that the best thing Governments can do is to allow themselves to be guided by the market’. Lall (2004:189) also refers to the existence of a ‘more moderate version’ of such philosophy which apparently ‘admits a larger role for the government, but a “market-friendly” one’. As Lall (2004:189) explains, the philosophical foundation for all of these approaches is based on the underlying assumptions that ‘markets are efficient and governments inefficient and that technology flows across countries most rapidly and effectively via free market channels’. According to the same author (Lall, 2004:189), ‘neither assumption is justified’. In the context of developing countries, Hausmann, et al. (2008:2) argue that ‘market failures are not a rarity but a rampant feature of the landscape’. Such a radical view is supported by Jackson (2001:7) who points out that ‘the information required to run markets efficiently is much greater than was originally thought’. According to Pesch (2005:69), some public organisations were established to ‘act in line with the public interest and to repair market failures’. Jackson (2001:6) however points out that government working alone cannot ‘solve the co-ordination problem nor can they successfully mimic the incentives established in markets’. More important from an African perspective, Jackson (2001:14) points out that a

reliance on markets alone is not the solution as 'they are not designed to bring about desirable distributions [of income] unaided'. Pesch (2005:81) also contends that the 'market system may lead to an optimal situation of general wealth, but one may doubt the fairness of the distribution of this wealth'. Pesch (2005:82) argues therefore that the state 'is legitimised to act' in circumstances where 'the market brings forth undesired consequences or fails to produce desired products or goods'.

The creation of a public good creates two distinct market failures. According to Maur (2008:15), one failure is caused by 'non excludability: providers of the good cannot prevent others from free riding by consuming it at no cost'. The second market failure (Maur, 2008:15) is caused by 'non rivalry: once a public good is provided, all can enjoy it at no or very low cost'. These aspects obviously need to be considered by governments in the process of what activity they would want to take responsibility for and what to leave to the market place. Such a decision would also need periodic review given the fluidities of both the national and international environment. Attention is now given to the related issue of market failure and the private sector. Findings from Knott and Hammond (2007:100) indicate that '[s]everal different aspects of production and exchange can lead to inefficient outcomes'. According to Knott and Hammond (2007:100), inefficient outcomes can be produced as a result of (1) increased transaction costs, (2) intended or unintended external effects imposed on third parties, (3) the underprovision of appropriate and supportive public goods, (4) monopolisation of an industry by a single firm, and (5) information asymmetries in transactions. Amplifying the last point, Knott and Hammond (2007:100) note that 'consumers often have limited information when making a purchase; consumers will not know whether the price charge for a product reflects the product's true value to them'. The last point has special relevance to consumers in developed countries. As these consumers increasingly demand higher technical specifications regarding products and produce, one wonders whether they are really aware of the real impact on the welfare of developing countries.

Some measure of government intervention in the economy is vital in order to prevent market failure. The modern state has, through the use of public expenditure, according to Farazmand (1999:513), 'played a pivotal role in the accelerated development of both capitalism and globalization'. What about Africa where a fully functioning private sector on the same scale as the developed countries is still very far from being realised? Haruna (2004:194) notes that 'without well developed private and nonprofit sectors', Ghana opted for 'large-scale state intervention'. It is hard to fault such a strategy given the circumstances. Such intervention should be selective and appropriate. Jackson (2001:7) cautions for instance that '[b]ecause of the extensive scope of market failures the government could potentially intervene in almost every sphere of life'.

The need for governments to take a proactive 'stewardship and regulatory' role in the market place is emphasised by Bayliss and Hall (2002:4), who note that with such interventions 'there is a risk that informal private markets may provide low-quality services'. Bayliss and Hall (2002:4) conclude that by implication 'private sector options should not be pursued where government stewardship is not able to enforce quality levels'. There is therefore a supervisory role for government as part of a delegation of responsibilities in identified technical support areas. With reference to the provision of specialised technical support services in developing countries, Goonatilake and Kaeser (2006:5) argue that these are often 'considered as public goods as they don't exist sufficiently in many developing countries'. However, they (Goonatilake & Kaeser, 2006:5) acknowledge that, in an ideal situation, the private sector could take responsibility for such service provision as product testing, inspection and enterprise systems certification and even 'consumer protection'. Such consumer protection testing and inspection, even in developed countries, is normally undertaken by the public sector owing to the legal consequences of a non-conforming product. Lack of compliance to national regulations can lead into sanctions, ranging from product withdrawal to prosecution, fines and possible jail sentences. The reluctance under such circumstances to utilise data generated by the private sector can be understood. Another issue concerns the lack of domestic capacity in

developing countries to provide such sophisticated services from either the public or local private sector. Without suitable local measurement and/or testing capability, how can the integrity of the data that is provided with a product or produce that is presented for import be trusted? Goonatilake and Kaeser (2006:7) raise the significant question of how one determines ‘the impact or the cost and benefits of local, internationally recognized compliance infrastructure and services compared to the outsourcing of such services to foreign providers’.

In Africa, the issue of local provision of SQAM supportive technical infrastructure is increasingly important in order to support exports. South Africa is fortunate enough to possess an appropriate technical support infrastructure that is already well advanced, even compared to some developed countries. Outside South Africa, present day African activity in the area of conformity assessment largely relies on strengthening the under-developed infrastructure of the various publicly funded, national Bureaus of Standards. The assessment of their respective country’s needs is largely left to the staff of such entities normally based on reaction to a particular export crisis. Private sector development of conformity assessment bodies, if considered at all, is largely seen as an unrelated and even unwelcome activity and effort is certainly not focused on producing sustainable private sector capacity. Such a situation normally leads to the creation of specialised public capacity that impedes future creation of similar capacity in the private sector. Although the scenario is ostensibly driven by perceived market failure, the solutions are not sustainable in the longer term owing to limited public funds and marketability of the requisite technical expertise.

3.3.3 Legislative policy

A suitable policy normally precedes the commencement of any public sector activity. Cloete (1994:60) is even more emphatic, arguing that ‘nothing can be done’ in the public sector ‘before a policy on it has been accepted by the legislature or other competent institution’. In fact, according to Cloete (1994:60), only after such a policy ‘has been provided and objectives

declared' can the 'other generic administrative processes' commence. Simon, et al. (1950:10) declare that '[a]ctivities of a government agency are usually authorized by a statute'. The same view is shared by Pfiffner and Presthus (1967:6) who add that such is usually the case 'in theory at least'. The same authors (Pfiffner & Presthus, 1967:6) note that the 'passion for accountability gives public administration much of its distinctive character'. A potential problem as far as 'important and complex policy fields' where 'there is little or no accumulated experience to build on' is identified by Fesler (1980:4). Some discretion is required, according to Fesler (1980:5), in such circumstances in order to minimise the need for 'frequent returns to the legislature for enactment of new language'. Cloete (1994:65) also supports such a flexible approach and points out that 'the administrative executive institutions have to apply laws and they are in the best position to observe whether the laws have shortcomings'. Such a legislated flexibility for public institutions needs to be carefully managed. Rainey, Backoff and Levine (1976:239) remind us that 'public organizations are perceived as being owned by the state and citizens'. Such a perception, they (Rainey, et al., 1976:239) continue, creates peculiar expectations amongst the citizenry who have 'rights and expectations they do not have in relation to private organizations'.

The often conflicting relationship between policies created in one part of the world compared to those in another is also an issue. An example is the sophisticated environmental legislation and policies that are increasingly evident in Europe and the Americas. The majority of countries in Africa have inherited the public administration systems created for them by former colonialists. These systems were not designed or implemented with industrial growth for the benefit of Africa in mind. The focus was rather what could usefully be provided by the colony for the benefit of the 'mother country'. Deeper understanding of some of the unintended consequences that previously unfettered industrialisation has produced is a relatively recent phenomenon. One of the many complications in the drafting and implementing of such environmental legislation, together with the related topic of concluding associated international agreements, is highlighted by Lothe (2001). Lothe (2001:198) points out that 'environmental legislation influences

the competitiveness of industries’ and that ‘lenient environmental policies could therefore be interpreted as “hidden” or “implicit” subsidies to producers, making a country’s industry more competitive because the producers are able to sell their products at the world markets at prices that may not reflect the true costs of production’. There is a compelling logic to the argument but it produces even more questions, such as: Who determines such true costs and on what basis? How would the errant producers or legislators be identified and then brought to account? If this activity is to be part of bi- or multinational trade agreements there are already some more fundamental problems.

The creation of public policy that appropriately considers both national and global perspectives is an important first step. It is also vital that this is backed by detailed implementation plans, including the role of the private sector with the provision of appropriate initial public funding if required. The same sentiments are evident in a speech by the Deputy Minister of Trade and Industry for South Africa, (Davies, 2006a:1) who stated ‘[a]mong the themes, which we will be emphasising in our new approach to industrial policy, will be the need for government to facilitate and encourage all stakeholders to engage in a process of self discovery. Self discovery needs to...lead to the identification of key action plans needed to take our sectors from where they are to where we need them to be’. Such action plans will obviously need to consider the area of TBT that confront the various targeted industrial sectors together with Sanitary and Phyto-Sanitary (SPS) issues related to agricultural produce. Once these issues have been clearly identified, a detailed plan can be formulated to address them. This would include the use of existing technical support capacity, the strengthening of such, where appropriate, as well as the creation of new capability where required.

The need for African countries to reassess Industrial and Environmental strategies and associated legislative policies is highlighted by Peet (2006). According to the same study (Peet, 2006:32), the journey towards sustainable development will entail several key interventions. Three key interventions are highlighted. The first is a suitably integrated industrial development and environmental policy. Such a policy should be based on a thorough and

integrated evaluation of the industrial sectors potential to make a positive contribution to socio-economic growth. The evaluation should also ensure that potential positive benefits are suitably weighed against negative environmental impacts, and be based on a deep understanding of what is actually and realistically possible given the means that are available. The second key intervention is the need for partnership and ownership in the formulation and implementation of both the integrated policy and associated strategy. Successful interventions would require that all relevant stakeholders have a voice and shared ownership in the vision, strategy and implementation. Civil society should be assisted to actively participate in trade policy issues. The private sector must be actively encouraged to assist in shaping the emerging rules of the market, both domestic and foreign. They have an important role in moderating the content of international standards as coordinated by the International Organization for Standardization (ISO) and private sector standards activity where possible. The last key element is the need for strong implementation capability and capacity. A major enabler is the creation of a strong and cohesive enabling environment for domestic Regulatory, Standards, Metrology and Accreditation institutions that includes appropriate direction, capacity building and feedback/evaluation mechanisms. A leading role needs to be identified for these selected domestic trade facilitating institutions in setting an appropriate stage for industry with the selective use of incentives and consequences to guide the desired behaviour. The outputs from these technical support institutions should not only positively contribute to improving the domestic situation but also assist government as it engages in international negotiations in related areas. The remaining element, namely capability and capacity to administer policy, will now be specifically addressed.

3.3.4 Administration of policy

Once national policies and plans have been established, the next and perhaps the most important aspect identified previously is who should be responsible for implementation. Mukamunana and Kuye (2005:595) point out that 'implementation is a complex political process that involves a number of

variables that have to be controlled' in order to be successful. Pillay (2005:1) argues that '[i]f you have rules and no one follows them, it doesn't matter how rigorous a process you have on paper'. Given the African context of the research, Mlambo's (2005:572) specific focus for regulatory intervention is perhaps understandable when he states that 'countries will need to implement regulatory reforms that are more clearly focused to promote competition, which is important for attracting foreign investment'. Such specificity is challenged by Prizzia (2001:461) who insists that '[o]ne size will not usually fit all and it requires careful consideration, the impact of social as well as economic factors on the affected community to achieve the right balance'.

Public institutions, according to Altenburg and von Drachenfels (2006:408), 'should define targets and ensure independent monitoring and evaluation of performance, but leave service delivery to private providers or business associations, whenever possible'. They (Altenburg & von Drachenfels, 2006:408) do however concede that 'it is important to stimulate competition among providers, encourage market-based solutions and enhance the accountability of public service providers'. With reference to the study of public policy implementation, Pressman and Wildavsky (2004:342) note that owing to inherent complexities the 'separation of policy design from implementation is fatal'. The same issue is raised by Friedman (2004). Research by Friedman (2004:43) found implementation was being 'obstructed by [the] policy makers' failure to calculate the political consequences of particular policy options and the likely impact of these on people'.

In the search for greater efficiencies in delivering public goods, many have looked to the private sector for possible sources of inspiration and best practice. Rounthwaite and Shell (1995:55) have found that 'deliverers of services traditionally provided within the public sector are increasingly being exhorted to adopt business practices'. Davis (2006:170) also avers that 'there has to be a new model to direct public business that incorporates the principles that drive private sector success while recognizing the distinct nature of public enterprise'. From a local perspective, Mubangizi (2005:642) insists that 'there needs to be a fundamental change in how public service

delivery has traditionally been done by the state', and suggests that parties 'other than the state has to do it'. A complication has been identified by authors such as Fox and Maas (1997:3) and Allison (2004:410). They stress the difference in approach between the private sector, which addresses the needs of a self-selected group of specific customers, and the public sector, which must look after the various needs of a group of citizens. Adopting a 'business' approach to the provision of specialised technical support functions could easily create a scenario where only those services that would realise a profit in the short term would be serviced by the private sector. Technical infrastructure requirements identified as part of national strategic imperatives, but not profitable, could be placed in jeopardy unless public funded organisations and appropriate ongoing funding, were made available to cater for them.

Problems that exist in balancing the need to provide better public services against the need for appropriate accountability are discussed by Diale (2005). Diale (2005:55) joins Moe (2004:473) in expressing concerns about the weakening of political accountability when public functions are contracted to a private entity. Research by Moe (2004:475) has identified that in two centuries of American administrative history the majority of corruption cases 'involved contracts with private providers to perform a public service'. Bloomfield (2006) offers, perhaps, some insight into why this might be so. Bloomfield (2006:406) declares that companies 'do not survive by focusing on the public interest'. He (Bloomfield, 2006:406) contends that private companies are almost obliged to ensure that the government takes as much of the 'contract risk as possible'.

Given the many complications that have already been identified, it is no wonder that Haruna (2004:204) asserts that the 'question of the appropriate role of the public sector and therefore of public administration is a contentious one'. While recognising that '[s]tates have a major role to play in promoting economic growth and development', Ojienda (2005:9) also notes that 'many governments lack the capacity to fulfil this role'. The same author (Ojienda, 2005:9) reports that 'many countries lack the necessary policy and regulatory frameworks for private sector led growth'. Haruna (2004:203) cautions against

the 'indiscriminate dismantling of the state' because of the real possibility of 'dire consequences for the public good'. Jackson (2001:9) counters such an argument by asserting that '[w]hatever tasks are assigned to the public sector they must be conducted efficiently and effectively'. Marais (1991:223) offers some historical perspective to Jackson's argument based on the work of Max Weber, regarding bureaucracy in the German civil service of the 1880s. Noting that the civil service increased in size and 'had to be staffed by persons who were not suitable for such work', Weber found that these staff members would 'fall back on application of fixed rules rather than innovation and originality (Marais, 1991:233).

Common developing country administrative patterns identified by Heady (Jreisat, 2002:131) begin with conscious efforts to imitate modern Western bureaucracy rather than developing a more indigenous public administration knowledge base. Problems with implementing ideas that are foreign to local culture are further exacerbated by a shortage of trained managers with technical and managerial capabilities. Such a shortage is normal despite high levels of unemployment. The lack of a production-orientation with much activity directed toward the realisation of goals other than programme objectives adds to the difficulty. Undue formalism in such structures often results in widespread discrepancies between form and practice. Lastly, Heady points to 'unreasonably generous amounts of operational autonomy' due to 'lack of transparency and poor institutional control' (Jreisat, 2002:131).

With regard to the issue of reforming the civil service, Caulfield (2006:21) notes that a common theme in state capacity building has been the creation of 'a more flexible, performance-oriented civil service'. Such efforts have resulted in the establishment of 'task-specific agencies' that are separate from government departments. According to Caulfield (2006:21), 'these agencies are output focused, have certain managerial autonomies, are in principle self financing, and engage in "performance contracting" with their parent ministries'. The same author (Caulfield, 2006:21) notes that the 'countries adopting this model of reform are concentrated in South and East Africa but also include Ghana'.

3.3.5 Technical regulations

Responsible governments want to seize the benefits of globalisation for their nationals, that is, larger markets and greater income for local industry and lower prices for domestic consumers. The challenge is to achieve such objectives whilst limiting the unintended consequences of such action, such as higher safety risks, due to inferior quality imported goods, for the local consumer. One way to do this is to create and enforce suitable regulations including technical regulations. So how might Government discharge its responsibility as far as accountability for ensuring that an enabling domestic environment is created and maintained to facilitate export led growth? Pongsiri (2002:490) claims that 'regulation is a key element to maintain competitive market discipline on public service provisions in developing countries'. Henderson and McGloin (2004:392) emphasise the need 'for the establishment of a legal framework involving a complex mixture of regulatory activity' and continue 'these legal frameworks function to reduce opportunistic tendencies'. Jackson (2001:8) argues that government has a distinct role in 'establishing and maintaining the institutional infrastructure which defines the rules of the game for a civil society'. Thoenig (2007:92) expands on the need for government to 'generate and implement prescriptions' as part of the definition of the rules of the game. The same author (Thoenig, 2007:92) argues that government should also 'define how the game has to be played: who is legitimate to participate [and] what are the acceptable agendas'.

Another vital role for governments is to ensure that appropriate national remedies exist when established rules are ignored. According to Thoenig (2007:92), governments need to determine 'which sanctions to apply in case of deviations'. All of these activities need careful consideration of both the intended outcome and the possible consequences. The need for prudent circumspection was identified by Woodrow Wilson ([1887] 1988:12) who cautioned that '[w]hatever hold of authority state or federal governments are to take upon corporations, there must follow cares and responsibilities that will require not a little wisdom, knowledge, and experience'. Wilson ([1887]

1988:12) also argued that '[s]uch things must be studied in order to be well done'.

The most liberal advocates of free market economies agree, according to research by Kotler and Armstrong (1993: 78), that '[w]ell-conceived regulation can encourage competition and ensure fair markets for goods and services'. The problems with the 'unfettered involvement of private enterprise' in establishing transparent norms for the global market place are also highlighted by Gray (2002). Gray (2002:7) points out that 'the free market that developed in Britain in the mid-nineteenth century did not occur in fact by chance. It was an artefact of power and statecraft. In Japan, Russia, Germany, and the United States throughout decades of American protectionism, state intervention has been a key factor in economic development'. If the present day global environment has been so carefully crafted over such a long time period to serve the purposes of a few developed countries, the remedies for redress by developing countries cannot be expected to be either simple or short term.

On the need for, and purpose of, competition, Jackson (2001:13) argues that it 'protects against monopoly. But how effective is this protection in practice? Not very – that is why it is necessary to have regulatory regimes.' Given that government regulation in some form is required in each state, what should African governments be learning in this regard? According to the OECD, there is much still to do. Extensive research by the OECD (2005:15) amongst its exclusively developed country membership has identified six principles of efficient regulation which 'respect the diversity of national preferences and regulatory objectives while fostering market openness'. These are (1) transparency of regulations coupled with openness of regulatory decision-making, (2) non-discrimination, (3) avoidance of unnecessary trade restrictiveness, (4) use of internationally harmonised measures or standards, (5) streamlined conformity assessment procedures, and (6) vigorous application of competition principles (OECD, 2005:15). Good regulatory practice can contribute to the effective implementation of the TBT Agreement; the WTO committee on TBT (WTO TBT, 2003a:2) have noted, 'in the

avoidance of unnecessary obstacles to trade in the preparation, adoption and application of technical regulations and conformity assessment procedures’.

Several years of experience in Europe has prompted the European Union to prescribe rules for the creation of product legislation as part of improving their internal market. A recent decision of the European Parliament (European Union, 2008c:83) requires that such legislation should ‘limit itself to the expression of essential requirements’. The same decision (European Union, 2008c:83) further states that such requirements ‘should be worded precisely enough to create legally binding obligations’. Further amplification to drafters of legislation is given in that such requirements ‘should be formulated so as to make it possible to assess conformity with them’ (European Union, 2008c:83). The last requirement is very important. Transparent requirements for conformity against regulations obviously assist those who would wish to access the European market from other parts of the World. In Europe for instance (European Union, 2008c:84), the responsibility for proving conformity of a product to the requisite legislation is ‘the obligation of the manufacturer alone’. A similar methodology is also evident in the United States.

At bodies such as the WTO, the United States continually emphasise their preference for Suppliers Declaration of Conformity (SDoC), which is one method of proving conformity. The third triennial review of the TBT agreement (WTO TBT, 2003a) by the committee on TBT, summarised these preconditions. In order to be effective, the committee (WTO TBT, 2003a:7) noted, SDoC needs to be supported by ‘effective product liability laws, well developed market surveillance systems with appropriate resources and enforcement powers, penalties for false/misleading declarations, appropriate incentives to encourage producers/suppliers’ compliance and consumer redress’. These important and sophisticated pre-conditions for SDoC effectively preclude its use by all African states, including the most developed such as Nigeria and South Africa. An example of the successful and judicious use of regulation in support of trade liberalisation is given in the case of the South African motor industry. The OECD report previously referred to (2005:16) notes that government driven reform resulted in specialisation in

the domestic industry which resulted in the local production of 'auto components and vehicles that were internationally competitive by facilitating the incorporation of key auto components that could not be efficiently produced domestically'.

Safety and other specified characteristics of goods and commodities supplied to the general market are important factors. Can such an important activity be left to the discretion of suppliers alone? De Bruijn and Dicke (2006:719) assert that the 'state is responsible, either directly or indirectly, for safeguarding substantive public values such as universal services, continuity, quality of service, affordability, user and consumer protection'. This has important consequences considering the role of conformity assessment service provision. Many of the aspects identified by De Bruijn and Dicke are normally codified in either standards or national technical regulations. Satisfactory and appropriate proof is therefore required of proven conformance to such requirements. Peet and Koch (2005:8) point out that '[t]echnical regulations serve little purpose if the conformity assessment system is weak or non-existent'. The International Organization for Standardization (ISO, 1992:16) asserts that governments should insist on appropriate evidence of compliance 'irrespective of the mechanism used to make that determination'. ISO (1992:16) argues that government should never 'automatically presume compliance' against their technical regulations for they have an inherent 'responsibility to secure compliance'. The same source (ISO, 1992:16) notes that such rigour is especially important 'in the areas of health, safety and environment'.

Two important issues from the perspective of private companies are raised by Chen, Otsuki and Wilson (2006). The first (Chen, et al., 2006:4) is that the 'difference in regulations across markets can severely limit a firm's scale production capacity and affect a firm's decision in the number of export markets'. Rotherham (2007:179) and Sanetra and Marbán (2007:49) report that the difference between a technical regulation and standard is that compliance is mandatory in the former case and voluntary in the latter.

Rotherham (2007:179) also points out that '[s]tandards and technical regulations are collectively referred to as non-tariff barriers to trade'.

The second point that Chen et al. (2006:4) raise is that '[b]esides complying with standards and technical regulations, firms often experience time delays in procedures such as the inspection process and difficulty in accessing standard-related information'. According to these authors (Chen, et al., 2006:4) such 'inefficiencies may constitute significant implicit barriers to exporting firms'. During the third triennial review of the TBT agreement, the committee on TBT (WTO TBT, 2003a:2) recognised that in order to comply with the agreement, it may be necessary at the domestic level 'to establish administrative mechanisms to ensure that all relevant bodies are aware of and understand their obligations'.

The European Union (European Union, 2008a:24) considers the issue of accessibility of national technical rules concerning goods, as a key issue regarding the proper functioning of the internal European market. The problem has been addressed in Europe (European Union, 2008a:24) by requiring each member state to establish 'a system of contact points'. The system (European Union, 2008a:24) has been created in order that all enterprises can freely access information on the various national rules regarding products within Europe. The stated aim of such a system (European Union, 2008a:24) is to prevent the 'delays, costs and dissuasive effects which result from national technical rules'. The multiplicity of demands and remedies involved in addressing appropriate market liberalisation in Africa, including conformity assessment requirements, obviously requires careful thought, intelligent policy creation and coordination, appropriate governance together with focused, properly coordinated implementation activities. That it is a public responsibility is highlighted by Mills (2000:219), who states that 'in the future, globalisation will require careful consideration of the costs and benefits of bilateral and multilateral ties and the resultant allocation of resources'. What about those countries, such as in Africa, which are individually unable to exercise this responsibility but are subject to its far reaching consequences?

One such consequence is that African exporters frequently face difficulties in gaining access to foreign markets owing to requirements to have products tested and assessed in the importing country to ensure that they meet local regulatory requirements. A further complication is that under WTO rules, quotas and subsidies are not now generally allowed. Governments using quotas and subsidies, including Europe and the United States, have undertaken to phase these out according to an agreed timetable. The WTO encourages members to use tariffs (fees paid at the border) to manage market access rather than non-tariff measures. Tariffs are transparent and can be lowered as the market opens. Lower tariffs are exposing other access restrictions to developed country markets, created supposedly to protect consumers, such as increasingly sophisticated technical regulatory requirements.

An apparent and ongoing escalation in technical requirements is supported by research by Wilson & Otsuki (2004:2), which has found that 'standards and technical regulations are principally used to mitigate food, animal and plant safety risks, and to provide common norms for product characteristics. These technical requirements however can also constitute barriers to trade by imposing unnecessary costly and time consuming tests or by laying out various requirements in different markets'. With reference to the European market alone, Hoffman and Elago (2007:16) note that SPS legislation is not only 'complex and commodity based (more than 760 pages of text)' but that 'each Member State is entitled to have its own SPS requirements'. All of which leads the authors (Hoffman and Elago, 2007:16) to assert that '[t]here is a room for using SPS measures as Non-Tariff Barriers (NTB) that can prevent access into the EU market despite there being no tariffs imposed on the goods'. These requirements, that are already problematic for many countries to comply to are, according to Knott and Hammond (2007:101), difficult to meet, in addition to 'certification and other kinds of mandatory product quality standards' that may be either public or private sector driven.

3.4 THE ROLE OF STANDARDS AND CONFORMITY ASSESSMENT

3.4.1 The role and importance of standards

Rapid advances owing to globalisation have effectively made the world a smaller place which allows trading activities between geographic areas that were not previously feasible. The growth in global trade and the need to adhere to a set of uniform / common rules of trade places enormous pressures on governments, especially those of developing countries. As parties to international conventions and treaties, there is a real need for them to participate in the creation and application of international, trade related, regulations and standards intelligently and actively. Two such relevant agreements, as already mentioned, are the TBT and SPS Agreements of the World Trade Organization. During the third triennial review of the TBT agreement, the committee on TBT (WTO TBT, 2003a:6) noted ‘the increasing development of international standards for conformity assessment procedures’. A submission by the ISO (WTO TBT, 2003b:1) to a subsequent ‘special workshop’ on TBT related technical Assistance held by the WTO committee on TBT in 2003, notes that the ‘practical implementation of the Agreement by developing countries is faced by a host of problems’. The same ISO report (WTO TBT, 2003b:1) points to problems regarding ‘the basic infrastructure of standardization, technical regulation and conformity assessment’. Brunsson and Jacobsson (2000:173) argue that the ‘whole subject of standards – their production, distribution, and adoption – is of central importance in society today’.

The global agreement on frameworks that promote the acceptance of the equivalence of measures to prove TBT and SPS conformance was an important first step. Research by UNIDO (2006:7) has found however that despite these agreements ‘exporters often face a multiplicity of requirements for different markets’. The same report (UNIDO, 2006:7) notes that ‘out of a total of 67 different tests applicable to compliance for different fish and shellfish products’, the Federal Drug Administration of the United States, the European Union and Japan ‘all require different combinations and total

number of tests'. Newfarmer and Nowak (2006:379) refer to the 'increasingly stringent official and private standards in industrialised countries' as a real threat to the efforts of developing countries to export higher value perishable produce in a sustainable way.

In theory, the availability of a voluntary standard or a technical regulation should be a welcome aid that assists producers in first understanding the needs of a certain group of customers or consumers and then supplying conforming product or produce. Rotherham (2003:3) points out that such documented requirements normally contain 'commonly accepted guidelines, rules and criteria that help to determine if a product, process or service is suitable for its intended purpose'. Rotherham (2003:3) also argues that if these requirements 'are clearly defined and easily obtained', then in theory their existence should 'enable companies to communicate quality requirements with their suppliers and customers precisely, consistently and efficiently'. Brunsson (2000:21) asserts that '[s]tandards facilitate contact, cooperation, and trade over large areas and even throughout the world'. In striving to achieve these potential benefits, Rotherham (2003:4) notes the 'growing pressure [from some quarters like multinational corporations] to harmonize the requirements at the international level through the development of international standards'. Based on experiences in Kenya, Nyangito, Olielo and Magwaro (2003:1) point to a more cynical use and assert that in 'practice, however, standards and technical regulations may be strategically used to enhance the competitive position of countries or individual firms'. Standards 'are often regarded as highly legitimate rules', according to Brunsson and Jacobsson (2000:171), who add 'even if they are produced by experts who are somewhat divorced from any democratic procedures'. Furusten (2000:83) agrees and opines that the 'knowledge underlying standards does not necessarily reflect an empirical reality'.

Even within Africa problems exist with cross border trade. A study by Qobo (2005) highlights certain TBT related issues regarding the export of goods from SADC member states to South Africa. Qobo (2005:70) points out that 'South Africa insists on South African Bureau of Standards compliance even

though most SADC countries cannot always meet this requirement'. The effect, according to Qobo (2005:70), is that '[w]ittingly or unwittingly, this creates significant barriers to trade'. Findings from Chen, et al. (2006:13) suggest that 'firms that are not impacted by standards are more likely to export to multiple markets than the others'. The same report (Chen, et al., 2006:23) also explains that differing standards between countries are a major impediment for firms trying to access new markets with an existing product. Goonatilake and Kaeser (2006:2) hold that both international standards and the related conformity assessment systems used to prove conformance to such standards 'make an important contribution to the global economy'. They (Goonatilake & Kaeser, 2006:2) contend that these two related mechanisms 'improve the efficiency of production and facilitate the conduct of international trade'. The other side of the same coin is addressed by UNIDO (2006:6) who point out that 'standards and technical regulations drawn up by individual countries to protect health and the environment, as well as to ensure quality and safety, can also act as technical barriers to trade'. International standards can make a vital contribution to the global economy, according to the same UNIDO (2006:6) report, because of improvements in efficiency and the related reduction in costs. As a result of such proven benefits, UNIDO (2006:6) argues that 'compliance with standards has become a requisite for the expansion of inter-regional and international trade'.

Not all share the prevailing view on either the use of internationally harmonised standards or even on how their future use and content could be improved. Some private and public sector actors want to exercise control by creating their own specific standards, in the private sector, or technical regulations, in the public sector. Research into environmental standards by Cosbey (2004:15) has found that standards can be created by governments, private buyers, or non-governmental labelling organisations. Cosbey (2004:15) notes that the standards themselves are usually written either about manufacturing Processes or Production Methods (PPMs) or a combination of the two. Standards can alternatively focus on desirable product characteristics. The Sanitary and Phyto-Sanitary (SPS) committee of the WTO (2007) that is responsible for issues such as food safety has also

identified the growing popularity of so-called 'private standards', and attributes this to 'a variety of factors' WTO (2007:1). The global expansion of food service companies and the relatively recent expansion of large supermarket chains into food retailing both nationally and internationally has encouraged direct contracts between suppliers and retailers. Such direct interaction has accelerated the vertical integration of supply chains. The mitigation of food safety risks coupled with ever increasing legal requirements for companies to adequately demonstrate the application of 'due diligence' has led to the codification of specific minimum standards in such buyer/seller relationships and hence the creation of private standards.

Given that there are no signs that globalisation is slowing down and that the global populace has an ever increasing appetite for the material benefits that it delivers, how can such demands be addressed continuously in a way that protects the international consumer? Research by UNIDO (2002:2) found that 'the worldwide stock of standards and technical regulations is well above 100,000 and...growing rapidly'. The same report (UNIDO, 2002:2) states that 'in many cases' such standards and technical regulations 'have become a real hurdle to increasing developing country exports'. Owing to the vast improvements in transport and communication, African fresh produce producers now have the ability to sell their produce directly into large supermarkets in Europe. European consumers of fresh fruit and vegetables are simultaneously being encouraged to make purchasing decisions based on health and sustainability criteria, the quality of which is confirmed by sophisticated, and expensive, certification schemes. The importance of suppliers addressing the requirements of private standards is highlighted by Brown and Sander (2007). Inclusion in such a potentially lucrative supply chain is dependent, according to Brown and Sander (2007:iii), on continual compliance to the 'stringent private standards' imposed by such supermarkets. Najam and Robins (2001:58) note that while developing country participation at institutions such as ISO can be addressed as part of capacity building projects, private standards are 'often confidential documents that suppliers have little chance of influencing'. Where private standards become the industry norm, the WTO (2007:3) report that 'the choice of

whether or not to comply with a voluntary standard becomes a choice between compliance or exit from the market'. Some of the concerns highlighted by the WTO with regard to both the 'content of' and 'compliance with' private standards are shown in Table 3.1.

Table 3.1: Examples of concerns related to private standards (WTO, 2007:4)

| Concerns with the content of private standards | Concerns related to compliance with private standards |
|---|--|
| Multiplication of private standard schemes both within and between markets | Cost of third party certification, particularly for small and medium sized enterprises and farmers in developing countries |
| 'Blurring' of official SPS measures with private standards | Requirements of some private schemes to use only specified certification bodies |
| Relationship of private standards with the international standard setting bodies referenced under the SPS Agreement | Lack of equivalence between schemes leading to repetition of certification audits |
| Scientific justification for certain Process and Production Method (PPM) requirements | Lack of recognition of certificates issued and/or lack of recognized certification bodies in developing countries |

Dealing directly with producers, based on successful certification, supermarkets are now cutting out large sectors of the supply chain. The African producer is however still left with the largest risk until the produce is sold. The benefits of such rationalisation are obviously not being distributed in an equitable way. This is problematic as governments have little input into such private contractual arrangements. A possible solution would be for the creation of trans border trading rules and associated regulations to protect both the developed country consumer and the developing country provider.

Although this suggestion is a clear interference in the principles of the free market, some intervention is required or the present day inequalities will only be aggravated. The issues concerning compliance or, to use the more correct terminology, conformity to standards and technical regulations are the subject of the next section.

3.4.2 The need to prove conformity to standards

The sustainable provision of private and public funded conformity assessment and the associated enabling technical infrastructure are an important component in creating holistic solutions for addressing TBT and SPS issues. Such issues are already problematic for the agricultural and fledgling industrial output of developing countries. There are important consequences regarding both the domestic provision and non provision of conformity assessment services in the developing countries of Africa. These questions logically lead to the issue of what is driving the need for proving conformity to standards.

In order to better understand the complexities of proving conformance to a standard, a fundamental need is to establish whether one is confronted with state mandated protection of health and safety that is normally addressed by mandatory compliance with technical regulations. Rotherham (2003:4) argues that, in many cases, developed country standards and technical regulations address issues concerning 'environmental protection or safeguarding human health and safety'. The non compliance by an importer to such requirements could lead not only to financial loss but may also result in prosecution. There could also be a need to address the quality compliance or environmental concerns and/or trade related issues that are usually contained in voluntary standards. Proven non compliance in such a case could result either in substantial financial loss or reputational risk or both. A practical example of the risks borne by developing country producers exporting fresh produce to developed country markets is given by Sawhney (2005). Sawhney (2005:329) notes a 'marked shift in trade towards fresh food' by developing countries owing to increased demand from developed

countries. The increased demand has also created an accompanying need for customers in developed countries to be assured of the safety and quality of the produce originating in developing countries. Sawhney (2005:329) points out that 'food safety and quality aspects in trade became important since fresh food is more prone to certain microbiological contamination'. He (Sawhney, 2005:329) reports that concerns about food such as abnormal pesticide and drug residues and genetically modified content increased the need for competent and sophisticated testing procedures and capacity. There is no sign that this trend is slowing down; in fact the opposite is true. Given the nature of the test item, local capacity and capability in the developing country of origin are crucial. If the producer has to export to the developed country before testing is undertaken, a negative result would not only condemn the whole consignment but, owing to the costs involved in reshipping back to the country of origin, a substantial financial loss is borne by the exporter.

Domestic testing capability allows local producers an option to divert a non conforming product into the local market where some of the initial investment may be recovered. There is also another reason for wanting to ensure that non conforming produce is not shipped to the developed country markets. A direct result of such heightened awareness is mentioned by Vermeulen and Ras (2006) in a South African context. These authors (Vermeulen & Ras, 2006:252) cautions that 'a poor or unsafe product, if tracked back to a local grower, not only tarnishes the reputation and reduces the prospects of future marketing for that grower as an individual producer'. One need look no further than the total ban in Europe of British beef for evidence that the market does not always discriminate against the individual supplier but sometimes against an entire country. There are many such cases in Africa that should convince one that this is a shared national and regional responsibility.

A study by Abbot, et al. (1999:7) identifies a definite 'growth in the volume and range of internationally traded goods affected by environmental criteria'. Research by Cole, Rayner and Bates (1998) gives significant insights into why this is so. Their study (Cole, et al., 1998:346) concentrates on the

emission of four specific air pollutants together with the specific industries likely to benefit, and therefore grow, in developing countries based on trade agreements reached at the World Trade Organization during the 'Uruguay Round'. Cole, et al. (1998:346) found significant 'increases in emissions of [the specified]...pollutants' due to the high pollution intensities associated with the output from the specified sectors. Such research outcomes are not unique in reaching such conclusions. Bhalla (2002:43) notes that '[g]lobalization affects the environment in several ways'. Another side effect is identified by Chen, et al. (2006:3) who contend that the 'rising challenge in meeting complex technical regulations by exporters has also led to a rise in trade disputes centering on these issues'. The reason why such technical criteria should lead to trade disputes is provided in a study by Thoburn (2000). The need to comply with international environmental standards, according to Thoburn (2000:13), 'affects the competitive climate because compliance costs are imposed on enterprises, and regulatory costs on governments'. The major problem identified by Thoburn (2000:13) is that '[t]hese costs could result in the loss of share in overseas markets'. The same investigation (Thoburn, 2000:13) concludes that '[c]ompliance costs are likely to be greater in the short run since they involve immediate investment expenditure, and are greater for some industries than others'. One might ask if this is purely a private sector issue. If the public sector has a role, then what might that be for a specific government(s) and its associated public infrastructure?

An increase in customer support for 'environmentally-friendly' products and practices in some countries is identified by Harris (2007). Harris (2007:59) argues that such an increase is linked to concern 'regarding the implications of global warming and the currently unsustainable level of exploitation of...finite resources'. A special report by *The Economist* (2006:71) points out that 'environmental concerns, rather than health benefits, are now cited by British consumers as their main justification for buying organic food'. Interestingly, the same report (*The Economist*, 2006:71) notes that 'there is no clear evidence that conventional food is harmful or that organic food is nutritionally superior'. That such concern might be concentrated within a certain segment of the global population is noted by Laird (2001:471) who

reports that 'the quality of environment is appreciated more by the wealthier'. Melser and Robertson (2005:51) identify another but related issue, namely health and safety labelling. Commenting on the effectiveness of health labels, they (Melser & Robertson, 2005:51) argue that success 'depends on a consumer's willingness to pay a premium to protect their own well-being'. Moving to the environment, the same authors (Melser & Robertson, 2005:51) note that success depends on the 'consumers' willingness to protect the environment [which] depends implicitly on consumers' desires to contribute to the wellbeing of others as the environment is a shared resource'. Such an unselfish purchasing decision would suggest a better informed section of the global population with sufficient income to be able to afford the luxury of this type of discretionary purchasing. Unfortunately there was no further information available to allow more accurate segmentation of the composition of such a group of consumers.

Increased demand for quality products in general, as well as specialised "offerings" such as health and environmental labelling, has also raised the need to demonstrate that the quality system and/or label can be trusted. A whole system of specialised certification programs has appeared to verify such claims. Because of the costs involved in utilising such processes one wonders if there are perhaps other compelling reasons driving the need for independent certification. Two will be highlighted. The first, identified by Luken (2006:58), is that 'only with the threat of or actual enforcement of environmental standards were industrialized countries able to motivate [sic] industrial facilities to take the necessary steps to comply with environmental standards'. An independent and credible certification can greatly assist companies to prove compliance to others, be they customers or regulatory authorities. A second reason is provided by Botonaki, Polymeros, Tsakiridou, and Mattas (2006:78) who maintain that companies use such certification processes 'as a tool that protects them in an environment of distrust and as a promotion strategy that will add value to their products and justify higher prices for them'. From a South African point of view and with reference to the local wine industry, Vermeulen and Ras (2006:252) declare that 'the global wine industry has recently begun to investigate voluntary environmental

initiatives'. This will put immense pressure on local producers to follow suit if they want to protect their hard won overseas market share.

Proving conformity with both the mandatory and voluntary standards of developed countries is not a trivial task. A recent decision by the European Union (European Union, 2008c:83) argues the necessity for a 'choice of clear, transparent and coherent conformity assessment procedures, restricting the possible variants'. The same decision (European Union, 2008c:83) then provides a menu for future use of European legislators of product legislation that they should employ based on 'the level of risk involved and the level of safety required'. Research by UNIDO (2006:7) refers to the need for 'establishing efficient testing, certification and accreditation mechanisms that conform to the requirements of the SPS and TBT Agreements and enjoy international recognition'. In a submission to the WTO, the International Organization for Standardization (ISO, 2003:2) points out that 'valid testing, metrology and certification services are prerequisites for the proper application of standards and technical regulations'. The same submission (ISO, 2003:2) emphasises the need for 'accreditation of certification bodies and testing and calibration laboratories to ensure that the resulting certificates are accepted in global markets'. Goonatilake and Kaeser (2006:3) emphasise the need for domestic conformity assessment capacity to 'achieve compliance at the level of exporting enterprises and/or products' and to 'prove such compliance with international market requirements in an internationally recognized manner'. Although a daunting task, the financial benefit of making such an investment in technical infrastructure is pointed out by UNIDO (2006). The UNIDO research (2006:7) indicates that 'local metrological and testing capabilities, provided they are internationally recognized, reduce the costs associated with testing products (and thus the cost of exports)'. Many developing countries are becoming increasingly aware of the trade facilitation benefits of concluding international mutual recognition arrangements especially with respect to the harmonisation of standards and mutual recognition of the competence of testing, inspection and certification activity. This recognition of domestic competence can have a very positive impact on the ability of domestic firms to conduct international trade. Part of the strategy

to realise closer economic integration within Africa should therefore concentrate on the creation of an appropriate and supportive technical infrastructure.

3.4.3 The need to build appropriate capacity

A foundational issue in debates on trade, the environment and sustainable development is noted by Cosbey (2004). Cosbey (2004:7) reports that the concern was raised that 'environmental protection in developed countries would be used as a cloak to disguise protectionism'. Cosbey (2004:7) also notes that it was predicted that as tariff barriers were progressively removed 'new forms of protection might include a number of technical barriers to trade'. Time and subsequent experience has done nothing to allay these concerns. Najam and Robins (2001:51) are convinced that, if anything, it is even more polarised with 'prevailing Southern views of Northern intentions in linking trade and environment are now more aggressive than ever'.

A report by Orriss (2002:7) to a global forum of food safety regulators, held by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), points out that WTO Members 'have agreed to facilitate the provision of technical assistance to other Members'. During the third triennial review of the TBT agreement in 2003, the committee on TBT (WTO TBT, 2003a:8), emphasised 'the importance of effective technical assistance as a means of improving the implementation of the TBT Agreement'. The committee on TBT (WTO TBT, 2003a:8) identified technical assistance as 'an area of priority work'. At the same meeting, the committee noted (WTO TBT, 2003a:9) 'that TBT-related technical assistance needs fall in a wide range of areas due [sic] to the dynamic and sophisticated nature of technical regulations, standards, conformity assessment procedures and transparency procedures'. Special emphasis (WTO TBT, 2003a:10) was placed on the need to carefully select and prepare participants involved in technical assistance activity. Such care (WTO TBT, 2003a:10) was 'critical to ensure proper application and dissemination of the knowledge gained'. The role of institutional strengthening and 'the use of internal measures to

complement technical assistance’ and the need for monitoring, assessment and follow up of such activity was also highlighted (WTO TBT, 2003a:10). A special workshop on TBT related technical assistance organised later the same year (WTO TBT, 2003c:7) encouraged an exchange of experiences ‘to allow Members to learn from the more experienced ones’. In order to ensure sustainability, the same workshop (WTO TBT, 2003c:7) stressed that a recipient government also has a responsibility ‘to provide continuity and maintain adequate human resources and effective institutions’. In conclusion, the workshop (WTO TBT, 2003c:8) agreed on the need for improved coordination between donors and recipients, while noting ‘the large number of players involved’. The workshop (WTO TBT, 2003c:8) also concurred that sustainability was required both in the various ongoing activities and their results. A need for feedback (WTO TBT, 2003c:8) was also required ‘to allow continual improvement and adjustments to meet outstanding needs and priorities’. All of which are commendable but when discussing who might be the coordinator of such activity, the workshop (WTO TBT, 2003c:8) expressed caution about the ‘limited resources of the Committee’ and agreed that ‘a pragmatic approach should be followed’. In spite of such global consensus on the need for continual and appropriate skills transfer, the presence of sophisticated technical requirements contained in both technical regulations and voluntary standards continue to have a major negative effect. The lack of a globally agreed coordination mechanism such as could be provided by an appropriately resourced TBT Committee is not helping.

Once basic product specifications have been met, findings from UNIDO (2006:2) illustrate that ‘exporting countries have to meet the increasingly stringent requirements applied to goods in terms of quality, safety, health and the environment’. Meeting such requirements is non–negotiable for developing countries that ‘have to compete in a highly demanding, rules–driven trading system’ (UNIDO, 2006:2). Goonatilake and Kaeser (2006:3) mention that the sophisticated technical support infrastructure required to prove TBT and SPS compliance is present in most, if not all, developed countries. These markets are normally the destination of choice for the bulk of developing country exports. The developing countries in the main are only

now realising the need for such capacity and capability. The lack of scientific and technical expertise, according to Orriss (2002:5), severely limits the ability of a country to 'fully understand or challenge...requirements introduced by other [WTO] Members'. According to Goonatilake and Kaeser (2006:3), such a large 'disparity was acknowledged when the two agreements were drafted, and therefore a special clause has been introduced to suggest that industrialized countries should provide related technical assistance if so requested'. The results of such assistance have so far been decidedly variable providing little by way of best practices for future interventions. Orriss (2002:15), for instance, opines that a 'concentrated effort is required to meet the capacity building and technical assistance needs of developing countries'. Subsequent research by Williams, Staples and Herman (2007:30) again recommends that capacity building is urgently required in developing countries to support trade and export development. They (Williams, et al., 2007:30) argue that this should focus on domestic trade officials and include training on trade regulations, standards and WTO rules. Such training is required 'to ensure that developing countries can adequately and efficiently exploit the opportunities and preferences made available to them' (Williams, et al. 2007:30). Africa has very real and urgent related needs. Nwonwu (2006:16) points out that 'Africa lags behind the rest of the developing world continents in its level of sophistication and infrastructural development'. Given the agricultural nature of a large proportion of present day exports from Africa, concerns must be raised. Chen, et al. (2006:24) declare that '[b]oth testing procedures and lengthy inspection processes constitute a greater concern to agricultural firms'.

Reasons for creating domestic technical support capacity are also provided by Sawhney (2005). With reference to foreign based certification, Sawhney (2005:335) reports that such a process 'often constitutes a significant proportion of the total cost of production' which also effectively excludes smaller firms. Abbot, et al. (1999:26) claim that '[c]ertification systems are often in their infancy and can prove prohibitively expensive if European consultants are required'. Findings by Cosbey (2004:29) support the previous authors and add a further complication, that of 'finding a different foreign

certifier to “match” each desired export market – an expensive and complex prospect’. A similar view is supported by Harris (2007:50) who argues that ‘there exists a plethora of environmental certification systems’.

Specific issues that need to be considered in efforts to counter the technical difficulties confronting exporting nations are highlighted by Chen, et al. (2006). The first is initial discussion and negotiation on the type and scope of testing that is really required. Once agreement has been reached on the technical requirements, the next step is to focus on building specific technical capacity to prove compliance to the requirements contained in the standards. Chen, et al. (2006:24) assert that such activity ‘could help firms diversify their export markets and improve the stability of their sales given the uncertainty in international markets’. Rotherham (2003:2) asserts that technical support institutions such as standards bodies, metrology laboratories and accreditation bodies enable ‘producers both to establish what is required of them, and to credibly demonstrate their compliance with a wide variety of quality standards’. The last activity identified by Chen, et al. (2006:24) is the need to ‘facilitate information exchange with importing countries on standards and technical regulations’ in order to ‘stimulate [the] firms’ propensity to export’.

3.5 PUBLIC VERSUS PRIVATE PROVISION OF INFRASTRUCTURE AND SERVICES SUCH AS CONFORMITY ASSESSMENT

Public institutions are, according to Cloete (1994:62), ‘usually established to promote the general welfare of society’. Roux (2006:125) argues that the primary purpose of the public sector is ‘to serve the public’. The primary task of public organisations asserts Bryner (2007:189) is on the one hand, ‘to implement the policies enacted by governments’. The purpose of a private business concern, on the other hand ‘is to make a profit’ (Cloete, 1994:62). Public enterprise, McGuire (2002:511) points out ‘satisfies needs’, whereas the role of private enterprise is the satisfaction of demand ‘that is, needs backed by purchasing power’. In the bulk of the literature on public administration, according to research by Pesch (2005:59), ‘the public/private

distinction is conceived as a distinction between the public domain of the state and the private domain of the market'. Pesch (2005:83) contends that 'empirical manifestations of public goods and service...differs considerably among national states'. The reason for such a variation according to Pesch (2005:83), is that the 'final decision to make something a public or private good or service is not made by economists but by political decision makers'. Commenting on business and public institutions, Rainey, et al. (1976:239) note a distinguishable difference between 'the nature of goals and performance measures of the two types of organizations'. Rounthwaite and Shell (1995:55) argue that 'it is important to recognize the differences as well as the similarities between the different sectors in culture, mission and purpose'. Davis (2006:166) does not foresee too much of a problem in this regard as 'the end goals of public sector organizations have not changed; their purpose is still primarily to ensure services are provided to the public'.

A trend has been noted regarding public administrations by Prefontaine, Ricard, Sicotte, Turcotte and Dawes (2000:5) that more 'are turning to new means of collaboration for activities that were, until quite recently, their sole domain'. Findings from Marini (2000:5) clearly indicate that the change to 'market like mechanisms for the provision of public goods is increasingly a matter of rhetoric, planning, or action'. Jackson (2001:13) challenges such development and argues that many activities were originally allocated to the public sector owing to market failure. He (Jackson, 2001:13) categorically questions the wisdom of 'taking these services out of the traditional bureaucracy and confronting them with greater amounts of competition and managerial control'. Altenburg and von Drachenfels (2006:405) assert the importance of identifying services 'which can and should be provided on a market basis' versus those 'in which governments should intervene to maximize welfare'. Rasmussen, Malloy and Agarwal (2003:84) note an important difference between governments that 'want cheap and efficient service delivery' versus non-profit organizations 'driven by a strong desire to serve their clients in the best possible manner for each individual client'.

The desired end result for a project, and associated underlying assumptions, should to be clearly understood by all who are involved. Noting the use of terms such as 'public value and value-added services', Davis (2006:166) argues that their deployment in a specific context needs 'to be quantified and internalized'. Rainey, et al. (1976:233) agree that '[p]rescriptions will be no better than our understanding of the phenomena.' The same authors (Rainey, et al., 1976:233) state that proposals arguing for more deregulation would only provide the expected solutions if the 'underlying assumptions about the effects of market competition are accurate'. Smith and Wohlstetter (2006:250) see the perceived or real differences between the public and private sectors as an opportunity for the creating better arrangements. Smith and Wohlstetter (2006:250) maintain that the different perspectives brought to a problem from the two sectors enables a 'search for solutions that go[es] beyond their own limited vision of what is possible'.

