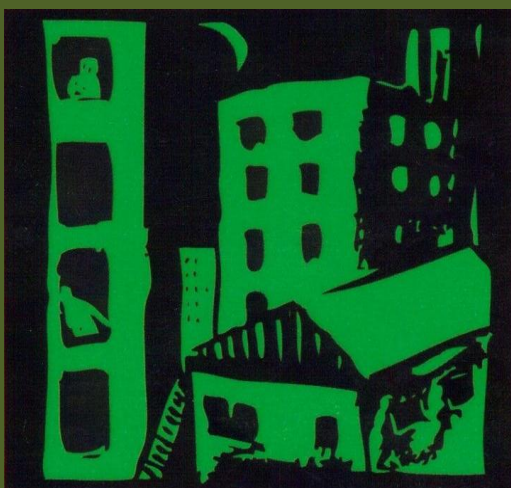


LAW DEMOCRACY & DEVELOPMENT



VOLUME 21 (2017)

DOI: <http://dx.doi.org/10.4314/ldd.v21i1.5>

ISSN: 2077-4907

Development and regulation of tourism for mutual benefit in the Southern African Development Community (SADC)

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1 INTRODUCTION

Governments around the world are becoming increasingly aware of the importance of the tourism sector and the role it can play in regional economic development. This is mainly due to the dramatic growth the sector has undergone in many countries, which has seen it become more of an income generator than some of the key industries these countries have traditionally depended on for their revenue.¹ Tourism encompasses services provided by hotels and restaurants; travel agencies and tour operator services; tourist guide services; as well as “other related” services.²

¹ For example, mining and agriculture. See Manasoe B “Branding a region: the next step for the Regional Tourism Organisation of Southern Africa” (unpublished M Phil thesis, Stellenbosch University, 2009) at 1.

² Southern African Development Community “Tourism services” (2012) Available at <https://tis.sadc.int/english/tis/documents-and-resources/resources-by-sector-and-topic/tourism-services> (accessed 27 March 2017).

One of the distinguishing features of tourism that has helped propel its growth is that it “can be directly traded across borders” unlike many of the traditional sectors.³ This involves the customer travelling to the supplier country to access the service, which has made it possible for the relevant services to be provided from even the most rural and remote locations. Moreover, tourism allows even the poorest members of society to trade their products and services directly with tourists.⁴ Thus, economic opportunities are created in the most unlikely places and circumstances where previously they would not have been possible.⁵

Furthermore, tourism development often involves training of personnel in a variety of skills, such as, hospitality training, foreign language capabilities, time management, customer service and communication.⁶ The effect of this is to empower the individuals concerned, who are often women and young people, and to equip them with knowledge and skills that can help them take advantage of the economic opportunities that come their way.

Despite the proven potential of tourism to lift scores of people out of poverty and to boost economic growth, the SADC region has so far not taken advantage of the sector in a way that would allow it to reap maximum benefits. For the SADC and the rest of sub-Saharan Africa, tourism still accounts for approximately 3.12 per cent of GDP.⁷ This figure is quite small compared to the amounts the sector contributes to the economies of other regions. As rightly pointed out by Ward, “[i]n relative terms, the contribution of the tourism industry is somewhat less important to Sub-Saharan Africa (SSA) than to other regions...”.⁸ It is argued in this article that unless the SADC region adopts and implements tourism policies that promote and prioritise collaboration among its member states, it is likely to continue struggling in the competition to attract tourists against other regions around the world.

The positive attributes of tourism development notwithstanding, it can also have a detrimental impact on local communities including, among others, their culture, economy, the environment as well as women and children, if not implemented correctly and with due consideration for the welfare of those affected. It is, therefore, critical to have a clear implementation framework which must be accompanied by adequate

³ Cronjé JB “Development of tourism value chains in the SADC region” (2014). Available at <https://www.tralac.org/discussions/article/6518-development-of-tourism-value-chains-in-the-sadc-region.html> (accessed 27 March 2017).

⁴ German Co-operation, GIZ ProSPECT, South African Institute of International Affairs “SADC Univisa: why the lack of progress?” (2014) at 55. Available at <https://www.saiia.org.za/special-publications-series/609-sadc-business-barriers-case-5-sadc-univisa-why-the-lack-of-progress/file> (accessed 27 March 2017).

