



UNIVERSIDADE EDUARDO MONDLANE

FACULDADE DE DIREITO

**Avenida Kenneth Kaunda, # 960 – Sommerschild
C.P. 257 Maputo - Moçambique**

**Program on Capacity Building for the Mainstreaming of
Regional Integration Issues and SADC Law in Mozambique.**

Project Summary

Preliminary Roadmap for consideration by the SADC Secretariat
and other Institutional Partners Involved in the Pilot Project

October 2007

UEM Program on Capacity building for the mainstreaming of Regional Integration Issues and SADC Law in Mozambique

I. Introduction

Regional integration is progressively being recognized as an important factor and a complement to a more effective global development process. For the last two decades, there has been a growing recognition worldwide, and in Africa in particular, that regional integration and the establishment of Regional Economic Communities (RECs) contribute significantly to improve economic growth and poverty reduction. There is no other region in the world where such integration is more relevant than the African continent, given the excessive number of regional organizations on the continent.

The ability of African countries to promote regional economic integration, increase trade and encourage development has for years been criticized as being ineffective. However, with the new millennium era, efforts to effectively integrate Africa's economies are gathering momentum. The establishment of regional customs unions, the creation of regional free markets and regional infrastructure (energy, transport, joint border management systems, etc.) and the development of joint strategies for economic development are but some of the tangible signs of the African countries' shifting approach to development. Progress in regional integration has been spurred by the need to address emerging cross-border complex issues such as trade and customs, movement of persons, public security, the protection of environment and health.

The Southern African Region is being recognized as one of the most likely within the African continent to develop a successful common market, promote economic cooperation and enhance trade integration. The Southern African Development Community (SADC) is one of the building blocks for the continent's integration process, and is currently considered by some experts as one of the most promising African regional integration initiatives. If safely implemented with rigor, the SADC could become one of the world's top 20 regional economic blocks.

As the Southern African countries are committed, now than ever, to reinforcing regional integration through economic harmonization, government institutions and academic organizations are challenged to provide their contribution for the success of the regional agenda.

The need for institutional capacity building in Mozambique and the mainstreaming of regional integration policies in higher education programs and other national development structures cannot

be overemphasized. The urge for the inclusion of SADC policies and issues into the mainstream of the Mozambican national policies and academic programs was clearly established as a strategy for promoting a general understanding and the implementation of the free trade area as decided by the Government of Mozambique at the highest level. It highlighted the necessity to ensure that SADC issues constitute a primary goal in all areas of academic, social and economic development.

The overall purpose of this project outline is to summarize the proposals developed by the Faculty of Law of Eduardo Mondlane University (UEM) and to highlight the framework for preliminary consultations between the Faculty of Law, the SADC Secretariat and other institutional partners identified for involvement in this pilot project.

The Faculty has also developed a comprehensive concept paper with a view to chart a roadmap and an action plan for the pilot project. The Concept paper proposes five main components of the project, which include the organization of an international conference to take place in Maputo (April 2008), the publication of a legal textbook on regional integration issues and SADC community law. It also proposes specific initiatives aiming at improving the curriculum design and methodology of training for law students (undergraduate and post graduate) in regional integration issues, promoting the development of mutually beneficial collaboration between Law Faculties in the Southern African region, as well as capacity building and outreach programs for the larger academic and professional community in Mozambique.

Finally it proposes the creation of a Center for International Economic and Financial Law Studies, which would serve as a documentation and research unit, and at the same time, operate as the engine of academic cooperation and networking in the area of regional integration and SADC law. One of the proposed Center's major activities for which the Faculty is calling a special attention is the realization of a strategic audit (operational diagnostic) on the legal and institutional framework of SADC, with a view to identify the expectations at the level of member countries and other stakeholders, as well as the challenges related to the SADC integration process.

There is an urgent need to put an emphasis on the role and the importance of harmonization of legal and institutional structures in the process of regional integration. Without a clear and shared vision on SADC infrastructure (i.e. the legal and institutional dimensions), the path towards regional integration would finally constitute a major bottleneck. The proposed audit should therefore allow to define a clear vision of issues and challenges affecting SADC member countries and to map out an

operational action plan for an effective harmonization of the legal and institutional frameworks at national and regional levels. The long-term action plan need to be oriented towards a sustainable development of the regional institution in terms of a perennial structure serving as a reference for all regional initiatives and the well-being of the people within its member countries. .

II. The context

The Southern African Development Community (SADC) has just celebrated its 27th anniversary and is preparing to implement a free trade area within its fifteen member countries starting from August 2008. The need for the mainstreaming of academic programs in light of the latest experiences in regional integration and SADC community law stems from the assumption that in Mozambique, and in other countries in the Southern African region, there is severe lack of adequate information, research studies and publications, qualified personnel and material resources.