The different motivational forces active within the public and private sector are highlighted by Pongsiri (2002) from a slightly different perspective. Pongsiri (2002:492) declares that public agencies 'externalize net social benefits as a result of organizational activities' and private firms 'demand adequate returns on their investments'. The fundamental differences that exist between managing in the private as opposed to the public sector have also been identified by Broadbent and Laughlin (2003:336), who contend that a profit driven, private sector supplier needing to satisfy shareholders, 'may or may not share the same public service values that might be the case if provision was [sic] exclusively made by those in the employment of the public sector'. These opinions would tend to caution against public institutions that are created to provide specialised technical supervision and are also simultaneously involved in delivering similar commercially driven services. Owing to uncertainty about the ongoing supply of public funds, there are unfortunately many such instances in Africa.

Kennedy and Hobohm (1999:1) assert that the 'private sector has become the central focus for the economic development of African countries in recent years'. An interesting development in the post-independent era of many

African states as Tawfik (2005:3) notes, is that 'state domination over economic planning and development led to a relatively weak and small private sector'. Discussing private sector involvement in restructuring and privatisation schemes in developing countries, Jreisat (2002:118) states they were, in many cases, 'ill prepared' to cope with their expected responsibilities. Research by Tawfik (2005:7) also reveals that development plans for Africa for the last ten to twenty years have concentrated on capacity building for state institutions because of the scepticism 'about the role of private sector'. Such scepticism has meant that 'no action plans were adopted to achieve this aim' (Tawfik, 2005:7). According to Kennedy and Hobohm (1999:1), there are two main drivers behind calls for greater private sector involvement: 'the failure of public sector led economic development and the rise of globalization'. Seemingly by way of explanation, Jreisat (2002:9) points out that 'most administrative systems in developing countries are caught ill prepared for the new responsibilities foisted on them by globalism'.

The wholesale and uninformed replacement of public sector practices with those of the private sector could lead to unintended consequences. Diale (2005:59) cautions that the intended beneficiaries could be left 'at the mercy of the self-interested market forces'. Liou (2001:1010) is less concerned about such an eventuality and points out that 'recent government reforms' have moved away from solely focusing on improving efficiency to a 'new focus on good governance'. All of which points to a careful balancing act by government between opening markets, and all of the issues of TBTs (already covered), providing appropriate publicly funded technical infrastructure and encouraging the private sector to take an active and increasing role, while remaining ultimately accountable to the electorate.

As part of the solution to the lack of public sector capacity and capability, Kennedy and Hobohm (1999:4) emphasise the need for African states to 'develop strong private sector enterprises that can compete effectively in world markets'. Such a task implies strong collaboration between representatives of the public and private sector at both the national and regional level. Given the need for state leadership, Haruna (2004:189) notes

‘public problems are too complex and the range of transactions too extensive to warrant handling by one jurisdiction’. Explaining the need for ‘multi-tiered efforts’, Agatiello (2007:70) stresses that these are essential for states faced simultaneously with ‘[a]dopting and enforcing global, rules-based trade facilitation commitments, planning for their effective implementation’ while also trying to maximize ‘their development impact’. Research from Haruna (2004:189) recommends that government ‘partner and collaborate rather than control civil society and the private sector’. Another important reason for such collaborative partnerships is provided by Hartzenberg, et al. (2007:3), who argue that ‘in the past trade policies were developed solely by the public sector, [but] it was the private sector that actually did the trading’. In the context of Africa, the same authors (Hartzenberg, et al., 2007:3) also highlight some exceptions ‘which the governments considered strategic to the country’s economy’.

In order to leverage the limited capacity of the state, Fuhr (2001:421) suggests a strong focus ‘on fundamental tasks’ coupled with ‘partnerships with the business community and civil society’. The promotion of a greater role for the private sector in delivery of goods and services on behalf of the public sector has resulted, as Jreisat (2002:9) argues, in ‘shifting the responsibility of public administration in the new economy from producing and managing goods and services to facilitating and regulating economic activities’. Moving to the creation and sustainable provision of technical support infrastructure, Goonatilake and Kaeser (2006:5) contend that some of these services ‘can clearly be seen as sole public goods’. Their view (Goonatilake & Kaeser, 2006:5) is motivated by the fact that in spite of an identified need, ‘[s]uch services would not be provided by private entities, as their character makes them unfit for a commercial operation’. By way of example, the same authors (Goonatilake & Kaeser, 2006:5) identify cases of strategic public service provision that ‘are indispensable to [exporting] producers [and for local consumer protection issues]’. The thorny issue of provision of some technical support services in developing countries as a public good, when such services are privately provided in developed countries is also addressed. In theory such health and safety related compliance activity

could be provided by the private sector. Goonatilake and Kaeser (2006:5) point out that 'the public sector engages in their provision as a response to a market failure, where private supply did not respond to the demand'.

All of the previously identified key characteristics point to the need for strong public leadership and implementation with appropriate governance. Given the stated focus of the private sector, there is no doubt that although this sector might be willing to participate in certain activities and roles, the overall leadership would have to be provided by the public sector. Such leadership begins with a suitable and coordinated public policy (or policies). In order for proper objectives to be set, Boron and Murray (2004:67) point out that private sector management 'has to be guided'. Brown and Sander (2007:12) have firm views on what such policies should address including, of course, the need to 'promote good business practices'. In addressing the adoption of private sector standards by developing countries, Brown and Sander (2007:12) highlight several needs and expectations. These are simplification, flexibility, mutual agreement of realistic time frames, the provision of appropriate technical and financial support, an ongoing review of purchasing practices, harmonisation of the various codes, and finally, an equal partnership between the standard creator and the developing country producers and exporters. The question is: Can such encouragement come from the market alone? Evidence is not very positive, which suggests that some sort of inter governmental agreement is required. Such an agreement would stipulate criteria for the future relationships between developed country buyers and developing country sellers together with an appropriate monitoring strategy.

PART II

3.6 AFRICAN PERSPECTIVES

3.3.3 The legacy of colonialism

Post independence in African countries many believed, according to Nwafor (2003:3), that ‘the apparatus of state would be used to...generally improve the quality of life of Africans’. Birkland (2005:49) points out that ‘structural and historic factors influence the making of public policy’. Such insight is axiomatic, given the African developmental context of the research. Keller (2007:47) reports that the legislation, policies and public infrastructure created under colonial rule was for specific, self-serving, purposes. Facilitating the export of primary resources for further processing in European factories is given as an example. Commenting on development activities towards the end of some of the colonial powers, Cooper (2003:5) argues that these ‘never did provide the basis for a strong national economy’.

As already stated, such a self-serving colonial legacy cannot assist African states in the new global paradigm they now face. Even more problematic is that colonisers entrenched different public administration practices based on their own unique history and legal systems. A study in Africa by Caulfield (2006:25) has identified ‘patterns of difference’ between francophone and anglophone countries in Africa. After researching the impact on the three continents where Europeans settled or colonised, Raadschelders (2000:376) argues that ‘Africa is perhaps the one that has suffered the most under the Western legacy’. With specific reference to the African public administration infrastructure, the same author (Raadschelders, 2000:376) points out that these were ‘European in character and reflected a level of political development not yet reached in Africa’, adding that ‘Africanization was limited to replacing white colonial public servants with indigenous people’.

While European powers may have in theory handed over political control of their African colonies, Keller (2007:47) notes that they were however careful

to maintain 'economic interests and influence'. In such an environment it is not difficult to understand why African rulers, according to Cooper (2003:5), 'realized early on that their own interests' were easier to align with strategies akin to those had been utilised by the former colonialists. In a similar vein, Nabudere (2002:3) also criticises African leaders who 'advance their own interests', using exactly the same methods as 'those who dominate their countries'. Cooper (2003:5) notes that such strategies created a series of 'gatekeeper states' in Africa. The main source of revenue for such states 'was duties on goods that entered and left [their] ports'. To guard such sources of revenues, Cooper (2003:5) points out that 'rules and licenses that defined who could engage in internal and external commerce' were then created and enforced. Commenting on previous unsuccessful development strategies in Africa, Tawfik (2005:1) asserts that they were 'the bi-product'. Tawfik (2005:1) also argues that such strategies need to be contextualised within 'a certain historical moment with its social, economic and political conditions as well as the dominant or leading development thought of that moment'. Such background appears to have been largely and perhaps intentionally ignored in the global clamour to harmonise rules for lowering of tariffs and opening markets. There is little wonder therefore that developing countries in Africa no longer trust the strategy promulgated by others to open their markets and let free market principles teach them how to compete globally.

African states have adjusted to life after colonial dependence with some difficulty. Using policies of creating large state owned enterprises and substituting imports with local production, as Kotze and Steyn (2003:73) point out, 'African governments allocated a strong and increasingly interventionist role for the state in industrialisation'. Research by Raadschelders (2000:377) concentrating on the first three decades after colonisers left African countries has identified three interesting characteristics. The study notes (Raadschelders, 2000:377) an 'unusually large reliance on state driven mechanisms to facilitate both economic and social development'. There is also a tendency to maintain the inherited colonial administrative structures that support 'strong centralized government' (Raadschelders, 2000:377). The

existence of 'a highly politicized' and 'unrepresentative bureaucracy' in most post colonial African states is also highlighted by Raadschelders (2000:377).

Initially, African efforts to break free from the constraints imposed by their inherited public structures were largely unsuccessful. Kuye (2006:6) notes that attempts to cope with the ongoing global development of capitalist strategies led to 'uneven development in African countries'. Given their different colonial backgrounds and lack of regional coordination any other outcome was highly unlikely. According to Cooper (2003:6), the economic status of Africa today is not the result of an 'abrupt proclamation of independence' by the various states 'but from a long, convoluted, and still ongoing process'. Kotze and Steyn (2003:74) are more critical of domestic actors, arguing that Africa's problems are not due to any victimisation caused by policies associated with globalisation but 'that Africa's myriad of social, economic and political problems can be explained through a history of poor political management'.

With reference to the management of African development over the last forty years, Herbert (2004:2) contends that it was both chaotic and piecemeal. According to Herbert (2004:2), '[m]istakes have been repeated and learned lessons forgotten'. Noting that the 'citizens of today cannot be held responsible for the actions, the choices, and the values of their parents and grandparents', Raadschelders, et al. (2000:777) actively encourage today's decision makers to 'use historical knowledge to explain why they want to break away from the past'. There is ample material to assist in such a retrospective but necessary exercise if Africa is to make any progress. Such a task is not going to be easy given the rapidly changing nature of the global environment. Nzwei and Kuye (2007:202) refer to the 'come in or stay out neo-liberal trends' associated with globalisation. Such trends they (Nzwei & Kuye, 2007:202) assert have resulted in a dramatic restructuring of the global environment in which developing states are forced to operate, and that such developments are 'difficult for many African countries to ignore'. In many cases African states have been forced not only to actively reconsider their global participation but have also been given specific, normally donor or

capital driven, remedies. Such remedies normally include prescriptions for the reduction of the role of the state, dismantling certain parts of the public infrastructure and promoting a larger role for the private sector using more open markets. The generic name for such interventions is structural adjustment programmes. These are dealt with in the next section.

3.3.3 Structural adjustment program[me]s (SAPs)

Structural Adjustment Program[me]s (SAPs) are, according to Haruna (2004:187), based philosophically on two foundations, neo-liberalism and managerialism. Neo-liberalism is defined by Haruna (2004:187) as the 'faith in the viability of the market'. Managerialism, according to Haruna (2004:187), is defined as the 'belief in one best way'. Haruna (2004:187) claimed that the architects of such interventions believe that it is necessary for African economies to remove 'unnecessary state intervention, and bureaucratic controls' in order for any progress to be made. Haruna (2004:187) also asserts that such a philosophical approach is grounded 'in Western belief in money, science, and instrumental rationality for improving the human condition'. Obviously one can expect problems if the strategy on which an intervention is based does not reflect the belief system or understanding of those tasked with its implementation.

Not only did SAPs not achieve the desired benefit of sustainable economic growth in Africa, but as Tawfik (2005:2) maintains, these programmes also unintentionally undermined the role of the state which 'rendered the weak states in Africa weaker'. Findings from research in Ghana prompts Haruna (2004:195) to conclude that 'reducing the size of the public sector...paralyzed the state'. The same author (Haruna, 2004:195) questions the wisdom behind such a strategy and points out that 'Asian countries grew with large, not small public sectors'. According to Mkadawire and Soludo and also Onimode (quoted by Tawfik, 2005:2) the African SAPs 'did not take into consideration that the institutions needed to perform the adjustment tasks are either weak or totally absent'.

Over forty–five years ago, Langrod (1961:89) commented sagely that ‘problems faced by most European countries today are not the same as the problems of young and underdeveloped countries’. Such wisdom has certainly stood the test of time. In the African context, South Africa, in line with many African developing countries, has targeted certain interventions as part of a broad strategy to foster economic growth and reduce unemployment. Nzwei and Kuye (2007:202) point out that although some of these policies ‘are prescribed by neo–liberalism’, they have not prevented an active state involvement in the local economy. Is this perhaps indicative of the fact that complex problems need innovative thinking based on deep local insights?

Another facet of the complexity facing those tasked with implementation of public sector reform efforts in Africa is highlighted by Raadschelders, (2000:378) who contends that although the public service in Sub Saharan States appear superficially to have been ‘Africanized or indigenized’, the underlying values systems have not changed. Raadschelders’s (2000:378) concern is that, fundamentally, the organisational values in many cases still more closely resemble those that pervade the ‘reform objectives of multi and bilateral donors’. The probable cause for such a situation is also addressed in the same research. Olowu and Adamolekun (in Raadschelders, 2000:377) note that ‘in the absence of proven local initiatives’ the wholesale transfer of foreign management practices ‘has been seen as the only viable option’. How such local initiatives might be self created, proven and funded in a sustainable way from the embryonic stage to appropriate maturation does not appear to have been addressed as part of any previous SAP initiative. Donor funded projects are normally written in accordance with strict and measurable objectives that need to be achieved within very tight time constraints. The limited time available for implementation is also not eased by the bureaucratic formalities required to ensure that the promised funding is released initially and then as a project unfolds. Such a scenario does not easily lend itself to self learning by the local participants.

3.6.3 Current issues

If African goods are to be exported in any significant way beyond the region, as has already been stated, developed nations expect proven compliance of imported agricultural products and manufactured goods, against increasingly sophisticated technical requirements, before allowing access to their markets. This expectation by developed nations that are members of the WTO is supported by an undertaking, in theory at least, to provide appropriate assistance. The members of the WTO have, according to Smaller (2006:3), 'increasingly accepted the need for trade-related technical assistance to help developing countries with the implementation of WTO commitments'. Unfortunately this acceptance has not led to any dramatic improvements on the ground. The same author (Smaller, 2006:3) notes that experience to date has shown that 'the various initiatives have had limited success and insufficient funds'. Unfortunately in the meanwhile, Nwonwu (2006:17) points out that the global trading system grows ever more sophisticated both in reach and technical depth.

The present reality is contextualised by Nwonwu (2006:17) whose findings indicate that 'Africa is still grappling with the basics of developing physical infrastructure'. Although 'Africa's interconnections are old', research by Cooper (2003:105) reports that the African share of global trade 'fell from over three percent in the 1950 to less than two percent in the 1990s'. Such a drop is even more problematic given the huge increases in global trade in the intervening forty years, as illustrated by the 2007 regional economic outlook of the International Monetary Fund (IMF) for Sub Saharan Africa (IMF, 2007:49).

The reasons for such a poor performance are obviously varied and multiple. Keller (2007:48) reports that most African states have committed to embrace the process of globalisation in order to turn its outputs to their advantage. Given the evidence, there is obviously still much work to be done in this regard. Two key issues for Africa, namely poor economic policies and the need to improve political governance, are mentioned by Kotze and Steyn (2003:73). Mukamunana and Kuye (2005:600) are more direct noting that

political governance, or rather the lack of it, is directly linked to 'Africa's development tragedy'. Can the blame be fairly apportioned solely to African leadership or lack thereof? Not according to Kotze and Steyn (2003:73) who also point out that African states are operating in 'an unfair international system'. The dominance of global capitalism in many and varied forms and the need for an intelligent response is also reported by Stewart (1999:103) who concludes that it will be around 'at least several generations to come'.

Given the complex task ahead and the inevitable constraints that African states will face leads Kuye (2006:11) to contend that one of the 'critical pre-requisite[s] for transitioning from survival to development' will be the 'efficient use of resources'. On the same topic, Keller (2007:49) highlights the need for a much wiser approach to resource utilisation in order 'to advance...developmental objectives'. Directive and wise leadership coupled with broad consultation and a heightened sense of urgency are also important prerequisites. One problem is where does one focus scarce resources and effort to gain maximum short term benefits that could also simultaneously assist in achieving longer term strategic objectives. According to research by Goonatilake and Kaeser (2006:1), noting that we now live in 'a world driven by innovation and technical change', they posit that success will depend on four interlinking project components. These are 'competitiveness development, the supply of public goods, incentive systems and development of institutional support capacities' (Goonatilake & Kaeser, 2006:1). Mukamunana and Kuye (2005:600) argue that in order to be successful, all such future projects in Africa will also require a serious look at and 'faster roll-out of good governance'. A large amount of trade revolves around specific goods and services. It is therefore appropriate that the areas where Africa is strong and can compete internationally are identified. A logical supportive step is to also investigate the type of work still required to move such activity towards global competitiveness.

Initial comparative advantage for African countries as a group according to Thoburn (2000:3) 'lies in agro-related industries'. Some of the difficulties in this area will now be addressed. Large European supermarkets operating in

cut throat competition in their domestic market, Europe, are the cause of the same multinationals exploiting African developing country farmers. Many of the existent one sided business arrangements are unsustainable if looked at holistically and also from an environmental perspective. What is ironic is that a very different pro–environment message is used to gain market share amongst sophisticated purchasers of such produce. There is no evidence that these supermarkets intend to alter their strategy, indeed why should they with such huge mark ups and the developing country producer carrying the bulk of the risk?

Another important aspect in unlocking Africa’s potential for agricultural and other exports is sustainability. Bhalla (2002:46) notes that ‘certain patterns of growth and technological progress deplete natural resources more rapidly than others’, which points, initially, to a considerable amount of highly specialised groundwork by experts either directly employed by the public sector or the use of private sector experts that are contracted and managed by public sector managers. Given the many other and more immediate concerns that usually confront African governments it is not surprising that the management of development in a sustainable manner is not always seen as a major priority in many African states. Part of the answer of why this might be so is provided by Caulfield (2006:16) who points to larger problems noting that ‘public sector reform outcomes are severely constrained’ owing in large part to ‘weak state capacity’. Another important factor that needs to be considered is the ‘African history of autonomous bodies’ (Caulfield, 2006:16). Learning from recent African development history is also strongly recommended by Cooper (2003). Findings from Cooper (2003:99) remind one that industrialisation has been touted by ‘economists and political leaders’ already ‘in the 1950s and 1960s’ as ‘the cure’ for many of the fundamental problems that still exist. As Cooper (2003:99) reiterates: ‘It didn’t work out so simply.’

The trade and development report for 2006 published by the United Nations Conference on Trade and Development (UNCTAD) (2006:ix) notes that ‘external influences over national policy targets have become stronger and

the trade-offs between internal and external objectives have intensified'. At issue is that the global trading environment has already been largely created and many of the ground rules are already agreed. Many argue that some restructuring is now required in order to promote economic growth for all, rather than for some, at the expense of others. This view is shared by the former South African President (Thabo Mbeki) who, according to Mills (2000:303), believes that 'what South Africa is able to achieve' is very dependent on 'the manner in which South Africa and the international community alike can reform the global landscape'. Mbeki's view is supported by Gibson (1997:239) who states that although 'there will be very tough economic competition...if we are going to mutually prosper, we are going to have to co-operate to create a global economy that works'. To which one might add, for the benefit of all, not some.

There is an urgent need to determine whether there is a more cost effective way to use public infrastructure to support African exporters. Ngema (2005:11) argues that 'lack of capacity not only has local or national consequences, it has regional, continental and global consequences as well'. A major difficulty, according to Ngema (2005:11), is that it is just 'not possible to withdraw from such processes until we have built the capacity for effective engagement'. Experience has already shown that technical infrastructure capacity building and strengthening projects are by no means short term in nature. They require large amounts of ongoing capital, operational expenditure and skilled public and private implementation capacity.

According to Batley (2004:53), '[p]ublic service reform is generally complicated by the fact that public service officials are both the agents and the objects of change'. Such reform projects in developing countries are, according to Batley (2004:53), 'further complicated by an additional set of external actors in the shape of international financial institutions and donors'. All of which suggests the need to create suitable mechanisms to guide the implementation of public policy so that it addresses real domestic and regional needs. Such guidance should also ideally assist in limiting the impact of non value adding or even potentially corruptive influences. With specific

reference to the public institutions tasked with delivering conformity assessment related support, it is interesting to note that the majority of the relevant institutions in South Africa now have an independent Board of Directors. In terms of good corporate governance, each of these Boards has a delegated responsibility to direct activities for the ultimate benefit and sustainability of both the specific entity and, hopefully, for the country as a whole. These two ideals are not always mutually supportive. What would assist in reducing suboptimisation and other unintended consequences would be the creation of an overarching strategy to counter the 'silo' effect that is unfortunately still prevalent in many instances. The recent publication of a South African industrial policy is one such instrument that would allow a much wider perspective than was possible until recently in South Africa. Unfortunately, there are still problems in the rest of the region in this regard. The existence of some commonly agreed regional direction would also satisfy the concerns of Jreisat (2004:1004) who argues that '[g]ood performance is inescapably related to satisfaction of criteria'. Earlier research by Jreisat (2002:113) into problems facing developing countries has identified some important generic pointers. Jreisat (2002:113) points out that sustainable national development is premised on empirical understanding of local political, administrative, and economic realities. Public decisions must be made as transparent as possible together with continuous affirmation of the accountability of public officials and institutions. Such transparency would assist the collective and well orchestrated efforts that are required of both private and public institutions in implementation. The need to employ appropriate and relevant technologies in creative ways aimed at the improvement of productivity is also required. Finally, Jreisat (2002:113) points out that 'appropriate and ongoing application of proven scientific and technological methods is both unavoidable and should be encouraged in order to achieve growth and increase production'.

3.7 CHALLENGES FACING AFRICAN STATES WISHING TO BECOME MORE INVOLVED IN THE GLOBAL TRADING ENVIRONMENT

3.7.1 International participation

African and other developing countries cannot continue to argue about the fairness of the international trading rules, while simultaneously being further excluded and marginalised owing to their effects. Welch and Wong (1998:46) argue that one such effect will be the reduction in the amount of autonomy 'previously enjoyed by national bureaucracies'. Through 'the interplay of deregulation and technology', Fuhr (2001:425) postulates that 'new options for economic and political participation become available'. Such opportunities should be investigated at both regional and international level with the aim of modifying the present rules in order to gain new advantages. If Africa is absent from such global debate and consensus building, it can only be to the detriment of the region.

There needs therefore to be a coordinated and continuous African presence and voice where possible, in organisations that make such rules such as the WTO and the OECD. This is by no means an easy task. Successful participation in organisations such as the WTO according to research by Mbekeani (2005:40) requires 'a number of key competencies' and 'involves a range of national institutions'. Similar representation at global treaty organisations such as the International Organization for Standardization (ISO), the *Bureau International Poids et Mesures* (BIPM), responsible for global scientific metrology, and the International Organization for Legal Metrology (OIML) needs careful consideration. Membership and appropriate representation in the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) are also essential if Africa is serious about actively contributing to the process rather than remaining a victim of the various and often uncoordinated outcomes of such deliberations.

In order to make their presence felt it is vital, according to Kotze and Steyn (2003:113), that African participants adopt ‘a more active posture on the principle of equality and mutual benefit’. Kotze and Steyn (2003:113) stress the need to ‘utilise the contradictions present among Western countries and take the opportunity to stress their own interests’. Although some African representation is already evident in such international forums, the use of ‘consultation, consensus, and collaboration’, which Haruna (2004:201) highlights as a unique African trait in the process of ‘indigenous decision-making’ will require time and effort. With reference to experience in Ghana with ‘administrative globalization’, Haruna (2004:195) declares that ‘public problems are far too complex to be manipulated scientifically to arrive at “right” answers’. Another important issue is reported by Rutgers and Schreurs (2000:621) who argue that ‘[p]ublic administration is still primarily a national undertaking’. All of which underpins the need initially for coordinating national strategies, policies and implementation with a national view that is used first in regional interactions. The results of such interventions could then be intelligently used further in the various international negotiations that form the prevailing global landscape.

3.7.2 The role of the public sector

Given the problems in many African states with both capacity and funding, greater regional collaboration in the pursuit of common negotiation positions is one way to cost effectively use national expertise to promote a wider regional agenda. Southern exporters and their partners in government are encouraged by Williams, et al. (2007:25) to ‘harness new models of collaboration to overcome structural weakness and put in place the requisite political, technical, and financial resources to ease their integration into the global economy’. Such advice is crucial, according to Jreisat (2002:118), if African states are to learn from the ‘host of issues stemming from previous market failures’ and actively overcome the ‘familiar shortcoming and inefficiencies of public-sector economic involvement’. Tawfik, (2005:3) argues for a central role for the African state in the promotion of development. Noting that missing markets are a major problem in many developing countries

including Africa, Jackson (2001:7) notes that appropriate 'government intervention can be justified'.

A developmental mandate needs a very different set of skills and broader insights from public officials than previously required. The need to identify requirements for publicly funded technical support as part of negotiating trade agreements is vital. Research for instance by Cosbey (2004:27) has found that 'existing standards – which were in some cases well below world standards – were routinely flouted'. Such behaviour undermines any negotiation especially as long term impacts are probably not immediately realised in the new global environment. The dramatic, negative and largely unintended consequences for domestic industries that are allowed to take such a short-sighted view are also mentioned by Cosbey (2004). Cosbey (2004:27) reports that 'firms lagged far behind foreign standards levels, missing the chance to find synergy between foreign and domestic standards'. Such companies would rapidly go out of business once the government of such a country either decided, or more probably was pressured from outside, to open its domestic markets to foreign competition. With reference to a study in Zimbabwe, Jreisat (2002:11) highlights 'the need for reform prescriptions to achieve synergistic support between international standards and norms and local institutions'. A word of caution by Maur (2008) should be noted in accepting such advice. Weak institutions, according to Maur (2008:34), 'are not well equipped to manage heavy implementation challenges.'

African countries need to make appropriate, substantial and ongoing investment in the public infrastructure, that in most cases already partially exists, to address domestic and foreign quality assurance requirements. Failure to do so would, as Rotherham (2003:24) warns, 'begin to discredit the kinds of policy tools that are increasingly being used to promote sustainable development: eco-labels, certification programs and other market-based tools'. If individual African countries cannot afford to create and maintain appropriate national infrastructure, they need to find creative ways to investigate, fund, maintain and share such scarce technical resources for the benefit of the whole region.

3.7.3 Access to foreign markets

In order to address the many and varied problems that still face African economies it is now generally accepted that they need greater access to international markets. Such access in theory should allow sustainable growth through trade rather than the existing dependence in many cases on aid. Kennedy and Hobohm (1999:4) strongly promote the notion of increased openness of African economies to the international markets. The same authors (Kennedy & Hobohm, 1999:4) note that such a strategy needs to be coupled to the development of strong and sustainable private sector enterprises that could compete effectively in these same world markets. The encouragement of such private sector development is seen as one of the keys to Africa's future. It is also expected that such increased market activity would enable the wider population to enjoy a much fuller share of the myriad benefits of globalisation. As previously stated, developed nations increasingly expect proven compliance of imported agricultural products and manufactured goods, against sophisticated technical requirements, before allowing access to their markets. Such requirements are normally contained within the domestic technical regulations intended to protect the health and safety of their citizens. Due to the inherent difficulties caused by each country defining its own individual regulatory requirements there are increasing moves internationally towards referencing internationally harmonised standards in such national regulations. This in turn has led to a demand for appropriate mechanisms that allow for the independent proof of the competence of conformity assessment bodies and the integrity of the associated national technical support infrastructure.

With specific reference to cross border trade in Africa, Leshaba (2004:4) states that already 'there is a high level of unrecorded trade between ordinary citizens of the continent'. According to UNIDO (2006:2), the root of the problem in most African countries is an urgent need to address limited production capacity. In order to be successful, such enhanced capacity must produce a sufficient surplus of exportable goods in order to generate additional income. A prerequisite would be that goods aimed at satisfying

these needs would have to be of acceptable quality and continuously meet the standards of the foreign target market.

3.8 DONOR ACTIVITIES WITHIN AFRICA

Findings from Farazmand (1999:514) clearly indicate that the United Nations has been a major factor in globalisation. The same research (Farazmand, 1999:514) refers to key affiliated organisations of the United Nations, namely the World Bank, the IMF, and the WTO. Farazmand (1999:514) points out that these UN bodies ‘have been powerful instruments’ in a US, European and Japanese dominated globalisation strategy. Not surprisingly, these same countries, according to Farazmand (1999:514), are ‘the key donors of international aid’. Since the creation of the WTO, Goonatilake and Kaeser (2006:1) report that ‘global trade has been facilitated through the completion of a more and more sophisticated set of rules and regulations’. According to the same authors (Goonatilake & Kaeser, 2006:1), a side effect of such ever increasing requirements is the creation of ‘important challenges for developing countries for their implementation’.

Haruna (2004:190) notes that ‘several interrelated policies and programs derived from the World Bank and the International Monetary Fund...limit the intervention of the state in the economy’. An interesting conclusion when one considers the considerable amount of state intervention that still occurs in developed countries. Another problem characterised by aid programmes in Africa is identified by Kuye (2006). Research by Kuye (2006:4) asserts that in many cases ‘there is no consideration for country–specific issues’ in the quest for a simplistic ‘one size fits all’ solution. The study by Nzwei and Kuye (2007:202) also notes the need for serious consideration of a country’s ‘unique social, cultural and historical exigencies’ for successful development and economic growth. Mathiasen (2005:667) mentions that ‘Western technical assistance practitioners working at the ground level refer to the need to understand and take into account the social and political context of the countries in which they are working’. Such a contextual sensitisation obviously

takes time if performed properly, a commodity that is unfortunately not in abundant supply, given the very real and increasing needs facing the region.

Is there some hidden prescribed European model for Africa? Not if research by Caulfield (2006) is believed. Referring to the activities of European donors for public sector reform in Africa, Caulfield (2006:18) reports that even the agenda's between donors from the same part of the world have had different focuses. French aid policy and associated funding has, according to Caulfield (2006:18), strongly encouraged the deregulation of the public sector with a simultaneous movement towards State-Owned Enterprises (SOEs) and public utilities. In contrast, Caulfield (2006:18) points out that reflecting Britain's own preference, 'the United Kingdom's public sector policy for Africa focused most heavily not only on civil service reform...also included the creation of service delivery agencies and performance contracting'.

Article Eleven of the TBT Agreement (WTO, 1994:127) states that with regard to developing country Members, the other 'Members... shall grant them technical assistance on mutually-agreed terms and conditions'. Specific issues are then highlighted. The first is 'the preparation of technical regulations' (WTO, 1994:127). The second is the 'the establishment of bodies for the assessment of conformity with standards adopted within the territory of the requesting Member' (WTO, 1994:128). The last intervention mentioned is 'the establishment of the institutions and legal framework that would enable them to fulfil the obligations of membership or participation in regional or international systems of conformity assessment' (WTO, 1994:128). Ten years after signature of the agreement, Cosbey (2004:41) points out that '[n]o country yet has made such a request', and that such a vacuum leads to 'a number of uncertainties about how the obligations would be fulfilled'. One of the major ones is for instance 'how to interpret the obligation to provide technical assistance on mutually-agreeable terms and conditions' (Cosbey, 2004:41). A possible reason for the reluctance by developing countries to ask for help is provided by Smaller (2006:7) who asserts that 'developed countries consistently use their aid budgets to pressure developing countries to move closer to developed countries' trade negotiating positions'.

The Committee of Trade and Development of the WTO (2002a:16) argue that providers of technical assistance and the beneficiaries need to work closely together to ensure that delivery occurs ‘within a coherent policy framework’ against a set of trade related priorities. A special workshop on TBT related technical assistance (WTO TBT, 2003c:7) also pointed out that providers of technical assistance ‘would be able to respond better if a country had a properly formulated plan with identifiable needs and priorities’. The active and ongoing involvement of ‘higher level policy-makers’ was identified by the same workshop (WTO TBT, 2003c:7) as an important component in the ‘proper formulation of effective technical assistance plans’. A joint WTO and OECD report on Trade Related Technical Assistance (TRTA) (WTO, 2002b:1) points out that greater emphasis needs to be placed on promoting ‘greater participation in the multilateral trading system and the world economy’. The same report (WTO, 2002b:1) asserted that, at that time, trade related aid fell under three different groupings. The first area (WTO, 2002b:1) focused on trade policy and regulations in order to assist countries to ‘reform and prepare for closer integration in the multilateral trading system’. The second group (WTO, 2002b:1), trade development, focused on developing an appropriate business climate and promoting the benefits of trade to different business sectors. The last grouping (WTO, 2002b:1), ‘infrastructure’, addressed the creation of the ‘physical infrastructure required to move goods and export successfully’.

Research by UNIDO (2002:4) claims that ‘[i]nsufficient attention is paid to the technical infrastructure and capacities required’. Jreisat (2002:106) contends that as part of the ‘universal quest for a transformation to modernity’ the creation and strengthening of institutional capacity ‘has always been a centerpiece of the prescriptive models’. Research by Keller (2007:48) identifies the prioritisation by western donors of the three areas of ‘good governance, free-market capitalism and democratization’. The same author (Keller, 2007:48) points out that ‘aid became linked to demonstrated progress in these three areas’. Findings from Nzwei and Kuye (2007:197) identify ‘two sets of ideas on development’, one focusing on issues such as ‘reduction of poverty and improved standard of living’ (Nzwei and Kuye, 2007:197), the

other on 'a process of transformation towards a capitalist economy and the development of the drivers of production' (Nzwei and Kuye, 2007:197). What is remarkable, according to Jreisat (2002:108), is that no matter what the scenario of development, 'citizens were not an important factor in the choices made for them'. On a more sinister note, Farazmand (1999:516) maintains and African experience supports the fact that '[m]ost foreign aid and international loans are returned to donor countries'.

Given such background, the logical place therefore to begin to seek redress for African countries is in the various and ongoing negotiations of the WTO. Vermeulen and Ras (2006:246) concur that 'creating fairer trading relationships is one of the important issues on the global agenda for multi-lateral agreements between nations'. Laird (2001:471) acknowledges that there is still a lot of work needed. Laird (2001:471) also suggests an urgent need to review the efficacy of the accepted rules 'to ensure that such measures are being used for legitimate objectives and not merely for protectionist purposes'. Such a view is supported by a study by Najam and Robins (2001:65) that identifies the critical need to build 'indigenous negotiating and institutional capacity within trade institutions...in developing countries'. The same authors (Najam & Robins, 2001:65) also note that such capacity should be created 'not simply to understand what is happening in international policy, but to influence it'. Such a proactive stance will not be easy for African states and their public administrators to action. Mbekeani (2005:41) points out that 'considerable capacity is needed for effective participation in the design of rules and institutional mechanisms that shape the global economy'.

The role of both private and public funded conformity assessment activity and supporting technical infrastructure is an important component in creating holistic solutions for addressing African TBT issues. There are often initially obscure consequences regarding provision and non provision of such services and infrastructure as Africa tries to better integrate into the wider, and brutally competitive, global economy. Tangible benefits of the donor supported work that has already been done remains variable according to

many authors (Vil-Nkomo, 1999:85; Jun, 2000:27; Raadschelders, 2000:378; Batley, 2004:417; Haruna, 2004:190; McWilliams, 2007:18). Batley (2004) offers at least one reason why this will continue to be the case. Given in Mozambique during 2003 that donor support accounted for more than half of total public expenditure, Batley (2004:417) notes that 'it is almost impossible for donors to impose conditions without creating macro-economic instability and putting the government budget into disarray'. Cooper (2003:105) and Efreteui (2005:198) mention that cutting aid to some sub Saharan countries would force them to 'close down overnight' with the resultant creation of 'chaos and political instability'. With such a major imbalance of power and capacity between such governments and donors, Batley (2004:416) insists that 'donors really can let go the reins and allow government to assume control'. Assuming control presupposes the ability to change conditions to achieve some intended outcome. The achievement of major improvements in trade related benefits by African governments is highly unlikely in the short term. The present international trade environment almost forces certain self-defeating choices on African states by design. More donor funding into such a situation is unlikely to produce the dramatic positive changes required in Africa. The expanding role of countries such as China in Africa is however a reason why such a plea should be seriously considered by the western developed country donors. China has no interest in either African democratisation or human rights, according to Keller (2007:51). Keller (2007:51) contends that China is focused rather on 'gaining access to the continent's markets and minerals, including petroleum'. Such a reality might provide even more impetus for the radical changes in the approach, at both the global level as well as by some foreign donor agencies, long sought by African and other developing country states.

3.9 SUB-REGIONAL AND REGIONAL COOPERATION IN AFRICA

3.9.1 Problems with closer regional cooperation in Africa

The benefits flowing from closer regional cooperation for the vast majority of African states is no longer in question. That there are problems in getting

common agreement on the need for continental development is highlighted by Kuye (2006:16), who notes ‘that several African states have in one form or the other forgotten the implications of collaboration’. According to Gottschalk and Schmidt (2004:138), previous attempts over the last forty years to address institutional frameworks for African integration ‘were chronically under resourced and politically marginalized’. The same authors (Gottschalk & Schmidt, 2004:157) caution against too much optimism ‘about the common political will since there are vast differences and often even distrust between the governments’. It is evident that little has changed fundamentally to allow Africa to make the necessary progress. Yet Ngoatje (2006:62) is far more positive and points to historical and other factors ‘that have created strong bonds of solidarity and unity among the peoples of the continent’. Globalisation, Fuhr (2001:437) maintains, ‘often acts like a magnifying glass’ which, automatically creates discussion and simultaneously highlights the need for appropriate responses including institutional arrangements. Keller (2007) is clear on where African priorities should lie. The overriding priority for African countries, according to Keller (2007:51), ‘is to become effective players in the globalization game’. He (Keller, 2007:51) points out that such an enormous task necessitates the development of ‘increasingly effective regional and sub regional political and economic organizations’. Fortunately there are already examples of such organisations that can be used to gain further insights. As Cooper (2004:27) perhaps irreverently points out, ‘the European Union is a highly developed system for mutual interference in each other’s domestic affairs’. The knowledge gained and benefits flowing from such ‘interference’ could be utilised for the benefit, rather than the exclusion, of developing African countries. All of which points to the need for research based policies, directed at trade related industrial growth, but not at the expense of the environment. As Schoeman (2004:14) points out, with Africa in mind, ‘new innovative policy will be required, focused especially on investment in human capital’.

Closer ties possibly leading to regional integration within Africa are not without problems. Findings from Leshaba (2004:3) on post independent African states have found ‘two conflicting predispositions have influenced their efforts at

regional cooperation and integration'. The first (Leshaba, 2004:3) is the rigid adherence to previous colonial borders in spite of the inarguable fact that such borders 'militate against economic viability and coherence of the African nation–states thus artificially created'. In total contrast, the second issue, according to Leshaba (2004:3), has been an emphasis on 'the indispensability of economic integration across Africa's sub–regions and the continent as a whole'. One might be tempted to ask whether there is a role at the regional level in respecting the first while trying to assist in making the second a reality. It will certainly need more than a modicum of local ingenuity that has been sadly absent so far. A further complication is mentioned by Keller (2007:46) who asserts that post independence saw the formation of 'African–led regimes that were more or less carbon copies of [those of] their colonizers'. Even with such inherited impediments, Ngoatje (2006:84) asserts that '[i]t is entirely within Africa's own power to agree to the lowering of...barriers, which would contribute significantly to improved economic growth across the continent'.

3.9.2 Need for closer regional integration

Excellent insight is given into the challenges presented by Africa's colonial past by Mathiasen (2005:667) who points out that 'most of the people in the world do not live in societies whose political roots go back to the Middle Ages in Europe'. What is evident is that any change to more indigenous, Afro centric models will need sustained hard work, together with unwavering political commitment. Regional integration, Ngoatje (2006:63) contends is also 'a means towards African unity and the recovery of African dignity and status in global affairs'. Such a higher level perspective is essential, given the enormity of the challenge. Batley (2004:35) avers that it is in the public service in weak African states that 'power, employment and patronage are concentrated'. The foundational role in both the AU and NEPAD of the RECs is also a cause for concern according to Leshaba (2004). Leshaba (2004:8) points out that 'most African countries have multiple memberships to many of the existing RECs'. The unintended side effect of such multiple REC memberships is that a particular state could find 'itself progressing towards

economic integration at different paces in different communities'. Another negative factor is noted by Cooper (2003:104) who claims that 'African economies are at least as likely to compete as to complement each other's [sic] strengths'. This is worrying if one considers the findings of Williams, et al. (2007:31) who argue that '[c]ountries that focus narrowly on "national goals" or turn inward will fail in the new era'. International cooperation, according to Cooper (2003:104), 'assumes that state leaders are disinterested advocates of African or at least national interests'. The same author (Cooper, 2003:104) states that 'many are anything but'.

A fundamental disagreement between well known economist, and proponent of the global free market, respectively Friedman and Florida is identified in a study by Feiock, Moon and Park (2008). They (Feiock, et al., 2008:24) report that globalisation (according to Friedman) 'has diminished the importance of location as a competitive edge in fostering economic growth'. Florida counters that 'although globalization has exposed many regions to heightened competition...it is full of clusters where location matters'. The same authors (Feiock, et al., 2008:24) argue that this 'disagreement is no mere academic exercise' and that 'it has serious implications for elected officials, public managers, and scholars that craft, implement, and evaluate economic development strategies or theories'. Farazmand (1999:515) found that '[m]any states have surrendered their national policy-making ability to regional or international organizations for collaborating with globalization efforts'. Williams et al. (2007:31) also declare that the 'key to success in a turbulent environment is collaboration across borders, cultures, companies, and disciplines'. Such collaboration should lead to the solution of a problem for many African states, according to both Cooper (2003:103) and Maur (2008:9), of 'increasing the size of markets'. Williams et al. (2007:25) identify one important benefit of regional trade agreements, in that such agreements give regional exporters the opportunity 'to experiment in their own backyard'. Other benefits mentioned by the same authors (Williams et al., 2007:25) are the ability not only to 'network' but also to 'improve on their knowledge and expertise'. All of these potential benefits should surely be welcomed and fully utilised by African states.

Whether positive or negative, Tawfik (2005:11) contends that ‘many African countries have some experiences...to share with others’. Findings from Caulfield (2006:16) support the fact that African countries have more in common than immediately obvious and therefore much to share ‘largely because of aid dependency and the policy conditionality’s of multilateral donors’. Ojienda (2005:22) discusses the need to share information with the aim of ‘increased adoption of best practices and standards and also accelerating the integration of the economies of participating countries’. Other benefits of such activity are identified by the same author (Ojienda, 2005:22) as ‘higher levels of trust’, which could also ‘increase opportunities for intra–country trade and investment, physical infrastructure, production systems and structures’. The final benefit (Ojienda, 2005:22) is posited as ‘fostering common African positions for negotiating with other regions’, which is, as already stated, presently sorely lacking. ‘Scarcity of technical skills’ is another important reason given by Maur (2008:9) for regional approaches in the specialised technical areas such as the ones under discussion. Maur (2008:9) points out that such shortages can become a serious issue when confronted with ‘modern trade facilitation techniques’.

3.10 THE AIMS OF THE NEW PARTNERSHIP FOR AFRICA’S DEVELOPMENT (NEPAD)

There has been far too little imagination or drive shown within Africa to date concerning its unique development challenges. Instead, there has been a lot of passive acceptance of foreign advice, usually linked to the availability of external funding. Much of the advice given from outside the region has, according to Herbert (2004:2), dramatically failed to deliver any sustainable benefit. Fuhr (2001:432) contends that ‘private sector–driven globalization’ provides a new landscape which can assist national governments ‘rethink their own policies’. Kwako (1995:35) holds that ‘no African State is economically large enough to construct a modern economy alone’. Kotze and Steyn (2003:10) point out that, given the present form of globalisation, Africa must decide either ‘to integrate or face the real possibility of being left behind’. They (Kotze & Steyn, 2003:39) note that African Governments have regarded

the need for regional economic and political integration within the region as a priority 'for quite some time'. Such a realisation (Kotze & Steyn, 2003:39) has 'resulted in the launch of numerous initiatives aimed towards this end'. The latest such initiative is the New Economic Partnership for Africa's Development (NEPAD). Ojienda (2005:3) credits President Thabo Mbeki with pioneering the 'relatively new idea that using political strategies rather than [an] economic approach would facilitate the recovery of Africa'. Noting that NEPAD 'reflects the Post-Washington consensus model of development', Tawfik (2005:1) argues that the need for state intervention in the development process is no longer an issue. The discussion, according to him (Tawfik, 2005:1), is 'rather, about the ways and mechanisms of such intervention and the relationship between state, private sector and civil society for achieving development'. Such an important realisation should immediately place African Public Administration and public administrators on the alert and encourage them to find a meaningful and pioneering role going forward. Nwonwu (2006:22), noting that the leaders have only provided a blueprint, contends that 'it is the civil society and the people who must respond urgently to the opportunity to participate in the implementation of the NEPAD programs'. Just how they might do that is unfortunately not covered.

As can be expected, NEPAD is not without its critics. Tawfik (2005:12) points out that 'many African analysts' criticise NEPAD for being far too dependent for implementation on foreign capital. 'The very essence and context of NEPAD', according to Efretuei (2005:243), 'has to do with funding the policy goals through a handsome financial support from the industrialised nations'. Two of the underlying problems with such dependence, based on past African experience, are highlighted by Ngoatje (2006) and Kotze and Steyn (2003). Ngoatje (2006:134) expresses concern about African capacity to 'effectively absorb and manage' large inflows of donor funds. Kotze and Steyn (2003:97) are anxious that the self-identified goals of African states could 'differ fundamentally' from those of 'Western donors'. A specific example is reported by Gottschalk and Schmidt (2004:151), who note that the African 'non-adversarial and collegial' approach to the African Peer Review Mechanism (APRM) is at odds with the understanding of donor countries that see it 'as an

instrument for enforcing good governance'. Such a donor view is also mentioned by Caulfield (2006:18) who points out that French political pressure was used regarding continuing eligibility for aid to persuade 'francophone countries to submit to "good economic governance" as defined by the IMF'. The marginalisation of Africa, according to Nabudere (2002:19), is not because it is being excluded from the global economy but that it is 'the most exploited'. Nabudere (2002:19) argues that greater African political unity should be 'the basis of African development and not financial resources from outside'. Nwonwu (2006:28) also decries the over reliance of foreign partners in the implementation of the NEPAD agenda. He (Nwonwu, 2006:28) exhorts Africans to seize the challenge of development and 'look inward and develop mastery in harnessing the local resources both human and material'. Arnold (2005:970) sums up the problem succinctly: 'If there is to be an African renaissance it will be achieved by the skilful deployment of what Africa itself controls', concluding his history of the last forty years in Africa by stating that 'NEPAD funded by the West is not the answer'. Mukamunana and Kuye (2005:602) contend that it is hypocritical of Africans to expect western donors to continue to provide financial assistance if they themselves 'fail to hold each other accountable and denounce poor governance and leadership'.

Other frequent criticisms of NEPAD (Nabudere, 2002:7; Kotze & Steyn, 2003:54; Gottschalk & Schmidt, 2004:152; Melber, 2004:4; Nwonwu, 2006:22) are perceptions that it is a top down approach, driven by an African elite and that it gives too many concessions to neo-liberal orthodoxy. 'The major accusation unleashed against NEPAD', according to Nwonwu (2006:22), is that 'it is a state-centric initiative whose conceptualization did not involve the people for whom it is designed'. Melber (2004) also expresses doubt about the inclusiveness of NEPAD. NEPAD has, Melber (2004:4) claims, 'utterly failed to gain approval from many stakeholders'. In a similar vein and given that many of the draft plans for NEPAD 'are shielded from public comment until they are final', Herbert (2004:9) ponders how the drafters can realistically have any hope of enlisting 'thoughts of Africa's best experts'. Nwonwu (2006:25) refers perhaps dramatically to an 'impasse between NEPAD operatives and civil society'. Even worse, according to the

same author (Nwonwu, 2006:25), NEPAD appears to have forgotten the need for transparency and accountability, which admirable traits, according to Nwonwu (2006:25), have been replaced by 'the obnoxious attitude of exclusivity'. This is not a sensible option given that one of the original aims was of greater partnership. Nwonwu (2006:23) also points out that 'NEPAD operatives continue to blame lack of capacity as the primary predicament and main contributor to their underachievement'. This is dismissed as 'incredulous as it is unfathomable' by Nwonwu (2006:23), who cannot comprehend that Africa 'lacks the quantum of intellectual sufficiency and critical mass of technocrats needed to implement NEPAD programs'. Is it perhaps time for an internal review of the NEPAD operational infrastructure and how it goes about its day to day activities? If so, who would do it, and to whom are they accountable?

Closer to home, and showing signs of regional undercurrents, NEPAD, Melber (2004:7) maintains, is 'considered a lubricant for South African expansion into other parts of the continent'. According to Lesufi (2004:821), 'NEPAD represents a summation of the programmatic orientation of the big South African corporations'. Lesufi (2004:821) points to a drive to penetrate the African continent by South African actors that 'include the who's who of both large private and public corporations'. The South African state, Lesufi (2004:822) argues, 'is not only involved in the facilitation and creation of a conducive environment' for private sector expansion but 'it is itself involved through its own corporations in the accumulation process'. South African involvement is not a problem for Ngcukana (2006:86) who informs us that 'South Africa is the number one investor on the African continent. It even outstrips the United Kingdom and the United States combined'. This supports the view of Leshaba (2004:4) who notes rather that '[t]his is a reflection of the continent's potential to flourish if regional integration is well coordinated'. Noting that current operations 'are largely maintained by funds from donors and the South African government', Mukamunana and Kuye (2005:599) point out that only a small minority of the participating countries have in fact 'paid their financial contributions'. The reasons for the withholding of such

contributions obviously create a cause for concern which needs open and honest resolution.

Instead of taking the many criticisms seriously, NEPAD leadership's reaction has to date been less than forthright. Herbert (2004:6) identifies two different strategies. The first (Herbert, 2004:6) 'focused on developing supposedly tangible projects to demonstrate that NEPAD is doing something'. Given the past history of much rhetoric but little action, the need to provide positive evidence that NEPAD is making a difference is understandable. Unfortunately, despite periodic assurances of the imminent release of the detail behind specific programmes, the result has, according to Herbert (2004:1), been that the 'promise has gone unfulfilled for most of the last half-decade'. An even greater problem in this regard is identified by Kuye (2006:9) who argues that any projects should seek to satisfy 'demand driven initiatives'. It is hard to see how this can be fulfilled in such an environment of silence and exclusion. The role of NEPAD more specifically as far as inter and intra African trade facilitation will be further investigated in Chapter Four.

3.11 CHAPTER SUMMARY

Developed nations increasingly expect proven compliance of imported agricultural products and manufactured goods, against sophisticated technical requirements, before allowing access to their markets. These are normally contained in technical regulations intended to protect the health and safety of their citizens. Owing to the inherent difficulties caused by each country defining its own individual regulatory requirements, there is increasing international pressure to reference internationally harmonised standards in domestic regulations. This, in turn, has led to an increased demand for appropriate and transparent mechanisms that allow both for independent proof of the competence of both local conformity assessment bodies and the integrity of the associated national support infrastructure.