⁵ Ward N “Liberalisation of trade in tourism services” (2013) at 6. Available at https://tis.sadc.int/.../Tourism_Services_in_the_SADC_Region_Final_31_12_13.pdf (accessed 27 March 2017).

⁶ Cronjé (2014).

⁷ Ward (2013) at 4.

⁸ Ward (2013) at 4.

investment in the appropriate infrastructure and human resources.⁹ This issue is discussed in more detail later on in this article.

The article is divided into six sections. The first section is the introduction and provides a brief background of tourism as an industry and how it has become critical to efforts to bring economic growth and development to the SADC region. The second section, entitled “The current state of tourism in the SADC”, looks at the contribution tourism makes to the economy of the SADC presently and how the sector can be improved to contribute even more. Entitled “Efforts undertaken to promote tourism”, the third section highlights the various measures put in place aimed at stimulating growth within the tourism sector. In the fourth section, “Obstacles to co-operation on tourism issues”, the weaknesses found in the previous section are identified and analysed with a view to finding solutions to eliminating them. The fifth section is called “The way forward” and is an effort to address some of the problems identified by offering practical solutions. The last section is the “Summary and conclusion”.

2 THE CURRENT STATE OF TOURISM IN THE SADC

As a regional bloc comprising mostly developing and least developed countries¹⁰ in which unemployment is rife, it is fair to say that SADC would benefit from developing a healthy tourism sector. This is particularly true when one considers the sector’s labour intensive character. Tourism is capable of absorbing multitudes of workers with a variety of skill sets ranging from unskilled labourers to managers.¹¹ Through its minimal entry requirements, the sector also creates economic opportunities for small and medium sized enterprises, which happen to be the biggest employers in the region.¹²

A total of 25 million international tourists visited SADC in 2015 and it is projected that this number will increase to 38.6 million in 2025.¹³ The tourism sector was also directly responsible for two million jobs¹⁴ and a further 5.2 million indirect jobs¹⁵ created in the region in 2013.¹⁶ Its overall contribution to the SADC GDP was

⁹ UNWTO and United Nations Global Compact Network Spain “The tourism sector and the sustainable development goals” (2016) at.22. Available at http://cf.cdn.unwto.org/sites/all/files/pdf/turismo_responsible_omt_acc.pdf (accessed 21 July 2017).

¹⁰ There is no official definition of a “developing country”. However, it has been described as a country having a standard of living or level of industrial production well below that possible with financial or technical aid. Least developed countries, on the other hand, are countries that have been classified by the UN as “least developed” in terms of their low gross national income, weak human assets and high degree of economic vulnerability.

¹¹ German Cooperation, GIZ ProSPECT, South African Institute of International Affairs (2014) at 53.

¹² Ward (2013) at 6. See also Lehloenya PM & Mpya NM “Exploring the citizen inclusiveness and micro-economic empowerment aspects of regional integration in Africa” (2016) 20 (1) *Law, Democracy & Development* at 101 - 103.

¹³ Cronjé JB “International regulatory cooperation in the SADC tourism services sector” (2016) at 5. Available at <https://www.tralac.org/publications/article/9855-international-regulatory-cooperation-in-the-sadc-tourism-services-sector.html> (accessed 15 October 2016).

¹⁴ That is, 3 per cent of total employment within the SADC.

¹⁵ That is, 7.4 per cent of total employment within the SADC.

US\$58.2 billion in 2014.¹⁷ On the continental front, SADC's share of tourists visiting Africa stood at above 47% in 2016. Within that 47%, South Africa accounted for 59% of the visitors.¹⁸

Notwithstanding the overall growth experienced by the tourism sector, the smaller SADC member countries have not really reaped the benefits.¹⁹ This is partly because these countries have not been able to compete with more established tourist destinations globally. In countries, such as, Angola, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Swaziland and Zambia, even when tourists do visit, they spend only a fraction of what they spend in leading destinations.²⁰ Factors, such as, the remoteness of the SADC region from many of the places in which most international tourists reside,²¹ lack of direct international flights to and from some of these places,²² and the inability of the SADC member countries to improve their tourism value chain by developing new tourism products or enhancing existing ones have contributed to the poor competitiveness of these countries.