According to the Executive Secretary of SADC, Mr. Tomáz Salomão, the main challenges to the integration of Mozambique into SADC are primarily linked to the lack of information and research studies on the regional institution, the lack or insufficient development of infrastructures at national and regional levels, including telecommunication networks, and in particular, the insufficient human capital (*interview delivered in Maputo, 18 October 2007*).

Besides, at the implementation level, there is a severe lack of highly qualified and experienced personnel, resources and “critical mass” to obtain the necessary momentum for an overall shift of direction towards an effective and beneficial regional integration process and the implementation of SADC community policies at the national level, including the raising of awareness at different levels and sections of the population within the country’s districts and provinces.

In view of the necessary phenomenon of harmonization, domestication and assimilation of regional policies and SADC law into national frameworks and programs, higher education institutions and partners in the regional integration process are in dire need of projects that will provide them with up-to-date knowledge, practical resource materials and critical analysis information on recent developments in public economic policy reform, accountability and transparency in the effective implementation of SADC treaties and protocols. This situation is simply reinforced by the following elements:

- There is a compelling need to critically review the role of national institutions and organs as well as the necessary contribution from the private sector, civil society and the academic community for the mobilization of public opinion in the direction of the local communities, translation of regional cooperation and integration policies and laws into instruments understandable by the common citizen ;
- There is a clear and urgent need for updated teaching programs on emerging issues related to regional integration and the globalization process within SADC member countries ;
- The scientific ability and skills in Government institutions, private sector and civil society need to be strengthened in the field of regional integration policies and community law ;
- There is a considerable gap in knowledge development and management skills in public and private sector institutions which has to be bridged through capacity building;

Recognizing these new trends and shifting priorities, the Government of Mozambique acknowledged regional integration as one of its key strategies for development and for the eradication of extreme poverty. The Government has persistently, within its international policy and regional cooperation strategies recognized the importance for the public and private sector operators to think and act regionally.

It is in this context that, in line with the implementation of the SADC Protocol on Education adopted on the 8th September 1997 in Blantyre (Malawi), the Government of Mozambique has recently adopted a decision seeking to overhaul all academic programs within its institutions of higher education, with the objective to take into account national and regional aspects of the globalization challenges, including the pressing issues related to the integration of Mozambique within the Southern African Development Community (Ref: *Jornal Noticias*, 4th June 200, Maputo). This cabinet decision is contained in a notice signed by the Minister of Education and Culture, Hon. Aires Ali, (vide *Despacho of 29 May 2007*).

III. The concept of “mainstreaming” regional integration issues

The concept of “mainstreaming” means to introduce a certain way of thinking and acting into the mainstream – in this context, in all academic programs and activities – and to let it develop into a

natural behavior in order to penetrate and bring a change of mentality in the “mainstream”. Within the SADC context, “mainstreaming” means to integrate a regional perspective into all areas, programs and activities of higher education, to always consider national policies and plans under the framework of regional integration, SADC treaty and protocols. In this context, regional integration policy is no longer considered an issue reserved for the Ministry of Foreign Affairs and as a duty for diplomats in regional gatherings only, but becomes part and a parcel of the national concern in the society, institutions and a duty to all the community and its citizens.

IV. Motivation and rationale

The impact of regional integration process and SADC policies have been at the center of academic initiatives aimed at positioning the Mozambican higher education institutions at the top level of quality education within the Southern African region. Following the Government’s decision concerning the mainstreaming of regional integration and SADC issues into the country’s academic curricula, the University of Eduardo Mondlane has been at the forefront of a wide range of activities aimed at its effective implementation.

During a ceremony organized by the University for the swearing in of new directors on the 2nd June 2007, the Rector of UEM, Professor Doutor Filipe José Couto made an urging challenge, stating that UEM, as the country’s oldest and most experienced public university, should be a leading pioneer in this very important initiative. The SADC regional integration process is steadily moving ahead, and Mozambique is one of its founding member countries. Therefore, its Government, institutions and population cannot afford being mere observers, while the globalization challenges are, now more than ever, compelling African developing and less developed countries to seize all available opportunities in order to reap the benefits of the ongoing economic integration.