The need for insight into the potential impacts of the various options proffered by developed countries during global trade negotiations is another problem. If

the prevailing global environment has been so carefully crafted, over such a long time period, to serve the purposes of a few developed countries, the remedies for redress by African countries cannot be expected to be either simple or short term. In many cases, African states have been forced, not only to actively consider their global participation, but also to accept specific, normally donor driven, remedies. All of which underpins the need initially for coordinating national strategies, policies and implementation with a national view that is used first in NEPAD regional interactions. The results of such interventions could then be intelligently used further in the various international negotiations that shape the global landscape today.

Unintended consequences, post agreement, are an ever present possibility in such scenarios. Technical barriers to trade may be the result of either commission or omission on the part of the participants who actively assisted in devising such programmes but neither possibility gives comfort to those who actually face such barriers. Political fragmentation within Africa coupled with the legacies of colonialism serve to exacerbate an already desperate regional situation. It is suggested, therefore, that African Public Administration has a window of opportunity to determine how it could better serve both inter and intra regional interests. The problem of using public administration principles from one part of the world to assist in others has been highlighted. Developing a culture of closer collaboration within Africa could assist in the development of more Afro centric public administration theory and practice. Just how such collaboration would work and who would be included in it for the purposes of African trade facilitation are also important. Once the necessary collaborative interaction has yielded sufficient and appropriate information, responsibility must be accepted for formulating policy, appropriate supportive legislation together with actionable and appropriately resourced plans. Such a responsibility could, in the context of NEPAD, be delegated to public administrators.

States are not the only role players in the new globalised environment. Business has also continued to expand globally while demanding simultaneously that governments stick to what they do best and leave

business and the market to establish norms for their activities. Consumers also increasingly demand higher technical specifications regarding products and produce, but are they really aware of the real impact on the welfare of African countries and if not, how can they be informed?

Private sector development of conformity assessment bodies, if considered at all, is largely seen as an unrelated and even unwelcome activity by their public counterparts. Although the role of a vibrant private sector is actively promoted as a key success factor for Africa, there is little existent evidence that anything is actually being done. Effort is certainly not focused on producing a sustainable private sector component. The unintelligent application of a market driven approach to conformity assessment could easily create a scenario where only those services that could realise a profit would be readily serviced by the private sector. Supportive technical infrastructure and state provided conformity assessment services, identified as part of strategic imperatives, such as those required to support NEPAD, but not profitable in the short term, could therefore be placed in jeopardy. This leads to the creation of specialised public capacity in Africa that ultimately impedes the creation of a sustainable private sector in this area while actively discouraging any chance of growth.

The multiplicity of demands and remedies involved in addressing appropriate market liberalisation in Africa, including conformity assessment requirements, obviously requires careful thought, intelligent policy creation and coordination, appropriate governance together with focused, properly coordinated implementation activities. Experience has already shown that technical infrastructure capacity building and strengthening projects are by no means short term in nature. They require large amounts of ongoing capital, operational expenditure and skilled public and private implementation capacity. If individual African countries cannot afford to create and maintain appropriate national infrastructure, they need to find creative ways to investigate, fund, maintain and share such scarce technical resources for the benefit of the whole region.

CHAPTER 4

Case Study

PART I

4.1 INTRODUCTORY REMARKS

Africa is the source of numerous, and continual, pleas for help and the recipient of much donor funded technical assistance. African countries are still largely unable to reap sustainable benefit for the vast majority of their people from globalisation. Increased trade is universally proffered as the mechanism for accelerating growth in the many debates regarding poverty reduction in Africa. Both Friedman (2004:43) and Draper and Khumalo (2005:3) note that such an undertaking is beyond government acting alone and that partnerships are essential for success. The problems that will be experienced in Africa, without credible demonstration of compliance with ever sophisticated global technical requirements, are increasingly and painfully obvious. The public sector is already recognised as having an important role in assisting industry to address market access issues. A great deal of donor effort in the area of conformity assessment in Africa is therefore presently directed at public sector capacity building. As such projects move from conception to implementation, doubts on their sustainability are increasingly beginning to surface. A related problem concerns the creation of appropriate and sustainable private sector conformity assessment capability and capacity. Such a concern is justified given the calls that are repeatedly made about the urgent need for a more active and pervasive African private sector.

Significant multiplication of effort is required on many fronts in executing a trade promotion strategy as proposed under NEPAD. Government reforms are increasingly aimed at reducing the role of the state in actually providing services and refocusing their role to one rather of overseeing or monitoring. In Africa, given the dearth of private sector capacity, the role of the public service is still fundamental if short term progress is to be achieved. There are

several technical capacity creation and coordination initiatives that are taking place in Africa at national, REC and NEPAD level. Unfortunately these initiatives are still largely uncoordinated even if sourced from the same foreign donor. Projects tend to reactively focus on very specific technical needs rather than adopting a more holistic and policy driven approach. South Africa is the only country in Africa that has differentiated its SQAM infrastructure to the level envisaged by the NEPAD document. The various SQAM components are also the only ones recognised internationally as technically equivalent to those in Europe and the US. The South Africa government has actively encouraged its public funded SQAM technical experts to take a leading role in SADC and at the international counterparts over many years. The SADC SQAM interventions are recognised by other NEPAD RECs, specifically the Common Market for East and Southern Africa (COMESA) and the East African Community (EAC), as being more advanced compared to their own SQAM related REC projects. SADC REC committees in metrology and accreditation also currently link Africa to the international bodies in Metrology and Accreditation respectively. A comparison of SQAM activities in NEPAD with directly relevant and relatively recent public administration related developments within the European Union was also addressed given the insights that such a study could offer to this research. The chapter therefore focuses on the activities concerning technical infrastructure capacity building at the South African, SADC and NEPAD levels in order to identify challenges that public administration can assist in solving for the benefit of the whole region.

4.2 SQAM TECHNICAL INFRASTRUCTURE IN SOUTH AFRICA

4.2.1 Background

South Africa has been through fundamental changes since the first democratic elections in 1994 and the concomitant creation of a constitution. According to Thornhill (2002:32), '[o]ne of the main characteristics of the present constitutional dispensation is that Parliament as the legislature is no longer the highest authority in the country'. Jreisat (2004:1006) expresses the

concern that a 'constitution may be the basic document that specifies the main structure of a governance system, but it is not a guarantee of practicing democratic governance'. Tapscott (2000:119) declares that '[i]nstead of the inherently conflicting intergovernmental relations which characterize most modern states, the [South African] constitution actively promotes co-operation between the different levels of government'. This is important if we consider the comment by Thornhill (2002:32) that 'any law or behaviour that is inconsistent with the Constitution is invalid, and that the obligations the Constitution imposes must be fulfilled'. Tapscott (2000:119) also points out that the 'drafters opted for an enabling framework rather than a prescriptive one'. Thornhill (2002:35) identifies three foundational elements that drive relationships 'amongst the organs of state'. The first is the South African Constitution. This is followed in importance by 'legislation by the national and provincial spheres of government'. The last and most operational element identified by Thornhill is related to the 'contractual obligations resulting from agreements amongst executive functionaries and institutions' (Thornhill, 2002:35).

According to the local national strategy for sustainable development, '[s]ustainable development that is appropriate and specific to the South African context will entail shared and accelerated growth that is increasingly non-material; poverty eradication; and sustainable resource use' (South Africa, 2006d:6). The same strategy document (South Africa, 2006d:6) also asserts that '[s]ustainable development means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations'. The translation of these intentions into tangible deliverables could become a long and difficult process if one considers the work of Luken and Hesp. These authors (Luken & Hesp 2006:12) claim that '[t]he process of sustainable development strategy formulation (appropriate policies and programmes) must precede the product. The product, defined in scientific and economic terms, is not yet known'.

The Accelerated and Shared Growth Initiative – South Africa (ASGISA) plan was announced by the then South African Deputy President, Mlambo–Ngcuka in 2006. It provides tangible evidence of the ANC led government’s desire to use the public service as a major role player in service delivery against specifically defined policy objectives. The plan has also addressed the issue of potential barriers to implementation. Mention is made in a media briefing by Mlambo–Ngcuka (2006:2) of six binding constraints. One of these is ‘[d]eficiencies in state organisation, capacity, and leadership’. Another is the ‘[r]egulatory environment and burden on small and medium businesses’. The briefing document (2006:2) also notes that counters to these constraints ‘entail a series of decisive interventions’. It identifies ‘public administration issues’ as one of six specific categories under which responses to the constraints are then developed.

The availability of a plan is an excellent initial step but what are perhaps some of the challenges moving it towards implementation? A former South African Minister of Public Service and Administration, Fraser–Moleketi (2005:11), points out that despite ‘programmes that seek to enhance the willingness of public servants to take responsibility and embody the vision and commitment of the political leadership, we continue to confront many instances where the commitment and the provision of resources does not translate into adequate action on the part of the public service’. Findings from Friedman (2004:43) clearly indicate that ‘where plans fail to take into account whether officials are willing and able to implement them — and how to persuade them if they are unwilling — then they are unlikely to achieve the desired outcome’. Moss (2006:46) addresses the same issue but from a slightly different perspective: ‘Government often commits vast resources in terms of time, money and effort trying to develop its human resources, in order to improve service delivery. However, the high staff turnover in the government sector flies in the face of such efforts.’ In the same article, Moss (2006:46) also notes that ‘it would appear that the wide discrepancies between the public and private sector salaries are responsible for government’s failure to recruit scarce skills’. The reason why this is problematic is reinforced by an example: ‘senior engineering posts are advertised at Assistant Director’s salary scale [;]this is

far below what the private sector offers to engineers...but the same engineers are then contracted at high costs' (Moss, 2006:46). It appears that the higher salary costs are being paid anyway as part of public service delivery contracts, but via the private sector. This is obviously problematic.

Given that South Africa is now a constitutional democracy, 'a major societal value' according to Moe (2004:473), 'is the idea that public officials should be held accountable for their actions to elected officials and through these officials to the public'. The discussion in paragraph 3.2.4 about government and governance raises some important questions. Halachmi (2005:311) states that three of the most crucial are; 'Can a government abdicate some of its traditional 'governing' responsibilities? Who should decide and what process should be used? Whose responsibility is it to guard the public interest?' This leads to the topic of accountability which, as McGuire (2002:511) argues, 'is fundamental to governance in democratic systems'. Romzek and Dubnick (2000:382) also state that 'accountability plays a crucial role in shaping and directing the day-to-day operations of government'. Diale (2005:59) points out that '[p]ublic managers are expected to be more accountable for their actions and decisions...regardless of the method of service delivery, accountability rests squarely with government agencies'. Mathebula ([s.a.]:114) reminds us that '[t]here are no relationships between governments, there are only relations amongst officials who govern different units'. Findings from Bingham, Nabatchi and O'Leary (2005:549) clearly indicate that '[p]ublic management for the new governance requires a new emphasis on certain skills: negotiation and persuasion, collaboration, and enablement'. 'There seems little doubt', according to Trafford and Proctor (2006:119), 'that in the future public sector management will need to be able to possess the skills, processes, structures, technology and tools required for working across organizational boundaries'. These abilities are vital when considering the important question posed by Bingham et. al. (2005:550), namely 'How can public administrators fulfil mandates to engage citizens and stakeholders in ways that enhance the legitimacy of governance?' That they pose such a question is because they also argue that '[c]itizens who choose

to participate may be a small percentage looking to shape public action for private purposes' (Bingham et. al., 2005:550).

A complicating factor, according to Friend (2006:269), is that '[g]overnmental organisations cannot all be viewed as accountable to the same undefined "public at large"; rather, decision makers within each must account to their own more specific profiles of voters, taxpayers and service users'. Nwankwo (1996:29) notes that the 'notion of "public interest" is value-laden and notoriously difficult to define or measure'. McGuire (2002:512) contends that 'responsiveness to citizens as recipients of service conflicts with responsiveness to citizens as taxpayers'. It is interesting to note that Mathebula ([s.a.]) strongly links service delivery to the topic of Inter-Governmental Relations (IGR) by contending that 'IGR ideologically concerns itself with the operating currencies of the governance exchange market that manifests itself best within a networked environment governed by service delivery as an application protocol' (Mathebula, [s.a.]:112). Another issue is the appropriate interactions between government departments. Thornhill (2002:36) maintains that '[a] system of intergovernmental relations has to be developed to ensure that all services for which the three spheres of government are individually or jointly responsible are administered effectively and efficiently'. Moss (2006:48) also thinks that '[i]f joint programmes are to succeed, it is important to ensure that there is collective ownership of such programmes by all departments'. The need to create such a system has now been addressed in terms of a specific Act, the South African Intergovernmental Relations Framework Act of 2005. This Act specifies in paragraph 9 (1) that: 'Any Cabinet member may establish a national intergovernmental forum to promote and facilitate intergovernmental relations in the functional area for which that Cabinet member is responsible.' Moving to a broader context, paragraph 35 (1) states that: 'Where the implementation of a policy, the exercise of a statutory power, the performance of a statutory function or the provision of a service depends on the participation of the organs of state in different [national or provincial] governments, those organs of state must co-ordinate their actions in such a manner as may be appropriate or required in the circumstances, and may do so by entering into

an implementation protocol' (Intergovernmental Relations Framework Act, 2005:28). If the route of an implementation protocol is chosen, the Act becomes very specific. Some specific issues raised in terms of paragraph 35 (3) include the requirements that '[a]n implementation protocol must (a) identify any challenges facing the implementation of the policy...,and (b) state how these challenges are to be addressed,...(c) give an outline of the priorities, aims and desired outcomes, and (d) determine indicators to measure the effective implementation of the protocol...' (Intergovernmental Relations Framework Act, 2005:28). Another important way that the national government and the provinces interact is the National Council of Provinces (NCOP). Tapscott (2000:125) asserts that its establishment 'provides a direct channel for provincial governments to participate in policy formulation at national level'.

If national efforts to obtain synergistic collaborations were not complicated enough, South Africa also has to consider its role in the region. The South African Institute for International Affairs (SAIIA, 2008:1) asserts that '[s]ince 1994 South Africa has been the primary catalyst for regional and sub-regional integration in Africa'. The same source (SAIIA, 2008:1) notes that, at the same time, in South Africa there has been 'a tireless advocate of Africa's interests on the international stage'. With respect to the international focus of its activities, the South African Department of Trade and Industry (the dti) reports that a substantial amount of time has been expended on 'support for African economic integration within the NEPAD context and with a particular focus on Southern Africa' (the dti, 2008:6). The latter focus is also noted by Ijeoma (2008:141) who points out that 'South Africa's priorities include close co-operation with its partners in the Southern African Development Community (SADC)'. One reason for such a strong South African focus on trade relations within the SADC region is provided by Hirsch. South Africa's policy makers believed, according to Hirsch (2005:137), that by creating stronger and more formal trade and other ties with its neighbours through SADC, their collective 'bargaining power with the rest of the world would be enhanced'.

The South African Institute for International Affairs (SAIIA, 2008:1) notes that 'South Africa's engagement with Africa rests on three pillars'. The first pillar is identified as the 'strengthening Africa's institutions, both regionally and continentally'. A second foundational activity is 'supporting the implementation of Africa's socio-economic development programme, NEPAD'. The final part of the troika is to strengthen 'bilateral political and socio-economic relations by way of effective structures for dialogue and co-operation'. The relative importance of the last activity is emphasised by Qobo. South Africa, according to Qobo (2005:87), still has much to do not only in enhancing its relationships with neighbouring countries but also as far as a more positive input to 'progress in regional integration'. The reason for such an apparent negative perception is alluded to by the SAIIA (2008:2) who report that '[t]he assertive, business-like approach of South African corporates contrasts significantly with that of the SA government'. Such aggression by South African corporates has led to the tendency by other African states 'to perceive South African corporate penetration as part of a grand plan by "South Africa Inc." to dominate the continent' (SAIIA, 2008:2).

A further complication to the improvement of inter African relations is the 'resentment in some quarters on the continent' caused by 'South Africa's pre-eminence as the partner of choice for governments and organisations outside Africa' (SAIIA, 2008:4). While noting the reality of such 'negative perceptions in the region', Qobo (2005:87) opines that these should not 'excuse South Africa from projecting regional leadership, especially in the area of trade and of economic integration'. The ultimate global strategic government objective of a SADC and regional focus is evident in a recent report from South Africa. The dti (2008:6) notes its 'significant role in consolidating the "G20" group of developing countries'. The G20 consolidation, according to the same report (the dti, 2008:6), has 'placed developing countries, at the centre of negotiations, [at the WTO] for the first time in the history of the global trade system'.

4.2.2 South African trade strategy and policy

Speaking relatively shortly after the establishment of South Africa's new democratic order, Ginsberg (1998:161) spoke of the need to develop 'an export-driven culture'. The same author (Ginsberg, 1998:161) realized that many external obstacles face any company that seeks to export and suggested that 'South Africa's trade policy should be geared to eliminating these obstacles for exporters and thus enabling them to obtain access to high quality inputs at world prices'. Realising the need for appropriate circumspection in adopting his suggested approach, Ginsberg (1998:161) also warned that '[t]his should not be done at the expense of economically viable producers who supply the local market'. With relevant ANC policy insights, Hirsch (2005:3) notes that 'because of the limitations of the domestic and regional markets', the South African government expectation was that 'much of the growth would be driven by exports to major foreign markets. This required both measured trade liberalisation and effective industrial development strategies'.

Another important issue highlighted by Hirsch (2005:3) was the desire to create appropriate policies and remedies that were independent of those being imposed elsewhere in Africa by external financial sources. The Millennium Partnership for the African Recovery Programme document (South Africa, 2002:3) points out that 'past trade liberalisation efforts in Africa have been characterized by frequent policy reversal, not least because these programmes were externally imposed and often lacked national credibility and ownership'. The South African Deputy Minister of Trade and Industry (Davies, 2006a:1) emphasises the need 'for government to facilitate and encourage all stakeholders to engage in a process of self discovery', the aim being to identify the 'key action plans needed to take our sectors from where they are to where we need them to be' (Davies, 2006a:1). The government (the dti, 2007:3) through research and intensive interactions with stakeholders has identified four lead sectors: Capital Transport equipment and Metals; Automotives and Components; Chemicals, Plastic fabrication and Pharmaceuticals; Forestry, Pulp and paper, and Furniture. These sectors,

according to the South African Minister of Trade and Industry (Mpahlwa, 2008:6), continue to enjoy ‘focused attention’.

The Accelerated and Shared Growth Initiative for South Africa (ASGISA), adopted in 2006, notes amongst other interventions, the need for an industrial policy. In 2007, the South African Cabinet adopted the dti's National Industrial Policy Framework (NIPF) and the Industrial Policy Action Plan (IPAP)’ (the dti, n.d.:2). According to the dti (the dti, n.d.:3), the NIPF ‘seeks to ensure that our industrial policy and trade policy are mutually aligned and coordinated, in the context of an increasingly rules–based global trading system centered on the World Trade Organization (WTO)’. The existence of the NIPF has, according to the South African Minister of Trade and Industry (Mpahlwa, 2008:5), also brought important clarifications and enabled the identification of important themes. These themes, according to the same source (Mpahlwa, 2008:5), are ‘industrial development, international trade and investment, broadening participation, regulation and administration and coordination’. The Minister of Trade and Industry (Mpahlwa, 2008:5) also notes that such an exercise has also taught his department important lessons about ‘how we relate to other departments and the necessity for interdepartmental and intradepartmental relationships’.

The dti (the dti, n.d.:3) report that the South African ‘trade strategy continues to strive to leverage global growth for the development of our economy, focusing on both our existing main trading partners and dynamic fast growing emerging markets’. A major challenge from an African perspective is identified by the SAIIA. The SAIIA (2008:2) note the need for the South African government to ‘manage its trade relations with the rest of the continent in a way that alleviates some of the developmental problems many of these states are experiencing while playing an active role in the “scramble” for African investment and trade markets’. If South Africa does not devote her energies to the African continent, Lesufi (2004:824) argues, ‘she too could fall victim to the forces that have brought ruin to its various parts’.

4.2.3 South African legislative process

A private South African management consultancy firm, Bentley West, was commissioned by the dti to manage a review of the local technical support infrastructure and issued their report in 2001. The consultancy relied almost exclusively on a group of Australian experts (Bentley West, 2001:48) in the various SQAM areas to perform the work and assist with the recommendations. The report recommended several important changes to the Acts of both the CSIR as far as Metrology and the SABS. The report also noted the lack of specific Acts of Parliament to cover the activities of Metrology, Accreditation and Technical Regulation. These recommendations together with an increasing demand from local regulatory authorities for authoritative underpinning in support of their use of accreditation led to a legislative process that is now described.

The revised content of both the existing SABS (South Africa, 1993) and Metrology (South Africa, 1973) Acts and the proposed new Acts for Accreditation and Regulation of Compulsory Specifications (Technical Regulation) was a matter of wide domestic consultation. Such consultation included national Departments and Provincial and Local Government. Workshops were held with local industry and other interested parties. Use was also made of the South African tripartite Government, Business and Labour structure, the National Economic Development and Labour Council (NEDLAC). The proposed and amended bills were also published in the Government Gazette for general public comment.

Once draft bills had been created, they were presented to the Parliamentary Portfolio Committee for Trade and Industry for their input and approval. The meetings of the Portfolio Committee generated several significant amendments for all four bills. The same committee hosted two sets of public hearings in Cape Town to listen to submissions regarding the Bills. Very few public submissions were received. These submissions were duly considered and appropriately incorporated in amended bills. The amended bills for Metrology and Accreditation (South Africa, 2006a) were presented, after

being approved by the Portfolio Committee, to a full sitting of Parliament on 24th October 2006 by the Deputy Minister of Trade and Industry. The Deputy Minister (Davies, 2006b:5) concluded his address to Parliament by informing the members that the two bills were ‘aimed at maintaining and strengthening the South African technical infrastructure. This is critical in order to remain relevant as the platform for global economic efficiency and market access for South African products and for the safety of our people’.

The next stage in the passage of the two bills is explained by the PAIR Institute (2002b:4) who report that ‘[p]articular constitutional arrangements exist for procedures to be followed by the National Assembly if it intends passing a bill falling outside the scope of Schedule 4 (i.e. not a functional area of concurrent national and provincial legislative competence). This provides inter alia that the NCOP [National Council of Provinces] has to take a decision (e.g. to pass the bill), to pass it subject to amendments or to reject it (section 75[1])’. The bills were duly presented to a meeting of the Select Committee on Economic and Foreign Affairs (National Council of Provinces) on 1 November 2006. Tapscott (2000:125) mentions that ‘[t]he NCOP has been accused by some of being a mere rubber–stamp for central government policies’. This was certainly not evident in this activity. The members were first given a thorough background briefing concerning the bills and then considered them in great detail asking many clarifying questions. Only when they were completely satisfied were they prepared to accept and recommend their adoption in a formal resolution. The two bills were then sent to a full sitting of the NCOP for approval, which was obtained on October 2006.

The final stage was for the president to sign the bills into law. The state law advisors determined that it was not necessary to refer these bills to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (South Africa, 2003), since they did not contain provisions pertaining to customary law or customs of traditional communities.

The National Measurement Standards and Measurement Units Acts (South

Africa, 2006b) and the Accreditation for Conformity Assessment Calibration and Good Laboratory Practice (South Africa, 2006c) were duly promulgated and came into operation on the 1 May 2007 (South Africa, 2007a, South Africa, 2007b). The complete overhaul of the various acts of the domestic technical infrastructure was completed late in 2008. Two further acts, one concerning Standards (South Africa, 2008b) and the other covering the creation of a National Regulator for Compulsory Specifications (NRCS) (South Africa, 2008a) have now also been finalised. They were promulgated in September 2008 following the parliamentary monitoring process previously described.

In an address to Parliament in May 2008, the Minister of Trade and Industry (Mpahlwa, 2008:12) notes that 'trading internationally is a competitive endeavour and we are determined that as we ramp up our manufacturing capabilities, the quality of our product should become a defining feature of trading success'. The same source (Mpahlwa, 2008:12) asserts that '[i]t is therefore important that South Africa improve its technical infrastructure, to support our industrial and trade and investment policies in particular'. According to the South African dti (n.d.:6), future domestic effort 'will focus on the leveraging of the South Africa standards, metrology and accreditation system in support of the priority sectors as identified in the NIPF and ASGISA, and the implementation of South Africa's trade policy specifically as it relates to technical barriers to trade and human resource development in the areas of standards, metrology and accreditation'. In the parliamentary address previously referred to, the Minister (Mpahlwa, 2008:12) also asserted that South Africa 'must reach internationally accepted levels of setting standards, testing against these standards and accrediting various suppliers as competent to perform technical measurements'. The Minister (Mpahlwa, 2008:12), noting the promulgation of the acts covering metrology and accreditation in the previous year, then concluded that '[w]ith the finalisation and promulgation of the new Standards Bill and the National Regulator for Compulsory Specifications (NRCS), the massive project for the legislative reform of the South African technical infrastructure is now complete'. With the South African domestic focus for standards, metrology and accreditation now

firmly established, the next section addresses implementation.

4.2.4 South African technical infrastructure implementation

SQAM provision and coordination are vital to the trade and industrialisation policies of any country. The availability of a commonly agreed and internationally harmonised technical standard is a valuable first step and tool in trade facilitation. A standard also assists in determining the level of sophistication required for a particular activity or product. The existence of such a documented standard normally assumes that a sophisticated technical support infrastructure is readily accessible for local industry to use to demonstrate compliance to its contents. Such an infrastructure includes the ability to access appropriate measurement traceability through the international system of measurement (S.I.) units. Such demonstrated traceability is achieved through a national measurement institution. After standards and metrology, the third part of the required technical infrastructure is a mechanism to allow local public and private conformity assessment bodies to independently demonstrate their competence to perform certain specific tasks. This is normally achieved through an internationally recognised accreditation body. Davies (2006b:4) argues that '[a]ccreditation, together with metrology, forms a vital part of the domestic technical infrastructure required to compete in today's global economy'.

South Africa, fortunately, has been relatively immune to foreign donor assistance linked to prescriptive policy remedies with regard to SQAM related issues. This allows the relative luxury of developing home grown solutions that might also assist others in the SADC sub region. This approach is also encouraged by Naidoo and Kuye (2005:630), who declare that 'a combination of approaches is essential'. The same authors (Naidoo & Kuye, 2005:630) also suggest the incorporation of 'traditional African values' which would 'actively promote governance principles such as accountability, transparency, responsiveness, equality and public participation'. The same sentiments are evident in a speech by the South African Deputy Minister of Trade and Industry (Davies, 2006a:1), who stated 'among the themes which we will be

emphasising in our new approach to industrial policy, will be the need for government to facilitate and encourage all stakeholders to engage in a process of self discovery. Self discovery needs to...lead to the identification of key action plans needed to take our sectors from where they are to where we need them to be’.

The South African SQAM infrastructure is characterised by a combination of well-established, long standing organisations together with organisations that can be considered relatively young. The South African Bureau of Standards (SABS), which was established in 1909 to meet the needs of the burgeoning gold industry, has achieved several milestones in its 90 years of existence, and is a household name. The National Metrology Laboratory of South Africa (NML) was established in 1947 (Bentley West, 2001:32). SANAS was formally established in 1996 and became fully operational in 1998 (Bentley West, 2001:32). Institutional longevity coupled with varying and often unpredictable amounts of governmental financial support over the years led to certain conformity activities being undertaken by both organisations that may no longer be appropriate. Over time, and in order to ensure financial sustainability, some of these publicly funded organisations have further developed their services, not always perhaps in the long term interest of more holistic national objectives. According to a communication by Mutasa (2008b), the SABS pursued aggressive market growth activities within SADC that were perceived to be at the expense of similar national infrastructure in other SADC member states. The legacy of such perceptions has left indelible impressions that make synergistic cooperation between NSBs in the region extremely difficult even today.

In the current global environment, De Vries (1999:129) points out that there should be a ‘separation of powers between standards development, standards implementation, and testing/certification’. De Vries (1999:129) argues that the ‘intertwining of standards development on the one hand and testing/certification on the other may cause problems’. While such activity may have legitimately been part of a public funded initiative initially, it does not automatically follow that it needs to always remain so. Fox and Maas

(1997:3) emphasise the need for a clearly defined goal for any public service delivery activity, contending that ‘the delivery of public goods and services, notwithstanding their efficient and responsive delivery, is of no value if it does not benefit the individual, the community and society at large’. While the benefit of the work is without question, the role that these organisations should initially and continually perform, versus that of the private sector is the issue at hand.

Appropriate consultation in the policy formulation and implementation process and any resultant transfer of activity to the private sector is stressed by Batley (2004). Batley (2004:44) points out ‘that users accustomed to public sector provision generally supported its continuation and opposed alternative arrangements’. Such attitudes also assist public SQAM bodies to insist on continued provision of conformity assessment activity. Such continuation may not always be in the best interests of the country as a whole.

The need for managing various accountabilities and different aspirations, even among the same target group, hints at both the complexity of the structures and the skills required of public managers that might be required to achieve a satisfactory outcome in this regard. With regard to the latter, Rasmussen, Malloy and Agarwal (2003:23) have found that ‘a professional public service implies three things: a body of knowledge, skills that those outside the profession are unlikely to possess; a set of values and attitudes that determine the culture of the profession; and a set of standards for both of these.’ McGuire (2002:512) notes that ‘the problems of managing the provision of public services are managerial and political. So accountability must have managerial and political dimensions’. With particular reference to emerging governance networks, Keast, Mandell, Brown and Woolcock (2004:364) note that one of the problems ‘is dealing with the conflicts that emerge between the individual members’ goals and the need to commit to joint, overriding goals’. The same issue is probed in more depth by Friend (2006:265) who asserts that ‘each partner will be subject to many competing motivations from other sources...in the case of the commercial and voluntary

sectors, complex questions usually have to be faced of how the often disparate organisations concerned should be represented’.

The area of TBTs, associated technical infrastructure, and conformity assessment also need such impartial and considered input on a continual basis to ensure that the resultant policies deliver the expected results and associated benefits. Kuye (2005:527) has established that ‘[p]ractitioners, and a growing number of scholars in Public Administration...are interested in how the performance of public agencies can be improved and how they can gain relevant knowledge to promote such improvements’. Given the leading role in SQAM taken by South Africa for SADC, the lack of activity in this crucial area has serious consequences not only for South Africa but also for SADC and the rest of Africa. Increased collaboration between the local academic community and the public service is actively encouraged by Fraser–Moleketi (2005:12) ‘with our academic and capacity–building community, we need to work at ensuring that we restore African influences in public administration and also work at exporting our insights to the mainstream of current public administration and governance thinking’. Davies (2006a:1) is even more direct, ‘[w]e need to create mechanisms to draw in and build on expertise, which exists outside of the governmental framework, in Universities, research institutions and the like’. These inputs, from former and current Ministers of the South African government, highlight the necessity of drawing appropriately from the local academic community to assist in finding appropriate and sustainable solutions to the issues raised by ASGISA.

Given the strategy of South Africa, noted earlier, to take the global competitive market place as its point of departure, the discussion now moves to the area of South African trade negotiations and associated domestic technical regulation. Nicolaidis and Egan (2001:454) report that ‘it is no secret that trade negotiations increasingly focus on the impact of differences in domestic regulatory systems and standards upon trade flows, investment decisions and market access’. Domestic regulatory accountability, the same authors (Nicolaidis & Egan, 2001:459) contend, ‘is the extent to which Private or public sector bodies involved in standard–setting or conformity assessment

are held accountable to some public authority which in turn may then be able to make credible commitments on market access on their behalf externally’.

The technical objectives of the SQAM review, previously mentioned in paragraph 4.2.3, were aimed at identifying shortcomings and recommending improvements to domestic SQAM provision. The ability of the SQAM institutions to meet the needs of SA commerce, industry and government, was reviewed. The consultants were also asked to establish what financial, effectiveness and efficiency constraints hampered the development of the SQAM infrastructure. The management consultants adopted a private management philosophy that is evident throughout the study. The results (Bentley West, 2001:261) were used to advise business, labour and government on the formulation of a holistic national SQAM policy and the relevant roles of the above mentioned groups in implementing such a policy. The recommendations from the review have now been largely implemented. The recent promulgation of the various SQAM related acts is perhaps the final stage of the intended actions resulting from the study. The study is sound as far as specific technical issues but fails to address the deeper public administration aspects such as holistic policies, planning and subsequent collaborative governance required for sustainability in any significant detail. The need for a collective and harmonised responsibility for ensuring synergistic implementation and maintenance in achieving larger government objectives has still not been understood. Research by Allison (2004:410) leads him to the conclusion that ‘the single lesson of private management most instructive to public management is the prospect of substantial improvement through recognition of and consciousness about the public management function’. This would imply that a deep insight of both public and private management philosophy is required. Such insight is required initially when allocating tasks such as the SQAM review. It is also vital during the management of the subsequent implementation of the recommendations to ensure that the desired outcomes are achieved.

Another important output that has been largely missed concerns links between SQAM issues identified during trade negotiations and obtaining

proactive input from the various SQAM institutions. Such important activity at the moment tends to be reactive and the interactions remain largely tenuous. Although certain officials within dti are aware of the role and functions of SQAM, there is no regular interaction between the relevant parties on SQAM trade negotiation issues and larger strategic objectives. The confrontational nature of trade negotiations is also problematic especially if one is seeking regional solutions for technical capacity strengthening as part of implementing such regional and international trade agreements. Another problem is that once such a negotiation has been concluded, the risk moves on to those SQAM organisations that share collective responsibility for the implementation and maintenance of any SQAM related aspects. Turning again to the work done by Nicolaidis and Egan (2001:455), it is important to understand that '[d]omestic regulators accept unprecedented transfers of regulatory sovereignty by recognizing non-domestic standards as valid under their jurisdiction, whether they have taken part in their development (standardization) or not (recognition)'.

4.2.5 South African standards and technical regulation

4.2.5.1 The South African Bureau of Standards

As already stated the South African Bureau of Standards was founded on 1 September 1945. The timing of its creation was auspicious coming as it did towards the close of the Second World War. Verman (1973:154) records that South Africa joined 25 other countries in October 1946, in discussions to 'create a new and permanent international body which could take over the work of international standardization'. The meeting not only agreed to the need but also drafted the 'constitution of the new organization the International Organization for Standardization (ISO)' (Verman, 1973:154). As a 'founder member of the ISO' (Bentley West, 2001:110), the international role and reputation of the SABS is firmly established and has remained almost without peer in Africa.

The experiences of many developed and developing country businesses are

captured by De Vries (1999:3), when he asserts that ‘meeting or not meeting certain standards can be the difference between success or failure in the market’. Standardization, according to the same author (De Vries, 1999:3), ‘is a lubricant for modern industrial society’. By ISO definition, standardization covers both the creation of a standard and also mechanisms used to prove conformity to such a standard. Many standards bureaus were created on the premise that they would be responsible for both activities. In terms of the revised Standards Act, the SABS is still responsible for promoting the use of standards (South Africa, 2008b:6), and promoting quality in ‘connection with commodities, products and services’ (South Africa, 2008b:5) and rendering ‘conformity assessment services’ (South Africa, 2008b:5). According to a report by Standards South Africa (2007:1), ‘new standards are developed at a rate of approximately 400 per annum’. The SABS historically published ‘SABS’ Standards. Research commissioned in 1999 by the dti into the local SQAM infrastructure (Bentley West, 2001:119) noted that ‘South Africa is unusual in having the national standards designated as “SABS Standards”...International practice is to clearly label the standard with the country to which it applies’. There was also evidence that the organisation used the resultant market advantage/confusion to offer associated commercial testing and inspection services against these same standards. The latest version of the local Standards Act (South Africa, 2008b:9) now ensures that future standards are published as South African Standards, which is the norm elsewhere in the world.

As previously mentioned, the newly revised Standards Act unfortunately continues the tradition that they should also provide related conformity assessment services (South Africa, 2008b:5). Accordingly, the SABS aims to be ‘the provider of choice for conformity assessment services, certification, testing, training and consulting’ (the dti, n.d.:19). In recognition of changes in philosophy, these services are now provided on a commercial basis (Bentley West, 2001:113) and are sometimes in competition with private service providers, even those companies established by previous staff members. The SQAM research (Bentley West, 2001:135) encouraged the identification of ‘any functions and facilities within the Certification or Test House Divisions

that are potentially of national importance, and that would not be sustainable in the market place'. The same research (Bentley West, 2001:135) argued that such activity 'should not be included in the corporatisation drive'. To date, there is no evidence that the recommendation has been acted on.

Another anomaly identified by the SQAM research (Bentley West, 2001:55) was that delegations to the SABS under the previous Standards Act (South Africa, 1999:24) created confusion as to its role relative to other 'ministries in administering, or potentially administering, technical regulatory requirements'. The source of government funding did not help to resolve the inherent confusion. The SABS was classified (Bentley West, 2001:113) as a Science Council and therefore received funding in competition with other science councils, such as the Council for Scientific and Industrial Research (CSIR) (with responsibility amongst other things, for local metrology). The SABS is managed by a council. Nominations for Council Membership are widely advertised and although 'any organisation can submit a proposal' (Bentley West, 2001:114), such positions are ultimately appointed by the Minister of Trade and Industry. The same ministry (the dti) 'also provides policy direction' (Bentley West, 2001:113). Given such a tangled structure for government funding and authority, it is not surprising that confusion has arisen both within the SABS and among the wider stakeholder population as to its ultimate purpose and future direction.

A related tension is that South African participation in international standards development activities (Bentley West, 2001:107) 'is covered primarily by the SABS, a variety of Government Departments such as the Department of Health, Department of Agriculture, and the Department of Transport, as well as industry'. An important part of the SABS managed standards generating process is the technical committee and subcommittee structure. These committees are populated by unpaid expert volunteers in a particular area of expertise. The SABS manages more than 460 such committees (Standards South Africa, 2007:1) as part of their custody and maintenance of approximately 5 000 standards. These local mirror technical committees (TCs) assist the SABS in providing input internationally. In 2000, the SABS

had active participants in 'approximately 300 committees and observer members in approximately 150' (Bentley West, 2001:110). The SQAM research previously referred to (Bentley West, 2001:110) pointed out that 'South African effort tends to be focused where South African industry is an active participant in world trade'. Such inputs are usually provided by individual specialists whose travel costs are sometimes partly funded by the SABS.

4.2.5.2 Technical regulations

In order to address safety, health, consumer protection or environmental issues, the previous Standards Act of South Africa (South Africa, 1993:22) allowed the minister to declare a standard as a compulsory specification. The declaration of a compulsory specification effectively created a technical regulation based on a consensus standard. A SQAM research report (Bentley West, 2001:68) noted that in 2000, there were 'approximately 250 cases' where national standards had been 'referenced in legislation'. In spite of the availability of such a mechanism in South Africa, the dti noted in 2003 (SADC, 2003b:8) that there was no 'uniform approach of developing technical regulations, resulting in a number of shortcomings'.

The role of regulatory conformity assessment and its sole provision by the SABS had been highlighted earlier as a problem. The SQAM research (Bentley West, 2001:68) pointed out that 'in some instances the SABS has been given the responsibility to provide conformity assessment services to enable Government departments to fulfil their regulatory obligations'. The same study argued the need 'for an even playing field for all accredited conformity assessment bodies to be able to demonstrate compliance with both compulsory specifications and technical regulations in general' (Bentley West, 2001:56). The SABS also regulates 80 compulsory specifications that deal with health and safety of the public (the dti, n.d.:19). As previously mentioned, older types of legislation not only specified the tests for different products and produce but normally also indicated that a specific, and public funded, institution had to be used to prove conformance. A levy was then

normally imposed to cover the cost of such regulatory conformity assessment activity. Research by Bentley West (2001:55) highlights much criticism under the previous SABS legislative dispensation of the 'sole provider status for conformity assessments associated with compulsory specifications' and the associated and substantial income stream generated by 'fee levying'. Unfortunately, a similar methodology is prevalent in most of the SADC member states. Such practice actively discourages domestic private sector creation of such capacity. A further complication for the regulatory division of the SABS is that it no longer has any laboratories of its own. It "lost" its laboratories during the commercialisation of the SABS laboratories and now pays the SABS "commercial" rates for these services (Kruger, 2003:26).

South Africa is now developing a best practice technical regulatory framework to address the need for a more coherent approach. One of the aims of the framework is to create 'a best regulatory model with the following key elements: legislation, the regulator, the technical requirements, the conformity assessment requirements and the sanctions for non-compliance' (SADC, 2003b:8). The South African Department of Trade and Industry has now published a document entitled 'Government Strategy towards an Efficient National Technical Regulatory Framework for South Africa' (South Africa, 2008). The purpose of the strategy is 'to improve and establish a common South African approach in terms of its technical regulatory responsibilities' (South Africa, 2008:1). Importantly, the document highlights (South Africa, 2008:12) the lack of a central coordinating mechanism for technical regulations. The lack of a suitable system has led to the creation of gaps and overlaps. The guidance, for all departments involved with domestic technical regulations, is therefore needed to ensure that South Africa remains within the bounds of the WTO agreement on TBTs. The model promotes the appropriate use of the government created technical infrastructure, in selecting conformity assessment service providers. The new strategy (South Africa, 2008:9) stresses the need to utilise performance based international standards. The document (South Africa, 2008:9) also notes that conformity assessment requirements should be clearly defined and commensurate with the identified risks. The SABS, SANAS and NMISA are then specifically

mentioned (South Africa, 2008:4) as being part of South Africa's technical regulatory infrastructure. If implemented, such improvements would substantially address the concerns raised by the SQAM research. The South African proposal could also act as a catalyst for further work within the wider African region, in a cost effective manner.

The new National Regulator for Compulsory Specifications (NRCS) Act (South Africa, 2008a) will not only change the corporate form of the Regulatory Division of SABS into an independent public entity, but also address the various anomalies previously referred to but only in the South African context. The NRCS will in future be responsible for the independent administration of technical regulations, also called compulsory specifications (South Africa, 2008a:6). The NRCS has already indicated that it will adopt a different and more transparent mechanism to prove conformity to the regulations under its control. Such an approach will require careful consideration. 'When competition is feasible', Prosser (2006:383) promotes the adoption of 'a version of regulation which is concerned only with market failure'. 'Where equal standards of service and guaranteed provision are required' the same author (Prosser, 2006:383) opines that 'a different approach to regulation will be more appropriate'.

4.2.6 South African metrology

4.2.6.1 Measurement traceability

At the international level, ultimate responsibility for metrology resides with the *Bureau International des Poids et Mesures* (BIPM) (Verman, 1973:192). The BIPM was created in terms of the *Convention du Metre* signed by 18 states on 20 May 1875 (Verman, 1973:192). The BIPM is governed by the *Conference General des Poids et Mesures* (CGPM) which meets every six years. The CGPM consists of government appointed delegates from all the member countries who have signed the Metre Convention treaty. The CGPM decides on 'all policy matters including finances and programmes for future developments' in metrology (Verman, 1973:192). The CGPM also appoints

members of the management body called the *Comiti International des Poids et Mesures* (CIPM). The CIPM consists of a maximum of 18 specialists chosen from the signatory countries. The CIPM, according to Verman (1973:192), 'is charged with the functions of following up the decisions of the Conference and looking after the operation and management of the Bureau'.

The creation and maintenance of a credible national measurement system is, according to McDowell (1997:3), inextricably linked to the ability to trace values 'to those accepted internationally as maintained by the BIPM in Paris'. McDowell (1997:3) points out that such access can only be 'realised by ratification of a diplomatic treaty referred to as the Metre Convention'. In Africa, McDowell (1997:3) notes, 'only three countries have adhered, namely South Africa (1964), Cameroon (1971) and Egypt (1962)'.

The BIPM is not the only source of international research and development activity for metrology. Important work is also performed, according to Verman (1973:193), in many 'important national laboratories dealing with standards of measurements'. The local SQAM review (Bentley West, 2001:161) noted that South Africa, through the National Metrology Laboratory (NML) 'participates in the forums that are established under the [Metre] Convention to coordinate the global system of metrology'. That this is a public funded activity is argued by McDowell. McDowell (1997:4) asserts that '[t]he assurance of measurement traceability to the BIPM would for any private company (even if permissible) not be economically feasible'. He (McDowell, 1997:4) continues '[f]or this reason, this function is and will remain a core responsibility of the Department of Trade and Industry'.

To ensure international credibility and compatibility, any measurements that are based on national measurement units and standards must be compatible with international measurement units and standards. There are ever increasing global demands, contends Davies (2006b:2), for those countries involved in international trade 'to demonstrate equivalence in measurement systems'. In South Africa, the National Metrology Institute of South Africa (NMISA) is now mandated by The Measurement Units and Measurement

Standards Act (South Africa, 2006b:8) to provide local traceability for measurement units of the International System of Units (S.I.) and certain other measurement units. NMISA is also responsible for the designation of national measurement standards and for ‘keeping and maintaining national measurement standards and units’ (the dti, n.d.:19). The same Act also establishes NMISA as an independent public entity (South Africa, 2006b:10). Its predecessor, the National Metrology Laboratory (NML) was a part of the CSIR and was tasked with the same responsibility as long ago as 1973 (South Africa, 1973). According to Davies (2006b:3), this change to a more independent organisation was predicated by ‘the need to demonstrate organisational independence equivalent to that of international peers’. There were also important public administration related issues that led to the change that will be addressed in the next section.

4.2.6.2 National Metrology Laboratory (NML) to NMISA

The Measuring Units and National Measuring Standards Act was originally created as Act 76 of 1973. Through the enactment of Act 76, the CSIR became legally responsible not only for all national measuring standards in South Africa but also for comparing these on an international basis (McDowell, 1997:33, Bentley West, 2001:167). Act 76 also made provision for a Schedule of National Measuring Standards to be published from time to time in the Government Gazette. ‘In the event of a legal dispute’ the same Act stated that ‘data produced by the NML are to be deemed correct unless proven otherwise’ (Bentley West, 2001:167).

The need for the state to take financial responsibility for accurate measurement was not immediately realised. According to McDowell (1997:33), ‘[i]t was not until 1984 that the responsibility for the implementation of Act 76 was formally accepted’. The same author (McDowell, 1997:33) notes that ‘[a]t this time the Department was to accept the obligation to provide the funding for the establishment and maintenance of national measuring standards’. The SQAM research (Bentley West, 2001:182) also pointed out that ‘the dti as the representative of government does not

participate formally in the priority setting process in forming the NML budget'. Such a distant approach to an important technical function led to important and negative consequences during the subsequent restructuring of the CSIR into a more commercially driven entity.

A member of the staff at the time, McDowell (1997:39), asserts that the 'restructuring process which took place at CSIR probably has no equal for an R&D organisation, at any time or place in the world, before or after'. Another CSIR staffer, Basson (1996:97), remembers that 'fears were expressed about overemphasising short-term financial performance'. The same author (Basson, 1996:97) contends that 'government and industry presented contrasting views, as could be expected, given the CSIR's dual role'. Government departments, according to Basson (1996:97), viewed 'the CSIR as the scientific arm of government and thought it should not be forced to greater commercialism to compensate for the shrinking Parliamentary grant'. Local industry was quick to emphasise the importance of 'transferring technology, from local and international sources, to assist exporters to become more competitive in world markets' (Basson, 1996:97). They were also willing to pay for such assistance. A major unintended consequence of the focus on the private sector and their management philosophies only became clear much later. 'The commercial orientation carried the message that working with the private sector was the highest good, and in the process the public sector became increasingly neglected' (Basson, 1996:111).

The focus on commercialisation did not unfortunately leave national metrology activities unscathed. McDowell (1997:42) mentions a 'CSIR executive decision that [the department of] Trade and Industry must assume full responsibility for the maintenance of the national measuring standards in terms of Act 76 of 1973'. The consequence of this decision was a 're-direction of measuring standards activities into more commercial areas in order for the programmes to generate additional income to be able to maintain their existing staff levels' (McDowell, 1997:42). Such was the situation during the SQAM research project in 2000 when the NML was positioned within the Materials and Manufacturing division of the CSIR

(M&MTEK). The researchers (Bentley West, 2001:170) noted that the 'CSIR claims that there are distinct benefits to NML of being part of this larger organisation'. The researchers challenged the prevalent CSIR view by asserting that 'these benefits appear to be mainly of an infrastructural nature for which the NML pays in the form of an overhead levy from the DTI grant' (Bentley West, 2001:170). The same report noted that 'NML overhead payments to CSIR amount to more than R 4 million per annum (17% of turnover) and this amount excludes overheads such as accommodation and security' (Bentley West, 2001:176). A major factor of contention was that the overhead amounts were taken off the dti grant up front, leaving the remainder for what the grant was originally intended for, that is, to appropriately address the South African metrology landscape. The SQAM report (Bentley West, 2001:170) noted that '[t]here are clear advantages to CSIR of retaining the NML in its structure'. Some of these rather narrow and potentially self-serving advantages were identified as 'the DTI grant is counted as external earnings by M&MTEK and CSIR; there is potential to use the NML resource to complement other M&MTEK resources in the pursuit of external commercial activities; potential to redirect resource for divisional interest; a contribution to divisional overheads' and finally 'a gain in marketing credibility by being the holder of national standards' (Bentley West, 2001:170). All of which, together with 'a strong focus on becoming less dependent on Government funding and more commercially orientated' caused the authors of the report to declare that 'the NML's national interest responsibilities have only a small representation within the much broader range of CSIR's activities' (Bentley West, 2001:171). The report argued that the 'NML profile and its relevance to other elements of the SQAM are largely lost within the M&MTEK and CSIR structure' (Bentley West, 2001:183). It was with such a realisation that the report concluded that '[t]he significance of the NML for South Africa's long-term position in domestic and international trade is too great to risk gradual, even if inadvertent, attrition of its mission. Therefore it is desirable that NML be a separate entity within CSIR' (Bentley West, 2001:171).

The new Measurement Units and Measurement Standards Act (South Africa, 2006b:14) has gone much further and establishes the National Metrology

Institute of South Africa (NMISA) as an independent public entity with a separate Board of Directors. The role of NMISA is to keep and maintain national measurement standards and units, provide local traceability for measurement units of the International System of Units (S.I.) and for the designation of national measurement standards (South Africa, 2006b:12, the dti, n.d.:19). An important issue for trade related measurement is that NMISA now has a legal responsibility to ensure compliance with the stipulations of the CIPM mutual recognition arrangement (South Africa, 2006b:12). Membership of the CIPM recognition arrangement relies on two important activities. According to the President of the CIPM (Göbel, 2008:2), 'The backbone of the CIPM MRA is the participation of the NMIs in key and supplementary comparisons, the results of which are published in the Key Comparison Data Base (KCDB) maintained by the BIPM'. Comparisons are made using artefacts with known but undisclosed values that are circulated amongst the different NMIs. Their values are then initially reviewed by technical committees of the relevant Regional Metrology Organisation (RMO). A second review by all of the other RMOs is also required before the values can be published as a recognised Calibration and Measurement Capability (CMC) of the specific NMI in the KCDB maintained by the BIPM. A second aspect of the CIPM MRA (Göbel, 2008:2) is the need for each NMI to operate a quality system which is also 'reviewed by a special TC for Quality in the respective RMO'. NMISA have chosen to have their activities accredited by SANAS. To provide the necessary international credibility, SANAS uses internationally recognised technical experts for the various areas of metrology supported by NMISA.