Another notable impediment to the growth of tourism in the SADC is the practice by international tourism firms of repatriating the profits generated back to their home countries instead of investing them in the destination country. As long ago as 1990, developing countries' share of the international tourism market was estimated to be at around 30 per cent of the total global market and increasing at an average rate of 9.5 per cent per year.²³ Yet, despite the seemingly healthy state of the sector in developing countries, in some of these countries as much as 49 per cent of the local population was living in poverty.²⁴ These discrepancies continue to this day.²⁵ The primary reason for this bizarre contradiction, according to the United Nations Environment Program, is that for every US\$100 spent by a tourist from a developed country in a developing country, only about US\$5 remained in the latter country.²⁶ In other words, about 95 per

¹⁶ Cronjé (2014).

¹⁷ Cronjé (2016) at 4.

¹⁸ Nunuhe M "Southern Africa pulls most tourists" (2016). Available at <https://southernafrican.news/2016/09/23/southern-africa-pulls-most-tourists/> (accessed 13 February 2017).

¹⁹ In the 14 member group, countries, such as, Angola, DRC, Malawi, Swaziland and Zambia, have struggled to attract tourists and to reap the accompanying benefits, such as job creation. See Cronjé (2014).

²⁰ Ward (2013) at 7.

²¹ Acheampong K & Tseane-Gumbi L "Tourism in the SADC region and challenges facing the youth market: the Mozambican experience" (2016) 5 (4) *African Journal of Hospitality, Tourism and Leisure* 1 at 2.

²² Acheampong & Tseane-Gumbi (2016) at 2.

²³ Leap Local "Where does the money go from tourism?" (2017). Available at <http://www.leaplocal.org/goinglocal/responsible-tourism/where-does-the-money-go-from-tourism/> (accessed 03 August 2017).

²⁴ Leap Local (2017).

²⁵ Beach Meter "Tourism leakage – this is how little your money contributes locally!" (2015). Available at <http://beachmeter.com/tourism-leakage-does-your-money-contribute-locally/> (accessed on 03 August 2017).

²⁶ Leap Local (2017).

cent of the money spend by international tourists in developing countries accrues to entities and individuals based elsewhere.

The explanation of why so little of the expenditure by international tourists goes to the local population lies in the manner in which payment for international holiday travel is structured. Many of the expenses incurred by international tourists before setting out on their journey, which include flight costs and insurance, generally accrue to international companies that have very little connection to the country visited. Once the tourist arrives in the country visited, even though payments made towards expenses, such as, visa fees and local travel, may contribute to the domestic economy, they usually do not benefit the visited locality directly. In places where there is a substantial gap between the rich and the poor, it often happens that only a small group of rich individuals or foreign companies benefit from the proceeds of tourism due to their being the only ones capable of delivering services that meet international standards.²⁷ In the end, the local suppliers are likely to benefit only from payments for expenses, such as, accommodation, shopping, food and guided tours, but provided that the tourists book directly with them.²⁸

Other challenges identified are socio-economic as well as socio-cultural. A common example of a socio-economic problem is low income levels among certain sections of the population, especially those living in the rural areas. This bars such people from participating in tourism activities because they cannot afford it.²⁹ Writing about the need to accommodate poor rural people in tourism activities, Snyman says that, "... it is...important for civil society organisations, the private sector and government to invest in capacity-building within these communities, so that they can become equal and well equipped partners in tourism ventures".³⁰ An example of a socio-cultural obstacle is the reality generally faced by women in African societies where social norms and cultural demands often ensure that their visibility and involvement in community affairs are suppressed.³¹ Tourism is regarded as having an important role to play in dismantling these social and cultural barriers to empowerment of women by enabling them to establish and run their own independent businesses.³²

Even in South Africa, which has led the way in promoting inclusive tourism within the region, the measures intended to facilitate involvement of poor rural communities in tourism have been frustrated by, among other things, deficiencies in the

²⁷ Beach Meter (2015).

²⁸ Beach Meter (2015).

²⁹ Morupisi P & Mokgalo L "Domestic tourism challenges in Botswana: a stakeholders' perspective" (2017) 3 *Cogent Social Sciences* at 5. Available at <http://dx.doi.org/10.1080/23311886.2017.1298171> (accessed 24 July 2017).