Putting such plans into action, on 28th June 2007, the university’s first initiative was prompted and at the invitation of the Rector of UEM, the Minister of Industry and Trade, Hon. António Fernando addressed a conference at the university’s auditorium, where he articulated a blueprint of the Government’s strategic policy for the integration of Mozambique into SADC. Various Faculties and Departments have also developed initiatives related to the understanding of regional integration and the promotion of SADC policies in Mozambique. The UEM Annual Pedagogic Seminar held from 26th to 27th focused on Regional Integration in Higher Education. In addition, from 27 to 29th November 2007, the University hosted the 9th Conference of the Linguistic Association of SADC

Universities (LASU), whose main theme was “Linguistics, Cultural Diversity and Regional Integration”.

In light of the above initiatives from the Government and the Rector, and in accordance with its mission and goals, the Faculty of Law has initiated a major program leading to the mainstreaming of regional integration issues and SADC law in all key sectors of the Mozambican economy, in short, medium and long terms. The Faculty launched a range of key activities aimed at a comprehensive review of its teaching programs and research activities, in order to bring them in compliance with the Government’s decision and the Rector’s subsequent instruction. In addition, actions in the areas of institutional capacity building for the public and private sectors, civil society and outreach projects are being adapted with the goal to make its academic programs more accessible to the local community.

V. The Project’s objectives

The program’s primary goal is to facilitate the Faculty’s contribution to the acceleration of the integration process for Mozambique into the SADC framework for faster social and economic growth.

The project is designed with the ambition to mobilize available regional and international technical, intellectual and financial resources in order to accelerate the realization of priority projects towards the beneficial and rapid integration of Mozambique and its society within the SADC programs.

It is expected to harness national development resources and plans in ways that promote practical opportunities to accelerate growth through SADC regional integration process, to assist government institutions, development agencies, the private sector and civil society organizations to realize priority regional projects and draw more benefits from the integration process.

The overall objective of this multi disciplinary program is to offer specific and quality knowledge, to increase awareness and develop institutional capacity, to offer avenues for discussion of the rationale and the principles of regional integration policies. The program will also address issues related to SADC implementation strategies in the context of the main implications of regional integration agreements in Africa, with a special focus on the SADC Law, including trade protocols and the negotiation process of Economic Partnership Agreements (EPAs)

The project’s concept paper also considers these specific objectives:

- to enhance the capacities of the UEM Faculty of Law, the Ministries of Trade and Foreign Affairs, institutions involved in the implementation of regional cooperation policies and regulations, through the provision of academic courses, continuing education programs and outreach capacity building activities ;
- To develop research, knowledge development, understanding, dissemination of information and public awareness within the higher education institutions on regional integration and SADC policies and its benefits for the population and institutions in Mozambique;
- To train and produce qualified graduates, scholars and professionals competent to tackle issues related to regional integration and SADC Law in Mozambique;
- To provide an avenue for high level and world-class training on issues and challenges affecting national and regional institutions as a result of the ongoing regional integration process, and to devise answers needed to deal with emerging problems in this area;
- To develop public awareness through development of skills for professionals not only for efficient work in their institutions, but also to develop a specific profile of UEM and SADC cooperation program and thus build a benchmarking profile for the University ;
- To create a pool of expertise and a “critical mass” of knowledge base that will be used for the implementation of institutional reforms and developing methodologies for monitoring and evaluating the level of implementation of regional integration at the national level.

These objectives are encompassed in a broader contextual perspective aiming at the enhancement of skills and capacity development for the mainstreaming of regional integration policies and SADC law in Mozambique, thus facilitating the efficient and beneficial participation of the country in the SADC regional integration process.

VI. The implementation strategy.

The program on the mainstreaming of regional integration policies and SADC Law in Mozambique is being designed as a multidisciplinary initiative. However, it is focusing on the development of capacities in the area of legal and institutional dimensions of SADC programs. To this end, five main

components have been identified. This is part of the Faculty's strategy with the objective of having greater preparedness within the higher education sector for comprehensive responses to regional integration and SADC challenges and emerging legal issues. It is also designed to achieve a rapidly deployable task force and team members capable of mobilizing and disseminating the required knowledge, skills and workforce for public awareness and sustainable efforts towards the mainstreaming of regional integration issues in Mozambique.

VII. The Project's proposed components

The concept paper proposes five (5) interlinked components. A specific proposal is developed for each component, in conformity with the overall program's framework, roadmap and action plan. The project's components are as follows:

VII.1. Project's Component 1: The International Conference on Regional Integration (April 2008)

The organization by the Faculty, in cooperation with the SADC Secretariat, of an **international conference on Regional integration and SADC Law**. According to preliminary discussions between SADC Officials and a representative of the Faculty, it was agreed that in consideration of the SADC calendar, the conference would take place in Maputo during the month of **April 2008**.