While still part of the CSIR, the NML (CSIR NML, 2007:1) noted that its activities 'were specifically referenced in the New Africa Initiative, now superceded [sic] by NEPAD, as being a crucial component'. It should be noted that the NML is a full member of eight of the ten technical consultative committees (CCs) of the CIPM and an observer of one (CSIR NML, 2007:2). Such exposure is critical not only for South Africa but for the whole region. Davies (2006b:3) also emphasises the fact that NMISA 'is the most advanced on the African continent therefore it has a critical role to play in uplifting

regional and continental peer institutes'. The continental activities of the staff of the NML have culminated in the establishment of AFRIMETS. AFRIMETS was created with the vision of establishing an inter Africa metrology system (CSIR NML, 2007:1).

4.2.6.3 Trade metrology

An historical trend in separation and focus regarding metrology has been identified by Birch (2003). Metrology, according to Birch (2003:11), was separated in many countries 'into scientific metrology, led by the [National Metrology Institutes] NMI's, and practical or legal metrology, administered by weights and measures authorities'. An important international development reflecting such a split was the creation of a second international treaty for this latter metrological function. The second treaty led to the establishment of the International Organization of Legal Metrology (OIML) in 1955. Although the OIML originally focused on trade metrology, Birch (2003:12) mentions that 'the rapid expansion in the use by governments of regulatory measurements has seen OIML become increasingly involved in establishing international requirements for a wide range of environmental, occupational health and safety and medical measurements'.

Trade metrology in South Africa predates the international development of the OIML by several centuries. Weights and Measures, according to Carstens (2002:41), were introduced to South Africa by the Dutch during the 1600s. The same author (Carstens, 2002:41) notes that '[d]uring the British occupation acts were passed in all the colonies and in 1923 a National Department was established in the Department of Mines and Industry'. Trade Metrology is governed by a specific act that was promulgated in 1973 and amended in 1993 through a linkage to the Standards Act of the same year. The function of trade metrology was transferred from the Department of Trade and Industry to the SABS in 1991 (Bentley West, 2001:220; Carstens, 2002:41; Carstens, 2008). There are several important public administration issues that need highlighting. The move from the Department of Trade and Industry to the SABS was agreed to for several reasons (Carstens, 2008).

These included increased prestige and better technical understanding of the work that it was thought would be gained. The close relationship that could be obtained with the standards development process within the SABS was also considered as a positive, allowing the possibility of developing WTO TBT compliant technical regulations. Access to the certification business of the SABS encouraged the trade metrology department to develop a system of outsourcing that subsequently allowed its officials to concentrate on more important core business activities. Such core activity included type testing which could be performed by trade metrology personnel in the SABS laboratories that they now had access to.

The SQAM research (Bentley West, 2001:75) points out that '[t]he legislation that covers legal metrology may be formulated in any of a variety of Government Departments (e.g. police, health, energy, environment, and consumer affairs or fair trading in the case of trade metrology)'. A further complication is that the South African Constitution of 1994 identifies consumer protection as a provincial responsibility. According to Bentley West (2001:221), 'this led to responsibility for the inspection function associated with trade metrology being transferred, in theory, to the Provinces'. Although due process was followed in effecting the transfer of responsibility under the Act to the Provinces, the reality is that they 'have inadequate resources and skills to provide inspection services and, in practice, SABS maintains an inspectorate capability and performs this function on behalf of some of the Provinces' (Bentley West, 2001:221). Such a discovery led the authors (Bentley West, 2001:75) to highlight the need 'to agree on a set of principles to be adopted across government and to coordinate the approach to implementation'.

A SABS specific Peer Review exercise, which was also funded by them, was undertaken during 1997/98. The review had already identified the under-funding of trade metrology functions by government, particularly in regard to inspection services. That review recommended that the problem be addressed by the departments of trade and industry and science and technology. There is no evidence that these recommendations were ever

acted on. The same Peer Review also recognised that the under-funding together with the identified capacity and capability constraints could be partly ameliorated by the judicious use of competent private sector providers to deliver services such as calibration and verification. The review did point out (Bentley West, 2001:229) that government must be ready to offer financial assistance in cases of market failure (e.g. servicing rural areas) to ensure a equitable delivery of trade measurement control to the whole country. The government managed SQAM study that followed later (Bentley West, 2001:221) reported some progress in that ‘the delivery of most verification services is provided by accredited private sector laboratories. SABS provides verification services in some areas that are not viable for private sector delivery e.g. remote rural areas’. The same study also noted (Bentley West, 2001:221) that ‘accreditation of verification laboratories has been undertaken by SABS in the past but is being passed to the national accreditation agency, SANAS’.

In spite of minor improvements, the comprehensive SQAM wide review performed by Bentley West (2001:233) identified that the ‘lack of effectiveness of the overall trade metrology system in South Africa is a significant concern, with many industry sectors indicating that the inspection function devolved to provincial level is near collapse. In fact in three provinces there are no inspectors at all’. The same research (Bentley West, 2001:233) pointed out that ‘[t]here is general agreement that the overall trade metrology function is under-funded and in dire need of re-building the capacity lost over the past years’. Carstens (2008) notes that the move to the SABS in 1991 resulted in a staff reduction from 170 to 45 staff with the resultant loss of ‘hundreds of years of experience’. The outsourcing of verification also did not achieve the intended benefits. The lack of inspectors on the ground allowed organisations to use non-compliant instruments. The private laboratories that had been tasked to do the work under the new arrangements were only interested in financially lucrative work leaving the understaffed regulator to cope with the ‘non-profitable activities’ (Carstens, 2008). A further unintended consequence with the down scaling and outsourcing was that the trade metrology function lost its previous visibility. In spite of the difficulties

experienced, Carstens (2008) is optimistic that the creation of the separate National Regulatory Body for Compulsory Specifications, and the transfer of the trade metrology function to it, is a major step in the right direction. Carstens (2008) believes that the transfer of responsibilities and enhanced funding will also assist their strategy to move into legal metrology.

In spite of the difficulties that have already been highlighted, it should be noted that South Africa is a full member of the global treaty organisation for trade metrology, namely the OIML. The high standing of South Africa in that organisation is reflected in the fact that Carstens, the current Director of Trade Metrology, is also one of the Vice Presidents of the OIML. South Africa, through the local trade metrology organisation, are also members of 30 OIML Technical Committees and Subcommittees (SABS Legal Metrology, 2007:1).

4.2.7 South African accreditation

4.2.7.1 Background to accreditation

The activity of laboratory accreditation has a relatively long history in South Africa. McDowell (1997:15) reports that '[w]ork on the development of a local accreditation service started in 1976 and the South African National Calibration Service (NCS) was inaugurated in 1980 with 13 calibration laboratories'. The CSIR Act of 1988 (South Africa, 1988:5) required the CSIR to 'approve...facilities for the testing and calibration of precision instruments'. The same act (South Africa, 1988:5) also required the CSIR to 'monitor such facilities for the purpose of ensuring the accuracy and reliability of their work'. The NCS was the natural vehicle for such work. Another important reason for the creation of the NCS was the increasing global popularity of the quality management system concept using harmonised standards such as the British Standard (BS) 5750 document. The South African Bureau of Standards, as the local counterpart of the British Standards Institute (BSI), was also actively involved in both encouraging and servicing this new demand for such standards by creating SABS 0157. McDowell (1997:36) reports that in line with its responsibility for national quality, the 'SABS introduced its 0157

[quality management related] scheme during 1979, following the example of the UK with its BSI 5750 [equivalent]'. It is interesting to note that the international equivalent ISO 9000 series of standards only appeared in 1987. The implementation of a compliant quality management system in terms of these documents (McDowell, 1997:36) created the need to access traceable measurement capability. Up to that point such measurements had only been available through the NML.

The accreditation of laboratories for testing in conformity assessment was, until 1996, an SABS responsibility in terms of the Standards Act (South Africa, 1993:6). The attainment of international recognition of the work of the NCS in accrediting calibration laboratories by the Western European Calibration Cooperation (WECC) in 1993 was ground-breaking. South Africa was the first country outside of Europe to obtain such WECC recognition which confirmed that local laboratories were operating as technical equivalents to their European counterparts (McDowell, 2000:48). It was during this period of interaction with the international bodies that, according to McDowell (1997:147), it became evident 'that local control of Accreditation and Certification bodies by the CSIR and SABS (who themselves possessed calibration, ISO accreditation and testing facilities) was not acceptable'. McDowell (1997:44) maintains that '[b]oth SABS and CSIR had over the years vied for the right to control accreditation, but the market need for transparency had destroyed the privilege of any organisation being able to accredit its own laboratories'. Such an outcome occurred in spite of both organisations being empowered by their, conflicting, Acts to do so.

Increasing pressure created by globalisation, together with increased focus on credible conformity assessment by bodies such as the WTO, finally prompted the South African Government to re-intervene. Any previous work towards the creation of an independent laboratory accreditation body in South Africa had, according to McDowell (1997:148), been 'kept in limbo through the politicking of the main players, CSIR and SABS'. The conflicting requirements of their two acts regarding their separate roles in "approving" other laboratories did not assist in finding a solution. The creation of an

autonomous NCS in 1994 under Section 21 of the Companies Act of 1973 driven in large part by industry provided the dti with a real opportunity to overcome the stalemate. The dti then moved rapidly to put the NCS in the leadership role for this body (McDowell, 2000:77). The creation of an holistic accreditation infrastructure for South Africa is covered in the next section.

4.2.7.2 Creation and role of SANAS

In late 1994 the dti contracted the National Laboratory Accreditation Service (NLA), the successor to the NCS, to expand its internationally recognised activity focused on laboratories to incorporate all aspects of accreditation, including the certification bodies and test laboratory accreditation. In terms of a cabinet decision passed in 1994, the NLA was tasked to create the South African National Accreditation System (SANAS) also as a section 21, not for profit, organisation. In 1996 (McDowell, 2000:79; Bentley West, 2001:191), SANAS incorporated the accreditation of testing laboratories previously done by the SABS. International recognition followed for this activity in 1997 (McDowell, 2000:82). The initial recognition from Europe, and the experience gained, allowed SANAS to become one of 35 inaugural signatories to the global multilateral Mutual Recognition Arrangement (MRA) of the International Laboratory Accreditation Cooperation (ILAC) on 2 November 2000. According to the SQAM review (Bentley West, 2001:194), 'this should enhance the acceptance internationally of SANAS accredited laboratories and should thus support market access for products and services accompanied by accredited test data'.

Today SANAS is the ninth largest, internationally recognised, accreditation body in the world. Davies (2006b:4) argues that '[t]he credibility of SANAS as an accreditation body is of immense value to our economy'. SANAS has grown exponentially from an initial 135 accredited laboratories inherited from the NCS/NLA in 1995 to just less than 1 200 accredited organisations in 2009. That this growth has taken just over ten years provides an indication of the local demand for such a service given the post 1994 ANC led government's strategy to compete in the global marketplace.

The creation of a single national accreditation body, SANAS has allowed South Africa to independently confirm the competence of its technical infrastructure. SANAS has made substantial progress in a relatively short time, in achieving additional international recognition for the activities of its accredited certification and inspection bodies to supplement that already obtained for laboratories. A large part of domestic accreditation activity was initially focused on the voluntary area of conformity assessment. The local accreditation infrastructure was built and maintained through the efforts of members representing industry, commerce and academia building on the strong sense of camaraderie originally created by the laboratory community.

Although substantial progress was made while SANAS operated as a section 21 company, the SQAM-wide review identified the need to create legislation to support local accreditation and change the status of SANAS to that of a public entity. As previously stated, SANAS had since its inception, operated as a section 21 company. The Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act (South Africa, 2006a:8) changed the corporate form of SANAS from a not for profit company to a public entity. Given that a global trend in public administration is to identify and move areas of activity out of the public sector, it is worthwhile to investigate why in this situation, the reverse occurred.

One way that regulators are increasingly using to mitigate against risk in the area of technical standards, is to rely on independent but credible bodies that confirm a particular organisations ability to supply conforming product or, in the case of agriculture and agro processing, produce. These organisations are called Accreditation bodies. Each member country of the EU has one and, without exception, they are all public entities. The United States has limited accreditation activity in the public domain and has relied mainly on the market to supply accreditation services. This has unfortunately created a plethora of bodies that in many cases do not enjoy the same measure of confidence in their ability to perform to the required level of competence. Pattberg (2006:245) erroneously alludes to this activity as a ‘fourth category of certification wherein public actors monitor compliance with standards’ and

also states that ‘this possibility has so far been limited to the traditional form of global business regulation through intergovernmental organizations’. This view is challenged by the South African department of trade and industry who, as previously explained, managed the process of creating a specific act to underpin the local accreditation of conformity assessment activity.

In his opening address to the debate on the act in the South African parliament, one of the deputy ministers of Trade and Industry (Davies, 2006b) highlighted a significant issue. The deputy minister (Davies, 2006b:3) noted that one of the purposes of the new Act was to recognise ‘SANAS as the only accreditation body in South Africa for conformity assessment and calibration’. The deputy minister (Davies, 2006b:5) also declared that the change to a public entity was, amongst other things, to facilitate the use of accreditation by government departments, especially in support of the use of conformity assessment in regulation and have the SANAS Board appointed by the Minister of Trade and Industry. The use of accreditation by South African regulators will now be addressed.

4.2.7.3 Accreditation and regulation

Accreditation is increasingly being used by South African regulators, as part of managing local regulatory risk, to ensure both the competence and consistency of outcome of service providers used in the local regulatory domain. Technical regulations are of little use if the associated conformity assessment capacity and capability are insufficient. Increasing global demands call for an independent and impartial accreditation service to be provided in support of local regulatory activity. Government departments in South Africa such as the Department of Labour were therefore investigating the creation of similar structures to support their work that would have effectively duplicated the work of SANAS. Such duplication did in fact occur, in part, with the creation of the South African Qualifications Authority (SAQA). SAQA is tasked by an enabling act to accredit educational institutions. This occurred in spite of the fact that all ministries had signed the original cabinet memorandum in 1994 that led to the creation of SANAS. This is perhaps due

to misunderstandings of its possible role at such an early stage of the new democracy. As already mentioned, the new act specifically addresses the fact that SANAS is the only national body responsible for its scope of activity (South Africa, 2006c:2). The existence of the act immediately moves the dialogue between SANAS and other government departments to a much higher level. The thrust of such discussions now focuses on how to increase appropriate cooperation on mutually agreed outcomes rather than the incessant arguments as to why SANAS should be used by them at all. Such debates were a potential stumbling block in many previous pre Act discussions between SANAS and local regulatory authorities.

According to the SQAM study (Bentley West, 2001:209), there are possible scenarios within South Africa where the establishment of accreditation services for specific market segments is deemed to be a national interest activity. Factors such as market size might mean that such activity would never become fully self-sufficient. In such cases there could be merit in the government funding the establishment and maintenance of such services. The report (Bentley West, 2001:209) noted that 'SANAS does not have an appropriate long term market development in place. It is therefore difficult for SANAS or the DTI to know to what extent existing or anticipated services could become self-sufficient'. Such a view immediately exposes the private sector background and insights of the consultants who were tasked with the review. A team of local management consultants were joined by a group of Australian SQAM technical experts to initially tender for the work. The same consortia were eventually successful in their bid to conduct the SQAM review. The comprehensive review was funded by Japanese donors but managed by the dti. The report that was ultimately generated gave some valuable guidance and many of the recommendations were ultimately implemented. Public administration insight was, however, notably absent from this and the previous local attempts to address this important technical area.

Accreditation is rapidly becoming the solution of choice in technical service provision to solve that part of a wider issue raised by Bloomfield (2006:409) who suggests that '[o]ne mechanism for achieving the benefits of long-term

contracts, as well as the discipline of competition, might be to empower an “accountability” agency to compare the performance of private companies across communities’. The proper use and focus of the activities of SANAS will therefore be very important. Key outcomes are translated in the new act (South Africa, 2006c:8) into a comprehensive set of functions and objects for SANAS in its new guise. These requirements replace the constitution created when SANAS was a section 21 company. The content of Chapter Two of the Act (South Africa, 2006c:8) provides a definite set of criteria against which the performance of SANAS can be measured. This aspect is important if one considers that Ngema (2004:66) believes that ‘[o]ne of the big problems in the public service today, for instance, is that there tends to be no clear standards of the quality of service that is required’. Ngema’s other concern, that there is ‘no consequence to the failure to achieve that standard’ (Ngema, 2004:66), leads to the topic of governance and initially the appointment of a Board. Both aspects are covered later.

SANAS is one of only two fully operational and internationally recognised national accreditation bodies in Africa. The other African based accreditation body, albeit with a much smaller scope of activity, is situated in Egypt. As the only such body in the SADC region, SANAS needs to continue to provide essential sub regional support in accreditation. Such scarcity of internationally recognised accreditation capacity within Africa leads to many requests to SANAS not only from SADC but also from the rest of Africa for assistance. Without a longer term Afro centric solution, increased demand could easily swamp the local resource that is available. In this context SANAS on behalf of South Africa continues to play a pivotal role in the creation of a SADC regional accreditation infrastructure. Staff from SANAS has held the SADC accreditation regional coordinator position since its inception. This position includes the responsibility for the secretariat of SADCA, as defined in the SADC SQAM MoU (SANAS, 2007:1)

4.2.8 South African conformity assessment

The public and private provision of laboratory capability and capacity for calibration and testing in South Africa has been complex and is now a largely uncoordinated activity. Emphasis by the pre 1994 regime on military capability and manufacturing self-sufficiency led to the creation of sophisticated measurement capabilities that were on par with the best in the world. The necessity for such an activity was greatly influenced, according to McDowell (1997:35), 'by the expansion of the local armaments industry and the critical need for a proper quality assurance system and also by the decision to build the Koeberg atomic power plant'. These and other similar needs, backed by appropriate funding, enabled a multiplicity of public sector establishments to create sophisticated calibration and testing capacity. The majority of these facilities, owing to the nature of the work being supported, were in physical metrology and chemical testing and many were independently accredited. Post 1994 there was a dramatic downturn in demand for such services leading to the closure of the laboratories. According to the Manager of the National Laboratory Association (Sydney, 2007:2), 'Highly competent metrologists, with vast experience in high accuracy measurement gained through years of experience were retrenched'. The same source (Sydney, 2007:2) notes that due to their limited ability to do other work, some of them 'tried to make a go of it in the private sector'. Owing to the substantial investments required, they no longer had access to the highly sophisticated instrumentation that they had previously mastered. A distinct lack of business acumen further exacerbated an already difficult situation. Accruing from the number of competing facilities that were suddenly available to the local market post 1994, an inevitable price war ensued. Although prices were held artificially low, to ensure short term survival for these small independent laboratories, such a strategy was not sustainable. The result was that measurements were increasingly made in accordance with the available budget rather than required technical best practice. According to Sydney (2007:3), '[i]ndustry, being largely unaware of their technical requirements, accepted this level of calibration because it was low cost'.

A further complication in the local metrology environment concerns the role of the CSIR, particularly the National Metrology Laboratory. The CSIR Act of 1984 (South Africa, 1988:5) required them to 'establish and control facilities for the testing and calibration of precision instruments, gauges and apparatus and for the determination of their degree of accuracy'. The creation of a wider group of accredited calibration laboratories allowed the CSIR's limited pool of metrologists, in theory at least, to concentrate on non-repetitive, higher accuracy calibration tasks (McDowell, 1997:38). According to McDowell (1997:38), 'a conflict situation was occasionally perceived with private-industry laboratories, who sometimes viewed CSIR as a government-subsidised competitor for calibration income'. Such a situation was not helped by a commercial drive within the CSIR during the same period that was previously mentioned. CSIR metrology experts were extensively used to independently assess the competence of the accredited laboratories. Such exposure did not always motivate them into sending work to these accredited laboratories when contacted by industry seeking measurement support, a fact that was even more evident when faced with the prospect of securing fee generating work from industry for CSIR laboratories. Such conflicts have since largely been resolved but leave unfortunate after-effects that take a long time to work out of the system.

Another important factor was an important amendment in 1998 to the act specifically covering the activities of the National Metrology Laboratory created in 1973. The original act stated that the CSIR may issue certificates related to their measurement work. The amendment (South Africa, 1998) significantly improved the legal status of these certificates. The amendment (South Africa, 1998:4) decreed that in 'any criminal proceedings' a certificate issued by the NML 'shall, upon its production, be evidence of the facts contained therein'. Given the increasingly negative perceptions of local industry of the small privately owned calibration laboratories and the new legal status of the certificates issued by the CSIR NML, the environment for conflict was complete.

With an inevitable increase in technical requirements and the availability of foreign measurement data, the gradual emaciation of local measurement capacity is only now becoming evident. Substantial investments would be required by these privately owned laboratories to correct the situation, leading inevitably to higher prices for their services. Local industry, being comfortable with the current prices, appears to be reluctant to agree to the large fee increases required to redress the situation on their own. The resultant stalemate is still largely unresolved.

As previously mentioned, Trade Metrology was transferred from the Department of Trade and Industry to the SABS in 1991 (Bentley West, 2001:220; Carstens, 2002:41; Carstens, 2008). There are several important public administration issues that need highlighting. In order to obtain financial efficiency several important and far reaching decisions were made as part of the transfer of responsibility. The services being performed at that time were prioritised and dramatically rationalised. It was assumed that the private sector could play a larger role under the supervision of reduced trade metrology section at the bureau. Subsequent experience has shown that the outsourcing of verification to the private sector has not delivered the intended benefits. A lack of inspectors on the ground created the scenario where an organisation could use non compliant instruments with little prospect of legal consequences. The private laboratories that had now been tasked to do the work under the new arrangements were only interested in financially lucrative work leaving the understaffed regulator to cope with the 'non-profitable activities' (Carstens, 2008). A further unintended consequence with the downscaling and outsourcing was that the trade metrology function lost its previous public visibility. The comprehensive SQAM-wide review performed by Bentley West (2001:233), nearly ten years later, identified that the 'lack of effectiveness of the overall trade metrology system in South Africa is a significant concern, with many industry sectors indicating that the inspection function devolved to provincial level is near collapse. In fact in three provinces there are no inspectors at all'. The same research (Bentley West, 2001:233) pointed out that '[t]here is general agreement that the overall trade metrology function is under-funded and in dire need of re-building the capacity lost over

the past years’.

Domestic inspection and certification activity was, initially, largely driven by the SABS owing to their active involvement in the standards work that predicated the need for such capacity. Their sense of responsibility in large part is due to a certain interpretation of the word “standardisation”. The internationally harmonised, and rather innocuous, definition of standardisation is the ‘activity of establishing with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context’ found in Guide 2 published by ISO (ISO/IEC, 1996:2). The intended or unintended licence to provide conformity assessment can be found in note 1 of the Guide 2 definition. The note (ISO/IEC, 1996:2) further explains that, specifically, standardisation as an activity ‘consists of the processes of formulating, issuing and *implementing*’ [emphasis in italics added] a specific standard. It can be, and is, logically argued that there is no proof that a standard has been implemented until appropriate testing, inspection and or certification has taken place. Given such an important responsibility from an internationally renowned source, it is little wonder that the previous Standards Act (South Africa, 1993:6) notes that among the objects of the SABS is to ‘examine, test or analyse articles, materials and substances’ and also to ‘assess quality systems and to administer the certification by such systems thus assessed’.

Other important foundational work in this area was undertaken by government inspectors working for local regulatory agencies. Some of this work has now begun to slowly move across the accredited laboratories in the private sector as previously explained. Self-preservation tactics of specialist individuals can easily derail such projects unless sensibly handled and will potentially remain a short to medium term impediment to full utilisation of such resources.

4.2.9 South African governance and coordination mechanisms

Government recognition of the domestic SQAM institutions is now defined in the various new acts pertaining to the individual SQAM institutions. For

metrology, these are Act 18 of 2006, the Measurement Units and Measurement Standards Act (South Africa, 2006b). The new act replaces the previous National Measuring Standards Act (Act 76 of 1973). The Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act (Act 19 of 2006) creates a new relationship with government that was previously covered by a Memorandum of Agreement (MoA) with the Department of Trade and Industry. The new Standards Act (South Africa, 2008a) replaces the Standards Act, Act 29 of 1993. The new National Regulator for Compulsory Specifications Act (South Africa, 2008b) is a completely new piece of legislation as these activities were previously managed within the SABS.

In terms of the various acts, each organisation in the South African SQAM infrastructure now has its own Board of Directors (South Africa, 2006b:14; South Africa, 2006c:12; South Africa, 2008a:6; South Africa, 2008b:5). The acts contain very specific requirements for the various boards, for instance about the process and conditions of appointment, the number, the composition and the operating procedures. Among their duties and responsibilities, the boards are the accounting authority for their specific entities in terms of the Public Finance Management Act (PFMA) which specifies particular responsibilities in respect to financial governance. The boards are appointed via a public process that invites potential candidates to offer their services. The final selection process is managed by the Department of Trade and Industry where the minister appoints those that have been successful. In terms of the Public Management Finance Act (PFMA) (South Africa, 1999:31), each public organisation must formulate and submit a rolling three-year strategic plan and associated annual budget to the national treasury. Each organisation uses information provided by government as well as internal strategic planning exercises to formulate their peculiar requirements. These plans and associated budgets are submitted, via the individual boards for approval, to the Department of Trade and Industry. Collated budgets are then submitted via the department to the treasury and ultimately to parliament.

The SQAM review (Bentley West, 2001:59) noted that '[t]here is no formal mechanism or process in place whereby this is consolidated in a 'whole of SQAM' strategy and policy'. The same report did however note that the appropriate section within the dti does 'play a meaningful role, on an informal basis, to coordinate such strategies by acting as a gatherer and disseminator of information' (Bentley West, 2001:59). The dti officials involved currently have separate quarterly meetings with the individual organisations to ensure that the agreed activities within the approved budget are on track. The overwhelming focus of interactions today is on ensuring that appropriate financial governance is exercised rather than coordinating the entire SQAM activity to achieve specified holistic strategic goals. A chief director currently attends meetings of the SANAS Board as an observer and in a personal capacity. SANAS as a section 21 company also appointed a SADC sub-regional representative onto its board. Whether dti and SADC representation will now continue and in what capacity is unclear. The nature and future of some of the services offered by the Standards Bodies, referred to earlier, is also an important point that needs further consideration.

The SQAM review (Bentley West, 2001:93) noted two concerns with regard to funding and holistic management of the SQAM institutions. The funding issues identified were connected to 'security of funding' and 'the accountability of spending'. The new acts have largely addressed these concerns. It must be remembered that the funding levels were set at a point in time based on individual organisational perceptions of their responsibilities. Any increases in such funding will now be linked to inflation indices unless substantial justification can be made for a different criterion. The other concern raised (Bentley West, 2001:93) was the lack of 'an adequate management process'.

The SQAM review report (Bentley West, 2001:51) encouraged a careful investigation of 'what is funded in the national interest, as well as mechanisms which ensure proper allocation of funds to priority areas'. A very specific concern raised was that the 'funding mix of the institutions (government and commercial) needs to be carefully defined' (Bentley West, 2001:51). In

summary, these concerns were encapsulated in a recommendation (Bentley West, 2001:93) that a 'more sophisticated system, aimed at ensuring that appropriate levels of funding are determined, secured and managed, is required'. The Public Finance Management Act (PFMA) sets a legal requirement that periodic reports be generated by organisations using public funds focused on the use of funds allocated through the national treasury. Such reports are thus available but are reactive in nature and therefore can only be used to see what was done by the individual organisations. The creation of four independent public bodies to cover the foundational areas of SQAM gives rise to many possibilities for intergovernmental activity. Such coordination activity could embrace both the areas covered by their founding acts as well as their support of relevant higher level government strategies.

The recently promulgated Metrology and Accreditation Acts as well as the two bills covering Standards and Compulsory Specifications require that the respective boards must establish an advisory or consultative forum (South Africa, 2006b:16; South Africa, 2006c:14; South Africa, 2008a:7, South Africa, 2008b:7). The forums need to be established so that they represent a balance of interests of organisations concerned with the matters contemplated in the various acts. This is an important requirement in terms of governance. It is interesting to note that each act requires the respective board to establish a constitution and, if necessary, rules for their advisory forums. Such direction coincides with De Bruijn and Dicke (2006:722), who assert that '[o]ne solution dominates in the instrumental reflections on how these [public] values can be protected: a strong government translates the values into clearly delineated standards and formulates clear rules for the protection of these standards'.

The appointment of the various boards by the minister, coupled with the requirement that they in turn create a consultative mechanism, covers two important governance and accountability issues for public bodies. The first is ensuring that the government takes appropriate ownership and provides sufficient strategic direction. The reciprocal responsibility from the boards is to ensure that the entities are properly accountable to government for the effective and efficient discharge of appropriate and pre-agreed activities. The

second is to ensure that the needs of a wider group of stakeholders are taken seriously in all relevant issues including the maintenance of effective communication channels. In discharging their many and varied responsibilities, the boards and their associated advisory/consultative forums will need to consider, on the one hand, Jackson's (2001:7) finding that '[b]ecause of the extensive scope of market failures the government could potentially intervene in almost every sphere of life'. The possibility of too much intervention, on the other hand, must be carefully balanced with the concern of Lamothe and Lamothe (2006:775), who are concerned that 'Governments cannot efficiently and effectively assess whether, and to what extent, vendors hide their true performance, thus maximizing the potential for opportunistic behavior'. Accreditation of service providers can go a long way to alleviate this potential problem.

In order to facilitate better communication within the dti group, the minister has created a Council of Trade and Industry Institutions (COTII). COTII comprises the minister and his two deputy ministers, the director general (DG) and his senior management staff and the board chairpersons and CEOs of all of the dti agencies including the four SQAM-related institutions. COTII, chaired by the minister, meets on a periodic basis to discuss high level strategy and associated issues. Altenburg and von Drachenfels (2006:406) note that in 'several fields of private-sector development, governments have an important role to play in defining targets and subsidizing programmes for their achievement, regardless of who finally delivers the respective services'. The interactions within COTII allow such issues to be raised and discussed but only at the highest strategic level given the diversity of the membership.

The SQAM review (Bentley West, 2001:60) did suggest that '[c]ross-representation on the governing bodies of official SQAM institutions be increased. Such representation should be formal, and in a decision making capacity'. The creation of the new Boards does not consider such a cross representation. The CEO of the accreditation body SANAS sat on the interim board of the metrology body NMISA. The CEOs of both SANAS and NMISA sat on the interim Board of the regulatory body NTRS. These positions were

part of assisting each organisation to learn from one another in the creation of the various policies and procedures. There is no intention that such cross representation will continue once the boards are formally appointed due to concerns about governance. The issue of holistic cooperation between the four new SQAM entities is therefore still left largely unsolved.

In order to promote closer inter organisational alignment in SQAM, it was originally intended that attendance at COTII meetings would be supplemented by regular meetings of the SQAM CEOs with the DG. Such a need requires further explanation. There is increasing recognition internationally, driven mainly by the EU, that the activities of Standards, Accreditation and Conformity Assessment have no grounds for creating confidence unless based on a solid basis of measurement where this is appropriate. Such a need is recognised internationally. Regional organisations for Standards, Accreditation and Metrology are increasingly being seen as providing the necessary links between the emerging regional trade blocs and the appropriate international body for a specific technical activity. Such a development has a major impact on emerging regions such as SADC. The regional activities of standards creation in Europe, CEN/CENELEC and the Asia Pacific region, PASC, have been mirrored in a SADC committee, SADCSTAN. Similar regional bodies exist for Accreditation, SADCA, Metrology, SADCMET, and Legal Metrology, SADC MEL. The SADC sub-region is considered in more depth in the next section.

Regular meeting between the Director General and the CEOs of the domestic bodies responsible for SQAM would have allowed strategic discussion of cross cutting national, SADC, NEPAD and international SQAM issues. Unfortunately, after a few meetings chaired by lower level dti staff and attended by even lower level SQAM institutional staff such a forum quickly fell into disuse. The minister appoints the board members of the four SQAM institutions and as previously mentioned, the dti have chosen not to include cross representation by CEOs in appointing the SQAM boards for governance reasons. Such a scenario has unintentionally created a silo effect to which there appears to be no apparent solution. Although the budgets of all four

SQAM organisations are coordinated by the same section within the dti, the strategic and financial oversight is a function allocated to the individual boards which further exacerbates the silo effect. There is no intention presently, as far as can be determined, to request the boards to periodically meet with the minister so that the strategic direction of the various institutions can be harmonised and synchronised. The mix of old and new public institutions in the SQAM environment has also led to very different interpretations of what their local, regional and international role should be.

In order to facilitate appropriate SQAM-wide input from stakeholders, the review (Bentley West, 2001:40) recommended that a 'stakeholder based SQAM Advisory Forum be established to advise Government on national SQAM policy and strategies relevant to SQAM activities, and to review submissions and prioritise funding support for development programs'. As previously discussed, each of the four new acts now requires each organisation to form their own separate advisory forum. The intention of such a forum is to obtain appropriate representation from all stakeholders involved in the specific activities of the organisation concerned. Given the limited amount of volunteer time and effort available, time will tell if such individual forums will be sustainable and serve the intended purpose. The use of the limited funds that were previously made available to the individual SQAM institutions was also highlighted in the SQAM report. The review stated (Bentley West, 2001:93) that the 'general soundness of the existing SQAM infrastructure is testimony that these funds have been utilised to the advantage of the country'. On what basis this judgement was proffered is unfortunately not clarified. Given the specialist technical nature of the expertise used, it is doubtful that such a conclusion was based on anything but a narrow, and technically focused, perspective.

PART II

4.3 SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

4.3.1 History

The beginnings of regional integration in Southern Africa can be traced to efforts started in 1975 by the so-called 'Frontline States' to 'promote regional co-operation and integration' (SADC, 2003a:1). The original members Angola, Botswana, Mozambique, Tanzania and Zambia were initially concerned with the coordination of efforts in the fight against 'colonialism, racism and white minority-rule' (SADC, 2003a:1). Qobo (2005:49) is more specific and notes that the establishment of the Southern African Development Coordination Conference (SADCC) was a direct result of 'the socio-political situation in South Africa' and its 'increasingly hegemonic encroachment in regional affairs'.

By 1979 the original states had been joined by Lesotho, Malawi, Swaziland, and Zimbabwe. These states met in conference in Arusha, Tanzania, in July of that year and agreed on a strategy to create the SADCC which was launched the following year in April 1980 in Lusaka, Zambia (Thornhill, et al., 2002:1, SADC, 2003a:1, SADC, 2004b:2). According to Thornhill, et al. (2002:1), '[t]he basic aim of SADCC was to reduce its members' economic dependence on South Africa'. 'From the outset' SADCC, according to Qobo (2005:49), was preoccupied 'with national interests and economic autonomy'. 'This logic', Qobo (2005:49) asserts, 'is still pervasive even though SADCC evolved into SADC in 1992'. Such a view is challenged in part by Thornhill. According to Thornhill, et al. (2002:2), 'SADC recognizes the sovereignty of member states, but also acknowledges the need to promote co-operation amongst member states in order to address the challenges of the dynamic and increasingly complex regional and global environment'. Such inherent complexities are also mentioned by Marsh, Smith and Hothi (2006). The exposure to external economic pressures varies from country to country in both form and extent (Marsh, et. al., 2006:179). What really matters in

country research in the area, according to Marsh, et. al. (2006:179), is ‘its [specific] position rather than the overall global picture’. Such an evaluation of the ‘domestic economic situation’ is required owing to the fundamental impact this has on a government ‘response to international economic pressures’ (Marsh, et. al., 2006:180).

The SADCC was transformed into the SADC (as noted) following a meeting in Windhoek in August 1992 (Thornhill, et al., 2002:2, SADC, 2004b:3, Qobo, 2005:49). Transforming SADCC into SADC was predicated on the need for promotion of ‘deeper economic cooperation and integration’ (SADC, 2003a:3). African leaders wanted to use the positive experiences in the pursuit of a broader agenda of economic and social development based on an understanding ‘that political independence alone would not lead to improved living standards for the people of the region’ (SADC, 2004b:2). The SADC secretariat informs us that the ‘SADC vision is one of a common future, a future in a regional community that will ensure economic well-being’ (SADC, 2003a:4). The same source (SADC, 2003a:4) points out, however, that ‘[t]his shared vision is anchored on the common values and principles and the historical and cultural affinities that exist between the peoples of Southern Africa’. Thornhill, et al. (2002:2) reports that ‘South Africa acceded to the Treaty in 1994’.

The distribution of responsibilities for various activities, including Trade to Tanzania, as part of the launch of SADC unfortunately did not deliver the intended results. Accordingly during 1999, the ‘SADC Heads of State and Government directed that the organisations and all its institutions be restructured’ (SADC, 2004b:4). ‘A report on the Restructuring of SADC Institutions was adopted by an Extra-Ordinary Summit on March 9, 2001 in Windhoek, Namibia’ (SADC, 2004b:4). In terms of the restructuring process, the responsibility for trade matters was moved under the Trade, Industry, Investment and Finance (TIFI) Directorate at the SADC Secretariat based in Gaborone. Kaakunga (2004) provides insight into the role of Article 9.1 of the SADC Treaty in the establishment of SADC institutions. Among the SADC institutions highlighted by Kaakunga (2004:2) are the ‘Summit of the Heads of

State or Government, the Council of Ministers and the Secretariat'. These are now described in more detail.

4.3.1.1 SADC Summit of Heads of State or Government

The SADC Summit of Heads of State or Government is, as its name suggests, made up of the heads of state or government of the member states. This Summit is the ultimate policy-making institution. It has the responsibility for the overall policy direction and control of functions of SADC and usually meets once a year at which a new chairperson and deputy are elected (Thornhill, et al., 2002:3, SADC, 2004b:5). Thornhill, et al. (2002:7) express concerns about the 'shortage of skilled, trained professional personnel, managers, policy analysts and entrepreneurs to advise ministers and the Summit on policy issues'. Although South Africa might have some capacity in this regard, their input might unfortunately still be viewed with suspicion.

4.3.1.2 SADC Council of Ministers

The Council consists of ministers from each member state, usually from the Ministries of Foreign Affairs and Economic Planning or Finance. This Council is responsible for overseeing the functioning and development of SADC and ensuring that policies are properly implemented. The Council of Ministers meet four times a year (Thornhill, et al., 2002:4, SADC, 2004b:6).

4.3.1.3 SADC Secretariat

The Secretariat is the principal executive institution of SADC. It is headed by an Executive Secretary, appointed by the Summit and has its headquarters in Gaborone, Botswana, as just mentioned. The Secretariat is responsible for strategic planning, as well as the coordination and management of SADC programmes including interactions with cooperating partners (Thornhill, et al., 2002:5 SADC, 2004b:8). According to Thornhill, et al. (2002:6), '[t]he SADC budget for operational costs of running the Secretariat and the various commissions are funded from contributions by member states'. He (Thornhill,

et al., 2002:6) points out that ‘membership contributions are, however, not equitable and the system does not take into account the capacity and circumstances of member states to contribute’.

Another important constraint is mentioned by the SADC secretariat. The secretariat (SADC, 2004b:4) laments its ‘[l]imited capacity to mobilize significant levels of the region's own resources for the implementation of its Programme’. The same source as well as others (Thornhill, et al., 2002:6, SADC, 2004b:4) also expresses concerns about the ‘high level of reliance (\pm 80%) on donor funding for projects and programmes’. Such high reliance on such funding does not bode well for sustainability. Even if funding were freely available in the longer term, another issue raised by Thornhill, et al. is more problematic. Thornhill, et al. (2002:3) argue that there is a perception that ‘the SADC common agenda has not been articulated unambiguously and can, therefore not be operationalised effectively’. Such a task should clearly be a priority for the secretariat.

4.3.2 Trade and SADC

4.3.2.1 Economic size of SADC

According to a SADC report (SADC, 2003a:22), the regional grouping attracted ‘an average of US\$ 691 million’ Foreign Direct Investment (FDI) in the early 1990s. The impact of the accession of South Africa in 1994 is evident in the same report. In the period 1995–98, the amount of FDI ‘quadrupled to US\$3 061 million’. The dominant role of South Africa is shown by the fact that ‘of this investment, South Africa accounted for two-thirds’ (SADC, 2003a:22). A report by Hess (2005:1) finds that in 2003 the cumulative GDP of SADC was US\$ 235 billion. A major part of this amount ‘(around 70 per cent)’ was paid by South Africa (Hess, 2005:1). A SADC report written in 2003 (SADC, 2003a:7) noted that the relative size of the SADC market is ‘only comparable to Belgium or Norway’. The same report (SADC, 2003a:7) however contextualises the SADC market as ‘double that of ECOWAS’ and also ‘equivalent to more than half the aggregate GDP of Sub Saharan Africa (SSA)’. More recent research by the South African Institute of

International Affairs (SAIIA) (2008:2) notes that South Africa's economy is '40 times larger than that of the average sub-Saharan economy'. Further insights from the same report (SAIIA, 2008:2) confirm that the GDP of South Africa 'accounts for almost two-thirds of the GDP of SADC and 60% of all intra-SADC trade'. The report (SAIIA, 2008:2) also informs us that South Africa's trade 'with the rest of the continent has grown by roughly 659% since 1994'. Such rapid growth reflects the normalisation of the internal political situation within South Africa as well as the new democratic government's strategy focused on export led growth.

There is a downside to South Africa's growing economic dominance in Africa. Draper and Khumalo (2005:17) assert that South Africa's expanding economic muscle and influence in the region are met with increasing resentment in some quarters in Africa. They (Draper and Khumalo, 2005:17) point out that such a negative environment 'limits the potential for co-operative efforts to solve the continent's problems'. A major casualty, according to the same authors (Draper & Khumalo, 2005:17), is 'regional integration in southern Africa'. A further challenge to regional integration in Southern Africa arises from the negotiations with the European Union (EU). The European Commission (SADC SQAMEG, 2006b:1) has identified the need to assist 'SADC to establish a Free Trade Area and Customs Union and to integrate regional markets' as a priority. The need for assistance in terms of the Economic Partnership Agreement (EPA) between the EU and SADC is also identified (SADC SQAMEG, 2006b:1). An EC SQAM project (SADC SQAMEG, 2006b:1) 'has been programmed...for a total budget of € 14.2 million'. One important precondition (SADC SQAMEG, 2006b:1) was the need for SADC to appoint and maintain one full-time dedicated SQAM expert from its own staff who will be responsible for supervising the implementation of the SADC SQAM programme'. The report to the SQAM EG meeting in 2006 by the commission (SADC SQAMEG, 2006b:1) noted that the SADC Executive Secretary 'has committed himself at the occasion of the signing of the financing agreement to put a SADC expert post in place'. The subsequent reality was a little different. The various SQAM-related project issues are discussed later in the text.

Commenting on individual SADC member state bilateral Economic Partnership Agreement (EPA) negotiations with the European Union, the dti (2008:7) expresses the concern that the EPA process threatens to undermine the SADC agenda. Keet (2008:1) points out that '[m]any of the SADC countries are willing to sign agreements [with the EU] which will undermine their own economic advancement'. The reason for such behaviour, according to the same source (Keet, 2008:1), is that these same countries 'fear that the millions of dollars that are annually poured into these countries will be withdrawn if they do not sign EPAs'.

A related problem that is preventing whole hearted commitment by some SADC member states to more rapid integration is 'the issue of overlapping membership of SADC countries in a number of other regional bodies and the conflicting obligation arising thereof' (SADC, 2003a:23). The South African Minister of Finance (Manuel, 2008:2), in an address to the national assembly prior to a recent SADC Summit, raised the same issue. Manuel (2008:2) pointed out that several SADC countries were members of other regional groups within Africa, each of which 'had its own way of negotiating with EU members'. There are some positive signs regarding closer cooperation between some of these same regions within Africa which are covered later in this study.

4.3.2.2 Trade protocol: content and implementation

SADC member states signed a Protocol on Trade on the 24 August 1996 (SADCA, 2005:1). It was subsequently ratified during 2000 and implementation began with a launch on 1 September 2000 (SADC, 2004b:10; SADCA, 2005:1). The SADC trade protocol 'provides for the elimination of tariff and non-tariff barriers to trade within a time frame of eight years' (SADC SQAMEG, 2001:1; SADCA, 2005:1). The SADC secretary (SADC, 2004b:10) notes encouragingly that the 'implementation of the trade protocol is on track and the region hopes to attain a free trade area by 2008'. Qobo (2005:59) earlier rejected such a view and noted that although the protocol had been in force since 2000, 'so far progress has remained elusive'. The same author

(Qobo, 2005:59) argues that '[r]egional commitment towards full market integration has been characterised by considerable inertia at best and at worst by political neglect'.

According to a SADC report (SADC, 2004b:10), the trade protocol was created in order 'to position the region to meet the challenges of the dynamic, ever changing and complex globalisation process as well as to take advantage of the opportunities offered by globalisation'. In order to achieve such an aim (SADC, 2003a:22), the SADC Protocol on Trade 'envisages the establishment of a Free Trade Area (FTA) in the region by 2008'. The goal of a SADC FTA is 'to further liberalise intra-regional trade in goods and services' (SADC, 2003a:22). Specific strategies have already been agreed upon in order to reach such a goal. These strategies include a gradual elimination of tariffs and the attainment of internationally acceptable standards, quality, accreditation and metrology (SADC, 2003a:22).

Article 6 of the SADC Protocol on Trade addresses the issue of NTBs. The protocol (SADC, 2004a:7) requires member states to 'adopt policies and implement measures to eliminate all existing forms of NTBs, and refrain from imposing any new NTBs'. Article 17 of the SADC Protocol on Trade (SADC, 2004a:11) concerns Standards and technical Regulations on Trade. Article 17 requires each member state to 'use relevant international standards as a basis for its standards-related measures, except where such standards would be an ineffective or inappropriate means to fulfil its legitimate objectives' (SADC, 2004a:11). In terms of this article, member states 'have a duty to ensure that they make compatible their respective standards-related measures so as to facilitate trade in goods and services within the community'. More specifically, if their standards-related measures conform to an international standard, it is then 'presumed not to create an unnecessary obstacle to trade' (SADC, 2004a:11). Member States are also required 'to the greatest extent practicable, make compatible their respective standards-related measures, so as to facilitate trade in goods and services within the Community' (SADC, 2004a:11).

Research by Pressman and Wildavsky (2004:342) has found that successful 'implementation requires understanding that apparently simple sequences of events depend on complex chains of reciprocal interaction'. Their research (Pressman & Wildavsky, 2004:342) clearly indicates that 'the separation of policy design from implementation is fatal'. From a South African perspective, Friedman (2004:42) refers to 'several weaknesses in policy itself which help explain why intention has often not become reality'. Friedman (2004:42) notes that 'these include excessively ambitious goals...inadequate prioritisation and costing of policy' and, perhaps the most important in the present context, 'a failure to undertake risk analysis which would highlight the potential obstacles to implementation'.

Article 31 of the trade protocol specifically addresses institutional arrangements for implementation. In terms of Article 31 (SADC, 2004a:17), the various mechanisms involved in the execution of protocol are named as the Committee of Ministers (CMT), the Committee of Senior Officials responsible for trade matters, the Sector Coordinating Unit and the Trade Negotiation Forum (TNF). The Committee of Ministers (CMT) is allocated some specific responsibilities including the 'supervision of the work of any committee or sub-committee established under this Protocol' (SADC, 2004a:18). The Committee of Senior Officials (SADC, 2004a:18) report to the CMT on implementation issues and are responsible for the supervision of the work of both the Sector Coordinating Unit and the Trade Negotiation Forum (TNF). SADC has also created an Industrial Development Forum (IDF). A recent report from the SADC Secretariat (SADC, 2008c:2) explains the difference between the TNF and the IDF. According to the SADC Secretariat (SADC, 2008c:2), the TNF 'reviews all matters related to trade before they are submitted to Senior Officials and Ministers of Trade for final processing'. The same report (SADC, 2008c:2) notes that the 'IDF is the equivalent of TNF but deals with issues relating to industry'. The report adds the important caveat that '[m]ost SADC countries have Ministries of Trade and Industry and so TNF and IDF report to the same authority' (SADC, 2008c:2).

The Sector Coordinating Unit (SADC, 2004a:19) is responsible for

coordinating daily operations concerning the accomplishment of the objectives of the protocol. They are tasked with the provision of both technical and administrative assistance to the CMT, the Committee of Senior Officials and the TNF and IDF. Also included are any subsidiary committees, sub-committees and panels established to implement the protocol. Other duties include the need to work closely with the private sector and identify research needs and priorities in the trade area (SADC, 2004a:19). The TNF is responsible for the conduct of trade negotiations including issues pertaining to the removal of non-tariff barriers. Another important responsibility of the TNF (SADC, 2004a:18) is to build expert research and monitoring capacity. Such a resource is required to 'monitor the impact of measures already implemented, and offer advice on the potential impact of offers under discussion' (SADC, 2004a:19). In theory, the task of establishing 'a regional framework on the phased reduction and eventual elimination of tariff and NTBs to trade among Member States' (SADC, 2004a:19) is also important. There is no evidence, however, that such an important task has ever been undertaken. This is hardly surprising given the adversarial nature of trade negotiations and the limited resources available to SADC.

A Regional Strategic Indicative Development Plan (RISDP) for SADC has now been created by the SADC Secretariat. The RISDP (SADC, 2003c:55) considers trade and economic liberalisation for deeper integration and poverty eradication as one of its key catalytic intervention areas. The pursuit of this intervention area would ultimately lead to the establishment of the SADC common market. The RISDP (SADC, 2004b:13) is a 'key instrument in translating SADC objectives and Common Agenda into a coherent implementation framework'. The RISDP provides SADC member states, institutions and policy makers with a coherent and comprehensive development agenda on social and economic policies. The RISDP document (SADC, 2004b:13) also recognises 'other Africa-wide initiatives, which impact on SADC such as the New Partnership for Africa's Development (NEPAD)'. The RISDP document is not a prescriptive plan (SADC, 2003c:5), but rather it 'is indicative in nature and outlines the necessary conditions that should be realised towards the attainment of SADC's regional integration and

development goals'. The document encourages managers of programmes to adopt the principle of subsidiarity. This is further explained as a methodology (SADC, 2004a:75) where the use of 'institutions, authorities, and agencies outside SADC structures to initiate and implement regional programmes using their own generated resources should be promoted and encouraged' (SADC, 2003c:75). A related issue (SADC, 2003c:75) 'is the maximum engagement of regional expertise and institutions for programme management and implementation' in order to 'further enhance capacity building and local ownership'.

The adoption of a SADC Memorandum of Understanding (MoU) on SQAM in September 2001 (OECD, 2005:76; SADCA, 2005:1) is another important milestone in meeting the objectives of Article 17 of the Protocol on Trade. Article 4 of the SADC SQAM MoU specifically declares the objectives of the SADC SQAM Programme to be the 'progressive elimination of technical barriers to trade (TBTs) among the member states and between SADC and other Regional and International Trading Blocks and the promotion of quality infrastructure in the member states'.

So how might SADC member governments discharge their responsibility as far as accountability for ensuring that an enabling domestic environment is created and maintained to facilitate export led growth? Pongsiri (2002:490) declares that 'regulation is a key element to maintain competitive market discipline on public service provisions in developing countries'. Research by Prizzia (2001) into various contract methodologies has found that there needs to be a set of remedies that is then adjusted, as appropriate, for a specific set of circumstances. Prizzia (2001:452) argues that 'performance contracts worked the least well. Management contracts worked better, but only in specific circumstances. Regulatory contracts worked well for enterprises in monopoly markets, provided that they were properly designed and implemented'. These remedies presuppose the existence of an appropriate legal framework. Henderson and McGloin (2004:392) emphasise the need 'for the establishment of a legal framework involving a complex mixture of regulatory activity' and continue that 'these legal frameworks function to

reduce opportunistic tendencies'. The same authors (Henderson and McGloin, 2004:392) note that 'without these legal frameworks, disputes are likely to occur and projects can and will be delayed'. Pongsiri (2002:489) shares the same opinion and claims that 'without thoughtful and professional legal frameworks and contracts disputes are likely to occur and projects can and will be delayed and terminated'.

A considerable amount of work has already been done but problems in implementation are an ever present reality. One example is that member states are required to 'accept as equivalent' the technical regulations of others 'even if these regulations differ from their own' (SADC, 2004a:12). Given the differing legal traditions inherited by the member states, there is proviso that is added. In order to assist in finding pragmatic solutions to specific problems, the parties are asked to determine if the product proffered 'adequately' meets the objectives of the regulation in question (SADC, 2004a:12). Qobo (2005) hints at the reality behind such subjective evaluations. Qobo (2005:58) claims that SADC member states expected a level of generosity from South Africa given that it 'is much the largest regional economy'. He (Qobo, 2005:58) points out that, instead, South Africa applies 'various forms of protective barrier to shut out regional exports from its domestic market'. Given the lack of coordination among the various departments, negotiating teams and SQAM institutions, this is more likely to be an unintended consequence than a deliberate policy.

The same cannot be said with regard to SADC/European Union relationships. The Commission has negotiated Economic Partnership Agreements (EPAs) with various SADC member states on a bilateral basis. According to the South African Deputy Minister of Trade and Industry (Davies, 2008:9), the 'EPA process has already divided members of the Southern African Development Community into 5 different negotiating configurations, each with somewhat different obligations'. Such a scenario could easily split the fragile economic block. The potential winner if such a split occurred would be Europe. Qobo (2005:84) succinctly articulates the problem. According to Qobo (2005:84), 'countries in southern Africa would be hard put to withstand the challenges of

globalisation on their own, and deeper regional integration will be necessary to deal effectively with the twin problems of globalisation and underdevelopment'. Such understanding makes the EPA strategy adopted by Europe even harder to justify if they indeed want to help Africa.

A study was undertaken in 2003 by the SADC Secretariat on the state of implementation of the WTO TBT Agreement in SADC member states. The resultant report, including the key findings and recommendations, was discussed at a SADC TBT workshop held in 2003 in Gaborone. In opening the workshop, Pamacheche (SADC, 2003b:1), of the TIFI Directorate at the SADC Secretariat, 'emphasised the fact that SADC Ministers of Trade at their August 2002 meeting in Windhoek prioritized the need for addressing standards and technical regulations, particularly the development of Member States' capacity in managing technical regulations'. Pamacheche (SADC, 2003b:1) also stressed that such work was non-negotiable 'if Member States are to effectively implement the SADC Protocol on Trade as well as meet their commitments with respect to the multilateral trading system'. An expert from Europe on technical regulations, O'Brien (SADC, 2003b:3) argued that 'there was no doubt that the existing technical regulations in many SADC countries were applied in very imperfect ways'. The workshop participants agreed (SADC, 2003b:3) on 'the need to give technical regulations/standards a serious political priority'. The workshop participants (SADC, 2003b:4) were informed that 'SADC Member States should begin to develop a comprehensive approach to govern the development and implementation of technical regulations that would be applicable to all Ministries and Regulators at national and sub-national level'. Pamacheche (SADC, 2003b:1) concluded that the research had amplified the need to operationalise 'a process of advancing regulatory best practices on the development and management of technical regulations in the Member States, with meaningful participation of stakeholders – the SQAM experts, trade policy makers, regulators, private sector agents and civil society at large'.

Once the issues of standards and technical regulations had been addressed, the focus of the workshop moved to addressing the SQAM-related

compliance mechanisms required. The research found that in almost all SADC member states, compliance of commodities with the requirements of the technical regulations is not yet verified effectively and efficiently (SADC, 2003b:4). Contrary to international developments, a number of regulators within SADC member states, especially those with some laboratory capacity, also tend to favour the approach of testing in their own laboratories (SADC, 2003b:34). The same source notes that some authorities make use of their legal powers in this regard to ensure income for their commercial operations. Unfortunately, technical regulations serve little purpose if the supporting conformity assessment system is weak or non-existent. Kalenga and Kirk (2003:25) maintain that in SADC, given the limited availability of financial and human resources, the emphasis should be on the regional provision of conformity assessment services rather than building specific institutions in all of the SADC member states. Pamacheche (SADC, 2003b:1) opine that '[l]imited resources do not allow each country to absorb the cost of setting up and maintaining the SQAM infrastructure alone, and there is a need to identify cost effective and efficient approaches of providing SQAM related services'. Regional work on standards, metrology and accreditation is the subject of separate SADC committees. These are discussed in due course in this thesis.

An indication of the challenges ahead for SADC can be gained from the logistics surrounding the TBT workshop itself. The workshop was donor funded (by the European Commission), as was the participation of officials from SADC member states. Even with such funding available, Seychelles, Swaziland and the Democratic Republic of the Congo (DRC) were unable to send a delegate to the workshop (SADC, 2003b:1). Urging for some caution, Davies (2008:11) argues for a revisiting of the 'regional integration programmes with a view to accelerating our cooperation and coordination agendas, in real economy areas such as infrastructure, [and] industrial policy. The same author (Davies, 2008:11) notes that 'this should be the basis upon which we eventually, and at an appropriate time, move towards a properly negotiated and constituted Customs Union'.

Subsequent research by Kruger (2003:250) concluded that '[t]here is still no indication of how many technical regulations are on the statute books in SADC member states'. The same research (Kruger, 2003:251) also identified that as far as SADC is concerned '[t]here are no reliable studies that give an indication of the increased trade that might result from a harmonised regulatory regime'. More problematic is the fact that '[t]here are also no studies that have identified the product sectors affected by technical regulations' (Kruger, 2003:251). Such a paucity of information is understandable when one considers both 'the complexity of technical regulations and the fact that the responsibility at national level is shared amongst a number of Ministries and/or Regulators' (SADC, 2003b:5). A consultancy for the SADC regional trade facilitation programme on regional non-tariff barriers was also undertaken during the same period (SADC, 2004c). The report notes (SADC, 2004c:2) that 'over the last decade', trade liberalisation and tariff reform processes have been implemented within SADC. According to the report (SADC, 2004c:2), the prevailing Non-Tariff Barriers (NTBs) were 'more arbitrary, qualitative and non-transparent.'

The reality for SADC is that most exports are subject to mandatory standards in international markets. These requirements assume the existence and availability of sophisticated SQAM infrastructure in order to prove conformance. Given the nature of the product or produce, such proof of conformance should ideally be located as close to the producer as possible. Non conforming items are then still available for local consumption. Such redirection is normally not possible if products or fresh produce are rejected at a foreign destination. The reshipment cost implications usually make a return of product to the original supplier untenable. In addition, and in the case of fresh produce, the items may have already become unfit for consumption. In order to fully understand the specific challenges involved, the SADC report previously referred to (SADC, 2003b:10) argues that SADC countries should 'be assisted in undertaking an assessment or analysis of their exports which are faced with mandatory standards in export markets and develop strategies on how to improve on their competitiveness'. A related SQAM issue is also highlighted. The report (SADC, 2003b:8) encourages SADC member states to

‘review the organizational structures and responsibilities of the different elements of standardization and conformity assessment, namely standards development, accreditation, testing, metrology and certification to ensure they meet government objectives in the most efficient manner’.

It is increasingly evident in sub regional discussions that many SADC member states agree that there is no way that they can afford the time or investment required to create the sophisticated infrastructures that exist in South Africa to cope with this issue. Qobo (2005:69) also points out that ‘the SADC integration process has been characterised by inertia and lack of commitment, including poor articulation between the political and the bureaucratic, or technical, processes’. SADC member states appear to agree that a regional solution is best but this is taking time, a commodity that is becoming increasingly scarce given the deadlines set for SADC integration. All of which points to increased regional cooperation in the search for mutually beneficial solutions. Such an environment is almost impossible to create under the auspices of the Trade Negotiation Forum (TNF) the modus operandi of which is, by the very nature of the work, confrontational. In spite of this reality, there was consensus at the SADC TBT workshop (SADC, 2003b:11) that there is a need to bring standards and technical regulations within the trade policy process, particularly to bring them up as a standing item in the TNF process. For this to happen, high level political awareness of the role of standards and technical regulations in growth and development within SADC needs further attention.

Whatever was prioritised in Windhoek in 2002 by the SADC ministers for addressing standards and technical regulations does not appear to have translated into any of urgency at the TNF. According to independent research (Kruger, 2003:250), ‘the SADC trade negotiators are still tinkering with the implementation of the SADC Trade Protocol’ with an emphasis on ‘trying to finalise the rules of origin and increase the pace of tariff phase down’. According to the same source (Kruger, 2003:250), SADC Ministers of Trade perhaps see the subject of SQAM ‘as too technical, one that should be left to their National Standards Bodies (NSBs)’. This should come as no surprise

given the NSBs overwhelmingly dominant role in the SADC SQAM domain and their close links in most cases to high political office. The role of these NSBs in SADC is covered in the next section.

4.3.3 SADC technical infrastructure coordination and implementation issues

SADC countries have been encouraged over a period of many years, often with donor support, to establish a body that creates and also participates in the harmonisation of standards. The research on non-tariff barriers in SADC previously mentioned (SADC, 2004c:2), identified that non acceptance of standards was an arbitrary NTB. The report (SADC, 2004c:2) notes ‘the lack of regional accreditation processes’ but erroneously then suggests that the remedy was to ‘[i]ncrease national investment in Standards Authorities’ (SADC, 2004c:2). Such bodies as already exist in SADC also provide a technical regulatory and inspectorate function on behalf of their government in terms of legislation. Many also provide test and/or inspection services to prove compliance with both national and, where appropriate, internationally harmonised standards. They are typically given the name of National Bureaus of Standards or National Standards Bodies (NSBs). Mutabazi (2003:4) points out that through an establishing act, these bodies were given a legislated monopoly to perform all activities related to conformity assessment. Gilmour (2002:5) also points out that ‘some of the current SADC [NSB] members are authorised to provide a complete range of standards and conformity assessment services’. Mutabazi (2003:4) also asserts that, apart from South Africa, other non NSB conformity assessment activity in SADC currently resides largely in ministries such as agriculture and fisheries.

An important global trend is that regional organisations for standards, accreditation and metrology are increasingly being seen as providing the necessary linkages between emerging regional trade blocs and the relevant international body for a specific activity. This has a major impact on developing economies and emerging regions such as SADC. In order to specifically the issue of TBT’s, SADC created an Expert Group (SQAMEG) to

specifically address Standards, Quality, Accreditation and Metrology related matters (SADCA, 2005:1). A Memorandum of Understanding (MoU) on SQAM was signed by SADC Member States in 2000 (Mutabazi, 2003:1; SADCA, 2005:1). The MoU provides for five structures to deal with the facilitation of implementation of the SADC Protocol of Trade with regard to standardisation, technical regulations and conformity assessment issues. These structures relate to the way these issues are organised at the international level. The regional activities of standards creation in Europe, CEN/CENELEC and the Asia Pacific region, PASC, have been mirrored in the SADC committee, SADCSTAN (Bentley West, 2001, 36). The individual standards body members of these organisations also form part of the membership of the International Organization for Standardization (ISO). Similar regional bodies exist for Accreditation in Europe (EA), the Asia Pacific region (APLAC/PAC) and in SADC (SADCA). Scientific and industrial metrology in Europe (Euromet) and Asia Pacific (APMP) has the counterpart of SADC MET in SADC. Legal Metrology is covered by Welmec in Europe, APLMF in the Asia Pacific region and SADC MEL in SADC. The various regional bodies are in turn related to the international bodies for accreditation, ILAC and IAF, scientific and industrial metrology, BIPM and legal metrology, OIML (Bentley West, 2001, 34; SADC SQAMEG, 2001:1). Based on experience gained since the beginning of the new millennium, there are now proposals (SADCA, 2008a:6) for two additional SQAM structures. These are a SADC Technical Regulations Liaison Committee and a SADC TBT Stakeholders Committee. The creation of the former would provide an appropriate and important focus. The latter would ensure that the views of a wider group of stakeholders are appropriately and transparently considered in future.

South Africa has strong international links with their international counterparts in all of the SQAM functional areas. As such they can provide valuable links for the rest of the region based on the confidence that has been created over a period of many years. The SQAM review (Bentley West, 2001:45) recommended that this 'ability needs to be developed and encouraged in the most appropriate fashion'. Supported by government funding channelled

through the dti and actively encouraged by their international counterparts, South Africa is taking a leading role as far as SQAM activity in the SADC region is concerned. Owing to the availability of such funding, South African organisations manage the secretariats of all of the SADC SQAM committees previously mentioned. This has been the case since the creation of these structures more than seven years ago. Although the secretariats have a fixed tenure of three years, so far no other SADC member state has volunteered to undertake management at their own cost. The SADC SQAM organisations are now discussed in more detail.

4.3.3.1 SADCSTAN standards

The broad objectives of SADCSTAN focus on the need to harmonise relevant standards for use in trade facilitation within SADC. The activity applies to both the voluntary and regulatory domain (SADC SQAMEG, 2001:4). A further objective is to assist the various SADC member states in the development of appropriate infrastructure for standards development activity. Given its age and size the South African Bureau of Standards is considered by many in and outside SADC as the leading standards development organisation not only in SADC but also the wider region. According to a report tabled in 2006 at the SADC Standards, Quality, Accreditation and Metrology Expert Group (SADC SQAMEG, 2006a:30), six hundred and sixty-three (663) standards were published by the SABS during the preceding year. Such a number easily exceeds the combined output of the rest of the SADC membership of SADCSTAN combined.

Appropriate government funding and sustainability are continual problems for NSBs in SADC as well as the rest of Africa which necessitates a constant search for additional sources of funding. Such a stark reality probably prompted the SADC TBT report (SADC, 2003b:7) to recommend that ‘SADC Member States without a National Standards Body or one that is struggling should carefully evaluate the need for a fully-fledged National Standards Body’. One of the main questions for SADC, according to subsequent research (Kruger, 2003:251), ‘is whether all countries really need NSBs. Most

of the SADC NSBs are standards takers'. De Vries (1999:7) maintains that 'the importance of standardization is growing and, because of this, the work done by standardization organizations is increasing'. The study by De Vries (1999:7) propounds that 'there are certain problems in the functioning of these organizations' as well as the 'lack of systematic research on the functioning of standardization organizations'.

The SABS actively supports SADCSTAN and currently holds the secretariat. In an interview with the immediate past chairperson of SADCSTAN (Mutasa, 2008b), mention was made of many changes that had recently occurred in the SABS. The same source (Mutasa, 2008b) noted that the efforts of the SABS staff responsible for the SADCSTAN secretariat appeared to be clearly aligned with ensuring regional progress. Such sentiments need to be balanced with those of the regional SQAM expert based at the SADC secretariat in Gaborone. In an interview in the margin of a recent SADC, EAC and COMESA workshop, the regional SQAM expert (Chinyamakobvu, 2008) noted a level of complacency amongst the other SADC members who expected South Africa to do a lot of the SQAM related work.

A fundamental decision by the SADC member states is that regional standards will be based on international standards (Bentley West, 2001:109, Visser, 2008). The South African influence is evident in a report on the activities of SADCSTAN published by Standards South Africa, a division of the SABS, in 2007. The report (Standards South Africa, 2007:3) declares that '[s]ince the establishment of SADCSTAN, South Africa has made a considerable contribution through the identification of new projects for harmonisation'. It continues '[t]o date, about 63 projects have been harmonized, most of which were proposed by South Africa'. Self-interest is barely concealed in the same report (Standards South Africa, 2007:2) that announces that '[s]ince most of the SADC harmonized standards are based on South African National Standards (SANS) and international standards, there is no conflict between SANS and the SADC harmonized texts'.

4.3.3.2 SADC MET

The importance of metrology as a vehicle to promote confidence in trade has been understood in SADC for a very long time. Research was commissioned as far back as 1994. The SADC Industry and Trade Coordination Division (SITCD), then based in Tanzania, commissioned a local expert from the Tanzania Bureau of Standards to undertake a study on a metrology system for SADC. Interestingly, on a visit to the African Regional Organization for Standardization (ARSO) at that time (Makando, 1994:18), SADC was encouraged to ‘draw substantially from ARSO experience and its documented models of regional cooperation’. The role of ARSO is covered later in the research. Recommendations flowing from the study (Makando, 1994:20) were that ‘the accumulated know-how and experience in South Africa and Kenya be used to the benefit of all SADC Member States’. The research (Makando, 1994:20) also recommended that certain existing capabilities in Angola, Tanzania, Zambia, Zimbabwe and Mozambique be ‘given active support in capacity building to enable them to offer such services to other states. The report (Makando, 1994:21) offered a comprehensive programme of action for the ‘evolution and sustenance of a SADC Metrology System’ which was offered for ‘consideration for implementation’. There were no tangible or sustainable outcomes, as far as can be determined from the resultant recommendations.

A major objective of the SADC cooperation in scientific and industrial metrology (SADCMET), according to McDowell (1997:157), is to promote the equivalence of measuring standards within the region and thus remove any technical barriers associated with physical measurements. The same author (McDowell, 1997:157) notes that ‘to achieve this goal will take many years as mere membership of SADCMET will not imply equivalence of standards’. The National Metrology Institute in South Africa (NMISA) is the only SADC based organisation currently the country of which has signed the metre convention. NMISA is also the only metrology laboratory in SADC and one of only two in Africa that actively participates and is recognised in terms of the global Mutual Recognition Arrangement (MRA) between the national metrology institute members of the CIPM.

NMISA is actively pursuing the establishment of mutual recognition of measurement standards within the SADC region, with an ultimate objective of obtaining international recognition for SADC MET. NMISA also has a major responsibility as ‘the key reference laboratory for SADC MET in international comparisons’ (Bentley West, 2001:164). As previously mentioned in paragraph 4.2.6.2, NMISA has many CMCs detailed in the Key Comparison Data Base (KCDB). These provide independent evidence of both its competence and international recognition. NMISA has also chosen the route of accreditation to support its work, a decision that has been supported by SADC MET who have agreed that would use the same methodology as the RMO for NMIs in SADC (SADCA, 2008a:10).

The challenge is that the majority of the members of SADC MET come from National Standards Bodies. De Vries (1999:49) notes that ‘all standards collections include standards for units of measurement’. While historically it was acceptable for bodies to perform multiple responsibilities, sentiments have changed. The study by De Vries (1999:49) identifies that the preferred methodology is that a ‘specialized institution should keep the primary (physical) measurement standards of the country’. As ‘[c]ontroversies may arise between standardization and metrology’, the same author (De Vries, 1999:128) argues that ‘in a mature economy an institutional separation is better, as it reflects the differences in character of these responsibilities’. Unfortunately, there is no explanation of the nature of such a mature economy or how one should deal with the inherent difficulties in the meanwhile.

4.3.3.3 SADC MEL

The legal metrology bodies of the members of SADC cooperate under the umbrella of the SADC Cooperation in Legal Metrology (SADC MEL). According to Bentley West (2001:221), ‘[t]he emphasis in the region is on legal metrology, with trade metrology being a subset’.

The broad objective of SADC MEL (SADC SQAMEG, 2001:10) ‘is to harmonize the legal metrology legislation amongst member states’. The group

also aims to assist one another in developing the relevant laboratories and in training technical staff. The harmonisation of legal metrology legislation is no trivial task. Thornhill, et al. (2002:11) point out that the ‘colonial powers that ruled each of the SADC countries before independence established its [sic] own political, executive and judicial institutions according to their own policies e.g. Great Britain in the case of South Africa, Botswana, Malawi, Swaziland, Zambia, Lesotho and Zimbabwe; Germany in the case of Namibia although South Africa also played a significant role for a number of years; Portugal in the case of Mozambique and Angola, and Belgium in the case of the Democratic Republic of Congo’. Carstens (2002:46) reports that ‘[m]ost SADC countries still have the legal metrology system originally entrenched in the colonial era with predominantly Central Government control’.

Table 4.1: Status of legal metrology in SADC member states (Carstens, 2002:46)

| Status | Countries |
|--|---|
| Almost no legal metrology legislation or infrastructure | Angola Lesotho Mozambique |
| National legislation (not SADC harmonised) and regulatory control of simple/basic instruments for mass, volume, and length of goods | Botswana DRC Malawi Namibia Seychelles Swaziland Tanzania Zambia |
| National legislation (not SADC harmonised) and regulatory control (inspection and verification) of more sophisticated instruments for mass, volume and length of goods | Mauritius South Africa |

Chapman, Gakuru, and de Klerk (2003:1526) point out that post colonial states in SADC as well as the rest of Africa ‘inherited an institutional framework that was foreign not only in that it had been imported from another part of the world’ that was ‘foreign to their culture and needs’. An inventory of the status of the structures in each country was undertaken as a project early in the life of SADCMEEL. Carstens (2002:46) notes the progress in the various member states as at 2002. The legal metrology activity per SADC member state in 2002 is reflected in Table 4.1 on the previous page. Unfortunately little has changed since then.

4.3.3.4 SADCA

The work of SADC-wide accreditation began in July 1997 with the creation of a small task group by the SADC appointed committee on accreditation, SADCA, where all member states are represented (SADCA, 2005:2). The task group led by Tanzania and consisting of senior expert members from Botswana, Namibia, South Africa and Zimbabwe held many sessions funded by the South African dti. The task group was replaced by the establishment of a Project Management Committee (PMC) at the annual meeting of SADCA in 1993 (SADCA, 2005:3). The PMC was mandated by SADCA (2005:3) to ‘mobilise funds and coordinate the implementation of...projects on behalf of SADCA’. As the SADC model for accreditation evolved into a formal project plan, presentations and discussions were also held with representatives of appropriate international bodies such as ARSO, ILAC, APLAC and EA (SADCA, 2005:2). In this manner (SADC SQAMEG, 2001:8) ‘the model was progressively improved so as to comply with the current requirements for Mutual Recognition of other international and regional accreditation bodies’.

The broad objectives of SADCA are to assist member states in defining a suitable national accreditation infrastructure. One of the original aims (SADC SQAMEG, 2001:8) was ‘to enable them to access accreditation services from other members having well developed and internationally recognised National Accreditation Bodies’. Gilmour (2002:5) has noted that in many cases, the

enabling national legislation that created NSBs ‘may lead to conflicts of interest’ given the need for independent accreditation of conformity assessment activity. It is therefore important that such conflicts were addressed as part of a medium to longer term, regionally developed, strategy for accreditation.

At present, there is only one internationally recognised National Accreditation Body, SANAS in South Africa, in the SADC region. Another local body, MAURITAS based in Mauritius, is making very slow progress for various reasons in working towards such status. De Vries (1999:130) points out that ‘[t]he direct target group of accreditation is small, namely, testing and certification bodies and laboratories, and only a few standards are concerned’. Sharing similar insights, coupled with the regional sensitivities towards South African dominance, the SADCA committee decided that the most cost-effective solution to regional accreditation needs would be to investigate the creation of a regional model.

It was decided from the outset (SADC SQAMEG, 2001:8) that such a model ‘should be capable of meeting the short, medium and long-term accreditation needs of the individual member states and of the region’. Prevalent methodology in the European Union requires individual public funded bodies in each member state. Such a requirement has also been used as part of the pre-conditions for the accession of new member states. The United States encourages competition and therefore has multiple bodies. The same philosophy is evident in Japan. Such variation in application has already started to negatively impact on the trust that is so critical at the international level. Europe, on the other hand, does not want to rely on competitive activity to provide such an important element of assurance in technical infrastructure. The USA, on the other hand, do not want further public managed bureaucracy that, in their opinion, adds additional cost to doing business. The SADCA accreditation project is therefore groundbreaking in that no other part of the world has attempted to provide an accreditation service as a cooperative venture among nations.

One of the issues at the outset of SADCA was the fact that twelve of the fourteen member state representatives on the governance committee were from member state NSBs. Such a fact is problematic. NSBs, as a supplier of commercial certification services, are an important customer for accreditation. Given the problems of trust at the international level already mentioned, SADC could not afford to create any mechanisms that would not be seen as totally impartial. Another complication was that foreign based and European accredited, multinational, certification companies were taking market share from some SADC member state NSBs. Such a scenario created an immediate demand by SADC NSBs for accreditation of the certification related services that most of them offer. Serious doubts on the integrity of SADC accreditation would be experienced if it were to be dominated by the same NSBs. De Vries (1999:130) argues that “[a] combination of accreditation and testing/certification should always be avoided’ for much the same reason. The identification of ‘National Accreditation Focal Points’ (NAFPs) with responsibility for accreditation in each SADC member state was identified early in the project as a key intervention (Mutabazi, 2003:5). It was also important that such a responsibility be formally recognised by the respective governments. Official confirmations from all SADC governments regarding appointments of their NAFPs were received during 2004 (SADC SQAMEG, 2005:2).

A significant amount of training and skills development was directed at the NAFPs once they had been formally nominated by their governments. A five day workshop was initially held in South Africa in 2003 for NAFPs with input provided by Norwegian, Australian and South African experts (SADC SQAMEG, 2004:2). The workshop covered aspects such as world trade, conformity assessment and international accreditation requirements (SADC SQAMEG, 2004:2). The workshop was followed by donor supported, two week, attachments for individual NFPs at three internationally recognised accreditation bodies, operating in three different regions (SADC SQAMEG, 2004:2). The Norwegian Accreditation body (NA) provided insights from a European perspective. The Australian body (NATA) provided different insights from the Asia Pacific region. The South African body (SANAS) was used to

provide insights closer to home. A follow-up session after the attachments were completed allowed the NAFPs to share and build on their experience. Mother tongue training in Portuguese was also provided for the NAFPs from Angola and Mozambique at the Brazilian Accreditation body, INMETRO. Similar training in French was arranged for the NAFP from the Democratic Republic of Congo at the French Accreditation body, COFRAC.

In order to further engage senior officials from the REC, Mutabazi (2005:1) notes that several SADC member state Permanent Secretaries (PMs) of the Ministries of Trade and Industry were invited to South Africa in 2004. They met with the PMC and NAFPs in the margins of a series of international accreditation meetings being held at the same time (SADC SQAMEG, 2005:2). The PMs were informed about the accreditation project and the need to officially launch and support their respective NAFPs (Mutabazi, 2005:1). The PMs expressed their gratitude (SADC SQAMEG, 2005:2) for the information provided about the SADCA projects and 'promised to support their NAFPs'. Subsequent experience has been variable. When challenged over two years later on lack of progress, many NAFPs (SADCA, 2007:4) complained that they have other duties as well. Others (SADCA, 2007:3) had replaced the originally appointed NAFP but had not been provided with any background or training from the previous incumbent. Marobela, the SADCA Chairperson, (SADCA, 2007:11) noted that there were still NAFPs that had not been officially launched in spite of the availability of donor funding to assist in such an important marketing task. Marobela (SADCA, 2007:11) also pointed out that member states were being requested to appoint 'a second NAFP with a view to increasing the human resource base'. The finalisation and SADCA endorsement of a detailed job description provided by the PMC in 2008 (SADCA, 2008b:5) was also considered as a possible solution to ensuring that suitable NAFPs were appointed in future. An accreditation model for SADC has therefore gradually evolved (SADCA, 2005:2).

According to Article 10.2.(a) of the SADC MoU, 'SADCA is empowered to identify and implement a regional system of cooperation in the area of accreditation which complies with international practice while taking into

account the specific circumstances, opportunities and needs of the Region and of the Member States'. The project led to the creation of a model for providing accreditation regionally called SADCAS. The role of SADCA is distinctly different. SADCA remains the SADC mechanism for all accreditation bodies in the region to interact with each other. SADCA also provides a conduit for SADC representation for accreditation at the international level. The ultimate aim of SADCA is to create a SADC mutual recognition arrangement amongst the SADC based accreditation bodies that would be accepted internationally. Such a role would mirror the regional activities in Europe (EA) and in the Asia Pacific Region (APLAC).

4.3.3.5 SADCAS

The SADC Accreditation Service (SADCAS) is a SADCA project aimed at the creation and implementation of a regional accreditation body. It was conceived as a low risk cooperative mechanism to create a technically sophisticated accreditation infrastructure for SADC. The sharing of scarce resources among the different SADC member states would allow participation and knowledge sharing without each state having to bear the cost of creating their own bodies. The question arises as to whether the creation of SADCAS prevents SADC Member States from creating a national infrastructure if future needs prove that such a route is desirable (SADCAS, 2007:1). SADCAS will not compete with existing or future national accreditation structures. According to Kaakunga (2004:1), SADCAS 'must meet the relevant international standards in order to comply with Article 10.2 (a) of the SQAM MoU. The latest standard is the ISO/IEC 17011 standard [which] provides that an accreditation body shall be a registered legal entity. Thus, in order to meet the "legal entity" requirement of ISO/IEC 17011, the proposed accreditation body must be registered'. After several discussions with the SADC secretariat in Gaborone, it was decided to base SADCAS on the SADC Principle of Subsidiarity. Simultaneously, SADCAS was successfully registered in 2005 as a private, not for profit, company 'under the companies' laws of Botswana e.g. where the SADC Secretariat is based' (Kaakunga, 2004:4; SADCAS, 2008c:1).

The subsequent application for SADCAS to become a Subsidiarity organisation of SADC was approved by the SADC Council of Ministers on 7 August 2007 (Mutasa, 2008a:1; SADCAS, 2008c:1). Kaakunga (2004:3) offers a detailed report on what SADCAS now needs to do to formalise the partnership with SADC. The major steps are now explained. First will be the need to conclude a SADC/SADCAS Memorandum of Understanding (MoU) which is already in an advanced state of preparation (SADC, 2008b:1). After which it is expected that the SADC Executive Secretary will issue letters of introduction as a way of assisting in performing the work. Another step forward will be when the SADC Council of Ministers, based on a recommendation of the Integrated Committee of Ministers (ICM), determines which of the SADC meetings that SADCAS be invited to attend and the conditions of their participation in such meetings. The Executive Secretary of SADC also needs, through the ICM, to recommend to Council, the categories of SADC information which SADCAS may have access to. With the formalities out of the way, the various activities just described will take place in due course.

The NAFPs referred in the previous section are an important resource for SADCAS. The business plan of SADCAS (SADCAS, 2008b:32) proposes that the NAFPs are 'the administrative links between SADCAS and clients in the relevant Member State'. A meeting between the newly appointed CEO and the NAFPs took place in November 2008 to discuss the intended future relationship and various responsibilities (SADCAS, 2008a:7). Such progress has not only attracted attention from other parts of the world but has also unlocked significant amounts of Norwegian donor funding. The funding has allowed SADCAS to recently become operationalised; a CEO and technical manager together with administration support staff have now been appointed (SADCA, 2008:6; SADCAS, 2008a:1). The role of SADCAS in supporting Technical Regulations in the various SADC member states is considered to the next major hurdle.

4.3.3.6 SADC conformity assessment activities

Nwafor (2003:2) confirms that, post independence, most SSA countries, in line with many other African countries ‘embarked on a public–sector approach to economic development’. Such a strategy led to the creation of a multitude of State Owned Enterprises (SOEs). The end result has been that ‘the public sector became the vanguard of economic development whereby the state not only provides the traditional function of delivering public goods and services, but also engages in the production and distribution of private goods through SOEs’ (Nwafor, 2003:2). This infrastructure also exists in SADC. Another complication (Kruger, 2003:251) is the lack of the ‘complete picture of the size, number and competence of conformity assessment service providers in SADC’.

In order to meet market needs while ensuring financial sustainability, some state funded NSBs in SADC member states have, over time, created conformity assessment related capacity such as laboratories and certification services. Such technical capacity creation has, in some cases, been diametrically opposed to efforts to promote longer term technical sustainability. This is especially true regarding the promotion of an appropriate private sector involvement in conformity assessment. Such a situation is not altogether surprising. The Committee on Technical Barriers to Trade of the WTO meeting in 2003 noted that the second triennial review of the agreement on TBT (WTO TBT, 2000:6) had found ‘the existence of different mechanisms to facilitate acceptance of results of conformity assessments’. The same meeting re–iterated that ‘it took a long time for a country to develop a national conformity assessment system’ (WTO TBT, 2000:8). Such a lengthy and expensive activity together with the increasing trend of local adoption of internationally harmonised standards does place the future role of such NSBs in question. Developing countries are normally standards takers not makers. The cost of overprinting an international standard, and then distributing such as a local agent, is relatively small compared to the typical annual budget of such a body. The counter argument is that, especially in developing countries, many of the experts involved in the

development of such standards, either locally or internationally, and their subsequent interpretation and assessment are specialist public officials, employed and trained by such bodies.

With reference to Botswana, Mothusi and Dipholo (2008:247) note that ‘the Botswana Bureau of Standards (BBS) will continue to ensure that manufacturers produce goods of high quality for satisfaction and penetration of the domestic, regional and international markets’. The role of the state owned BBS as both standard setter and state funded market inspector is evident. The same authors (Mothusi & Dipholo, 2008:247) argue that ‘the competitiveness of countries in the international market is greatly determined by the quality of their products as well as the level of efficiency of private firms’. The efficiency and impact on the economy of the activities of the BBS are not questioned. The conformity assessment services provided by the South African Bureau of Standards, especially certification, have not been restricted to South Africa – a fact which has not always been welcomed in other SADC states particularly those with, or trying to establish their own, bureaus of standards with similar objectives and certification offerings. Findings from De Vries (1999:49) indicate that some NSBs ‘earn more than 50% of their income from activities in the area of testing and certification’. It has not difficult therefore to understand why the activities of the SABS outside of South Africa have led to a certain amount of tension within SADC especially in the past.

The other extreme is seen by Kruger (2003:251) who remarks on the use by some SADC countries, and indeed many African countries, of pre–market approval for imports. Such activity relies on conformity assessment by third party authorised bodies to establish compliance with technical regulations. Pre–shipment inspection is compulsory in at least the following SADC countries – Angola, DRC, Malawi and Mozambique. These governments use the services of specialist, foreign based, pre–shipment inspection firms. Such activity is encouraged by SADC experts (SADC, 2003b:7) who maintain that ‘[w]here suppliers’ declaration of conformity cannot be used either due to the risk involved or a weak product liability regime, SADC Member States should

seriously consider utilizing independent third party conformity assessment service providers in all technical regulations'. There is a caveat however (SADC, 2003b:7), '[s]uch service providers should however be appropriately accredited'. Experience has shown that if such service providers are not appropriately monitored, the results can be extremely variable even though a premium is paid for the service.

There are still huge areas of SQAM-related technical infrastructure that need to be addressed. According to Davies (2006a:1), '[t]he most credible analytical work on regional integration that I am aware of, has argued that in regions of developing countries many of the major barriers to promoting intra regional trade, ...arise from...under developed production structures and inadequate infrastructure'. At the SADC TBT workshop (SADC, 2003b:11), participants shared the experiences surrounding technical assistance on SQAM activities. The workshop (SADC, 2003b:11) felt that, in most cases, 'the benefits from these support interventions were limited and unsustainable. A key reason for this has been the lack of national ownership and policy commitment to influence and sustain the outcomes positively'. The same participants were encouraged to identify the essential elements for an effective programme of technical support. The key issues were identified as (SADC, 2003b:11) the creation of an appropriate regulatory and policy framework to guide subsequent technical support programmes. Encouraging local ownership and participation including maximum use of national and regional expertise as part of intra-regional programmes using one another's capacities was also raised. Any proposed interventions should facilitate consultation among regional stakeholders to ensure that such activities are demand driven. High level political support of technical assistance activities was also identified as a key success factor together with the need for better coordination of programmes of technical support among bilateral and multilateral donors. Interventions should be specifically targeted to deal with language barriers. Recent meetings of the four SQAM structures in SADC (SADC, 2008a:3) argue the need for more resources for translation of documents into French and Portuguese. Such translations would enable experts from all SADC countries to meaningfully participate in the regional

work. The differentiation of language groups (Portuguese, French and English) for training and related capacity building programmes was also considered to be a critical factor for future success for similar reasons (SADC, 2003b:11, SADC, 2008a:3).

Given the perceived need for training that is continually raised in SADC technical workshops and meetings, De Vries (1999:173) points out that this is how '[t]ens of thousands of consultants all over the world earn their living'. This gives rise to potential problems, according to De Vries (1999:244), that '[c]onsultancy firms often have a stake in making standards difficult'. A further difficulty with the use of donor provided consultants, in the SADC context, is highlighted by Chapman et. al. (2003:1542), who report that 'international consultants do not stay long enough to implement their recommendations'. A further governance-related problem is that such consultancies are normally 'not accountable to the local citizens and do not have to deal with the consequences of the policies they introduce' (Chapman, et. al., 2003:1542).

Most of the experts involved in technical projects in SADC come from sub regional NSBs. De Vries (1999) surmises why this is so. De Vries's (1999:129) proposition is that officers involved in NSB testing and certification activities also 'experience the applicability of the standards concerned and can use this experience when revising the standards or preparing related ones'. De Vries (1999:129) also however sounds a note of caution regarding the work of such NSB staff by adding: 'much more than in the case of metrology, there is a danger of conflicting interests.' Given the very direct and personal impact on these individuals, it is understandable why the appropriate transformation from a majority of public to an appropriate mix of public/private sector conformity service provision is taking so long. One suggestion (SADC, 2007:4) for making progress is to create a fifth SQAM structure that would concentrate on conformity assessment issues such as calibration, testing, certification and inspection. It has been agreed (SADC, 2007:4) that an analysis be carried out on the need for such a structure. To date there has been no output in this regard owing to the fact that the person tasked with the work has other major responsibilities. The expectation that such a major

investigation could be done in spare time with no funding support is unrealistic. Careful consideration of the potential impact of a public-to-mixed-service provision transformation strategy will also need to address the concerns of and impact on the individuals from NSBs that would be directly involved.

4.3.4 SADC SQAM governance and coordination

Opening national markets is a strategic imperative. There are important roles for national government and the public sector. Increasingly there is also a need to include a wider group of stakeholders. Sørensen (2006:195) points out that 'regulation and control is no longer a sole preserve of states'. Although remarkable progress has already been made, there is still a general lack of awareness of international trade issues and the related use of standards, metrology, conformity assessment and accreditation remedies within the SADC region. SADC has therefore created an Expert Group to deal with the issues of Standards, Quality assurance, Accreditation, Metrology (SQAMEG) and related technical matters. The creation of such a committee recognises the continual need to build confidence among SADC member states in the competence of bodies dealing with the entire subject of conformity assessment (i.e. testing and calibration laboratories, certification and inspection bodies). Internationally, this confidence is increasingly being achieved through accreditation of such bodies against internationally recognised guides, standards and specialised technical interpretative documentation. Regionally, there is still a tendency in some instances to legislate competence by specifying the organisation where tests are to be carried out, normally the domestic NSB.

Historically, much effort at the SQAMEG meeting has been focused on training for such NSB staff themselves. The appointment of a full-time regional SQAM expert based in Gaborone occurred in 2007. A significant increase in cooperation between the regional SQAM structures was evident almost immediately. There is still however a major lack of an integrated SQAM strategy for SADC. Such a strategy would not only list the various

tasks and projects in a prioritised manner but also suggest possible sequencing of projects across the various SQAM structures. Such a project would also allow SADC to identify gaps in the identified activities that currently need equitable attention. Without such a plan, there is a real danger that the focus of SADC technical projects would be driven by the existing SADC SQAM committees based on their perhaps limited understanding of the holistic needs. Such a role should be managed through the SADC secretariat, tasked (SADC, 2004a:88) to 'play the role of advisor and facilitator in ensuring that appropriate interventions are implemented, and supplementary programmes are developed to ensure that set targets are met or that changing scenarios are being addressed'.

The addition of a donor funded SQAM expert on a full time basis to the staff in Gaborone should definitely assist in providing such support to SADC SQAM. The lack of understanding at the relevant political levels within SADC is underlined by a remark made by the SADC secretariat at the SADC TBT workshop. The workshop (SADC, 2003b:9) was reminded of the 'need for the SQAM institutions to demonstrate their linkages to economic and trade policy, sustainable development and poverty alleviation and issues of market access and competitiveness'. Such an approach encourages technical experts to promote and deliver on narrow interests rather than being required to act together in achieving more strategic goals. The SADC SQAM expert (Chinyamakobvu, 2008) has also pointed out that, in general, SADC members are reluctant to assert themselves internationally, and that without South Africa's involvement the SADC SQAM environment 'would be a struggle'.

Another important aspect that has so far been neglected is a SADC view on appropriate issues at the WTO Committee on Technical Barriers to Trade. The SADC TBT workshop (SADC, 2003b:11) concluded that 'SADC Member States should find a better way to coordinate their engagement' with the WTO TBT Committee. The same meeting (SADC, 2003b:11) did however note that such coordination 'should be supported by better coordination at national levels'.

4.3.5 REC SQAM cooperation

According to a SADC Trade Facilitation report (SADC, 2004c:55), the member states have to 'increase the pace of regional harmonisation and trade facilitation'. One way to make significant short-term progress within Africa towards achieving such an aim would be to work with like-minded RECs. There have been some recent and encouraging developments as far as closer sub regional (REC) cooperation in SQAM within Africa is concerned. A tripartite summit of heads of state and government of the members of COMESA, EAC and SADC, held in Uganda in 2008, resolved (2008:3) that 'the three RECs should immediately start working towards a merger'. The objective of such a merger (COMESA-EAC-SADC, 2008a:3) is 'fast tracking the attainment of the African Economic Community'. The consequences for African SQAM were rapid. A technical workshop, focused on closer cooperation in SQAM among the three RECs, was held in Kenya only five days later. According to the Aide Memoir used to appeal for the meeting (COMESA-EAC-SADC, 2008b:1), the workshop built on the desire of the senior officials of all three RECs to harmonise programmes while avoiding duplication and rationalising the use of resources. A task force meeting of SQAM experts from the three RECs was held in June 2008 in Mozambique and chaired by SADC. The task force noted (COMESA-EAC-SADC, 2008c:3) the adoption of a trilateral MoU (COMESA-EAC-SADC, 2008d) in SQAM by both COMESA and SADC and that the EAC 'had still to confirm acceptance of the draft' (COMESA-EAC-SADC, 2008c:3). The record of the task force (COMESA-EAC-SADC, 2008c:2) highlights the emphasis by COMESA and EAC on harmonisation of standards while it is clearly evident that substantial technical capacitation focused also on metrology and accreditation has been already achieved in SADC. Both COMESA and SADC experts to the task force (COMESA-EAC-SADC, 2008c:2) reported on the problems for SQAM-related work regarding multiple official languages within their RECs. The final communiqué of the tripartite summit of heads of state (COMESA-EAC-SADC, 2008a:6) issued in Uganda specifies that the record is in English, French and Portuguese- 'all texts being equally authentic'.

Given the potential for such an emotive issue as language to create obstacles in future, it is curious that the draft SQAM MoU (COMESA–EAC–SADC, 2008d) is written in English. While specifying SQAM–related aspects of cooperation, it completely ignores the language issue. Discussions with two SQAM experts within SADC revealed some interesting perspectives on language. In his involvement with standards–related work at both the international and African level, Visser (2008:3) has noted Anglo–and Francophone colonial alignments due to ‘historical governance models’. Visser (2008:3) discounts such alignment as a current driving force and ascribes such tendencies to ‘comfort in a particular mother tongue, rather than sinister forces at work’. In the work related to SQAM issues at the SADC secretariat, Chinyamakobvu (2008:2) has encountered ‘no problem at the technical level’ but adds that ‘different traditions do cause much frustration at the Political level’.

Another interesting point regarding the recent COMESA–EAC–SADC initiative is that it appears to be driven by the efforts of the three RECs themselves. The four documents that were obtained (COMESA–EAC–SADC, 2008a, 2008b, 2008c & 2008d) all refer to the three parties involved as RECs. Although there is a passing reference to the African Union in the communiqué of the summit (COMESA–EAC–SADC, 2008a), there is none whatsoever of NEPAD, or its present or intended role, in any of the referenced documentation .

PART III

4.4 NEW PARTNERSHIP FOR AFRICA’S DEVELOPMENT (NEPAD)

Of the various developing regions in the world, Chapman, Gakuru, and de Klerk, (2003:1544) note that ‘sub–Saharan Africa seems the one hardest hit by a range of social and economic problems. An interesting insight in this regard is provided by Kuye (2006:6) who comments that ‘capitalism came to these societies from outside rather than resulting from their internal dynamics’. Whatever the original underlying causes might be to the problem,

Mills (2002:48) argues that 'African states cannot afford to disengage from the forces (and benefits) of globalisation'. Massamba, Kariuki and Ndegwa (2004:33) agree but contend that part of the solution will require 'a leadership embodying an understanding of national interest embedded in the logic of the global economy and intent on making globalization a strengthening process for Africa'. Although theoretically sound, attempts at implementation would need to be tempered by the knowledge that 'there have been 18 African developmental initiatives over the past 20 years' (Mills, 2002:49).

The resultant outcome of the myriad previous interventions has seen Africa make little positive progress. In highlighting the challenges of Africa in international trade, the South African Department of Trade and Industry (the dti) (South Africa, 2001:1) points out that '[t]he African continent continues to be by-passed by the massive growth of world trade over the last half century'. The same source (South Africa, 2001:1) notes that '[d]uring 1948 to 1998, the share of Africa in world merchandise exports fell consistently from 7.4 percent to around 2 percent'. The document entitled 'Millennium Partnership for the African Recovery Programme (MAP)' (s.n.:7) argues that Africa's integration into the world economy was 'as a supplier of cheap labour and raw materials'. The same document (MAP, s.n.:10) points out that Africa, in the main, contributes 'passively' to globalisation due to its 'environmental and resource endowments'.

With reference to development aid programmes to African countries, Kuye (2006:4) posits that '[o]ften there is no consideration for country-specific issues'. The dti (South Africa, 2001:2) report that 'past trade liberalisation efforts in Africa have been characterized by frequent policy reversals, not least because these programmes were externally imposed and lacked national ownership'. Evidence of the unintended and major negative consequences of structural adjustment programmes administered by the IMF and the World Bank in Africa is provided by Draper and Khumalo (2005:5) who comment that such programmes often 'result in a situation in which preference dependent commodity exports often do little more than service external debt repayments'. Gaining an accurate picture as far as African

technical development and its appropriateness is a far from trivial task. Ojienda (2005:40) points out that 'it is difficult to find updated or any sources (primary or secondary) on the topic'.

Lack of careful consideration of the potential impacts of interventions within Africa is discussed by Nwafor (2003). In discussing the impact of structural adjustment policies in SSA, Nwafor (2003:1) notes previous experiments by 'many SSA countries and their donor partners' at 'revitalization of institutions by reducing the size of the public sector (retrenchment, closure and privatization or contracting out), as well as promoting private sector activities (removing government impediments to enterprise, including state monopolies)' (Nwafor, 2003:8). He (Nwafor, 2003:1) declares that 'so far, the results were mixed'. That this was definitely not the expected outcome is underlined by Altenburg and von Drachenfels (2006). These authors (Altenburg & von Drachenfels, 2006:396) state that 'exponents of the Washington Consensus have always claimed that deregulation and a business-friendly investment climate are good for public welfare'.

Research by Tchané (2006:6) states that many African development initiatives are premised on the assumption that the 'private sector must be the engine of sustained higher growth'. The same author (Tchané, 2006:6) alludes to the inherent difficulties by mentioning that 'World Bank studies show 16 of the 20 countries with the most difficult business climates are in sub-Saharan Africa'. Botswana can provide valuable insights with regard to public-sector-driven private sector development according to a study by Mothusi and Dipholo (2008). Mothusi and Dipholo (2008:248) argue the need for a focus on improved 'efficiency and effectiveness in the delivery of services rather than curtailing the powers of the state or substituting it with the private sector as it has been the case in some of the developing countries'.

Advice and assistance from the IMF and World Bank should be avoided, according to Ginsberg (1998). Ginsberg (1998:162) argues that such projects are 'textbook-oriented' and have not resolved 'many other African countries' problems'. Chapman, Gakuru, and de Klerk (2003:1546) comment on the

need for efficient policies in recipient countries if desired reforms are to be achieved. Mills (2002:225) asserts that there should also be an acceptance of ‘the need to encourage a variable regional geometry by which some states integrate faster than others’. Developing countries are, according to Otsuki, Wilson and Sewadeh (2001:10), ‘vulnerable to regulatory changes in developed countries’. Such vulnerability in developing countries is in part ‘due to a relative scarcity of public resources to finance compliance with new and more restrictive sanitary and phytosanitary standards (Otsuki, et. al., 2001:10). The same authors (Otsuki, et. al., 2001:18) note that ‘[o]ur results suggest several areas for consideration in a public policy context’. Such issues are addressed later in this study.

The need to share appropriate information within the continent is foundational to any activity that seeks to address the many SQAM–related technical issues. Some of the benefits of such a pooling of information are identified by Ojienda (2005:22) who maintains that such activity could lead to ‘increased adoption of best practices and standards and also accelerating the integration of the economies of participating countries’. Higher levels of trust, a potential and positive side effect of such information sharing would, according to Ojienda, 2005:22), ‘also increase opportunities for intra–country trade and investment, physical infrastructure, production systems and structures as well as fostering common African positions for negotiating with other regions’. Although logical, such collaborative activity is not automatic. Kuye (2006:16) observes disappointedly ‘that several African states have in one form or the other forgotten the implications of collaboration with the aims of continental development’. Kuye (2004:463) had earlier identified the need for versatility in the apportioning of NEPAD projects by ‘avoiding a strict regional quota system’. An important decision criterion for NEPAD projects, according to Kuye (2004:463), is to ensure that initiatives are ‘demand driven’. Another critical prerequisite ‘for transitioning from survival to development, developing modern regional infrastructure and integrating with the community of developed states’, according to later work by the same author (Kuye, 2006:11), is the ‘efficient use of resources’.

Previous interventions in Africa have unfortunately not consistently produced the desired results. One reason could be the lack of appropriate regulatory integration between African states. Prosser (2006:375) argues that ‘the current processes do not see regulation as an organic process that requires a balancing of competing values...but rather as a set of individual interventions that impose technical limitations on the functioning of markets’. De Bruijn and Dicke (2006:723) remind us that the ‘rules, drawn up by the government, have to be interpreted in thousands of individual decisions taken each day as part of “everyday” operational management. In all those decisions, a balance has to be struck between conflicting values...’.

Looking at the problems in Africa, Kennedy and Hobohm (1999:13) state that ‘[p]ublic institutions are needed to support the private sector, but in a new role as promoters and regulators, not usually in providing direct services’. These authors continue: ‘as this role is new for institutions in many African countries, they often need to be upgraded and to redefine their functions in light of the changed role of the state and the effects of globalization.’ Regional integration, according to Kotze and Steyn (2003:82), is urgently needed to foster an environment for the ‘socio–economic upliftment of Africa’ by means of sustainable development. Herbert (2004:10) points out that activities need to take place at the ‘continental, regional and national levels’. These activities are joint negotiations/pressure on the world, re–organising continental institutions, driving regional projects, learning how to solve African problems and managing delivery (Herbert, 2004:10). The challenge for Africa and Europe, opines Vickers (2007:18), is ‘to transcend their traditional donor–recipient relationship and forge a meaningful partnership in support of the continent's development’. The same author (Vickers, 2007:18) argues ‘that China sees Africa as an opportunity, whereas for Europe it is a problem to be managed’.

The NEPAD programme, according to Ngoatje (2006:189), outlines ‘a comprehensive and integrated development approach’. Several authors (Nabudere, 2002:5; Gottschalk & Schmidt, 2004:148; Ojienda, 2005:3; Nwonwu, 2006:2) note that NEPAD is the brainchild of a few but powerful

African leaders. These are Thabo Mbeki (past President of South Africa), Olusegun Obasanjo (past President of Nigeria), Abdelaziz Bouteflika (President of Algeria), Hosni Mubarak (President of Egypt) and President Wade of Senegal. These leaders, according to Ojienda (2005:5), share a common conviction that their nations urgently need to participate actively in the global economy as part of a strategy to achieving sustainable growth and development. Nwonwu (2006:2) points out that NEPAD is marketed as a regional 'organic political product' the aim of which is to move Africa out of its 'past developmental limbo'. According to several authors (Kotze & Steyn, 2003:113; Gottschalk & Schmidt, 2004:149; Brown, s.a.:1; Mukamunana & Kuye, 2005:591; Makgalancheche, 2006:81; Ngoatje, 2006:21; and Nwonwu, 2006:2), NEPAD's uniqueness stems from the fact that Africans now lay claim to ownership, accept responsibility and are willing to be accountable for a development agenda in a new partnership with the more developed world. A major success of NEPAD, according to Gottschalk and Schmidt (2004:154), has been 'to keep Africa on the international agenda and even attract additional funds'.