VII.2. Project's Component 2: Publication of a Manual on SADC Law

The publication of a **Manual** (textbook in Portuguese, with translations in English and French languages) **on SADC Law**, covering the SADC institutional arrangements and organs (volume one), the substantive law and the procedural law of the organization (volume two) ;

VII.3. Project's Component 3: Academic Training Programs

The introduction of "**Course modules on Regional integration and SADC Law**" at the Faculty of Law, at three levels: A Masters program specializing in **Regional Integration and SADC Law**, a Post graduate diploma in **Regional integration and SADC**

VII.4. Project's Component 4: Capacity building and outreach Program

The launching of a mid-term / long-term **capacity building, training and outreach program** for professionals from the civil service, private sector, academic institutions, NGOs, the media in

Mozambique and eventually linking with Angola (in Portuguese) and other neighboring SADC countries.

VII.5. Project's Component 5: the Centre for International Economic and Financial Law Studies

The **creation of a Research and Documentation Center** specializing in International Economic & Financial Law, Regional Integration issues, with a focus on International Trade & Investment Law, WTO issues and the implementation of trade treaties. The proposed Center, known in Portuguese language as *Núcleo de Estudos de Direito Económico e Financeiro Internacional (NEDEFI)* is expected to operate as the engine of a regional Consortium / Network of University researchers linking them with the public and private sectors, professionals, civil society and development agencies.

A priority mission of the proposed Center is to conduct an operational diagnostic (or strategic audit) on the legal and institutional frameworks of SADC (project component no V.1.), with a view to define a clear and shared vision towards the harmonization of laws and institutions, with a focus on the business and investment legal framework, in order to achieve a more operational regional integration process. The audit would also discuss the implications, benefits / advantages and disadvantages of the adoption of the OHADA system by SADC member countries.

VIII. The Project's timetable and budget

The project's implementation is scheduled in phases. The first phase would start in early 2008 and end in 2010. The overall duration of the project's activities would depend on the capacity of institutional partners to support the Faculty's plan for resources mobilization. The preliminary costs of the project are determined for each component. The proposed budget for the international conference and the publication of the legal textbook on SADC are estimated respectively at 212,300 and 175,780 US dollars. The project components on academic programs, capacity building and the Research and documentation Center are still under discussion.

IX. Contact information

Physical and postal address:

Faculty of Law / Faculdade de Direito
Universidade Eduardo Mondlane (UEM)
Avenida Kenneth Kaunda, no 960
Caixa Postal 257 Maputo
MOZAMBIQUE

Dean of the Faculty

Mr. Adelino Manuel Muchanga
Tel: + 258 21 488882
Fax: + 258 21 494630
E-mail: adelino.muchanga@uem.mz

Deputy Dean for Research and Extension

Project's Coordinator
Professor Gilles Cistac
Tel: + 258 21 488882
Fax: + 258 21 494630
Mobile: + 258 62 3030520
E-mail: gcistac@uem.mz, gcistac@gmail.com

ANNEX

Tentative program's timetable & implementation schedule

No.	Designation of activity	Implementing agency	Proposed date and venue	Proposed partners	Proposed budget in US \$
I	International conference on regional integration and SADC Law	Faculty of Law UEM	Maputo April 2008	SADC, SAIIA Trade.Com, IDRC Diplomatic missions	212,300
II	Design and publication of a Manual on regional integration and SADC Law	Faculty of Law UEM, Faculty of Law Angola	Maputo July /August 2008	SADC, SAIIA, Trade.Com, Diplomatic missions	175,780
III	Academic programs				
III.1	LLB level Course on regional integration (4 th year class) 20 Hrs	Faculty of Law UEM	Faculty of Law 2008	SADC Secretariat	N/A
III.2	Post graduate Diploma - Course Module on Regional integration: (6 modules + research paper)	Faculty of Law UEM, Fac Law Angola	Faculty of Law July 2008	SADC, EU Trade Com	120,000
III.3	Masters in Regional integration and SADC law (13 modules + Dissertation)	Faculty of Law UEM, Faculty of Law Angola	Faculty of Law March 2008	SADC, EU Trade Com, Fac Law Univ Pretoria	280,000
VI	Training, Capacity building and outreach program	Faculty of Law UEM	Faculty of Law April 2008	SADC, EU IDRC	360,000 per year (4 sessions)
V	Center for International Economic and Financial Law Studies (plus Regional Integration, Trade & WTO Law): NEDEFI	Faculty of Law UEM + partner universities	Faculty of Law UEM April 2008	SADC, Trade.Com, UNCTAD, WTO, ITC, Univ Pretoria	Around 58,000 \$ per year
V.1.	Institutional and Legal audit of SADC legal framework	Faculty of Law	July 2008	SADC - Trade Com, ITC, UNCTAD	To be discussed yet