So what exactly is NEPAD? Brown (s.a.:1), Kotze and Steyn (2003:82) and Efretuei (2005:298) concur that it is a policy framework for the AU providing a strategic framework whose aim is to both develop and integrate the region into the global economy. Nabudere (2002:4) argues that NEPAD 'is part of a process of setting in motion the new institutionalisation' that aims to place 'Africa squarely in the globalisation process'. The NEPAD framework, according to Ijeoma (2008:142), 'is based on the need to address the deep dissatisfaction emanating from many decades of policy reforms that have done little to resolve the socioeconomic stagnation of many African economies'. As a concept NEPAD, according to Mills (2002:47), 'has been founded on two principles, the first being that Africa's chronic underdevelopment demands radical action involving resource transfers from the North to the South'. Massamba, et al. (2004:39) point out that '[t]he conceptual effort of the NEPAD breaks new ground by first stressing the difficult conditions of millions of Africans and the failure of past development programs caused by lack of committed leadership'. NEPAD is, according to

Ojienda (2005:3), 'a mandated initiative of the AU approved at the highest level'. Whatever the difficulties in conceptualisation, in reality NEPAD appears to have created renewed interest within Africa to revisit and address SQAM technical infrastructure issues in a more cooperative way. The responsibility for implementation under NEPAD is shared with sub regional structures. NEPAD has designated RECs 'as implementing agencies for its programme' (SADC, 2003a:2). Ijeoma (2008:143) points out that 'the NEPAD initiative emphasises strengthening the five sub regional groupings on the continent'. These are the Southern African Development Community (SADC), the Mahreb Arab Union (MAU), the Economic Community of West African States (ECOWAS), the Central African Development Community (CENSAD) and the East African Economic Community (ECC) (Ijeoma, (2008:143). Ojienda (2005:11) notes that the RECs 'are regarded as key agents for achieving programme implementation and integration in Africa'.

The translation of NEPAD 'programmatic frameworks' into unambiguous activities is problematic for Efretuei (2005). Efretuei (2005:250) points out that the concept causes problems owing to its metamorphosis within 'initiative, programme, idea and project'. Lack of a 'protocol of engagement', Efretuei (2005:260) also asserts, means that 'the operation and implementation' of NEPAD is 'haphazard and disarticulated'. Perhaps as Makgalancheche (2006:150) suggests, more African leadership is required both in ensuring a sustainable future for NEPAD itself as well as directing the implementation of its various programmes. NEPAD should, according to Ngoatje (2006:198), 'continue to accord priority to the capacity building necessary for Africa's development'.

While South Africa for one is doing just that, Melber (2004:7) is concerned that NEPAD is often 'considered a lubricant for South African expansion into other parts of the continent'. This is not a problem for Ngcukana (2006: 86) who informs us that 'South Africa is the number one investor on the African continent. It even outstrips the United Kingdom and the United States combined'. Such a fact can easily fuel suspicions of South Africa's motives for offering the type of assistance required to create the sophisticated technical

infrastructure that is outlined in the present NEPAD document. Such reality prompts Draper and Khumalo (2005:27) to suggest that ‘the South African government should monitor and regulate this expansion to minimise the sensitivities it generates’. Another strategy is posited by Hausmann (2008:[15]), who encourages South Africa to ‘take the lead in encouraging African economic integration’ with the caveat that this should be focused on ‘physical and institutional integration needs’.

With regard to the role of standardisation in broader economic development, Verman (1973) highlights perhaps the one major difficulty ‘in making any quantitative assessment of standardization effort’ in support of such broader goals. According to Verman (1973:332), an accurate assessment is required of the ‘economic situation before the introduction of any standards’. Such an assessment then provides a datum for evaluating ‘the new situation in terms of the same variables after the introduction of these standards’ (Verman (1973:332). Verman (1973:332) suggests that the two sets of information could then be used to ‘determine the economic gains achieved’. Such a theoretically pure approach, although logical, is far from easy to achieve in practice. Standardisation practices, the same author (Verman, 1973:332) argues, ‘are oftentimes subjected to influences extraneous to the effects of which are most difficult to eliminate. But such elimination is necessary to enable the effects of standardization alone to be taken into account for the economic assessment’. Whatever the difficulties, Tchané (2006:6) argues that ‘it is vital African policy makers and the international community continue to build on the spirit of the NEPAD to turn commitments into sustained development’. The role of technical infrastructure capacity building cannot be an afterthought that is left to piecemeal reactive strategies, which is often the case. Verman (1973:315) argues strongly that ‘standardization should proceed in parallel with planned development in all sectors’. It would be even better, according to the same author (Verman, 1973:315), ‘if standardization could remain somewhat ahead of developments’. In development work, the need for funding is a major constraint. One potential source of funding for development, Khumalo (2007:14) points out, should come from ‘rich countries that pledged “aid for trade” funding’ in such fora as the WTO.

The most tangible and important output to date from NEPAD, according to Brown (s.a.:1) and Gottschalk and Schmidt (2004:149), has been the African Peer Review Mechanism (APRM). Gottschalk and Schmidt (2004:149) also note that a 'major achievement' of the NEPAD document has been the identification of 'essential preconditions for development'. These elements, 'together with economic good governance' will, according to Gottschalk and Schmidt (2004:149), be assessed by the APRM. Such a major contribution to the African situation is highlighted by Herbert (2004:2) who notes the new opportunity 'for discussions about many governance questions that were never debated openly before'. As part of such future debate, Mukamunana and Kuye (2005:601) identify both 'trade policies and regional integration management' amongst the 'critical issues of economic and corporate governance'. Hinting at wider problems, Nabudere (2002:24) opines that governance issues within Africa rather need to be 'addressed within the same process of establishing global corporate "good governance" in institutions such as the WTO, the IMF and the World Bank. Such a process has not yet begun. It is also unlikely in the short term without the type of pressure that a unified African voice could bring to bear at these same institutions.

The APRM is a tool created by NEPAD based on a commitment made at the first meeting in 2001 of the NEPAD Heads of State Implementation Committee (HSIC). According to Cilliers (2002:2), the meeting 'agreed that African leaders should set up parameters for Good Governance to guide their activities at both the political and economic levels'. The APRM was adopted at the next meeting of the HSIC in March 2002. According to Mathoho (2003:11), 'the APRM broadly echoes the OECD peer review mechanism'. Importantly, the same author (Mathoho, 2003:11) notes that 'peer review in the OECD is not bound to any conditions from any other continent'. Given the strong linkage between the two peer review mechanisms, Cilliers (2002:1) notes that 'the experience within the OECD is that of a non-adversarial and collegial process, relying on mutual trust and understanding between countries being reviewed'. A major difference between the two processes is mentioned by Juma (2004:180), who states that 'the African approach to peer review is a multi-objective process, defined by multiple criteria and standards,

covering multiple countries, involving multiple stakeholders and reporting to multiple principles'. Such an apparent lack of focus could become problematic if one considers the findings from Barber (2005:1090), who points out that 'few African states showed enthusiasm for the peer group review process' and also that 'increasingly African leaders have limited the scope of the review and stress that participation is voluntary'. The second statement could be more indicative of a process to encourage other leaders to participate.

A major problem with peer pressure is identified by Mathoho (2003). Mathoho (2003:7) contends that 'peer pressure does not take the form of legally binding acts backed up by sanctions or other punitive measures; it also lacks enforcement mechanisms'. In reply to this apparent criticism, Kanbur (2004:161) and Hope Sr. (2005:290) remind us that 'the ultimate goal is to assist the reviewed state to improve its policy-making; adopt best practices; and comply with established standards, principles, codes, and other agreed commitments'. Mathoho (2003:1) does however concede that 'a positive aspect of the APRM is that it recognises that governance problems have been key determinants of Africa's development challenges'. Cilliers (2002:1) claims that the APRM 'represents an ambitious attempt by key African countries' in 'taking responsibility for the maintenance of appropriate standards of conduct'. Hope Sr. (2005:306) shares these sentiments and declares that 'through the APRM, African leaders...have indeed become the architects of their own destiny offering African solutions, which are universally embraced, to African problems'. A similar view is evident from Ilorah (2004:245), who argues that 'in the final analysis, Africa alone should be in a position to determine whether or not a NEPAD member country practises good governance'. All of these opinions are noteworthy if one considers that, according to Herbert (2004:2), 'Africa has been unimaginative about development and far too passive in accepting formulas from the outside without truly digesting how and why things succeed or fail'. The pressure on African leaders to ensure that the APRM delivers on its promises is apparent. As stated by Juma (2004:179), 'if it works, peer review will give African reformers the credibility they desperately need at a time of growing donor

fatigue and deep cynicism abroad'. Given such pressure, the APRM cannot afford to fail.

4.4.1 The NEPAD problematic: trade within NEPAD

In October 2001, NEPAD published a document entitled 'New Partnership for Africa's Development'. Ojienda (2005:1) asserts that an aim of NEPAD was to present 'a new set of objectives, goals and expectations for international trade'. The document 'New Partnership for Africa's Development' (NEPAD, 2001:26) identifies the need '[t]o enhance regional cooperation and trade through expanded cross-border development of infrastructure'. Africa has, according to a report in 2002 issued by the Committee of Trade and Development of the WTO (2002a:16), 'pressing needs for institutional trade policy and capacity building'. The same report (WTO, 2002a:16) noted that although the WTO had no formal relationship with NEPAD at that stage, it was 'exploring ways of cooperating with NEPAD in future'. The aim of such a dialogue (WTO, 2002a:16) would 'focus on the contributions that trade and the multilateral trading system can make to support the NEPAD, and to Africa's trade development'.

An associated action at the international level, according to the NEPAD document (2001:49), is the promotion of 'access to international markets by improving the quality of African produce and agricultural products, particularly processed products, to meet the standards required by those markets'. As mentioned elsewhere in this study, product quality needs to be proved against specified requirements in order to trade. As already stated, acceptable conformity assessment services are a major issue in this context. The same applies under the objective (NEPAD, 2001:51) of 'increased production and improved competitiveness...with potential for exports and employment creation'. With the focus on building greater industrial capacity in Africa, Thoburn (2000:3) argues that 'further processing of agricultural products can also make an important contribution to the efficient replacement of imports'. The latter choice is obviously dependent on having the appropriate domestic technical support infrastructure in place and

appropriately maintained. Such an important issue is predicated by the need for suitable government policy or perhaps more correctly, suitable aligned and mutually supportive policies. The policies of industrial development and environmental protection for instance need close alignment in order to encourage and strengthen sustainable development initiatives.

The most basic level of policy integration for sustainable development, according to Luken and Hesp (2006:3), is the need for 'coordination between different policy domains' such as those within and amongst NEPAD REC members. The same authors (Luken & Hesp, 2006:3) provide two examples of such coordination. The first example (Luken & Hesp, 2006:3) asserts that industrial development policy should be coordinated with environmental policy to 'minimize or prevent the impact of industrial activity on environmentally sensitive geographic locations' while simultaneously accelerating 'the adoption of environmentally sound technology'. A second example from the same source (Luken & Hesp, 2006:3) but from the other direction, encourages the coordination of environmental policy with industrial development policy. Such coordination (Luken & Hesp, 2006:3) is required to 'minimize the economic impact of regulatory requirements on industrial competitiveness' while encouraging proactive compliance with environmental regulations through 'the utilization of advanced process technologies rather than pollution control equipment'. The need to listen to such advice is encouraged by Kuye (2006:11), who notes the need for NEPAD to create 'favourable conditions for the penetration of advanced technologies to facilitate efficient use of the local natural resources'. Considering implementation issues, Khumalo (2005:169) contends that 'NEPAD and the African Union can play an important role in coordinating and monitoring the trade facilitation initiatives of different regional economic communities in Africa as a whole'.

NEPAD (2001:57) recognises a need at the African level for '[t]echnical assistance and support to enhance the institutional capacity of African states to use the WTO and to engage in multilateral trade negotiations'. An important part of the work required in building trade negotiating capacity, according to

Abbot et al. (1999:2), should be directed to developing a 'a clearer demonstration of the links between trade, environment and development'. This is required initially, according to Abbot et al. (1999:2), owing to a 'fundamental lack of trust in the intentions that lie behind the trade and environment strategies of the industrialised world'. This suspicion is probably well founded if the study by Finger and Schuler (2000) is correct. With reference to 'the advanced countries', Finger and Schuler (2000:524) note that 'development ministries are junior partners in making trade policy'. The problem is compounded, according to the same authors (Finger & Schuler, 2000:524), by the fact that 'at the WTO, the least developed countries have little capacity to organise and to advance their own interests'. Private, economically guided action in the economy is another factor that needs to be considered, according to Luke (2005). Luke (2005:236) acknowledges that many actors are involved, all of whom are 'pursuing their own national, corporate and personal monetary interests in reproducing this unsustainably non-developmental material culture'. One can be sure that such interests from developed countries will have a well funded and coherent strategy to further these aims at every opportunity. That a suitable, well coordinated strategy is required by African developing countries for immediate benefit and also for future generations is amplified by Tisdell (2001). Findings from Tisdell (2001:206) indicate that 'most goods are not priced to reflect full costs due to such factors as unpaid environmental costs and price-distorting trade barriers'. This is obviously not sustainable and needs correction through appropriate, sustained and coordinated international interventions.

Such findings highlight the immediate need for pre-meeting preparation and consultation by NEPAD REC members prior to WTO meetings. Funding is not such an issue here but obviously there is a need for better coordination by NEPAD. Such activities need to occur both within the country by suitable trained public officials, and through networking with their African peers in search of common NEPAD objectives. A harmonised NEPAD strategy and voice would greatly assist once delegations meet in Geneva at the WTO. The fact that the WTO operates by consensus makes such a modus operandi even more critical if progress is to be made on issues that are important to

both NEPAD and Africa as a whole. With reference to the requirement for the provision of technical assistance by members of the WTO, UNIDO (2002:2) point out that that Article 12.7 of the TBT agreement specifically mentions such so that ‘the preparation and application of technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to the expansion and diversification of exports from developing country Members’. As previously mentioned, there have been no requests for such support which would also appear to confirm the presence of a climate of suspicion that was alluded to earlier.

The NEPAD document (2001:26) promotes ‘expanded cross-border development of infrastructure’ as one overarching objective. If African goods are to be exported in any significant way beyond the region, it is important to note that developed nations expect proven compliance of imported agricultural products and manufactured goods, against increasingly sophisticated technical requirements, before allowing access to their markets. These are normally contained in technical regulations intended to protect the health and safety of their citizens. NEPAD (2001:49) highlights the need to ‘meet the standards required by those [international] markets’. This need must be balanced with the multiplicity of demands and remedies involved in addressing appropriate market liberalisation in Africa. Africa, Tchané, (2006:6) points out, ‘is home to 30 regional trade agreements. Each country on average belongs to four’. Such a complex problem requires careful thought, intelligent policy creation and coordination, appropriate governance together with focused, properly coordinated implementation activities.

The NEPAD framework, Ijeoma (2008:142) notes, ‘recognises the need for African countries to pool their resources in order to enhance regional development and economic integration’. As can be expected, the NEPAD document (2001:25) identifies many trade and trade facilitation related activities. These include the need for ‘[i]mproved infrastructure, including the cost and reliability of services’. Such interventions are vital, according to Draper and Khumalo (2005:3), who argue that on their own ‘few African governments are in a position to build efficient state-run institutions to support

their development'. Given that, according to Low (2007:5), '[m]ost of the SADC countries have significant export interests in the EU', coupled with their ability to satisfy multiple objectives in the NEPAD document, provision and strengthening of conformity assessment services should be amongst the major priorities in this category. Such activity should be linked to the 'targeted capacity-building' identified as a high priority by Tawfik (2005:9). In a similar vein, Maur (2008:34) stresses the, 'crucial role played by institutions governing regional trade liberalization efforts'. Kuye (2004:463, 2006:9) stresses the need for NEPAD, 'as a project of the African Union', to ensure that projects are distributed according to 'demand driven initiatives'. Ojienda (2005:22) propounds some high priority areas as 'diversification of production and exports, increased trade and investment among the participating countries, increased cooperation in mobilizing and attracting both domestic and foreign investment'. A vital underlying component, according to Carstens (2002:51), is that '[t]echnical regulations need to be in place to ensure that commodities are correctly filled and that measurements are accurate and traceable to National Standards'. This leads to the topic of developing appropriate technical infrastructure within an African context which is covered next.

4.4.2 NEPAD technical infrastructure coordination and implementation issues

Implementing global agreements, Mbekeani (2005:47) argues, is '[a]n important issue for African countries'. A related issue from the same source (Mbekeani, 2005:49), concerns both the need for appropriate knowledge and subsequent articulation by African countries of their own trade interests. Such insights and capability are vital if African countries are to be seen as reliable partners in global trade negotiations such as those conducted under the auspices of the WTO. In addressing the need for, and the role of, domestic regulations, African countries must carefully balance protecting their citizens versus opening their markets to allow others to trade with them. It is a delicate issue owing to the political consequences of such a technical problem. This is especially true when technical requirements are being formulated and

implemented. Independent assessment of competence provides a transparent and cost effective way to address such current or future needs. Proper engagement and ongoing communication with all effected parties should be continually encouraged as part of ongoing trade negotiation and post negotiation activities.

A set of commonly agreed rules is a reoccurring theme even when addressing very specific international activity such as creation of international standards. With reference to the achievement of trade facilitating objectives of the TBT Agreement, the WTO (2000:4) agrees that on the importance of members participation 'in the elaboration and adoption of international standards'. In order to be acceptable, technical procedures, the WTO (2000:4) has also agreed, should be based, whenever possible, on relevant guides or recommendations issued by international standardising bodies. Research by UNIDO (2004:4) has shown that any lack of international coordination and mutual recognition of technical infrastructure together with non-uniform technical regulations create Technical Barriers to Trade which are recognised as potential impediments for both developed and developing countries in accessing global markets. Developed countries are actively addressing these issues and, as a result, there is an increasing awareness of the need to improve the institutional infrastructure and capacity of developing countries. Metrology, documentary standards and conformity assessment are essential elements of any technical infrastructure created to underpin the global trading system. They also assist in creating and maintaining the foundations for sustainable economic growth and integration of developing countries into the world economy. Members of the WTO are encouraged to accept the conformity assessment procedures of the other members, even when these differ from their own. The proviso is that they should be satisfied that such other procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to their own. This is great in theory but rarely easy in practice as many businesses have found to their cost.

One of many technically sophisticated issues that surface during the drafting and subsequent implementation of international agreements is highlighted by

Lothe (2001). With specific reference to the environment, Lothe (2001:198) points out that 'environmental legislation influences the competitiveness of industries'. It is the opinion of the author (Lothe, 2001:198) that 'lenient environmental policies could therefore be interpreted as "hidden" or "implicit" subsidies to producers, making a country's industry more competitive because the producers are able to sell their products at the world markets at prices that may not reflect the true costs of production'. There is a compelling logic to the argument but it produces even more questions, such as who, and on what basis, determines such true costs and how would the errant producers or legislators be identified and then brought to account?

A second issue is highlighted by research undertaken by Otsuki, et. al. (2001:1). The study highlights the impact of an aflatoxin standard in the EU that is more stringent than the relevant international standard. The authors (Otsuki, et. al., 2001:1) note the 'negative impact on African exports of cereals, dried fruits and nuts to Europe'. The report notes that the more stringent requirements contained within the EU standard would potentially 'reduce health risk by approximately 1.4 deaths per billion a year'. The impact on African exports however would be a decrease 'by 64 percent or US\$ 670 million in contrast to regulation set at an international standard' (Otsuki, et. al., 2001:1).

With reference to the subsequent implementation of WTO rules, Mbekeani (2005:47) comments that 'implementing them in most African countries requires substantial investment to strengthen domestic institutions'. The future role of the WTO system itself is also under question in some quarters given the stop, start nature of the latest series of negotiations. Khumalo (2007:14) asserts that 'the overarching framework it [the WTO] provides remains indispensable'. For this reason, Khumalo (2007:14) posits that 'no country believes disengaging from the WTO is a viable option'. All member countries 'which prefer multilateral solutions' should, according to the same author (Khumalo, 2007:14), 'put their weight behind positive reforms in the WTO'. The reality of global consensus building in international organisations, such as the WTO, is captured by Micklethwait and

Wooldridge (2000:169) who argue that ‘everybody believes in the WTO when it is prying open foreign markets but not when it is prying open domestic ones’. This hints at the protracted processes involved in building international consensus, especially in the area of opening local markets to outside competition. In spite of such inherent difficulty, there has been a measure of progress in the area of trade liberalisation and the associated aspect of technical regulation and standards.

The availability of a commonly agreed technical standard is a valuable tool in trade facilitation but assumes that a sophisticated technical support infrastructure is readily accessible for African industry to use to demonstrate compliance to such a standard. The availability of a commonly agreed and internationally harmonised technical standard is thus a valuable first step and tool in trade facilitation. Appropriate technical support infrastructure also includes access to measurement traceability through the international system of measurement (S.I.) units. This is achieved through a national measurement institution. The third part of the technical infrastructure is a mechanism to allow local public and private conformity assessment bodies to independently demonstrate their competence to perform certain specific tasks. This is normally achieved through an internationally recognised accreditation body.

The unintended consequences of not having access to such infrastructure has been highlighted by Wilson and Otsuki (2004:2), whose research has found that ‘technical requirements however can also constitute barriers to trade by imposing unnecessary costly and time consuming tests or by laying out various requirements in different markets’. This reality is also appreciated by NEPAD (2001:51), which notes the need to ‘establish national measurement institutions’ and ‘ensure that testing laboratories and certification organisations are set up’. The former institutions are normally public funded bodies, nominally in some cases, whilst in most cases in the developed world; the latter activities are largely now left to the private sector. The document is silent however on how the need, as identified by NEPAD, could be translated into reality. This is not altogether unexpected given the

complexities already evident in establishing such infrastructure in a sustainable manner in developing countries generally.

The NEPAD document identifies many issues that are relevant to the provision of standards, metrology, accreditation and conformity assessment services. The European Union has also recently revisited SQAM-related legislation and the associated mechanisms. A new European regulation and underpinning strategy aims to address several problems that have surfaced after nearly fifty years of concentrated technical activity in Europe to promote freer passage of goods between member states. The European Parliament (EU, 2008b:1) notes that in order to ensure that products that are allowed free movement within the Community also meet agreed public protection requirements, an overall framework of rules and principles are needed 'in relation to accreditation and market surveillance'. Such a statement is interesting as it now elevates accreditation above several other remedies allowed under the so-called 'New Approach' to proving conformity to European directives. There are important prerequisites attached to obtaining such an enhanced status. These are highlighted later.

Given the importance of the European market to African exporters, there are several lessons that can also perhaps be learned with reference to the creation and maintenance of appropriate SQAM infrastructure in Africa. The individual SQAM components of technical regulations, standards, metrology, accreditation and conformity assessment are now addressed individually. Issues relevant to NEPAD and important parallels from the recent developments in Europe will be highlighted.

4.4.2.1 NEPAD activity re: technical regulations and standards

The lack of suitable and appropriate regulatory integration between the various African states continues to create major challenges for the export or import of goods even within Africa. Research by Nicolaidis and Egan (2001:454) has found 'many of these regulatory barriers reflect legitimate differences between countries in terms of taste, market and administrative

culture, risk assessment, and patterns of state–society relations’. That this is the case is also the reason why there are ‘difficulties in eliminating their trade impact while maintaining legitimate regulatory objectives’ (Nicolaidis & Egan, 2001:454). An apparent global escalation in technical requirements is supported by research by Wilson & Otsuki (2004:2), which found that ‘the use of standards and technical regulations as instruments of commercial policy in unilateral, regional, and global trade contexts has increased as tariff and quota barriers continue to decline’. Technical regulations, as noted much earlier, are principally used to mitigate against food, animal and plant safety risks. Another reason for the high number of new technically focused regulations internationally is the growing problems with water, air and soil pollution. These technical requirements can however also constitute barriers to trade by imposing unnecessary costly and time consuming tests or by laying out various requirements in different markets. These technical requirements are of particular concern to developing countries, such as those in Africa, that are seeking to penetrate industrialised country markets.

In Europe, concern with the amount of, and technical variation contained within, technical regulations culminated in a ‘New Approach’ (Commission of the European Communities, 2007b:8) to legislation in May 1985. The ‘New Approach’ limited legislation ‘to cover only essential health and safety requirements of products’. The adoption of the methodology ‘allowed all the technical elements for product specification to be covered in harmonised European standards, not the legislation itself’ (Commission of the European Communities, 2007b:8). In parallel to the legislative programme, the Community (Commission of the European Communities, 2007b:8) ‘also developed a policy to reinforce European standardisation, such that voluntary harmonised European standards could be developed, the conformity to which gives presumption of conformity to legislation’. The directives (Commission of the European Communities, 2007b:10) also set out requirements for conformity assessment in the form of modules identified in a specific decision, ‘Decision 93/465/EEC’ of the European Parliament. Certain conformity assessment modules require the use of a third party conformity assessment body known in Europe as ‘notified bodies’ (Commission of the European Communities, 2007b:10). The use of a notified body

was an important step before the item was allowed to be placed on the market. Notified bodies, according to the Commission (Commission of the European Communities, 2007b:12), ‘play an important role within the New Approach system to guarantee the safety of products on the market’. The process used to notify such bodies was, until recently, left to the discretion of the various European member states. Experience has now shown that such discretion has eventually created unacceptable variation and lack of trust in conformity assessment outcomes from the various nationally notified bodies. The resolution of the problem, an enhanced use of accreditation, is the subject of a recent decision by the European Parliament and is covered in the relevant section later in the text.

A special report by the *Economist* (2004a:13) notes that in several African countries, regulations are proving to be hydra-headed. The more onerous they are, the more likely businesses are to offer bribes to get around them; therefore, law makers have a perverse incentive to keep inventing new ones, even as the old ones are removed. The same publication (2004b:77) furthers the point, arguing that needless regulations foster graft. A note of caution is also evident in the findings of Kennedy and Hobohm (1999:6), who point out that ‘[r]egulation of the private sector is necessary to ensure competition and fair trade, but unnecessary regulation burdens the private sector and leads to fewer and less efficient enterprises, and reduced competition’.

The NEPAD document (NEPAD, 2001:52) notes the need to ‘develop and accept a best-practice framework for technical regulations that meet both the requirements of the WTO Agreement on Technical Barriers to Trade (TBT) and the needs of Africa’. The document (NEPAD, 2001:51) also identifies the already noted need ‘to harmonise the technical regulatory frameworks of African countries’. Presumably the activities are sequential because given the differing legal systems involved in Africa one can hardly imagine the system of any one country becoming the norm for universal adoption. In fact the document (NEPAD, 2001:52) cautions that the ‘technical regulation frameworks of the developed countries may be too complex for many African countries’. Such a statement amplifies the need for suitable African public officials to be tasked to address such a need. Although not an expensive

exercise, the benefits would be enormous and could to a large extent be funded from within the continent. South Africa has just promulgated such a framework which could act as a catalyst for further work in a cost effective manner. The role of the framework within South Africa was fully discussed earlier in the chapter.

Given the major influence of developed countries in the international standardising process, Cosby (2004:13) refers to the fact that 'environmental standards set in developed countries are of keen interest to developing country policymakers and exporters, being hard to know, hard to meet, sometimes unreasonable, but for the most part, imperative to export success'. The same author (Cosbey, 2004:13) also notes that if such standards are 'made and implemented without regard to their wider effects on exporters, and with a sole focus on their environmental objectives, they will often frustrate sustainable development in developing countries'. Rather than reject such international standards, the author suggests a better way would be 'renewed efforts by exporter governments as well as standard-setters to help make trade-related environmental standards an opportunity for environmentally-friendly export success' (Cosbey, 2004:13). A similar approach is advocated by Vermeulen and Ras (2006:246), who argue that 'the critical issue is to find production procedures to meet the consumption demand of products in this growing global market, while promoting positive ecological and social impacts throughout the value chain'.

The explosive growth in global trade and the increasing need to adhere to a set of uniform/common rules of trade places enormous pressures on governments, especially those in Africa. As parties to international conventions and treaties, they need to be able to intelligently participate in standards creation and then prove effective implementation of such agreed standards. The realisation of the Single Market in Europe (Commission of the European Communities, 2007b:7) 'is a major driver for competitiveness and economic growth'. The harmonisation of technical requirements (Commission of the European Communities, 2007b:7) has been a priority for the European Commission 'since the end of the 1960s'. A concerted effort from then 'has led to

the adoption of some 600 legislative texts for harmonisation covering industrial products' (Commission of the European Communities, 2007b:7). Several standards-related needs are identified by NEPAD. The NEPAD document (NEPAD, 2001:52) promotes the establishment of standards bureaus. These are required for the provision of 'the necessary information on international, regional and national standards' to both industry and government with the objective of facilitating market access. In addition (NEPAD, 2001:51), such bodies are encouraged to '[a]cquire membership of the relevant international standards organisations'. Such membership is promoted in order to give Africa a stronger voice so as to 'enable African industry to participate meaningfully in the development of international standards' (NEPAD, 2001:51).

Much effort and donor funding, encouraged by the WTO, is today focused on creating sustainable technical infrastructure, particularly in Africa. As Rotherham (2003:4) reports, '[a]lthough they may also happen to facilitate trade, many other standards and technical regulations are primarily intended to achieve a broader public policy objective, such as environmental protection or safeguarding human health and safety'. Conformity assessment capacity therefore needs to determine whether the ultimate objective is the protection of health and safety normally addressed by mandatory compliance with technical regulations or environmental concerns and/or trade-related issues that are usually addressed in voluntary standards. A further problem is that much of the donor funded activity in this arena in Africa at the present time is aimed at creating or expanding public infrastructure, often in a non sustainable way.

The African Regional Organisation for Standardisation (ARSO) is an African intergovernmental body established in 1977 (Foss, 2003:11) and mandated to promote standardisation activities in Africa. The role and functions of ARSO are detailed in the 'OAU Lagos Plan of Action 1980– 2000 for the Economic Development of Africa, which specifically mentions ARSO' (Foss, 2003:10). The member states of ARSO in 2003 were the following: Burkina Faso, Kenya, Sierra Leone, Cameroon, Liberia, Sudan, Cote d'Ivoire, Libyan Arab

Jamahiriya, Tanzania, Democratic Republic of Congo (DRC), Malawi, Togo, Egypt, Ethiopia, Ghana, Guinea, Guinea Bissau, Mauritius, Niger, Nigeria, Rwanda, Senegal, Tunisia, Uganda and Zambia (Foss, 2003:12). The number of African Regional Standards available from ARSO for sale/distribution has been constant at 363 since 1992 (Foss, 2003:13).

One of the largest and most influential Standards Bodies in Africa, the South African Bureau of Standards, was reluctant to join ARSO for many years. In an interview with the head of the standards division (Visser, 2008) pointed out that ARSO was trying to become operationally involved in certification, accreditation and metrology. The SABS felt that this was unacceptable as it added another layer in the already difficult process of getting products registered in Africa. The SABS (Visser, 2008) felt that ARSO lacked a clear purpose. In April 2003, the Swedish International Development Co-operation Agency (SIDA) approached ARSO, with an offer to cooperate which was accepted by ARSO. In terms of the SIDA-ARSO relationship, a project aimed at establishing the value of ARSO was undertaken from July to December in 2003 by a Swedish based private management consultant (Foss, 2003:6). The research process included the circulation of a questionnaire. The apathetic response was perhaps indicative of the total lack of trust in ARSO's ability to perform its mandate. Of a membership of 25 countries, only four national standardisation bodies responded. In addition, two regional organisations responded. These were COMESA and, perhaps not surprisingly, ARSO.

Interestingly, no response was obtained from either the AU or NEPAD. A further disappointment was that no government ministry responded. The report also noted that the only increase in membership to ARSO since 1998 has been Rwanda. (Foss, 2003:19). An interesting comparison in the same study is that African membership of the ISO in 2003 was fourteen full members and 16 corresponding members in Africa, five more than in ARSO. The strongest ownership in ARSO, according to the study (Foss, 2003:20), 'is by the national standardisation bodies'. The study however notes that

amongst this group 'willingness to pay agreed membership fees is low' (Foss, 2003:20).

A subsequent ARSO (2004:1) report of the SIDA funded study concluded that 'change was required in order to realise the potential value of ARSO'. During the ARSO General Assembly in Addis Ababa in February of 2004, the need for change was acknowledged and accepted by the members. The need for an ARSO Strategy Plan Workshop was also endorsed by the General Assembly. The Strategy Workshop was held as scheduled and according to ARSO (ARSO, 2004:1), 'was very successful and resulted in the development process of the re-engineering of ARSO'. The workshop generated a mission for ARSO. The agreed mission was '[t]o facilitate intra-African and global trade by promoting quality through coordination and harmonization of standards and conformity assessment in Africa' (ARSO, 2004:3). The vision of ARSO was also created and agreed '[t]o be a representative and credible focal point for Standardisation, Conformity Assessment and Quality Promotion in Africa to support the sustainable development of the continent. The Organisation is an Advocate of its members' common views in international fora and delivers a valuable set of support services to National Standards Bodies and other stakeholders' (ARSO, 2004:3).

The same workshop agreed that recognition of ARSO as a specialised agency of the AU should be pursued. The need to enhance the relevance of ARSO's services to the African market as part of gaining further support for ARSO in regional organisations such as COMESA, SADC, ECOW AS and UEMOA was also identified (ARSO, 2004:12). The Secretary General of ARSO (Agbanelo, 2006:1) notes that the Commission of the AU 'hopes to improve market access and facilitate poverty alleviation' through the principles of shared responsibilities, mutual recognition and effective coordination. The same source (Agbanelo, 2006:2) noted at a SADC SQAMEG meeting in Windhoek in 2006 that the re-engineering of ARSO had been completed in 2005 and endorsed at a meeting of the 13th General Assembly during the same year. The approval of the ARSO Strategy by the General Assembly (Agbanelo, 2006:4) had given 'a new impetus to impact on the socio-

economic well being of our dear continent'. The impact to date of the donor funded, foreign private sector management consultancy, to positively affect efforts on the efficacy and acceptance of ARSO is still undetermined.

According to at least one source (Visser, 2008), ISO chose ARSO as its continental representative body and is unhappy that they did so. The SADC SQAM expert (Chinyamakobvu, 2008) opines that ARSO should recognise the current SQAM work in the NEPAD RECs and define a new relationship with them. There has, as yet, been no action and no delivery, according to the South African representative at ARSO (Visser, 2008). The past Chairperson of SADCSTAN (Mutasa, 2008b) notes the tendency by ARSO to form committees to do work instead of appropriate work and leadership by the full time staff. The same source (Mutasa, 2008b) alludes to governance problems within ARSO and argues that although ARSO is recognised by the AU there are major problems operationally.

4.4.2.2 NEPAD activity re: metrology

Weights and measures in Africa, Mosima (2002:59) asserts, 'are ranked among the necessities of life'. There is an increasing realisation that the measurement system in Africa at present does not fulfil international requirements. Mosima (2002:61) points out 'that that metrology related technical barriers to trade' must be actively and urgently addressed in the African context. A recent workshop (AFRIMETS, 2008a:1) has concluded that many African countries 'still lack basic metrology infrastructure to support scientific and industrial metrology'. Carstens (2002:50) notes that '[t]here are many areas within the NEPAD action plan in which legal metrology will have to play a vital role'. A possible impediment in the pursuit of cost effective solutions is reported by Birch (2003). Despite the challenges to developing countries to enhance, modernise and globalise their metrology systems, there is, according to Birch (2003:41), 'little literature on the economics of metrology in developing countries'.

More than ten years ago, ARSO proposed to create a regional programme on metrology for Africa. Such a scheme would have addressed activities such as assessment and accreditation of testing laboratories, sharing of metrology and testing facilities and inter-comparison of laboratory measurements among member states. There was a donor funded inter-comparison of mass standards during 1998–99 (Foss, 2003:14). Unfortunately, no further activity took place under this programme.

The NEPAD (2001) document notes the need to harmonise African measurement ‘with the international metrology system’ (NEPAD, 2001:51). The document proposes that such a need be addressed by creating national measurement institutions. The document (NEPAD, 2001:51) also points out that ‘[s]uch activities will always remain the responsibility of government’ recognising that the public sector has a key role in creating both initial and ongoing technical capability and capacity such as a national metrology institute. Thoburn (2000:8) argues that ‘[p]ublic expenditure programmes should be designed with a view to enhancing the technological and human resource capabilities of the economy that will enable it to compete’. Fox and Maas (1997:3) also emphasise the need for a clearly defined goal for any such state originated activity. A national metrology institute is an expensive but essential component of trade facilitation. Such a resource needs to receive appropriate public funding to prevent it from having to compete with those facilities it should be supporting. Given that in Africa these organisations are few and far between, there is a need for regional recognition of their role and appropriate use of their resources in the various RECs used as building blocks for regional integration under NEPAD.

In response to both the stark reality and lack of apparent progress, representatives of the various NEPAD RECs as well as individual African states were invited together with regional representatives outside of Africa, to attend a meeting in March 2006 at the NEPAD secretariat to discuss the metrology needs in Africa. The workshop held in March 2006 was attended by delegates from more than 25 African countries (CSIR NML, 2007:4). Representatives from other regional metrology cooperations from the Asia

Pacific region (APMP), the America's (SIM), and Europe (EUROMET) also attended together with the head of the international treaty organisation for scientific and industrial metrology (BIPM). Other interested parties that attended included ECOWAS, COMESA and the African Committee of Metrology (CAFMET). The meeting delegates agreed on the need to establish an intra–Africa Metrology System (AFRIMETS) as a regional umbrella organisation for both scientific/industrial and legal metrology. AFRIMETS is based on the Regional Metrology Organisation (RMO) of the Americas, the *Sistema Interamericano de Metrologia* (SIM). The meeting (AFRIMETS, 2008a:2) was supported by NEPAD, the *Physikalisch Technische Bundesanstalt* (PTB), the National Metrology Institute of South Africa (NMISA) and legal metrology at the South African Bureau of Standards (SABS). The meeting agreed that the main goal of AFRIMETS (AFRIMETS, 2008a:1) is to harmonise accurate measurement in Africa, establish new measurement facilities and gain international acceptance for all measurements critical to export, environmental monitoring and sanitary and phyto–sanitary issues. Carstens (2002:51) also highlights the need to create and maintain ‘a Technical Regulation framework which meets international best practice’. Carstens (2002:51) points out that the availability and uniform implementation of such a supportive framework would ‘ensure an effective trade measurement system’.

A draft MoU was subsequently prepared as a result of the initial workshop. A second AFRIMETS workshop was held in September 2006. The first General Assembly meeting was then held in July 2007 at the premises of the NEPAD. The occasion of the General Assembly was significant in that an MoU was finalised and signed by five African Sub Regional Metrology Organisations (SRMOs), who were SADC MET, EAMET, CEMAC MET, SOAMET and MAGMET. These regional organisations represent a total of 37 countries in Southern, Eastern, Central, Western and North Western Africa (AFRIMETS, 2008b:4). In addition to the sub regional bodies, Nigeria and Côte d’Ivoire have also signed as individual (Ordinary) members. It is expected that Egypt and Ethiopia will sign in due course (AFRIMETS, 2008a:2). The ultimate aim

would be for AFRIMETS to assume the mantle of the RMO of the CIPM, a role currently performed by SADC MET.

4.4.2.3 NEPAD activity re: accreditation

The report of the management consultancy of the role of ARSO also reviewed the ARSO accreditation scheme that was launched in 1995. The report (Foss, 2003:14) noted that ARSO had expressed strong hopes that the accreditation scheme would be fully operational in the course of 2003. Such a hope was perhaps unrealistic given that the scheme had not been active since its creation. ARSO did note that any progress would depend on funding by donor organisations. Since the publishing of the report, there has been no further activity.

The NEPAD document (NEPAD, 2001:52) notes the need to '[e]stablish an accreditation infrastructure, such as the...ISO system, which is acceptable internationally'. Such an infrastructure, according to the same document (NEPAD, 2001:52) 'can be nationally based where the industry is strong enough to maintain it, otherwise regional structures should be contemplated'. An important appeal is made for the provision of funding specifically to allow 'membership of international structures such as the International Accreditation Forum (IAF) and the International Electrotechnical Commission (IEC)' (NEPAD, 2001:52). Interestingly, and perhaps inadvertently betraying the bias of the expert used in the formulation of the text, both of the selected organisations have a strong interest for National Standards Bodies. The IAF addresses the international recognition of the certification activity offered by the majority of NSBs in Africa. The IEC operates an industry driven recognition scheme for the specialised electrical testing activities offered by the SABS in particular.

The historical development of the coordination of accreditation within Europe gives some valuable insights for NEPAD-related work in the same area. According to a note from the European Commission (Commission of the European Communities, 2007:6) to the Senior Officials Group on

Standardisation and Conformity Assessment Policy (SOGS), the use of accreditation by national authorities in Europe began in the 1970s. Almost immediately, different approaches and systems developed creating a European and international need for closer alignment (Commission of the European Communities, 2007:6). The creation of the European body, the Western European Calibration Cooperation (WECC) in 1976 was followed at the international level by the creation of the International Laboratory Accreditation Cooperation (ILAC) in 1977. The Western European Laboratory Accreditation Cooperation (WELAC) was established in 1987 to address the issues in Europe regarding the accreditation of testing laboratories. Another organisation focusing on the accreditation of certification bodies in Europe, the European Accreditation of Certification (EAC) was formed in 1991. The same year, 1991, saw the creation of an international body, the International Accreditation Forum, covering the activities of certification at the global level. The two (calibration and testing) laboratory focused bodies in Europe, WECC and WELAC, merged in 1994 to form the European cooperation for the Accreditation of Laboratories (EAL). Three years later, in 1997, EAL and EAC merged to form European Accreditation (EA). In 2000, (Commission of the European Communities, 2007:6), EA was registered as an independent legal entity 'under Dutch law as a not-for-profit association'. As can be seen the journey of merger of the various cooperation components with Europe has been a long and relatively recent phenomenon. In all of that time the only Community wide recognition of accreditation (Commission of the European Communities, 2007b:19) was a Memorandum of Understanding between the Commission and EA. The Commission noted (Commission of the European Communities, 2007b:19) that the 'implementation of certain rules or decisions taken within EA can be supported by national laws and regulations in some Member States, whilst in others this is not the case and problems may be experienced'. The use of an MoU alone was finally recognised in 2007 by the Commission (Commission of the European Communities, 2007b:19) as 'not sufficient to overcome the current difficulties' if accreditation was to be appropriately utilised in the support of notification in terms of the directives. Similar experience in the regulatory area in South Africa was a driving force behind the creation and promulgation of an act of parliament for accreditation

of conformity assessment. While the recent creation of SADCAS in support of voluntary accreditation for SADC is excellent progress, its use in support of national technical legislation within the individual SADC member states has yet to be determined.

The technical focus of the laboratory community versus the compliance to standards methodology adopted by the certification community has led to many arguments about the advantages of merging the two areas of accreditation. The debate on merger between ILAC and IAF still continues at the international level in spite of concentrated attempts by some to advance the issue. A complicating factor is the model from Europe (Commission of the European Communities, 2007:10) that promotes both the public authority nature of accreditation, and the concept that 'accreditation is carried out free from commercial motivation and in avoidance of competition'.

In order to be credible, and properly serve its intended purpose, it is imperative that national or regional accreditation be internationally recognised. Maur (2008:30) asserts that accreditation 'needs to be guaranteed internationally by one of two global organizations: the International Accreditation Forum and the International Laboratory Accreditation Organization'. Although these organisations are in no position to guarantee, they do nevertheless play an important role. Membership of the mutual recognition arrangements operated by these two bodies does confer important and independent recognition. Two such internationally recognised accreditation bodies currently exist in Africa. The largest in terms of both customers and scope of activity is in South Africa. The other is in Egypt. There are fledgling activities in other African states as well as a recent regional body, one of the first in the world, in SADC. If African based accreditation services are not used, the only other readily accessible source of accreditation for conformity assessment is from Europe. A related issue, raised by Goonatilake and Kaeser (2006:7), is 'how to measure the impact or the cost and benefits of local, internationally recognized compliance infrastructure and services compared to the outsourcing of such services to foreign providers'.

The ARSO has realised that sub regional projects for accreditation are underway in the various RECs, including SADC. According to Foss (2003:45), ARSO also acknowledges that such REC driven projects ‘appear to have succeeded in obtaining more active and wider national stakeholder involvement than the ARSO strategy’. Van Rooyen and Peet (2007:15) suggest that ‘Africa through NEPAD should use and build onto the RECs such as the SADC’. In a similar vein, the same authors (van Rooyen and Peet, 2007:15) encourage the RECs in NEPAD to actively share the experiences gained through ‘operationalising the various technical capacity building project components’. A meeting of the various African member states involved in accreditation with such an aim has been mooted on several occasions and donor funding was sourced for such an activity. Unfortunately, a lack of capacity at the NEPAD secretariat has so far frustrated further efforts in this regard.

According to a guide published in Europe in 2000 (Commission of the European Communities, 2000:3), ‘[t]he European Union has developed original and innovative instruments to free circulation of goods’. The same document (Commission of the European Communities, 2000:3) asserts that ‘the New Approach to product regulation and the Global Approach to conformity assessment take pride of place’. At that time, accreditation (Commission of the European Communities, 2000:36) was not a requirement for important technical compliance related activities such as notification in terms of the New Approach directives. Accreditation should be considered by national notifying authorities (Commission of the European Communities, 2000:36) ‘as the most favoured technical basis’ in order to ‘reduce differences in the criteria applied for notification’. In spite of such encouragement, the fact that many alternatives to proving conformity to European directives were equally promoted, led to an inevitable variation in approach by the member states. A Commission staff working paper (Commission of the European Communities, 2002:5) published in 2002 ‘assessing the advancement of the EU and its Member States relative to securing a better environment for enterprises’ provides interesting insights. The report (Commission of the European Communities, 2002:89) uses the terms “certification” and

“accreditation” interchangeably. If such confusion was apparent at the Commission level, then it is not difficult to forecast the result at member state level. Further evidence of subsequent problems is highlighted in a proposal from the Commission (Commission of the European Communities, 2007a:2) for strengthening accreditation and market surveillance. Community technical legislation, according to the proposal (Commission of the European Communities, 2007a:2), ‘has contributed considerably to the completion and operation of the Single Market’. The same proposal (Commission of the European Communities, 2007a:2) points out that experience, gained through implementation over seven or more years of the various pieces of technical legislation, has identified certain problems. Experience has shown (Commission of the European Communities, 2007a:2) that ‘differing practices in the designation of conformity assessment bodies by national authorities’ has introduced a risk of distortion to competition within the community. The same variation in practice (Commission of the European Communities, 2007a:2) has created ‘lack of trust in conformity marking’ and ‘a certain lack of coherence’ in the ‘implementation and enforcement’ of technical legislation. In order to address these and other shortcomings, the objective of the proposal (Commission of the European Communities, 2007a:2) is ‘to provide a common framework for the existing infrastructures for accreditation for the control of conformity assessment bodies, and market surveillance for the control of products and economic operators’. Interestingly, the proposal (Commission of the European Communities, 2007a:5) ‘insists on the public authority nature of accreditation’. An important supporting objective (Commission of the European Communities, 2007a:5) is the ‘recognition of existing organisation European co–operation for Accreditation (EA) so as to ensure the proper functioning of a rigorous peer evaluation’. A presentation by the Directorate General for Enterprise and Industry of the European Commission (McMillan, 2008:4) to the last joint General Assembly of ILAC and IAF stressed that ‘national authorities of EU member states may refuse attestations of conformity under accreditation by non European Abs not complying with the new European requirements but signatories to the IAF and ILAC MLA/MRA’. The only exception, according to the same source (McMillan, 2008:4), is where an MRA is in place between Europe and a third

country. It was reported (McMillan, 2008:5) that only six such MRAs are currently operational, and none with any African state. No definite answer was obtained in response to a question regarding the full compliance to all requirements by South Africa but with no MRA in place. It was subsequently confirmed in discussion with the South African dti, that the negotiation of such MRAs is a low priority for Europe.

An important development regarding the increased use of accreditation and associated market surveillance in the European Union and the European Free Trade Area (EFTA) has recently been announced by the Commission Vice-President responsible for Enterprise and Industry (Commission of the European Communities, 2008:1). An earlier note from the European Commission (Commission of the European Communities, 2007:5) to the Senior Officials Group on Standardisation and Conformity Assessment Policy (SOGS) points out that 'accreditation has an effect on a number of areas of public concern, such as health and safety, the environment [and] the competitiveness of industry'. The same note (Commission of the European Communities, 2007:5) creates some important additional requirements for the acceptance of accreditation of conformity assessment in Europe. According to the note (Commission of the European Communities, 2007:5), the member states of the European Union have acknowledged 'that in order for accreditation to have added value as an authoritative level of control, it needs to be performed as a public authority activity'. Further conditions (Commission of the European Communities, 2007:5) are identified as full compliance to 'evolving technical requirements', independence from and accountability to 'all interested parties' with 'no single interest predominating'. The final requirements for accreditation bodies, as previously mentioned (Commission of the European Communities, 2007:5), pertain to ensuring (1) freedom from commercial pressure, (2) no competition between them and (3) no competition between the services they provide and those of the CABs they accredit. The note (Commission of the European Communities, 2007:5) stresses that such conditions apply in 'both the regulated and non regulated (market driven) areas for conformity assessment. The no competition rule

among accreditation bodies is totally opposite to current practice in the United States, and their reaction is still awaited at the international level.

After an approach to both the European Council and Parliament in 2003 by the Commission, the Parliament has now decided (European Union, 2008c:1) on 'a common framework for marketing of products'. Such a step (European Union, 2008c:1) recognises 'the need for a clearer framework for conformity assessment, accreditation and market surveillance'. The principles outlined in the note from the Commission to the SOGS have now been codified in a piece of specific legislation on accreditation by the European Parliament (European Union, 2008b). The need for regulating accreditation at the European level, after many years without such intervention, is fully articulated in the new regulation for accreditation that applies to all European member states as from January 2010 (European Union, 2008b:45). The previous lack of common rules for accreditation at the European level (European Union, 2008b:31) has caused unwanted variation among the member states in that the 'degree of rigour applied in the performance of accreditation has varied'. An important requirement of the new regulation (European Union, 2008b:32) is the necessity for national accreditation bodies to 'operate a rigorous and transparent peer evaluation system and regularly undergo such evaluation'. Competition between accreditation bodies, according to the regulation (European Union, 2008b:31), is 'incompatible with their role as the last level of control in the conformity assessment chain'. The same document (European Union, 2008b:31) notes that a 'system of accreditation which functions by reference to binding rules helps to strengthen mutual confidence between Member States as regards the competence of conformity assessment bodies'.

4.4.2.4 NEPAD activity re: conformity assessment activities

The NEPAD document (NEPAD, 2001:52) records the need to '[p]ursue mutual recognition of test and certification results with Africa's major trading partners', suggesting the need first for considerable foundational work with regard to technical infrastructure. It notes (NEPAD, 2001:52) that such recognition is predicated on the availability of a 'framework for standards,

technical regulations, measurement, tractability and accreditation' that 'can be shown to meet international requirements'. In a similar vein, the NEPAD document (NEPAD, 2001:52) signals the need to '[e]nsure that testing laboratories and certification organisations are set up to support the relevant national technical regulations'. An important corollary is that '[w]here they do not exist, such organisations should be established as soon as possible' (NEPAD, 2001:51).

NEPAD recognises that Africa still lacks sufficient availability of conformity assessment services both in technical scope and geographic spread. There are major, often unintended impacts, surrounding the local provision or, more importantly, non provision of conformity assessment services for African countries. UNIDO (2002:2) stresses the need for adequate physical and institutional infrastructure as well as appropriate scientific and technological skills and capabilities. A significant contribution to trade facilitations between EU and SADC countries, according to Hoffman and Elago (2007:16), would be the 'creation of regional institutions and laboratories in Africa that could be involved in SPS-related research and control'. The continued lack of such capacity and capability will significantly impede their successful integration into the wider, brutally competitive global economy. In facing this challenge, there are several issues. A number of approaches to the provision of conformity assessment are mooted by such influential bodies as the World Bank, the OECD and the EU. These proposed remedies fall, simplistically, into two categories. The United States promote a private sector led approach using 'market forces' to ensure that competitive solutions are provided. The second is the 'New Approach' of the European Union which relies on a mixture of sophisticated regulation and public funded conformity assessment activity. The EU prefers their approach due to the inherent risk from cheap but incorrect test results created by an overzealous reaction to competition. A second factor within Europe, is a legislative need for public institutions to take appropriate responsibility for protecting the welfare of their citizens. Stone's (2004:571) assertion that '[t]wo contradictory interpretations cannot both be true...and political life is full of them' sums up the situation precisely. African industry needs to export to both of these important markets complete with

their 'contradictory interpretations' (Stone, 2004:571). There is an urgent need therefore to determine if there is a cost-effective way, as an African exporter, to satisfy these apparently conflicting but entrenched export market philosophies.

Another complication, the role of the private versus public sector, has been identified by authors such as Fox and Maas (1997) and Allison (2004). These authors stress the difference in approach between the private sector, which addresses the needs of a self-selected group of specific customers, and the public sector, which must look after the various needs of a group of citizens. Applying these approaches to conformity assessment could create a scenario where only those services that could realise a profit would potentially be efficiently serviced by the private sector. Conformity assessment services identified as part of strategic national, REC or NEPAD imperatives, but not seen as ultimately profitable, could be placed in jeopardy unless public funded organisations, and appropriate ongoing funding, are made available to cater for them. Another important issue is that any practice adopted by NEPAD REC members that gives no external confidence in the continuous competence of standards and conformity assessment facilities to accurately report on the results of inspections and tests, could easily jeopardise more than their own national reputation. Stiglitz and Charlton (2005:209) caution that '[w]hile public sector capacity-building is an important objective' it should not detract from developing private sector capacity. These include laboratories and inspection activities.

Two of the prerequisites for effective regional integration, according to Hinkle, Hoppe and Newfarmer (2002:265), is first reaching agreement on product standards and then the related activity of 'mechanisms to ensure compliance'. As already mentioned, the vast majority of African countries have created public funded capacity to fulfil both functions. Their influence is seen even in the NEPAD document and what has been emphasised therein. It is interesting for instance that the need for establishing 'organisations on national standards' and 'standards bureaux', exactly the same activity, is given a double reference. Although the functions highlighted are important, the future

provision by a single public funded entity is increasingly being called into question, except in Africa. Such a development in the rest of the world could be that the technical infrastructure is, as Jreisat (2002:121) points out, 'evolving into a higher mode of differentiation'. Such a scenario is characterised by Jreisat (2002:121) as a change to a situation where specific functions are assigned to specific structures. In South Africa, technical infrastructure related responsibilities are assigned to three different public funded institutions as is the norm in most developed countries. Noting the decisive role of the state in any development process, Tawfik (2005:5) emphasises 'the availability of effective institutions' as equally important. As previously stated, such organisational differentiation is not the norm in the rest of Africa. One problem with such concentration of responsibilities in a single institution is the need to balance the views of the expert staff of such a public organisation in regional and international discussions on the technical issues surrounding trade facilitation with those of other stakeholders.

NEPAD has documented some of the underlying issues at a broad philosophical level. There is however no commonly agreed direction regarding public administration responsibility for the provision or sharing of conformity assessment and related technical infrastructure. There is an urgent need for such direction from NEPAD in order to address the pressing issue of proving conformity to international standards. The role and type of monitoring processes required within Africa to ensure effective and sustainable implementation have also not been addressed in any significant way. In facing this challenge, there are several issues. One is how should a country migrate from donor or government driven creation of public service capacity and delivery to encouraging an appropriate mix of public/private institutional capacity? A related issue is how to address sustainable private sector conformity assessment service provision, especially (SMMEs), in such a highly technical field.

Given the enormity of building a sustainable technical infrastructure that would address the needs of the NEPAD region, the use of the existing RECs, according to Van Rooyen and Peet (2007:51), is more sensible. This would

allow a network to be created that could then be integrated at the regional level. A better use, in this area of activity, for the structures of NEPAD, initially at least, is the formulation of regional views on technical issues. They could also be used to coordinate activities among the various RECs in technical infrastructure capacity building to ensure maximum use is made of the knowledge obtained.

4.5 CHAPTER SUMMARY

Using the key issues identified in the literature review, three case studies based on national (South Africa), sub–regional (SADC) and regional (NEPAD) public administration activities in the area of research were used in order to identify both successes that could be replicated and current areas for improvement.

The first case study describes relevant activity in South Africa in order to identify national issues. South Africa is specifically chosen for the lessons that can be learnt from the many years of experience within the technical institutions there and very recent developments from government strategy in the area under study. A private sector South African management consultancy firm was commissioned by the dti to manage a review of the local technical support infrastructure and issued their report in 2001. The complete overhaul of the various acts of the domestic technical infrastructure was completed late in 2008. The review is sound as far as specific technical issues are concerned but fails to address the deeper public administration aspects such as holistic policies, planning and subsequent collaborative governance required for sustainability in any significant detail. The need for a collective and harmonised responsibility for ensuring synergistic implementation and maintenance in achieving larger government objectives has still not been understood. Another important output that has been largely missed concerns linkages between SQAM issues identified during trade negotiations and obtaining proactive input from the various SQAM institutions. Such important activity tends to be reactive at the moment and the interactions remain largely tenuous. Although certain officials within dti are

aware of the role and functions of SQAM there is no regular interaction between the relevant parties on SQAM trade negotiation issues and larger strategic objectives. The confrontational nature of trade negotiations is also problematic especially if one is seeking regional solutions for technical capacity strengthening as part of implementing such regional and international trade agreements.

The next case study uses insights from the SADC Regional Economic Community in order to identify NEPAD REC issues. An important global trend is that regional organisations for Standards, Accreditation and Metrology are increasingly being seen as providing the necessary links between emerging regional trade blocs and the relevant international body for a specific activity. This has a major impact on developing economies and emerging regions such as SADC. The Memorandum of Understanding on SQAM acknowledges five independent technical structures to deal with the facilitation of implementation of the SADC Protocol on Trade with regard to standardisation, technical regulations and conformity assessment issues. These structures relate to the way these issues are organised at the international level. The regional activities of standards creation in Europe, CEN/CENELEC and the Asia Pacific region, PASC, have been mirrored in the SADC committee, SADCSTAN. The individual standards body members of these organisations also form part of the membership of the International Organization for Standardization (ISO). Similar regional bodies exist for Accreditation in Europe (EA), the Asia Pacific region (APLAC/PAC) and in SADC (SADCA). Scientific and industrial metrology in Europe (Euromet) and Asia Pacific (APMP) has the counterpart of SADC MET in SADC. Legal Metrology is covered by Welmec in Europe, APLMF in the Asia Pacific region and SADC MEL in SADC. The various regional bodies are in turn related to the international bodies for accreditation, ILAC and IAF, scientific and industrial metrology, BIPM and legal metrology, OIML. Supported by government funding channelled through the dti and actively encouraged by their international counterparts, South Africa is taking a leading role as far as SQAM activity in the SADC region is concerned. Owing to the availability of such funding, South African organisations manage the secretariats of all of

the SADC SQAM committees previously mentioned. This has been the case since the creation of these structures more than seven years ago. Although the secretariats have a fixed tenure of three years, so far no other SADC member state has volunteered to undertake the task at their own cost.

The creation of an appropriate regulatory and policy framework to guide subsequent technical support programmes is noted by SADC. Encouraging local ownership and participation including maximum use of national and regional expertise as part of intra–regional programmes using one another’s capacities was also raised. Any proposed interventions should facilitate consultation among regional stakeholders to ensure that such activities were demand driven. High level political support of technical assistance activities was also identified as a key success factor together with the need for better coordination of programmes of technical support among bilateral and multilateral donors. Interventions should also be targeted to deal with language barriers. Recent meetings of the four SQAM structures in SADC argue the need for additional resources for the translation of documents into French and Portuguese. Such translations would enable experts from all of the SADC countries to meaningfully participate in the regional work. The differentiation of language groups for training and related capacity building programmes was also considered to be a critical factor for future success for similar reasons.

The final case study investigates the existing activity at the NEPAD level in order to identify African continental issues. More African leadership is required in ensuring a sustainable future for NEPAD itself as well as directing the implementation of its various programmes. An important issue for African countries is the implementation of global agreements. A related issue concerns the need for appropriate knowledge and subsequent articulation by African countries of their own trade interests. Such insights and capability are vital if African countries are to be seen as reliable partners in global trade negotiations such as those conducted under the auspices of the WTO. It is recognised that Africa does not, as yet, have a sufficient availability of conformity assessment services both in technical scope and geographic

spread. NEPAD has documented some of the underlying issues at a broad philosophical level. There is however no commonly agreed upon direction regarding public administration responsibility for the provision or sharing of conformity assessment and related technical infrastructure. There is an urgent need for direction from NEPAD in order to address the pressing issue of proving conformity to international standards. The role and type of monitoring processes required to ensure effective and sustainable implementation also needs to be addressed.

CHAPTER 5

An analysis of the case(s)

5.1 INTRODUCTION

It has already been noted that NEPAD is credited with having already made a significant contribution in raising the profile of African trade-related issues on the world stage. Two significant remaining controversies are the continuing reliance on primary resources by African states coupled with less than favourable terms of trade. Another important factor, in the African context, is the ever present reality of market failure. There is growing international recognition that the operation of efficient markets is a complex and difficult undertaking. A further complication is that a government working in isolation has little or no chance of duplicating the positive incentives that some markets provide for suppliers of goods and services. Incentives such as a larger potential customer base willing to pay to satisfy their needs, and wants, are continually promoted as a generic reality. Reliance on market forces alone however is not a sensible solution for Africa. As is increasingly evident, market forces do not automatically lead to an equitable distribution of economic and social benefits even within developed countries. There is mounting evidence of ever increasing imbalances in the global distribution of trade related benefits. The difference in accrued benefits due to trade related globalisation is even more marked in the context of Africa.

Sovereign states are identified in the existent literature as being largely responsible for the coordination and implementation of several important activities related to trade. These responsibilities include the need to organise national economic strategy and consider the need and actions to protect domestic strategic industry. Interestingly, in the context of the research, the role and responsibility of the state in creating and maintaining SQAM supportive technical infrastructure is rarely if ever mentioned, let alone universally understood.

Some responsibility therefore must be accepted by African states for formulating economic and trade related policy, appropriate supportive legislation and actionable, appropriately resourced plans. TBT and SPS issues are already proving to be problematic for the agricultural and the fledgling industrial output of African countries. Decisions by African countries concerning the provision of technically sophisticated conformity assessment services have substantial long term consequences. The creation of an appropriate enabling environment for the domestic provision of private and public funded conformity assessment activity has been identified as a fundamental enabling component. The availability of such entities could definitely assist in finding holistic solutions for addressing African TBT and SPS issues. In facing such challenges, there are several aspects. The chapter will therefore explore and analyse the various components and mutually supportive and interactive elements uncovered during the research in an attempt to identify relevant NEPAD issues in this regard.

5.2 AFRICAN STATE RESPONSIBILITIES REGARDING TECHNICAL INFRASTRUCTURE FOR TRADE

5.2.1 National trade strategy and policy

An important issue for African state cooperation is the implementation of global trade and associated technical agreements. The initial, and by far the most important, need is for appropriate knowledge and subsequent articulation by African countries of their own trade interests. Such insights and capability are foundational if African countries are to make positive contributions in global trade negotiations such as those conducted under the auspices of the WTO. Foreign government support that may be available to foreign based competitors is another issue highlighted by the research that needs a coordinated African strategy. Such assistance unfairly allows others to gain or protect market share in their own or their African country targets. There is overwhelming evidence that developed country subsidies, particularly in agriculture, continue to be a major obstacle preventing African countries accessing more developed markets.

Export success for African manufactured goods increasingly requires, as a minimum, that product quality can be reliably proven against specified requirements. The ability to demonstrably and continually meet agreed specifications can also significantly contribute to improved competitiveness. Success in both areas is dependent on having the appropriate domestic technical support infrastructure in place that can be appropriately maintained. Such an important issue is predicated on the need for suitable government policy or, perhaps more correctly, suitably aligned and mutually supportive national and regional policies. The unintended consequences of not having access to such infrastructure can constitute significant barriers to trade. Non availability imposes unnecessary costly and time consuming tests in the intended market in order to comply with their various and often varying technical requirements. Such a reality is fully appreciated by the originators of NEPAD. The need to create specialised and independent measurement institutes as well as testing laboratories and certification organisations is specifically identified. The former institutions are normally publicly funded bodies, albeit nominally in some cases. In the developed world, testing and certification activities are overwhelmingly left to the private sector. The NEPAD document is silent however on how such an important set of needs will be translated into sustainable reality. This is not altogether unexpected. Given the complexities already evident in establishing and maintaining such infrastructure in developing countries, a well coordinated and concerted effort by Africans will now be required.

In addressing the need for, and future role of, domestic regulations in trade policy, African countries have a delicate balancing act to perform. They must carefully balance the need to protecting their citizens against increasing demands to open their markets to trade. It is a delicate matter because of the potential for a multitude of unintended political consequences that may accrue from a technical and economic decision. Consideration, including that of the short, medium and longer term impacts and possible consequences, is therefore stated when domestic technical requirements are being formulated and implemented. The cost and effort required by organisations to comply with regulations versus the benefits obtained through their demonstrated

compliance need to be carefully weighed against one another. Facts gathered through such exercises can also provide a powerful input for appropriate future use by the political leadership as well as by national and regional trade negotiators. Proper engagement and ongoing communication between African states should also be continually and actively encouraged, in the same context, as part of ongoing trade negotiations and post negotiation alignment activities.

There are at least three sets of obstacles regarding standards and conformity assessment that have been identified. Such obstacles need to be seriously addressed in Africa if progress is to be made. The first difficulty concerns the existence of different standards in different markets for essentially the same item. African countries continually express concern that foreign regulatory programmes and associated conformity assessment activity fail to consider their conditions and related capacities. Barriers to entry and export are then automatically created. Such barriers may be the result of either commission or omission on the part of those who originally devised the requirements. Neither possibility however gives any comfort to those in Africa who are then tasked with overcoming such barriers.

The second hurdle relates to the technical problems that typically surface when undertaking conformity assessment procedures. The related costs and time that may be involved in solving such problems can become a substantive issue. A supportive domestic environment promoting an appropriate and sustainable mix of private and public conformity assessment activity is therefore important. The state should lead in the creation of appropriate and holistic solutions for addressing the issue of TBTs. In an African context, it should be remembered that additional costs are automatically included if the private sector is routinely contracted to deliver public sector benefits due to the lack of suitable skills in the public sector. An associated problem is the extensive use of foreign based conformity assessment providers by African states. Although this is an accepted and widely adopted strategy to quickly address import requirements for markets such as Europe, such a 'quick fix'

solution offers no answers as far as local capacity building and associated knowledge transfer are concerned.

How should African governments address the issue of sustainable private sector conformity assessment service provision given the important differences in approach identified in the research between the public and private sectors? The private sector normally focuses on the needs of a self-selected group of specific customers. The public sector however must take the responsibility to address needs of a wider group of citizens. A profit driven, private sector supplier that needs to satisfy owner demands is therefore highly unlikely to share the same ethos and values that should motivate the public sector. Such a reality tends to caution against public institutions that are created to provide specialised technical supervision, while simultaneously delivering commercially competitive services. Owing to current uncertainty in the ongoing supply of public funds, the research has identified specific instances where this occurs in Africa. This outcome has appeared due to force of circumstance rather than as part of a well considered and holistic national strategy. The lack of a shared African public sector ethos, that suitably reflects their unique role as a vehicle for driving the developmental state agenda, is a major concern.

Orderly African country migration away from a culture of donor driven creation of public service capacity and delivery will not happen by default. African governments need considered and well executed strategies for the phased opening of their markets. As already intimated, a careful balance is required between opening their own markets while addressing export related TBT and SPS issues in a responsible and cost effective manner. Such strategies also need to allow for the simultaneous national provision of appropriate, publicly funded, technical infrastructure. Local and international experience has shown that private sector options still require a measure of government stewardship if the intended focus and quality of service is to be maintained. Adopting a 'business' approach to the provision of specialised technical support functions creates scenarios where only those services that would realise a profit in the short term are serviced by the private sector. Technical infrastructure

requirements identified as part of national strategic imperatives, but that are not profitable, are placed in jeopardy unless public capacity with appropriate ongoing funding is made available. The encouragement of a sustainable and mutually supportive mix of public and private institutional capacity will therefore require insight and appropriate incentives. A key government leadership imperative is to provide an appropriate and publicly funded technical infrastructure for domestic users while encouraging the private sector to take an active and increasing role in conformity assessment service delivery. The matter of appropriate contractual relationships is also important when government involves and remunerates private sector players. Contractual remedies within the African continent can be expected to vary given the various legal traditions involved.

Technical capacity creation or enhancement strategies targeting specific industrial sectors in Africa will require both highly skilled individuals and competent conformity assessment bodies. Issues that need to be addressed in more detail include, for instance, environmental aspects such as the measurement of organic contaminants in water, dioxins and furans in the air and also appropriate soil analysis. There are also food safety aspects. These include nutrient determination of plants, pesticide residue levels, food borne pathogens, regulation of Persistent Organic Pollutants (POPs) and Genetically Modified Organism (GMO) testing. An in-depth Afro-relevant scientific investigation is therefore required to identify the prioritised technical issues. Such an investigation is unlikely to be undertaken by the private sector unless there are substantial financial gains to be made or alternatively if it is tasked and funded to do so by either a donor or government. The South African dti has acknowledged the need to facilitate and encourage all stakeholders to cooperatively engage in a process of ongoing learning during the creation and implementation of policy. Insight from such a process could obviously be used to appropriately finesse areas of technical infrastructure weakness as well as to strengthen administration and implementation.

5.2.2 Enabling national legislation

The research has identified that the journey towards sustainable technical infrastructural development in Africa will entail several key interventions. Three are highlighted. The first is a suitably integrated industrial development and environmental policy framework for each state. Such frameworks should be based on a thorough, and integrated, evaluation of the potential of an industrial sector to make a positive contribution to socio-economic growth. This kind of evaluation should also ensure that potential positive benefits are suitably weighed against the negative environmental impacts. Each evaluation needs to be based on a deep understanding of what is practicable within the African context. Due consideration of the available resources and capacity is also vital. Another issue is the role and use of domestic technical legislation. Technical legislation can easily influence the ability of local and foreign companies to trade, either positively or negatively. While certain biases in domestic legislation can initially assist local companies, the outcome is to make them uncompetitive globally, especially if different norms or standards apply. Lenient trade, industrialisation and environmental policies and associated legislation could also easily be interpreted by others as “hidden” or “implicit” subsidies to locally based producers.

A second key intervention is the need for creating local and regional partnerships. These should be underpinned by appropriate domestic stakeholder participation in formulating and implementing integrated policy and associated capacitation strategies. Successful interventions require that all relevant stakeholders have a voice, and share ownership in the vision, strategy and subsequent capacitation activities. Civil society should be assisted to actively participate in trade-related policy issues at national, REC and continental level. In a similar way, representatives of African based private sector organisations must be actively encouraged to assist. Care must however be exercised to ensure that any private sector input accurately reflects African views rather than those of local lobbyists for foreign based multi nationals using the opportunity to promote self-serving foreign agendas.

The final key element is the creation of a strong and cohesive enabling environment for the effective and ongoing capacitation of domestic or regional regulatory, standards, metrology and accreditation infrastructure. Such activity would likewise utilise national, REC and continental resources as appropriate for a particular phase of the capacitation process. A leading role needs to be identified for African trade facilitating institutions. Their role is to set an appropriate stage for industry with the selective use of incentives and consequences to guide desired behaviour. The outputs from these technical support infrastructure institutions should not only positively contribute to improving the domestic and continental situation, but the experiences gained during implementation can also provide important data to assist African governments as they engage in future international negotiations in related areas.

5.2.3 National technical infrastructure planning and resourcing

Developed nations increasingly expect proven compliance of imported agricultural products and manufactured goods, against sophisticated, and increasingly harmonised, technical requirements, before allowing access to their markets. Inherent barriers and other difficulties are caused when each country defines its own regulatory requirements. There are increasing moves internationally towards referencing internationally harmonised standards in national regulations. The EU is arguably the most advanced region at present in this regard. Such a development has led to a demand for appropriate mechanisms that allow both for independent proof of the competence of both local conformity assessment bodies and the integrity of the associated national support infrastructure. African governments and their publicly administered infrastructures need to ensure that domestic manufacturers and agricultural produce suppliers have appropriate, affordable and timely access to appropriately sophisticated technical infrastructure. The aim of such infrastructure is to prove compliance to the increasingly stringent technical demands of developed country markets as already intimated.

If African governments are earnest about creating an enabling environment for export-led growth, it is obvious that well considered, appropriately timed and funded public administration led interventions are required. There are usually long lead times between the identification of a TBT- or SPS-related need and its ultimate and sustainable solution. Such complex and interlinking activities need to be managed whilst coping with increasing demands for the rationalisation of both the services that governments provide and the public officials required to execute such tasks. It is vital therefore that the NEPAD RECs proactively identify such needs as a matter of priority. They also need to commit adequate and ongoing resources to their resolution. The responsibility for any progress towards benefiting Africa must, based on past experience, fall squarely on the shoulders of African governments and their supporting public administration structures.

Donor funded activity focused on technical capacity building in Africa has historically been aimed at creating or expanding public infrastructure. Such efforts could be broadened with reference to self-created and managed domestic policies on trade and industrialisation, proper environmental protection and associated domestic implementation plans. As previously mentioned, the role of the private sector is recognised as being important in Africa but little is actually being done to actively create conditions for a more active role on their part. Given the present thrust by the WTO and others, donor-related activities in the area of technical capacity building will continue. Donor funded projects are normally written in accordance with strict and measurable objectives that need to be achieved within very tight time constraints. As noted at the outset of this study, extensive use is usually made of foreign based experts who are obviously keen to return home once the short term project is completed. The efforts of such foreign based experts are normally focused on project evaluation, training and implementation of the requirements of foreign markets such as the EU regulatory directives. The limited time available for project implementation, before funding expires, is also not eased by the inherent bureaucratic formalities that need to be complied with before such funds are dispersed. Complicated, and in some cases, ever changing compliance requirements are strictly enforced before

the promised funding is released and also as a project unfolds. Such a scenario does not easily lend itself to the enlightenment of local participants about even the foreign sourced scenarios and how they were arrived at. The creation of intelligent, locally relevant, alternatives is certainly not considered in such scenarios.

The technical project scenario in Africa involves a complex, often chaotic, mixture of local and foreign producers, suppliers, various experts and donors. These are all lobbying to contribute their particular insights and preferences in exchange for some of the donor funding. Infrastructural SQAM policy and associated technical capacitation initiatives, from the embryonic stage to maturation do not appear to have been addressed as part of any previous Structural Adjustment Programme initiative in Africa. Such a lack could, in part, be due to the time needed for the adoption of such an all encompassing approach. African states need therefore to begin to consider and then determine their own needs and priorities. The “garbage can” approaches to technical infrastructure policy, prevalent in most African states, is clearly not serving their best interests. As already asserted, different, and more positive, outcomes cannot be expected if the modus operandi does not also change. An immediate and cost effective role for NEPAD could be to identify the many activities in technical capacity building occurring in both individual African states and also across the different RECs. Such information would provide an excellent foundation to determine where cross REC fertilisation could yield faster results from national and REC SQAM related projects working towards continental outcomes.

Although South Africa can be justifiably proud of its world class SQAM and conformity assessment infrastructure, there is still work to be done, domestically, in support of SADC and the wider region. The current interactions between the national SQAM technical infrastructure bodies and their various African projects are reactive in nature, short term and ultimately unsustainable. What is now required is a comprehensive and holistic plan based on policies that address specific needs. Domestic public and private conformity assessment organisations need guidance in creating sustainable

infrastructure. The aim should be to support government policies for export led growth and also industry driven demand that requires local technical capacity building and strengthening. The plan should lead to Afro centric definitions for initial and ongoing public administration led contributions while identifying the necessary conditions for attracting, engaging and ultimately leading and cooperating with the private sector and other important stakeholders. The creation of suitable structures and processes to guide the work of such administrators is pivotal to success. If such effort is required of one state, South Africa, as a member of one of the RECs of NEPAD, SADC, should be encouraged to share experience and knowledge both within the REC and within the larger NEPAD group.

SQAM-related information and experience that is freely shared within NEPAD could also act as an important counter to foreign donor driven projects with inherent, unstated and often unrecognised policy methodologies. What is very clear is that more of the same is not good enough. Uncoordinated national and regional interventions that use various approaches to policy and decision-making, add further to the problem. African public administered technical structures need to work in ways that promote collaborative synergies rather than the present competitive malfunctions that are often caused by short term financial and other self-serving objectives.

5.2.4 Technical infrastructure administration and implementation

Lack of internationally recognised SQAM infrastructure and easy access to services to prove technical compliance are an important challenge in Africa. Many African countries are ill-equipped to implement the rules set by the multilateral trading system as codified in the WTO TBT and SPS agreements. Ostensibly created to open up markets, they allow member states to protect health, safety and the environment. Time has shown that these agreements are difficult for most African countries to implement. They create, instead, increasingly sophisticated technical barriers for market entry. Compliance, and appropriate proof of such compliance, must be ensured to prevent further

technical barriers being created. Technical infrastructure capacity building and strengthening projects are both difficult and resource dependent. They are also by no means short term in nature. At the very least, successful projects require resilient leadership, continuity of participants at all levels and large amounts of ongoing capital and operational expenditure.

A comprehensive review of the South African SQAM institutions and their ability to meet the needs of SA commerce, industry and government, has been completed. The consultants were asked to establish what financial, effectiveness and efficiency constraints hampered the development of the local SQAM infrastructure. A private, philosophical management approach was adopted by default and this is evident throughout this empirical study. The results were then used to advise business, labour and government on the formulation of a holistic national SQAM policy and the relevant roles of the respective groups in implementing such a policy. The recommendations from the review have now been largely implemented by the institutions concerned under the watchful eye of, and with funding from, the dti. The recent promulgation of the various SQAM-related acts in South Africa completes the proposed actions resulting from the study. The South African SQAM study is sound as far as specific technical issues are concerned. It fails however to address the deeper public administration aspects such as holistic policies, planning and subsequent collaborative governance required for sustainability. The need for a collective and harmonised strategy between the various public entities and government, to promote synergistic implementation and maintenance in achieving larger government objectives, is still not generally understood. It is suggested that a much deeper insight of both public and private management philosophy is required in allocating tasks such as the SQAM review. The same applies during the execution and subsequent implementation.

The area of TBTs, supportive national technical infrastructure, and addressing conformity assessment needs requires impartial and considered input on a continual basis. Government needs to allocate appropriate responsibility to ensure that the resultant implementation of policies in fact deliver the

expected results and associated benefits. Given the leading role in SQAM taken by South Africa in SADC, the lack of appropriate stewardship in this crucial area has serious consequences not only for South Africa but also in SADC and the rest of Africa.

There is a pressing need to create research driven methodologies that can assist in guiding and driving the future direction of the existing African SQAM institutions. Appropriate research on a fitting public versus private conformity assessment service provision mix is one important component. The need to measure performance against and learn from various national, sub–regional and continental SQAM supported initiatives is also emphasised. Such SQAM–related research, from a public administration perspective, has never been proactively addressed in either the African or global context. Even if such public administration related research data were to be available, it would need to be skilfully applied by the relevant public officials to gain the necessary benefits. This is especially true of the unintended consequences of domestic and SADC SQAM policy application. Such deep consideration is close to impossible if the public officials charged with such an important responsibility are continually changing, as is often the case in South and Southern Africa. Such staff churn often leads to more junior staff trying to cope with much larger responsibilities during the sometimes protracted, recruitment process for a replacement. Another key issue is the lack at times of a clear set of criteria for the quality and quantity of service that is required. Even if such criteria did exist, there are often no personal consequences for failure to reach the intended outcomes.

Careful consideration is required regarding the organisational positioning of highly trained, and sought after, regional SQAM officials. Such due positioning is required to appropriately temper their specialist–value–laden recommendations. There should be adequate recognition, in such a positioning exercise, of the tendency for such experts, when working in isolation, to exert incredible national influence that can be detrimental in the long term. Ensuring that SQAM experts work cooperatively with peers within

the larger region could go a long way to moderate any negative impacts from well intended advice based on a narrow technical focus.

5.2.5 The role of governance

The development of African economies can no longer occur in isolation. It is accepted that global integration and competitiveness is easier to achieve through regional consolidation and associated economies of scale. In the case of SADC, South Africa's market domination coupled with differences within the region concerning leadership style, history and language makes any regional initiative both complex and problematic. Conversely, these difficulties make this kind of initiative all the more necessary. The need for leadership in Africa while also demonstrating appropriate self-governance also creates further unique complexities. While Africa wrestles with such demands, it is clear that the global environment will not pause for her to catch up.

A new suite of South African bills covering four elements of the SQAM technical infrastructure creates new opportunities for these institutions to work even closer together. An important element, lacking in South African SQAM, is an overarching national strategy and mechanism to mitigate any self-serving “silo” effects that have historically been prevalent. The recent publication of a South African industrial policy provides one such instrument. The availability of an industrial policy allows a much wider perspective than was previously possible. The policy is unfortunately silent as to the collective role of the SQAM institutions in assisting SADC and NEPAD. There is no such document, as far as can be determined, for the rest of the region either. The challenge in this vacuum is to ensure that the choices made by individual SQAM institutional management, acting in isolation, support the wider public interest. Such choices should also ideally consider sub regional and even continental inputs.

Synergistic collaborations aimed at achieving improved support of national, SADC and NEPAD trade objectives should be a priority. All four South African

SQAM institutions either have or will soon have individual Boards of Directors. In terms of good corporate governance, each of these boards therefore has a delegated responsibility to direct operations for the ultimate benefit and sustainability of the specific entity. Healthy cooperation between the four new SQAM entities is unfortunately still left largely unsolved. As far as can be determined, there is no intention at present to request the boards to periodically meet with the minister so that the strategic direction of the various institutions can be harmonised, synchronised and focused. The mix of old and new public institutions in the South African SQAM environment has also led to very different interpretations as to what their local, regional and international role should be. To this end, periodic meetings between senior government and SQAM institutional staff to address SQAM specific issues are crucial. Although senior staff from government sit on some of the boards this cannot, and should not, replace appropriate SQAM inter-organisational dialogue. These interventions should aim at ensuring that local SQAM organisations continuously receive appropriate guidance from and give feedback to their principles in government. Given that SQAM organisations also interact with other national departments it should also allow appropriate assistance to be sought when necessary in this regard. If not addressed in a more holistic way, such a scenario will continue to exacerbate the unintended consequences that have already been identified.

Whatever governance model is ultimately adopted for a more comprehensive provision of conformity assessment in the future, there is some consensus in the literature about one, perhaps contentious, mechanism to provide the necessary feedback. Any method for obtaining feedback should, as a prerequisite, actively encourage wide public participation. One way of achieving immediate feedback is to link expenditure and revenue by raising the required revenue in part from the direct beneficiaries of the SQAM services. While there is overall consensus that clients should pay at least part of the cost, the SQAM review mentioned earlier was ultimately not able to determine what the market could bear or how much clients would or could afford to pay for SQAM related services.

5.3 CURRENT SADC ACTIVITY IN TECHNICAL INFRASTRUCTURE TO ASSIST AFRICAN INTER AND INTRA REGIONAL TRADE

5.3.1 Standards, NSBs and SADCSTAN

As already stated, African countries are normally standards takers not standards makers. The cost of overprinting and distributing a standard by an NSB, as an agent of ISO, is relatively small compared to its typical annual budget. The need for producing national standards, on the other hand, is a specialised, expensive and time consuming process. The counter argument is that, especially in African countries, many of the experts involved in the development of such standards, either locally or internationally, and their subsequent interpretation and assessment are specialist public officials, employed and trained by such bodies. This is an important argument especially in areas of high technical specialisation. In order to understand how much of a problem there is in reality, a deeper understanding of the existent and potential gaps in the market is necessary. A further complication is the difficulty of quantifying the significant, but often indirect, impact of the work done by NSBs in the economy – a fact which often leads to demands to reduce their financial allocations from the state fiscus.

There are still no commonly agreed prescriptions regarding the boundaries of administrative responsibility in general, let alone in such a specialised area of activity as SQAM. It has already been noted that developing country administrative capacity creation normally begins with conscious efforts to imitate modern Western bureaucracy rather than developing a more indigenous public administration knowledge base. African evidence to support the same thesis can be seen in the creation of NSBs in African states mimicking similar organisations in developed western states. The NSBs, acting collectively as a global elite, oversee a process of incrementally increasing the content and rigour of technical standards. Their collective wisdom is frequently questioned but never overruled. Neo-liberal based public policies in major European countries have in the meanwhile forced their NSBs to individually re-examine their roles and strategies. Such a re-

examination has yet to be done as a collective exercise under the international umbrella organisation, ISO. It has been left as a national responsibility rather than a strategic re-evaluation of the role of standards, standardisation and the future role of public funded standards organisations. Such a reluctance to collectively and fundamentally review their role could perhaps be ascribed to a resistance to change mindset inherent in such a diverse collective. The fragility of the confidence built upon international consensus could be another reason for maintaining the status quo.

All available research in the standards area managed by ISO appears to concentrate on the standards themselves such as the popular ISO 9000. The ISO 9000 series coincidentally generates important business for the same NSB members of ISO. There has been a paucity of serious attempts to review the present methodology espoused to coordinate national and international input to, and subsequent harmonisation of, ISO standards. The potential for different ways to work created by developments in technology appear to have been ignored. African NSBs are left in an unsustainable time warp. African NSBs are locked into using outdated methodologies, such as expensive committee meetings in environments where travel is often difficult and time consuming. The availability of improved IT technology is little comfort. Its deployment in Africa is largely precluded by lack of funds, inadequate supportive national infrastructure or both. Future activity will need to recognise and mitigate the effects of such long cherished traditions in searching for new Afro centric alternatives for active and cost effective involvement in standards and standardisation. The future role of African NSBs and their individual and collective transformation to both reflect, and assist in, the African diaspora need urgent attention.

Many African states have been encouraged over a period of time, often with external donor support, to establish such an NSB. These then attempt to manage numerous standards and conformity assessment related activities. These activities can include the harmonisation of standards, the performance of a technical regulatory and inspectorate function on behalf of their government in terms of legislation, and also the provision of test and/or

inspection services to prove compliance with both national and, where appropriate, internationally harmonised standards. The subsequent activity to prove compliance to such standards, a potential source of revenue, unfortunately can easily create the potential for a conflict of interest for such an NSB. The conflict is particularly evident when additional revenue is required to supplement scarce and decreasing public funding, which is almost always the case for African NSBs. In order to ensure financial sustainability, most of these publicly funded organisations have been indirectly encouraged to further develop the services they offer. With the benefit of appropriate hindsight, it is recognised that some of these activities have not always been in the longer term interest of more holistic national objectives – a scenario that is especially true regarding the promotion of an appropriate private sector involvement in conformity assessment. Such activity is often seen by the NSB as their peculiar territory that needs careful protection. The preference for local adoption of internationally harmonised standards, which are ever increasingly available over the Internet, does place the future role and purpose of such bodies in question.

Given the inherent tensions already identified between the NSBs in Southern Africa, there has been relatively slow progress within the SADC REC organisation for standards, SADCSTAN. Current activity is focused on the relatively non-controversial issue of harmonising standards accepted by all SADCSTAN members as needing a regional priority. To date certain sector-related standards have been identified, prioritised and distributed amongst the NSB membership. Individual NSBs are then expected to manage the actions required to secure national adoption. An important milestone is that all of the standards required for accreditation have been adopted as SADC standards. This has removed an important potential impediment. There could have been great sensitivity for instance if a laboratory outside South Africa were to be accredited using the South African version of the relevant international standard. The availability of a SADC document removes a potential sensitivity and also makes such documents cheaper to purchase than the international version available directly from ISO in Geneva. In spite of the availability of such a group of standards, few if any are being used. The need is expected to

increase however once the regional accreditation body, SADCAS, is fully operational.

Research has shown that European supermarket chains are now cutting out large elements of the supply chain by dealing directly with African producers. These relationships are often based on the result of successful certification. The private sector standards used to support this activity and the accompanying certification are potentially problematic. African standards professionals currently have little or no input into such private standards or the accompanying contractual arrangements for foreign certification.

5.3.2 Metrology, SADC MET and SADC MEL

The need for and importance of proven traceability to international metrological standards for African measurement has been understood in SADC for a very long time. As a vehicle to promote confidence in trade, confidence in the weights used and other measurement is critical. Research for SADC in the area of metrological capacity was commissioned as far back as 1994. A local expert from the Tanzania Bureau of Standards was commissioned in that year to undertake a study on a metrology system for SADC. An impressive report offered a comprehensive programme of action. There were nonetheless no significant or sustainable outcomes, as far as can be determined, from the resultant recommendations.

A major objective of the SADC cooperation in scientific and industrial metrology, SADC MET, is to promote the equivalence of measuring standards within the region and thus reduce technical barriers associated with physical measurement. South Africa is the only SADC country that has signed the international convention for the metre. NMISA is also the only metrology laboratory in SADC and one of only two in Africa which actively participates and is recognised in terms of the global Mutual Recognition Arrangement (MRA) between the national metrology institute members of the CIPM. NMISA is actively pursuing the establishment of mutual recognition of measurement standards within the SADC region, with an ultimate objective of

obtaining international recognition for SADC MET. NMISA also has a major responsibility as an international recognised reference laboratory for SADC MET in the international comparisons undertaken by the CIPM to ensure integrity in the global metrological system. The recurring challenge is that the majority of the members of SADC MET come from National Standards Bodies.

Legal metrology organisations of the SADC member states cooperate under the umbrella of the SADC Cooperation in Legal Metrology (SADCMEL). SADCMEL is tasked to harmonise the legal metrology legislation amongst the member states. The group also aims to assist one another in developing the relevant laboratories and training of the associated technical staff. Given the diverse legal traditions within SADC, the harmonisation of legal metrology legislation is no trivial task. An inventory of the status of the structures in each country was undertaken as a project early in the life of SADCMEL in 2002. Unfortunately, little has changed since then, superficially due to a shortage of funding, but perhaps more so owing to a lack of a shared vision and reactive leadership.

5.3.3 Accreditation, SADCA and SADCAS

Conformity assessment services are provided by laboratories, inspection bodies and certification bodies. Independent accreditation of conformity assessment service providers recognises that such bodies normally operate in a fiercely competitive environment. One mechanism for achieving public service benefits from the private sector is to create and mandate an agency with specific tasks. One such task would be to make them accountable to compare the performance of private companies across different activities. In order to ensure that these activities are performed by competent service providers, governments are increasingly creating National Accreditation Bodies (NABs). Accreditation assists local and international customers of conformity assessment by providing a level playing field where service providers compete for customers based on their ability to independently demonstrate their competence to perform specific technical tasks. National

accreditation bodies have been created and now operate in Egypt, Mauritius, Tunisia and South Africa. Two of these bodies, SANAS in South Africa and EGAC in Egypt, have already been internationally recognised by their global peers in ILAC and IAF, as already stated.

A major issue since the creation of the SADC coordination body for accreditation, SADCA, is its domination by NSBs. Twelve of the fourteen member state representatives on the SADCA committee are from the member state NSBs. The problem is that African NSBs, as suppliers of revenue generating certification services, need independent accreditation for market place credibility. Their domination of the structure created to operate a MRA between SADC based accreditation bodies is therefore contentious. The international accreditation fraternity has grave reservations if one particular interest dominates the governance structures of an accreditation activity. Such concerns are heightened if an unrepresentative group, dominated by direct beneficiaries of the service, dominate the next level in the accreditation hierarchy. The regionally managed accreditation MRAs under ILAC and IAF are required, through transparent and impartial processes, to give additional confidence to the accreditation decisions reached by the individual NAB members of the MRA. As the planned custodians of a SADC MRA for accreditation, SADCA cannot afford to create a mechanism that would be rejected internationally owing to problems, whether perceived or real, with impartiality. Doubts would certainly be raised on the integrity of a SADCA MRA if its governance structures were to be dominated by the same NSBs. The problem will need prudent management in the future.

Foreign based, and overseas accredited, multinational certification companies continue to compete for market share with SADC NSB certification services. Such a scenario has created an immediate SADC demand for accreditation of the local NSB services offered. A regional resource for accreditation, SADCAS, has recently been formally established. The creation of SADCAS is a global first. Such tremendous progress has not only attracted attention from other parts of the world but also unlocked significant amounts of Norwegian donor funding, as already noted. The funding has allowed SADCAS to

recently become operationalised and a CEO and technical manager together with administration support staff have now been appointed. Staff for SADCAS were sourced from ex NSB staff because of their availability and particular expertise in standards and conformity assessment. SADCAS has been created as a result of a demand for servicing the accreditation needs of those other SADC REC member states which do not intend to create national accreditation capacity. There are three major challenges as far as its sustained operation. These are the ability of the fees charged for its services to cover substantial amounts of its operational budget in the medium to long term. A second challenge is to convince SADC that sufficient and sustainable financial support is required for SADCAS to cover international representation activities on behalf of the member states that it serves. The last challenge is appropriate buy-in and utilisation of SADCAS accredited facilities by the various regulatory bodies within the SADC member states. The role of SADCAS in supporting technical regulations in the various SADC member states could become a considerable hurdle due to the varying legal systems within the region and possible reluctance of national regulators to make use of its services. The availability of foreign donor funding for the short to medium term does however give time for these difficulties to be addressed.

5.4 AREAS WHERE SADC TECHNICAL INFRASTRUCTURE ACTIVITY IS REQUIRED

5.4.1 Strategy and trade negotiations

The linkages between SQAM issues identified during trade negotiations and obtaining proactive input from the various SQAM institutions is an important aspect that has to date been largely neglected. Such important activity, if it occurs at all, is usually both reactive and tenuous. Certain officials within various ministries are aware of the role and functions of SQAM. Time has shown that such knowledge and the associated insights are normally lost when the official is promoted or redeployed. Unfortunately, there is no formalised interaction between the relevant parties in the various member states on SQAM trade negotiation issues and larger strategic objectives. The

confrontational environment in which trade negotiations normally take place is, by its nature, also problematic and is not conducive to seeking holistic regional solutions for technical capacity strengthening. Any overarching SQAM-related benefits that could potentially be obtained is thus lost. Another problem is that once such a negotiation has been concluded, some measure of risk moves across to the specialist national organisations that share collective responsibility for the implementation and maintenance of the SQAM-related aspects. The transfer of risk is especially acute in the area of technical regulations. Given the active role of the majority of African NSBs in regulation and conformity assessment, present tendencies are to build relationships between the NSBs rather than look at more holistic solutions designed to include other service providers.

5.4.2 Technical regulations

Intelligent regulatory interventions can both protect and promote consumer choice through establishing enabling mechanisms for appropriate competition. It is important to note that in Africa certain issues such as human and animal health and safety could require a different form of regulation. Such regulations may intentionally restrict consumer choice in order to provide a desired minimum standard. Regulatory differentiation is crucial when considering the implementation of high risk related standards and technical regulations that conformity assessment services might be required to monitor and protect. The protection of commonly agreed upon public values has inherent associated costs. The protection of public values normally requires intelligent trade-offs between such values and any gains that may be had from increases in efficiency.

Two important issues from the perspective of private companies are national regulatory differences and the time and cost involved to prove compliance. Differing national regulations within SADC limit the ability of a SADC based manufacturer to achieve the types of economies of scale that could be achieved with suitably harmonised requirements. Such national differences can also lead a company to decide against moving into certain markets even

if they are close geographically. Another issue is the potential time delays in proving regulatory compliance in another SADC member state. Inherent bureaucracies that appear to thrive in Africa coupled with language barriers are also not helpful. If these were not enough, delays caused by NSB revenue earning inspection procedures and difficulty in accessing or understanding the different member state standards are also relevant. The multiplicity of demands and remedies involved in addressing SADC market liberalisation, including the related conformity assessment requirements, obviously requires careful thought, intelligent policy creation and national and regional coordination. Once focused, properly coordinated implementation activities and appropriate governance mechanisms are added to the equation, the sophistication required of public officials even at member state level can be appreciated. The political will to conclude free trade agreements in SADC, with seemingly optimistic time frames, does not appear to be tempered at all by the technical realities and the distinct lack of tangible progress on the ground.

5.4.3 Conformity Assessment

In Africa, the issue of the domestic provision of technical infrastructure is increasing in importance. African governments, with the judicious use of the public sector, have a key role in creating initial domestic and regional technical capability and capacity. Small, Medium and Micro Enterprises (SMMEs) can be an important source in the provision of conformity assessment services. In holistic SQAM related interventions, the role of large public facilities also needs careful attention. Obtaining the initial and ongoing balance between the use of large public funded facilities versus encouraging private sector SMMEs to providing appropriate, affordable and sustainable conformity assessment, in the context of Africa, is the challenge that needs to be addressed.

African activity in the area of conformity assessment, South Africa aside, largely relies on strengthening the often under developed infrastructure of the various NSBs. The assessment of SQAM-related country needs is still also

largely left to the staff of these same entities. Requests to donors normally focus on reactive solutions to an impending export related crisis. Private sector development of conformity assessment bodies, if considered at all, is normally an unwelcome activity. Little if any effort is expended on encouraging sustainable private sector capacity. Such a situation normally leads to the creation of ever more specialised public capacity. Unfortunately, such a short term focus actively impedes future creation of similar capacity in the private sector. Although the current scenario is ostensibly driven by perceptions of potential market failure, the solutions are not sustainable in the longer term. Limited public funds and the portability of, and increasing demand for, the limited pool of SQAM technical expertise adds additional complexity to the problem.

NSBs in the region continue to use their considerable market advantage to offer associated commercial testing and inspection services against the same standards they assist in promoting. Although it is easy to frown on such behaviour, one must understand the underlying pressures and a lack of clear direction from government that has led to such unfortunate circumstances. The same pressures on the South African metrology organisation created similar tensions between themselves and the calibration fraternity that they are theoretically tasked to assist. The problem was only solved by a clear separation of functions and the provision of appropriate funding for strategic imperatives. The competitive nature of some of the services offered by the standards bodies referred to earlier is also an important point that needs further consideration in this regard.

5.5 CURRENT NEPAD MECHANISMS THAT ASSIST ITS REGIONAL ECONOMIC COMMUNITIES (RECS) IN SUSTAINABLE TECHNICAL INFRASTRUCTURE CAPACITY BUILDING

5.5.1 Standards and ARSO

African representatives need to continually raise the issues of differing standards and support offered to foreign based competition in appropriate

global, national government driven, forums like the WTO. African governments also have to ensure that they have appropriate domestic systems in place to back their international negotiating stances. To remain credible, they certainly cannot be seen to be asking others to do one thing while applying different norms domestically.

The African Regional Organisation for Standardisation (ARSO), an African intergovernmental body (as already stated), was established in 1977. Actively supported by the International Organization for Standardization (ISO), it is mandated to promote standardisation activities in Africa. As already mentioned, a Swedish International Development Co-operation Agency (SIDA) funded project aimed at establishing the value of ARSO was undertaken in 2003. Its members subsequently agreed that substantial change was required in order to realise the potential value of ARSO. The strategic planning workshop that followed also generated a mission and vision for ARSO. The vision was to be a representative and credible focal point for Standardisation, Conformity Assessment and Quality Promotion in Africa. The same workshop agreed that recognition of ARSO as a specialised agency of the AU should be pursued. The need to enhance the relevance of ARSO's services to the African market as part of gaining further support for ARSO in regional organisations such as COMESA, SADC, ECOW AS and UEMOA was also identified. Unfortunately the impact of the short term, donor funded, private sector management consultancy led project on the efficacy and acceptance of ARSO is still undetermined. Little tangible progress is now evident regarding the realisation of any of the objectives identified by the project.

5.5.2 Metrology and AFRIMETS

International and African metrology experts met in 2006, in a workshop hosted by the NEPAD secretariat, in order to discuss the metrology needs in Africa. The increasing importance of metrology within Africa is attested by the fact that the workshop was attended by delegates from more than 25 African countries. The head of the bureau of the international treaty organisation for

scientific metrology, the BIPM, was a significant attendee. Representatives from each of the three other BIPM regional metrology cooperation's representing Europe, the Asia Pacific region and the Americas also attended. The workshop unanimously agreed that there was an urgent need to create a regional umbrella organisation, AFRIMETS, for scientific, industrial and legal metrology. The meeting also agreed that the main goal of AFRIMETS would be to harmonise accurate measurement in Africa, establish new measurement facilities and gain international acceptance for all measurements critical to export, environmental monitoring and sanitary and phyto-sanitary issues. The legal metrologists also identified the need to create and maintain a technical regulatory framework conforming to international best practice. This was required in order to ensure an effective trade measurement system.

The first General Assembly meeting of AFRIMETS, held in 2007 at the premises of the NEPAD, was also significant in that an MoU was signed by five African sub regional metrology organisations (SRMOs). These were SADC MET, EAMET, CAMET (later changed to CEMAC MET), SOAMET and MAGMET. As previously mentioned, these regional organisations represent a total of 37 countries in Southern, Eastern, Central, Western and North Western Africa with Egypt and Ethiopia expected to sign In due course. It has been noted that the global MRA for scientific metrology, operated by the CIPM, relies heavily on its constituent regions to vet new entries for scientific vigour and integrity. Any decision to include results from African facilities into the CIPM MRA will therefore have to come through transparent and technically rigorous processes managed by AFRIMETS. Such an important role creates an important stimulus for its continuation and future expansion. There are encouraging signs that its development is being taken very seriously within Africa.

5.6 AREAS WHERE NEPAD MECHANISMS TO ASSIST ITS RECS ARE CURRENTLY LACKING

5.6.1 Policy and administration

The majority of countries in Africa have inherited the public administration systems created for them by their former colonial powers. These systems were not designed or implemented with industrial growth for the benefit of the specific country in mind but rather what could usefully be provided by the colony for the “mother country”. One could conclude therefore that local trade, industrialisation and environmental issues were not that important for colonial legislators. The colonizing countries, in many cases, have also only relatively recently begun to gain much deeper understanding of some of the unintended consequences that previously unfettered industrialisation has produced.

The Structural Adjustment Programmes prescribed for Africa were based on two philosophical foundations, neo-liberalism and managerialism. The architects of such interventions simplistically believed that dramatic improvements could be realised if African states were encouraged to significantly reduce state involvement and associated controls. The free market would then step in and solve the majority of their problems. Such thinking is firmly rooted in western philosophies embracing capitalism and free markets. Obviously one can expect problems if the strategy on which an intervention is based does not reflect the belief system or understanding of those tasked in Africa with its implementation or maintenance. Subsequent realities show that such thinking was inherently flawed in the African context.

The research has highlighted the need for African countries to self-manage an appropriate reassessment of their trade and associated industrial and environmental strategies. The associated legislation and policies should also be included in such an exercise. These create a foundation for guiding future SQAM infrastructure needs. Such a platform needs to be based on solid data and appropriate cultural insights. The journey towards sustainable development in Africa for the same areas will entail difficult and costly

interventions. In order to utilise scarce resources to achieve the maximum possible benefits, appropriate and well executed policies backed by intelligent capacitation projects are critical to future success.

5.6.2 Technical regulations

A comprehensive review of existing, often colonially based, SQAM related regulations in Africa would create a unique opportunity for a compilation of best practice for the region. In order to ensure that the resultant recommendations for new regulation are appropriate and implementable, appropriate inputs should be sought both in the drafting and implementation process. It is suggested that NEPAD REC member governments take leadership responsibility for implementation. The African private sector will want a voice and also need to be appropriately involved.

The area of TBTs, associated technical infrastructure, and conformity assessment needs impartial and considered review under NEPAD. Appropriate use of the skills of specialised African public servants to assist in finding appropriate and sustainable public administration solutions also needs serious attention. These resources could be national, REC or NEPAD based and will need careful selection and appropriate deployment.

5.6.3 Private standards

Africa has already demonstrated the ability to deliver agricultural produce of internationally acceptable quality. Minimal time differences between Africa and Europe, coupled with advanced logistical arrangements, mean that nearly fifty per cent of imports presently sent by air into the United Kingdom already comes from Sub Saharan Africa. Strong demand and currencies in Europe and the need by African economies to generate foreign earnings creates even more opportunities for future expansion of such trade. The apparent opportunity has also heralded the entry into the standards arena of private concerns such as European supermarkets. The private standards they employ are already proving to be problematic. In a fiercely competitive

environment, the resultant trading arrangements are currently heavily skewed against African suppliers. A further problem is that the African state infrastructure created specifically to address standards issues have little input into such private contractual arrangements.

In addressing the adoption of private sector standards by African countries, there are several needs and expectations. These include simplification of requirements, flexibility in their adoption, mutual agreement on realistic time frames for implementation, the provision of appropriate technical and financial support to prove compliance and finally an ongoing review of purchasing practices. Encouragement for change will not come from the market alone. If voluntary initiatives fail, a redress of the situation may eventually need some sort of inter-governmental strategy and agreement. Such an agreement, if required, could detail criteria for the future relationships between developed country buyers and developing country sellers together with an appropriate monitoring strategy. Although such a proposed solution clearly interferes with the principles of the free market, sometimes principled interventions are unavoidable.

A recent development that has the potential to negatively impact on African exports of fresh produce is environmentally-driven trade. The concept internationally is still far from maturity. Such global fluidity in understanding and interpretation is creating a variety of technical prescriptions. A further complication is that the many environmental initiatives required of African countries, from different foreign agents, create competing operational activities. One example is integrated pest management that promotes pesticide utilisation in a particular way versus organic farming that prohibits such usage. A lack of harmonisation of requirements creates significant problems and unnecessarily difficult choices for those African countries that have a significant portion of their export trade based on agricultural produce. Creating technical infrastructure in conditions of such fluidity is sure to waste scarce resources. Higher level international solutions therefore need to be assertively pursued.

5.6.4 Accreditation

Many developing countries are becoming increasingly aware of the trade facilitation benefits of concluding international mutual recognition arrangements especially with respect to the harmonisation of standards and mutual recognition of the competence of testing, inspection and certification activity. International recognition of domestic competence in conformity assessment can have a very positive impact on the ability of domestic firms to conduct international trade. Part of the strategy to realise closer economic integration within Africa should therefore concentrate on the creation of an appropriate and supportive accreditation infrastructure. Such work would support the initiatives in standards and metrology already mentioned.

The members of ARSO have acknowledged that REC projects for accreditation are succeeding where their previously mooted regional strategy has failed. This success does not negate the need for the RECs to share information and collaborate to achieve further, mutually strengthening objectives. Information sharing from the experiences of RECs, which have already begun work on technical capacity building project components, would offer a dramatic opportunity for short term progress on several fronts. Such an aim has been mooted on several occasions by the various African member states involved in accreditation. Donor funding was sourced and made available for such an activity. Unfortunately as already mentioned, a lack of capacity at the NEPAD secretariat has so far frustrated further efforts. Limited cooperative activity amongst national experts continues in spite of the perceived lack of organisation support from NEPAD. This bottom-up methodology can only, by its very nature, produce very limited results.

5.6.5 Conformity assessment

NEPAD has identified some of the underlying issues at a broad philosophical level regarding the availability of conformity assessment services for African countries. There is still, however, no commonly agreed direction regarding public administration responsibility for the provision or sharing of conformity

assessment and related technical infrastructure. There is an urgent need therefore to provide such leadership and direction under NEPAD. Substantial capacity is required to address the pressing need to prove conformity to international standards. A supportive activity is the promotion of the sustainable creation and maintenance of appropriate SQAM supportive technical infrastructure. The type and role of monitoring and governance processes required within Africa to ensure effective and ongoing implementation at both levels of activity have not been addressed in any significant way. One significant issue is how African states should migrate from the present donor driven creation of public service capacity and delivery in the area of conformity assessment. The ultimate goal should be to encourage suitable mix of public and private institutional capacity. A related aspect is the promotion of sustainable African private sector conformity assessment service provision.

5.7 THE FUTURE ROLE OF THE NEPAD IN THE CREATION OF SUSTAINABLE PUBLIC AND PRIVATE TECHNICAL INFRASTRUCTURE FOR TRADE FACILITATION

5.7.1 African trade strategy and coordination

As noted at the beginning of this thesis, the global exploitation of Africa began during the years of colonialism. The main thrust was to gain maximum benefit for the least possible cost or ongoing investment. Political fragmentation in Africa, coupled with the negative legacies of colonialism, continue to exacerbate an already desperate situation. African states generally have adjusted to life after colonial dependence with great difficulty. The majority have used policies of creating large state owned enterprises and substituting imports with local production. Previous research has found three, public administration relevant, characteristics related to Africa. The first is that African governments have relied on a strong and increasingly interventionist role for the state in their industrialisation strategies. The second is a tendency to maintain the inherited colonial administrative structures. The existence of highly politicised, largely unrepresentative civil services in most post colonial

African states is the third characteristic. These elements are also prevalent in African SQAM. The situation therefore calls for intervention if any progress is to be made in rectifying the unsatisfactory situation that now exists.

South Africa, in line with many African countries, has targeted certain government–led interventions as part of a broad strategy to foster economic growth and reduce unemployment. In spite of years of individual SQAM organisational development, South Africa is still not fully aware of all of the complex public administration problems in synergistically developing holistic SQAM technical capability and capacity. Once such problems are clearly identified, and more fully understood, novel remedies will be necessary to minimize any potential disruption of current capacity. It is crucial that such a project must significantly embrace local insights and expertise from a much wider group of participants. State intervention has been a key factor in economic development in many, if not all, developed countries. Similar interventions by developed states are also evident in conformity assessment and related technical infrastructure requirements.

Harmonised technical requirements contained in voluntary standards at the international level have an historical tendency to escalate incrementally. Minimum technical requirements appear to rise as soon as the capability to test and measure are available from, normally, a developed country source. As such, standards development exhibits a complex mixture of both incremental and “garbage can” approaches. The resultant decrease in actual risk due to the newer, and almost always tighter, specifications is not always readily apparent. On such fragile assumptions the prevailing global trade and technical support environment has been crafted. The developed world has found that, in spite of evident shortcomings, it still substantially serves their interests. The remedies for appropriate redress for African states cannot therefore be expected to be either simple or short term. They certainly cannot be found or successfully supported by African countries working in isolation from one another.

5.7.2 The role of African public administration

In attempting to describe public administration many authors (Simon, Smithburg & Thompson, 1950:3; White, 1955:2; Gladden, 1966:11; Pfiffner & Presthus, 1967:7; Fesler, 1980:15; Robbins, 1980:69; Henry, 1986:47; Hanekom & Thornhill, 1993:57; Cloete, 1994:57; Pauw, 1999:22; Haruna, 2004:204; Pesch, 2005:178; Goodsell, 2006:633) note that the subject is broad and paradoxical in nature. Given its wide area of responsibility, public administration also strives to work across academic disciplines. Such inclusivity suggests that trade facilitation activities can safely be included within its mandate. Is there a role therefore for African public administration in support of the various national, sub regional and regional trade promoting policies and imperatives? It is normally the African public administrator who has to ensure that government commitments made at such bodies as the WTO are actually carried out. Another reason for including African trade related issues under the purview of public administration is that the subject and science aim at being practical. Public administration is also one of the few social sciences that explicitly tries to be prescriptive. Directivity in the area of African trade capacitation is urgently needed.

There is no doubt that economists have played an important role in assisting public administration. Their work is evidenced in efforts to quantify and predict external conditions by providing relevant forecasts. Their research also assists in the appropriate allocation of resources in support of a particular area of activity or policy. Research has identified that many economists have serious reservations regarding the ability of officials in developing countries to manage complex trade policies. Mutual support and encouragement are needed to unlock new areas for collaboration rather than competing for academic and professional supremacy. Africa certainly cannot afford the luxury of such competition. It is evident that, at the global level, the work of economists continues to play an important role in such organisations as the World Bank and the IMF. This has created universal expectations, identified in neo-liberal policy prescriptions for states to follow in pursuit of enhanced global relevance. The reduction of trade barriers, widespread

privatisation, and deregulation are common elements of such prescriptions. Without an apposite public administrative counterbalance based on appropriate theory, trade liberalisation and related donor activity will continue to rely solely on economics for direction. The “one size fits all” prescriptions inherent in previous SAPs are but an example. The need for specialist public officials who can transcend previous theoretical boundaries is evident. The need for a clearly identified public administrative methodology to address such a gap is also highlighted.

SQAM interventions in Africa are at present short term in focus and founded on market based solutions by default. History has shown that no-one else will easily step forward to assist Africa unless specifically tasked and funded to do so. The responsibility for any progress that is directed towards benefiting Africa must therefore fall squarely on the shoulders of the various African governments. The need for professional and academic public administration support is unfortunately not always obvious when trade facilitation needs are translated into programatic solutions. There is an urgent need therefore for NEPAD or its RECs to seek locally researched public administration solutions for the needs of African countries in the context of the present study.

5.7.3 An African approach to technical infrastructure capacity and capability

NEPAD presents a new opportunity for cooperative, continental activity aimed at addressing the SQAM technical infrastructure capability and capacity issues required to successfully overcome TBTs. It could also be used as a vehicle to identify appropriate roles in SQAM implementation and delivery by both the public and private sector. The insights of both public and private organisations involved in SQAM provision would also add a new richness to future strategies. These new insights would be invaluable in allocating tasks as part of future planning and implementation processes. Such understanding is important. Once an activity has begun under the management philosophy of either sector, it is normally difficult to move it to the other unless carefully considered from the outset. Whether this would only be an issue where an

activity is initiated in the public sector with the idea that it would eventually move to the private sector is difficult to predict. Transfers in the other direction are rare under the prevailing neo-liberal sentiments but have occurred in SQAM in Africa. A well considered process of transfer, rather than abdication, of roles and responsibility at a future point in time is what is ultimately required independent of the original source or intended recipient.

Given the enormity of building sustainable technical infrastructure to address the needs of the region, the use of the existing RECs is definitely more sensible. Such a strategy allows a network to be created that could then be coordinated at the NEPAD level. A better use, in the area of SQAM is for the structures of AU and NEPAD, initially at least, to formulate regional views on technical issues. NEPAD could also be used to coordinate activities among the various RECs in technical infrastructure capacity building to ensure that maximum use is made of the knowledge available. The many differences among the member states of NEPAD should be considered a strength. Potential technical remedies will have to stand the test of being effective in some, or preferably all, of the various environments that Africa represents.

5.7.4 A representative African voice for SQAM

The current rules of international engagement regarding trade have been created over a long period of time by very powerful, developed nations. These nations are naturally reluctant to change. Is there a role that NEPAD can play within the International Community on behalf of Africa? If so, what should that role be? A coordinated African voice would certainly unearth many, perhaps currently hidden, problems. It is recognised that developed countries give little to developing ones as far as tangible aid is concerned. What is even more alarming is their continuing discrimination against those industries, and notably agriculture, that offer the best chance for Africa to earn export income. With this in mind, might a better approach be to try to offer arguments in appropriate international organisations as part of a coordinated African voice? Difficulties obviously exist. It should be realised from the outset that solutions will need to be aggressively and continually sought.

Subjecting Afro centric policies to wider scrutiny on the journey to international SQAM related harmonisation can be expected to be problematic. Caution is required, especially if those tasked to seek appropriate accommodation, as is often the case in reaching consensus within supra-territorial organizations, are not well informed of the background of such policies. The need for insight into the potential impacts of the various options proffered during such negotiations is another problem. Unintended consequences that surface post agreement are an ever present possibility in such scenarios.

Moving to the need for international and cooperative interventions, the study has found that African countries have clear international responsibilities that can no longer just be ignored. As parties to international conventions and treaties, they need to intelligently participate in the creation and application of international trade and environment related, technical regulations and standards. Such participation should not be seen as a duty of membership but as part of a strategy to encourage appropriate global change. Active participation involves the strengthening of the various country missions at, for instance, the WTO in Geneva with suitable trade/environmental expertise. An initial and cost effective step could be to promote increased collaboration between the African missions and experts with the view to gaining appropriate synergies in future international interventions.

There needs therefore to be a coordinated and continuous African presence and voice where possible at organisations such as the WTO and the OECD that make such rules. Successful participation at organisations such as the WTO requires officials possessing a variety of specialised competencies interacting with a range of national and regional institutions. Similar representation at the technical global counterparts such as the International Organization for Standardization (ISO), the *Bureau International Poids et Mesures* (BIPM), the International Organization of Legal Metrology (OIML), the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF) are also essential if Africa is serious about actively contributing to the international evolution of SQAM rather than

remaining a victim of the various often uncoordinated outcomes of such deliberations.

Experience gained during the proposed knowledge building and sharing process led by NEPAD should lead to a larger international role. It would firmly establish NEPAD as a trusted voice for Africa in various multinational forums dealing with technical infrastructure related issues, all of which underpins the initial need for coordinating national industrial, agricultural, environmental and overarching trade strategies, policies and implementation activities in seeking a coherent and representative national viewpoint. The accumulated intelligence gathered in such an exercise should be used first in regional trade-enhancing interactions. The results of such interventions could then be appropriately used later in the various international trade related negotiations that shape the prevailing global landscape. Representation at the international level would have to be guided by any need to build ongoing and appropriate national and regional SQAM capacity. Capacity building would need at least two separate thrusts. The first thrust must focus on well informed, skilled and coordinated representation at the relevant international SQAM organisations. The second focus is the underpinning research and ongoing communication between African member states required to support such SQAM representation.

An interesting but critical by-product of the present day form of globalisation is the emergence of a private sector elite who are specifically tasked to influence public policy and administrative decisions. One important reason for the existence of such specialists is the worth to commercial organisations of getting a word change to, or exception inserted in to, regulations and standards. Another reason why large private sector MNCs, headquartered predominantly in developed countries, have identified the need for these specialists is that governments are increasingly guided at the national level by decisions made at the regional and international level. African states should seriously consider the need for similar expertise in order to better engage with sophisticated, predominantly developed market, technical requirements.

5.7.5 Partnerships with donors and sources of SQAM expertise

The sophisticated technical support infrastructure required to prove TBT and SPS compliance is present in most, if not all, developed countries. These are normally the destination for the bulk of African exports. African countries are, in the main, only now realising the need for such capacity and capability. A special clause has been introduced in both the TBT and SPS agreements to suggest that industrialised countries should provide standards and conformity assessment related technical assistance when requested to do so. The results of such assistance have so far been variable, providing little by way of best practices for future interventions. An indispensable factor for the success of NEPAD, that warrants reiteration, is the role and promotion of partnerships between Africa and the wealthy developed countries. Partnerships like these would obviously have to be based on a common understanding of the problems and a shared commitment to find solutions based on transparency and accountability. The creation of such an environment needs focused application. South Africa's previous antagonistic relationship with many African states, accruing from past nationalist agendas, still needs to be carefully managed and any residual suspicions sensitively resolved.

Specialised technical agencies in African states represent an indispensable repository of specific knowledge, experience, wisdom, and current consensus on where the public interest lies in their given domains. With regard to SQAM in Africa, the South African specialist agencies involved are no different. Only two African states (South Africa and to some extent Egypt) have fully separated the standards, metrology and accreditation functions as envisaged by the NEPAD strategy for SQAM. Such a separation, imitating European practice, is impossible to replicate in many African states. The regional provision of such capacity is mooted by NEPAD and a regional accreditation service for instance has recently been established in one of the NEPAD RECs, SADC. This initiative is currently funded by both South African and Norwegian funding until some measure of cost recovery has been achieved. The lessons learnt from the South African and SADC initiatives in the area of technical support structure capacitation need to be investigated at a far deeper level if guidance and pointers for future work are to be extracted.

There is a large amount of fragmented donor activity in Africa that focuses on technical infrastructural strengthening and capacity building. A sad fact is that donors probably know more about the area of SQAM in Africa than the African SQAM experts themselves. South Africa is the only country in Africa currently that has fully developed the sophisticated infrastructure required to prove equivalence of conformity assessment activities, and its experience could provide valuable lessons for others. It has been demonstrated repeatedly that technical infrastructure capacity building and strengthening projects are not short term remedies. They also require large amounts of ongoing capital and operational funding. Obviously the successful elements of the South African experience cannot just be transplanted “as is” into SADC, let alone into the rest of the continent. What works and what does not will be context–dependent. Such a contextual sensitisation will obviously take time, a commodity that is normally not in abundant supply. The opportunities for significant gains in effectiveness and efficiency in SQAM capacitation projects when coupled to such insight makes such an investment both important and urgent.

The conditions confronting the majority of, if not all, African states are similar. This commonality leads to the logical conclusion that technical trade supporting infrastructure issues should become a public administration led task under the auspices of NEPAD. Adopting a public goods approach in such an important underpinning activity for advancing trade facilitation may be one of the most effective ways to enhance African competitiveness in the developing world. Developing a deeper culture of African collaboration can assist in achieving dramatic improvements in current SQAM theory and practice while allowing the testing of new possibilities, all of which would promote a better understanding of both SQAM in Africa and the role of African public administration in its execution.

5.8 CHAPTER SUMMARY

Work in the context of African SQAM technical infrastructure cannot simply be focused on maintaining the present, mainly Western nation led, status quo. African states need strong leadership and funding support as they cooperatively investigate new SQAM related options for international participation. Finding such new options using appropriate regulation and market led initiatives and utilising the latest technology and logistic capabilities is required. The goal is to create more appropriate African SQAM alternatives which can be promoted as technically equivalent internationally. Such opportunities should be investigated at both regional and international level with the aim of modifying existent SQAM supportive rules in order to gain new advantages. If Africa is absent from such global debate and consensus building, it can only be to the detriment of the region.

Many African countries require national government SQAM interventions aimed at achieving the above outcomes. The need for appropriate, sustained and coordinated inter African governmental relations to achieve this important objective is self-evident. Owing to the enormity of the task, such SQAM related activity should take place at differing levels of intensity at both the REC and NEPAD / AU continental level. Appropriate funding, mandates and representation is vital if any significant improvement is to be made in the area of SQAM in Africa.

There is a phenomenon called market failure, which occurs when goods and services that are required by a community cannot be produced on an individual payment basis. This is the case as far as supportive technical infrastructure in almost all of Africa. Even South Africa, which is already well advanced even compared to developed countries, has significant problems in this regard. Outside South Africa, strengthening conformity assessment activity relies mainly on funding the normally under developed infrastructure of the various national bureaus of standards based on their identified country needs. Private sector development of conformity assessment bodies, if considered at all, is largely seen as unrelated and even unwelcome. This

leads to the creation of specialised public capacity that ultimately impedes the creation of a sustainable private sector in this area while also actively discouraging any chance of growth.

African countries cannot afford to just continue to argue about the fairness of the international trading system. Africa also has little choice but to develop and implement specific strategies including a functioning and appropriately harmonised regional technical regulatory framework, and to develop the institutional capacity in the technical regulatory, standards, metrology and accreditation domain to make it work. The voluntary domain will also benefit greatly from such a process. Both public and private purchasers of conformity assessment services would, consequently, be provided with a transparent mechanism for recognising the technical competence of service providers. Given the resultant increase in confidence, they could then be expected to make more use of these independently verified service providers.

CHAPTER 6

Research findings, recommendations and conclusion

6.1 INTRODUCTION

In order to address the many and varied problems that still face African economies it is now generally accepted that they need greater access to international markets. Such access, according to many, would allow them to grow their economies in a sustainable way through trade, with a resultant reduction in the prevailing dependence on aid. When reviewing the various development strategies previously used in Africa, it is important to note that these were generated within a specific context, based on certain underlying assumptions. Such contextual background would appear to have now been largely, and perhaps intentionally, ignored in the present global clamour to harmonise rules for lowering of tariffs and opening the African market.

It has been established that there is a growing international appreciation that the operation of efficient markets is much more complex than was originally envisaged. In the African context, market failures are also an ever present dilemma. There is little wonder therefore that countries in Africa no longer trust the strategy, promulgated by others, to open their markets and let free market principles teach them how to compete globally. It is therefore essential that the areas where Africa is strong and can compete internationally are identified. If African governments are sincere about creating an enabling environment for export led growth, it is obvious that well considered, appropriately timed and funded public administration led interventions are now required. African states would need to make appropriately focused, substantial and ongoing investments in their SQAM related public infrastructure, that in some cases already partially exists, in order to substantively address growing domestic and foreign quality assurance requirements. Increasingly direct foreign and local investment in technical manufacturing capacity is predicated for instance on issues such as the availability of a sound conformity assessment infrastructure. To be globally

competitive, African based manufacturers and suppliers of fresh produce will increasingly need cost effective solutions to enable them to prove their compliance locally with stricter international technical requirements.

The majority of countries in Africa still operate under the public administration systems inherited from former colonial powers. These systems were never intended to encourage and underpin strategies aimed at promoting trade-related domestic growth. As previously mentioned, much of the colonial infrastructure was created to facilitate export of raw material as inputs to for further processing in the 'mother country'. It is certain that environmental issues and other such relatively recent sophistications were not considered during the formulation of any of the existing legislation currently used in the formal colonies in Africa. Complex and interlinking TBT, SPS and SQAM related activities need to be managed by African states alongside increasing global demands for the rationalisation of the public services they provide.

Individual African states have major, and often unfulfilled, responsibilities for the sustainable implementation of several important activities related to trade facilitation. These include the need to organise national economic strategy that considers the need for actions required to protect and grow strategic domestic industry. The multiplicity of demands and remedies involved in addressing market liberalisation, including the related conformity assessment needs, requires consideration, intelligent policy creation and strongly led national coordination and implementation. Such demands must obviously be addressed in appropriate detail in national and regional policy regarding technical support infrastructure. If governance mechanisms that are also increasingly required of Africa are added to properly coordinated and updated implementation activities, the sophistication required of public officials even at national level can be more fully appreciated. The specialisation and deployment of public officials for the ever sophisticated tasks they are called on to execute is also problematic.

A further problem is continuously changing technical requirements. These have steadily tightened as understanding and capability has grown in

developed countries. The minimum technical requirements rise incrementally as soon as the associated technical capability to test and measure are available. The intended decrease in actual health or safety risk due to the tighter specifications is however not always readily apparent. It is recognised that the prevailing global trade and technical support environment has been carefully crafted, over a time period, to substantially serve the purposes of developed countries. Current evidence suggests that ever increasing demands for improved conformity assessment by the global environment, and the associated upgrading of technical infrastructure, will surely follow technological advances. The expansion of African manufacturing and agro processing capacity will therefore require continual upgrading and appropriate expansion of the domestic SQAM related technical infrastructure to ensure that it remains relevant.

The slide into African marginalisation in SQAM can be prevented with decisive and well planned interventions based on a common approach to these pressingly difficult issues. A related activity is the need to determine a cost effective Afro centric solution in satisfying the different, apparently conflicting and intractable, philosophies that are applicable to the United States and European marketplaces. A logical supportive step is to investigate the type of interventions that are required to move such identified activity past mere compliance to foreign specifications towards appropriate global competitiveness. If individual African countries cannot afford to create and maintain appropriate national SQAM infrastructure, they need to find creative ways to investigate, fund and share such scarce technical resources for the benefit of the whole region.

Public administration, it has been noted, is still primarily a national undertaking. Public administration is also known for its propensity for prescription. As will be shown, in the recommendations that follow, such directivity in the area of African trade capacitation is both appropriate and urgently required. There is much therefore to commend the inclusion of African trade-related technical capacitation issues under the purview of public administration. In many important trade-related interventions, African public

administrators are already required by default to assume much of the responsibility. One of these responsibilities is to ensure that their government commitments, made at such bodies as the WTO, receive appropriate national attention. There is also an ongoing need to ensure that national positions on issues that are important for African trade are formulated, agreed and presented. Such positions could then be utilised in negotiations leading to regional and international trade-related agreements. An authoritative and cohesive African voice at organisations that make SQAM related rules is also required. Stable and ongoing representation is essential if Africans want to be taken seriously and actively contribute to the emerging processes of internationally acceptable SQAM.

This research has identified several areas of opportunity, that are identified in the recommendations that follow in the next section, where appropriate initiatives under NEPAD could identify areas requiring more collaborative public policy initiatives and joint stewardship of shared resources and also where skilled public administrators could provide the impartial leadership and sustained drive required to address this major shortcoming resulting in new and innovative solutions rather than more of the very limited and reactive results that are currently experienced.

6.2 RECOMMENDATIONS

The fourteen recommendations emanating from the research are now presented in a logical sequence. The first group of recommendations (1,2, 3, 4 and 5) cover the research, including the need to expand previous SQAM type interventions, and collaborative efforts required to obtain an in depth and suitably shared appreciation of the SQAM related challenges. Recommendations 6 and 7 address the need for and strategic use of harmonised public policy in driving industrialisation, agriculture and trade while protecting the environment and the need to enlist the combined strengths of African public administration academia and the region's public and private sector. The next group of recommendations (8, 9, 10, 11 and 12) cover SQAM infrastructure capacitation and sustainable implementation

activities. The last two recommendations, 13 and 14, concentrate on the need to facilitate common African SQAM tactics and opinions and ensure that these are used for Africa's benefit at the international SQAM level.

Recommendations 1 and 2 that follow, address the need to expedite a shared understanding between and across all levels of SQAM, at both national Government and REC level, of both the immediate technical challenges and the current state of play in addressing these. This would also facilitate the identification of areas of commonality and provide an initial and important baseline for determining future prioritization of NEPAD led strategy and REC related action.

Recommendation 1:

It is recommended that NEPAD determines the common African state TBT, SPS and SQAM specific challenges created by their commitments as members of the World Trade Organization. African countries have international responsibilities that require appropriate attention. They need to intelligently participate in the creation and application of international trade and associated environmental regulations and standards if they want to exert influence for Africa's benefit. The present rules for global engagement in trade have been created over a long period of time by powerful, developed nations. Africans need to be actively involved in reshaping global rules for their own benefit. Such involvement is predicated on a deep understanding of their own technical requirements together with the potential impacts of related demands coming from outside the continent. NEPAD could therefore play a leading role regarding the identification of commonly faced TBT, SPS and SQAM related matters. The results flowing from such interlinked interventions could be subsequently utilised in collaborative efforts at the various international negotiations that form the current global landscape. Once identified, a subsequent initiative under NEPAD could also address the need and focus for African countries to share the burden involved in creating and maintaining specialised SQAM capacity in all of its many facets which is discussed in the next recommendation.

Recommendation 2:

It is recommended that NEPAD identifies and codifies the activities in SQAM–related technical capacity building that occurs in individual African states, as well as within and across the NEPAD RECs. There is a noticeable increase and relatively recent focus on SQAM technical infrastructural strengthening and capacity building. Even though foreign donors often appear to know more about the SQAM creation and strengthening projects in Africa than Africans themselves, this does not prevent the continuation of fragmented and uncoordinated SQAM related activity. It is been highlighted that the few major donor funded projects in this area were written against strict and measurable objectives that needed to be achieved within very tight time constraints. The extensive use of foreign based experts was also noted. Their efforts were largely focused on training interventions that sought to explain the technical requirements of the foreign market involved. Such interventions do not create the environment required to encourage a deep assimilation of the inherent subtleties, or even what forces shaped the evolution, of the foreign SQAM scenario being addressed. The formulation of intelligent, affordable and locally relevant, SQAM alternatives has not yet been considered in any meaningful way. An immediate and cost effective role for NEPAD could therefore be to identify the many current activities in technical capacity building that are taking place in both African states and across its RECs. This would provide an excellent foundation to determine where cross REC fertilization could yield faster results accruing from the inherent synergies obtained from national and REC projects working towards and achieving continental outcomes.

Given the recent promulgation of new SQAM institutional legislation in South Africa, Recommendation 3 is formulated to add to the data collected under recommendations 1 and 2 by identifying the missing public administration related issues that would assist African SQAM, using the third generation public administration analytical research approach , as identified by Brynard on page 43.

Recommendation 3:

It is recommended that a follow-up SQAM project be undertaken by South Africa, utilising experts in public administration, which focuses on the present outcomes and future direction of domestic SQAM policy and public interventions including an appropriate holistic governance methodology. The research has found that extensive capacitation work has already been done in the South African SQAM environment. A comprehensive and holistic implementation plan focused on bringing the various elements together, as envisaged in present NEPAD documentation, is a logical next step. Such a plan should guide domestic public and private conformity assessment organisations in creating sustainable infrastructure in support of government objectives. These may initially focus on export led growth as well as industry driven demands for local technical capacity building and strengthening. The lessons learned during such an intervention could provide valuable information to the rest of the region given suitable mechanisms to facilitate such an information exchange. In the context of the subject under discussion, this would involve not only defining an initial and ongoing public administration contribution but also creating the necessary conditions for attracting, engaging and ultimately leading and cooperating with the private sector and other important stakeholders.

Regulatory harmonisation is identified by NEPAD as a strategic intervention. This research has identified the many and inherent foundational public administration related complexities involved in such a task in the African context. The prior work of Recommendation 4 is considered to be fundamental in motivating the scope and depth of such a NEPAD led project.

Recommendation 4:

It is recommended that NEPAD initiates a project to investigate the trade benefits flowing from appropriate continental regulatory policy harmonisation in the areas of industrialisation, agriculture, trade and the environment together with associated SQAM-related technical

infrastructure needs. This recommendation acknowledges the need for each African country to fundamentally reassess their trade supportive industrial, agricultural and environmental strategies together with associated legislation and policies. Together these strategies and policies create a vital foundation to guide wider African SQAM infrastructural needs. There is also a need to determine whether the ultimate objective is the protection of human and animal health and safety normally addressed by mandatory compliance with technical regulations or environmental concerns and/or trade-related issues that are usually addressed in voluntary standards. Such insights are required as any policy related foundation must be fit for the intended outcomes now envisaged under NEPAD. A NEPAD coordinated member state policy and legislative reassessment is also timely when one considers that much effort and donor funding, encouraged by the WTO, is currently focused on trying to create sustainable technical infrastructure, including SQAM, in African countries. Africa therefore has little choice but to investigate the development and associated implementation issues regarding the presence, or continued absence, of an overarching regional technical regulation framework. With the focus provided by the outcome of this recommendation, present and future SQAM related activity could be appropriately broadened to include self-generated and managed Afro centric trade facilitation policies that also address the vital elements of sustainability and environmental protection.

Recommendation 5 acknowledges the inherent differences that the research has identified in the often adversarial approaches used in trade negotiation and that although some inherent suspicions exist between African SQAM organizations, a more collegial environment in the more technical SQAM activities is the norm. Initiatives under NEPAD could assist in showing those involved in both areas that there is a much larger, more insidious threat from outside the region that needs their collaborative involvement as partners in the collective response.

Recommendation 5:

It is recommended that NEPAD actively assists in the encouragement of closer collaboration between African national and REC based trade facilitation, trade negotiation and SQAM specialists in order to promote a climate of shared learning. As is also the case elsewhere, public service reform is normally complicated by the fact that public service officials are involved both as the agents and objects of any change. In the specific area of technical infrastructure and public funded NSBs these complications are also present. The current levels of operational autonomy enjoyed, due to the technicality of the subject, by some public SQAM organisations in Africa has unfortunately led to some less than optimal, self-serving, outcomes. Having such experts working cooperatively could go a long way in identifying and even modifying such practices. The NEPAD vehicle presents a perfect opportunity for cooperative, continental activity aimed at addressing the human and technical infrastructure capability and capacity issues required to successfully overcome TBTs. The NEPAD framework could also be used to identify appropriate current and future roles in technical service implementation and delivery by both the public and private sector. It is therefore suggested that much closer cooperation between African SQAM professionals in each country, with designated responsibility in this area, should be actively encouraged.

The next recommendation addresses the fact that to date the highly technical subject of African SQAM has been left to experts that reside predominantly in the various African NSBs. Their impartiality is questioned by this research as is their understanding and insight of the holistic public administration related environment within which they need to operate if constructive change is to occur. This recommendation aims at bringing new and much needed perspectives to the area of SQAM in Africa.

Recommendation 6:

It is recommended that NEPAD encourages the involvement of African public administration academics in the various trade related SQAM infrastructure initiatives under its purview. This recommendation notes the predominant influence that economists exert on the work of global trade related organisations and is an extension of recommendation 3. Such work predicated the current global embrace of so-called neo-liberal policies that are almost compulsory for any state wanting external assistance, including SQAM, to remain globally pertinent. The research has identified that many economists have serious reservations regarding the ability of developing country officials in managing complex trade policies. Without an apposite public administrative counterbalance supported by underpinning public administration theory, trade liberalisation and related donor activity will continue to lean heavily on prevailing economic theory. The prescriptions inherent in previous SAPs are just one such example. There is a need therefore for NEPAD to actively include experts in African Public Administration as equal partners in finding appropriate and sustainable solutions to SQAM issues. Significant funding and focus is still required to address the pressing issue of proving conformity to international standards in Africa. The initial focus should concentrate on identifying what is appropriate and sustainable as far as SQAM-related technical infrastructure for Africa is concerned. An important issue is how African states plan a sustainable migration from extensive donor or public sector to private sector SQAM related service capacity and delivery. Market forces in Africa have proved to be incapable of encouraging an appropriate mix of public and private SQAM and related conformity assessment capacity on their own.

Another priority is the determination of more cost effective ways to cooperatively benefit from existing African public infrastructure, wherever located, to support African exporters. A major difficulty faced by all involved in such projects is that one cannot just stop or withdraw from existent realities to focus solely on the implementation of a more

appropriate alternative. Astute leadership is required to maintain the capabilities created by the current dispensation while simultaneously working towards achieving the benefits of the desired alternative. It is vital therefore that NEPAD REC member states cooperatively investigate inter and intra REC solutions for their technical infrastructure needs, especially in the area of conformity assessment.

The following recommendation is related to the previous one and together they are intended to bring new, much needed, perspectives to the current work in SQAM and its future. Recommendation 7 also recognizes the pre eminence of economic theory that is currently used to motivate the need for creating and maintaining African SQAM infrastructure. This coupled with the use of private sector and external technical expertise in SQAM wide consultancies is identified as problematic to any significant future solutions in African SQAM.

Recommendation 7:

It is recommended that NEPAD encourages Afro centrist, public administration based research to address sustainable SQAM technical infrastructure issues. Internationally managed SQAM capacitation interventions in Africa are short term in focus and are currently, by default, based on market based solutions. Complex public administration problems in developing an African technical capability and capacity will require new, extraordinary solutions. It is also crucial that SQAM related projects for Africa should significantly embrace local needs and expertise. Increased collaboration between the local academic community and public officials needs to be actively encouraged by NEPAD. It is suggested that there is an immediate requirement for a cadre of specialist African public officials whose knowledge and experience transcend the narrow academic specializations of economics and public administration. Such a reality in the African context should lead to mutual support and encouragement in unlocking new areas for collaboration between these two academic disciplines rather than competing for academic and professional supremacy. Africa certainly

cannot afford the luxury of such competition unless it rapidly leads to very different and implementable solutions in the short term. Developing a deeper culture of African collaboration can assist in making dramatic improvements to current theory and practice while allowing for the testing of new possibilities. This would promote a better understanding of both African SQAM and the role of African public administration in its execution. There is an urgent need therefore for NEPAD or its RECs to seek local, publicly led, research aimed at identifying the appropriate mix of public and private sector delivered SQAM solutions for the needs of African countries in the context of the present study.

Recommendations 8 and 9 are based on the requirement for care in the organisational positioning of the very few highly trained, and sought after, regional SQAM officials that already exist. The research has found that such care is required to appropriately temper, and remove inappropriate bias in, their specialist–value–laden recommendations. There should be adequate recognition, in such a positioning exercise, of the tendency for such experts, when working in isolation, to exert incredible national influence that the research has found to be detrimental in some instances in the longer term. The need to expand and maintain this group is also covered for completeness in recommendation 9.

Recommendation 8:

It is recommended that NEPAD investigates the need for, and deployment of, a specialised cadre of African, SQAM knowledgeable, public servants. A leading role for African public administrators has been identified by this research. They need to take the lead in the implementation of SQAM policy and appropriate technical infrastructural capacitation. This is a responsibility that includes the initiatives required to promote trade and trade–related industrialisation. An important initial task for such officials is appropriate self–capacitation. The need to gain deep insights into the many relevant disciplines that are involved, and how they synergistically interact and support one another, cannot be underestimated. Such specialists are needed to perform a leading role in

managing the implementation of vital and sustainable SQAM-related projects. Although such activity has historically begun at the national level, the need to support REC and NEPAD SQAM-related complexities cannot be overlooked. The insights provided by such individuals could then be used to ensure that the desired SQAM policies are translated into successful and sustainable interventions achieving the intended outcomes.

Another major problem in the prevailing, donor funded, African SQAM capacity context is that superficially changing procedures is much easier than substantive public organisational alterations. Sending inappropriate, often senior, public officials for expensive foreign technical training also occurs far too frequently.

Recommendation 9:

It is recommended that NEPAD investigate the creation of suitable policies and mechanisms to aid the recruitment and retention of specialist SQAM-relevant technical staff at the national, REC and NEPAD level. A critical issue in Africa management of technical capacitation projects is that they occur in an African public sector context characterised by high public sector staff churn. The propensity to compensate by utilising public funding to source services from the private sector, who use higher paid specialists, does nothing to alleviate the problem. Public funding, dispensed through prescriptive governance related policies, effectively results in higher salaries for specialised skills outside the public service. The short term, project related, need appears to then be effectively addressed. The longer term problem, that of retaining and rewarding specialists in the public service, however remains which may be to the detriment of pursuing long term, public sector led, SQAM solutions. The recruitment and appropriate tenure of suitably skilled and experienced senior public officials who are adequately remunerated is vital. These experts should be required to manage the training of and personally mentor other more junior public officials in order to create sustainable public human resources.

Recommendation 10 recognizes that an important element, lacking in South African SQAM, is an overarching national and or regional strategy and mechanism to mitigate any self-serving “silo” effects that have historically been prevalent at both the local NSB and to some extent the metrology institute. Their short term and self serving behaviours are unfortunately mirrored in many of the other NSBs in the region for similar reasons and will continue to stifle progress unless addressed.

Recommendation 10:

It is recommended that NEPAD review the future role of African national standards bodies, especially as the de facto custodians of African SQAM technical infrastructure creation and maintenance.

The state’s pivotal administrative role in creating and maintaining supportive technical infrastructure, as discussed in the current study, is still largely ignored in the literary sources consulted. It can be expected that, over time, some African technical support organisations may have unwittingly lost their claim for operating in the public interest. The role of publicly funded conformity assessment activities within Africa is particularly relevant. The negative impact of self-survival strategies by African public organisations offering competitive solutions therefore needs to be adequately addressed and suitably limited. The uncertainty of government support, compounded by private sector based management experiments in search of additional income, has already led to some unintended outcomes in the context of African SQAM. The majority of African states continue to rely on National Standards Bodies to address their technical infrastructure and trade-related conformity assessment needs and strategies. Such a gap needs to be urgently addressed as part of the need to determine if there is a better way to use public infrastructure to support African exporters. The competitive nature that has developed in some of the existing African NSBs is an important point that requires further consideration. Additional work would be also necessary to assess the need for complimentary institutional capacity in the technical regulatory, standards, metrology and accreditation domain.

Recommendation 11 emanates from the finding that the specialised SQAM related technical agencies in African states can provide an indispensable repository of specific knowledge, experience, wisdom in their given domains which can greatly expedite projects in their own countries or in neighbouring states if they are actively involved in the work rather than being used a limited source of information by others external to the region.

Recommendation 11:

It is recommended that NEPAD encourages donors to fully utilise and strengthen African SQAM–related expertise and capacity as part of present and future technical capacitation interventions. An indispensable factor for the success of NEPAD, according to this research, is the role and promotion of partnerships between Africa and the wealthy developed countries. Although sometimes considered a politically sensitive topic, it might also be useful to stress the need for appropriate utilisation of the specialised SQAM resources and knowledge available in South Africa. The SQAM specialist technical agencies in South Africa are the result of a substantial and long term government investment. South Africa is currently the only country in Africa that has fully developed the sophisticated SQAM infrastructure envisaged by the NEPAD strategy. South Africa is also alone in Africa in having obtained the necessary wide ranging international recognition required for full utilisation of the same infrastructure. South Africa’s experience in domestic SQAM can therefore provide valuable insights. Such cooperation would obviously have to be based on a common understanding of the problems and a shared commitment to find outcome based solutions in an atmosphere of transparency and shared accountability. The creation of such an environment will need hard and continuous work given South Africa’s sometimes difficult past relationship with many African states. Regional provision of such facilities is also mooted by NEPAD. The recent establishment of a regional accreditation service in SADC, funded and driven initially by South Africa, is also an exciting development that could and should provide valuable guidance for the rest of Africa.

The next recommendation emanates from the need identified by the research for suitable public sector and SQAM focused measurands to focus SQAM institutional capacity building efforts to service the more predictable and stable regulatory requirements while simultaneously addressing generic technical needs that can also underpin the more volatile voluntary sector.

Recommendation 12:

It is recommended that NEPAD create a SQAM monitoring and reporting mechanism to ensure that appropriate momentum is being maintained at the REC level. NEPAD led interventions should be designed to ensure that African experts in the SQAM organisations continuously receive guidance based on relevant political principles. Given that national SQAM organisations also frequently interact with other government departments on an individual basis, any intervention should also allow appropriate specialist technical assistance to be sought from these sources when necessary. The need for the creation and maintenance of a suitable cooperative and collaborative environment for shared learning in SQAM amongst public officials at both national and regional level has been noted previously. Suitable mechanisms need to be created that allow the individual elements of SQAM and the group as a whole to interact as necessary. The holistic NEPAD SQAM milestone outcomes from such an activity need to be recorded and monitored to ensure that appropriate progress is made in assisting technical regulatory initiatives but utilising synergies that would underpin the voluntary standards sector customers of African SQAM.

The final recommendations, 13 and 14, consider that an important global trend found by the research is that regional organisations for accreditation and metrology are now providing the necessary linkages and decision making input between emerging regional trade blocs and the relevant international SQAM bodies. Although REC based, SADC MET and SADCA already provide this role for the whole of Africa. This fact has expedited the creation of the NEPAD related metrology body, AFRIMETS. Interestingly this trend is not found in either of the two international standards bodies, ISO and IEC, where African NSBs are

individual members and the NEPAD standards coordinating vehicle, ARSO is still suffering from lack of direction in spite of its much longer existence in various forms.

Recommendation 13:

It is recommended that NEPAD facilitates the creation of common African TBT, SPS and SQAM specific opinions for use in appropriate international organisations. There is a need for African States, under the NEPAD umbrella, to coordinate intelligent and continuous participation in the creation and application of international, trade-related, technical regulations and standards. Such participation is an important component of any holistic domestic and regional strategy for trade facilitation and should not be seen as a duty of membership but as part of a strategy to force suitable, Afro friendly change. Experiences gained during the proposed NEPAD driven African knowledge building and sharing processes should lead to a larger international role for NEPAD as a trusted advocate for Africa. Active participation involves the strengthening of the various country missions at, for instance, the WTO in Geneva with suitable trade/environmental expertise. These findings highlight the immediate need for pre-meeting preparation and consultation prior to WTO meetings. Funding is not such an issue here but obviously there is a need for better coordination by NEPAD. Such activities need to occur both within country by suitable trained public officials, and through networking with their African peers in supporting agreed NEPAD objectives. An initial and cost-effective step could be to promote increased collaboration between the African foreign based missions tasked with representation at international organisations such as WTO, which should aim at establishing and maintaining appropriate SQAM synergies in future international interventions on behalf of NEPAD. The results of such interventions could then aptly be used in the other various international negotiations that shape the prevailing global SQAM landscape.

Recommendation 14:

It is recommended that NEPAD initiates a suitable and sustainable mechanism for creating a representative voice for African SQAM-related issues at the international level. Subjecting Afro centric, and Afro centrist, technical policies and standards with supportive arguments to wider scrutiny on the journey to international SQAM related harmonisation can be expected to be problematic. Caution is required, especially if those tasked to seek appropriate accommodation, as is often the case in reaching consensus within supra-territorial organizations, are not well informed of the background of such policies. The need for deeper insight into the various technically based alternatives, that can easily confront African trade representatives during international trade negotiations, is another problem.

A coordinated African voice, and appropriate ongoing presence, at organisations such as the WTO and OECD is obvious. Successful participation at organisations such as these requires a group of committed and stable officials who corporately possess a variety of specialised competencies. They also need to spend sufficient time interacting with a range of national and regional institutions. Similar representational activity at the SQAM global bodies, such as ISO, BIPM, OIML, ILAC and IAF is also vital. Such activities, if performed with the required tenacity, can be expected to be time and resource intensive. A strengthened African presence and voice at the international level is certain to unearth many other, and currently hidden, problems.

6.3 CONCLUSION

Sustainable economic growth, based on increased trade, is continually promoted as a solution to counter the current over dependence, in many African states, on aid. Increased access to global markets should theoretically allow African states the opportunity to develop strong economies. Another suggested thrust is the creation of private sector enterprises that could sustainably compete in world markets. The increase in trading activity is also promoted as an enabler to allow

more African citizens to enjoy a fuller share of the myriad benefits of globalisation. The expected greater participation in the global marketplace by Africa, is tempered by the demands of developed nations for greater access to African markets at organisations such as the World Trade Organization. Such demands are made while developed country markets simultaneously set ever more stringent technical requirements in both the public and private sector for granting similar access.

Should countries in Africa therefore just blindly follow current technical capacity building practice? There is more than sufficient evidence that unless African states begin to actively shape the international trade arena towards better serving their own interests, there will no fundamental changes in the global status quo. Experience has shown that Africa cannot rely on the good intentions of an unfettered private sector, especially when large foreign based MNCs are involved. Another problem is that legislation, policies and public infrastructure created under colonial rule for specific purposes such as facilitating export of primary resources will not assist African states to flourish in the new global paradigm.

African governments and related public administered infrastructures increasingly need to ensure that domestic industry and agriculture have appropriate and affordable access to ever more sophisticated technical support infrastructure. Such technical access requirements are increasingly part of the global and African trading landscape. Changes in technical requirements need to be continually addressed in Africa even to protect current export earnings. The current African approach to such, normally unexpected, technical challenges are mostly reactive, donor driven projects that are crisis managed. A specialised part of such domestic technical infrastructure is required for domestic suppliers and procurers to prove compliance against the increasingly stringent technical demands of developed country markets.

The need for individual African governments to take ownership in creating SQAM supportive infrastructure that addresses widely identified needs whilst simultaneously limiting self-survival strategies of existing public structures is identified as a critical intervention. Remedial projects need to assess the use

of existing technical support capacity, the appropriate strengthening of such, and the creation of new public or private capability where required. Each African government needs inputs from their private sectors and other relevant stakeholders as part of a shared responsibility to reach mutually beneficial solutions. It is certain that appropriate remedies for African states will be neither simple nor short term. They certainly cannot be found or successfully argued for by African countries working in isolation one another, underpinning the need for coordinating national strategies, policies and implementation with a national view that is used initially in African regional interactions.

What is very clear is that more of the same uncoordinated, often foreign donor led intervention such as now occurs is not good enough. The vehicle of NEPAD provides an important foundation on which solutions in such activity could be cooperatively sought and addressed by the various member states. This research has therefore attempted to determine the extent to which the New Partnership for Africa's Development (NEPAD) can assist in creating sustainable public and private standards and conformity assessment related infrastructure for African trade facilitation. Attention needs to be focused on identifying the technical support structures that should be addressed cooperatively by the African public sector and what could be used to stimulate a more active role by the African private sector. Specifically, aspects relating to proving compliance to the aforementioned agricultural, industrial and environmental policy need attention as these affect inter and intra African trade. A proactive and focused, public administration led approach, to building technical capacity for standards, metrology, accreditation and conformity assessment would then be possible. Such a strategic focus would allow maximum utilisation of the scarce capital and human skills capacity that currently exists. It would also provide much needed direction based on Africa's needs.

African states can play a much larger role in assisting their citizens to claim some of the many benefits of globalisation instead of continuing to be its victims. It is proposed that a comprehensive initiative under NEPAD (see recommendations) could offer the chance for African countries to share the burden involved in creating and maintaining specialised SQAM capacity in all

of its many facets. NEPAD should encourage and create new opportunities for Africans to tackle some of the past SQAM-related difficulties together and in new ways. The current focus of NEPAD predominantly revolves around the demonstration of appropriate governance. It is posited that in the area of SQAM capacitation for Africa, NEPAD can provide an important leadership role. The thrust of such leadership has two important components. One is to understand Africa's trade and SQAM-related needs so that they can be formalised and prioritised. The availability of such intelligence can then be used to deploy suitable parts of the public administration capacity of Africa in seeking regional solutions where it is expedient to do so. The creation of structures for appropriately guiding the behaviour and focus of the private sector in SQAM-related matters is also a key issue. The second thrust needs to concentrate on the formulation and implementation of the rules generated by the supra national trade and SQAM-related institutions at the international level. There is a pressing need to ensure that Africa's circumstances are properly considered when binding technical rules are negotiated and agreed to at the global level.

The journey towards sustainable African capacitation in SQAM will entail difficult and costly interventions. In order to utilise scarce resources to achieve the maximum possible benefits, appropriate and well executed policies backed by intelligent, focused and replicable projects are critical to future success. Three foundational interventions are highlighted within the pioneering and rich virgin territory of this study. The first is a suitably integrated industrial development and environmental policy and supportive SQAM strategy for each NEPAD REC member state that recognises the complex mixture of incrementalist and "garbage can" approaches prevalent at the international SQAM level. The second is the need for appropriate African cross border partnerships and ownership where joint capacitation projects for SQAM are identified, enthusiastically supported and appropriately funded. The last key element is the need for building sustainable SQAM capability and capacity that transcends existing national boundaries in searching for effective ongoing solutions. The common use and appropriate expansion of existing national and regional expertise and institutions for standards, metrology and accreditation should also be encouraged.

Instead of continuing to be the victims of globalisation, African states working cooperatively through NEPAD have a chance to redress some of their past difficulties. Complying with the various, technically challenging regulatory requirements of the EU cannot continue to be the sole thrust of Africa's trade facilitation efforts even with the present availability of EU donor funding. Other markets should also be considered together with their technical requirements. Partnerships based on reaching mutually beneficial and optimal solutions are preferable. Implementing foreign technical solutions, that make sense in a limited and different context, will not deliver large scale benefits for Africa. It is vital that a more appreciable role for African public administration be clearly enunciated by NEPAD. Such a role includes the creation of sound theoretical underpinning and successful operational facilitation for African governments working in concert on mutually beneficial technical SQAM support strategies.

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