³⁰ Quoted in Joubert L "Southern African tourism: the 'multiplier' effect" (2016). Available at www.research.uct.ac.za/southern-african-tourism-multiplier-effect (accessed 23 July 2017).

³¹ Ateljevic I "Women empowerment through tourism" (2008). http://cf.cdn.unwto.org/sites/all/files/pdf/report-women_empowerment_through_tourism_by_irena_ateljevic_2008.pdf at 20 (accessed 21 July 2017).

³² Ateljevic (2008) at 22.

capacity of provincial and local authorities.³³ This has led to these measures only enjoying limited success.³⁴

With almost all the countries and regions around the world seeking to tap into their tourism potential³⁵ in order to grow their economies, competition for the benefits is set to intensify. For the SADC, the challenge is to improve its attractiveness as a destination against the very best in the world if it is to claim a bigger share of the profits in the tourism stakes.

3 EFFORTS UNDERTAKEN TO PROMOTE TOURISM

The SADC has implemented a variety of measures over the years with the object of improving the tourism sector and marketing the region as an attractive destination. Perhaps the most notable of these were the promulgation of the SADC Protocol on the Development of Tourism (SADC Tourism Protocol) in 1998, establishment of the Regional Tourism Organisation of Southern Africa (RETOSA) in 2002 and conclusion of the SADC Protocol on Trade in Services in 2012.

The SADC Tourism Protocol mainly seeks to promote travelling within the region by urging member countries to dispense with the normal visa requirements for regional tourists and to create the so-called Univisa in order to facilitate free movement of international tourists across the region.³⁶ The SADC Tourism Protocol also calls for the establishment of a regional quality and standards control mechanism as well as the harmonisation of standards pertaining to registration, classification, accreditation and grading of service providers and tourism facilities within the region.³⁷

On the other hand, RETOSA, which was established in terms of the provisions of the RETOSA Charter in 1997, is tasked with promoting and marketing the SADC as a tourist destination.³⁸ The Charter imposes a number of obligations on SADC member

³³ Such measures include provision of infrastructure investment and development, identifying new niche markets and developing new tourism products centred around cultural tourism and handicrafts, especially in the rural areas. See Gopaul M "The significance of rural areas in South Africa for tourism development through community participation with special reference to Umgababa, a rural area located in the province of Kwazulu-Natal" (2006) at 54. Available at uir.unisa.ac.za/bitstream/handle/10500/2159/dissertation.pdf (accessed 08 August 2017).

³⁴ Cleverdon RG "Tourism development in the SADC region: the opportunities and challenges" (2002) 19 (1) *Development Southern Africa* 1 at 19.

³⁵ According to Al Mamun and Mitra, the term "tourism potential" has sometimes been misunderstood because "potential" implies territorial capabilities, which holds a narrower meaning. They suggest that "potential" may be substituted with "attractiveness" which connotes relations between the demand for and supply of tourism. See Al Mamun A and Mitra S "A methodology for assessing tourism potential: case study Murshidabad District, West Bengal, India" (2012) 2 (9) *International Journal of Scientific and Research Publications* 1 at 1. Available at <http://www.ijsrp.org/research-paper-0912.php?rp=P09200> (accessed 8 August 2017).

³⁶ Articles 5 (1) (b) & (c). The Univisa was piloted through an arrangement between Zambia and Zimbabwe at the end of 2014. It costs US\$50 and allows travellers access to the two countries and Botswana using the Kazangula border post for 60 days. The ultimate goal is to implement the arrangement in all the countries across the SADC region. See Cronjé (2016) at 7.

³⁷ Articles 9 (a) and (b).

³⁸ Article 7 (1) SADC Tourism Protocol.

countries aimed at enabling RETOSA to accomplish its mission. These include development of common and co-ordinated marketing strategies, action plans and implementation programmes aimed at advancing intra-regional and international tourism in the region; marketing the region as a preferred tourist destination and using the RETOSA logo and brand to promote the region's identity and competitiveness; undertaking marketing and promotion activities aimed at highlighting the diversity of tourist products in the region; and collaborating in the packaging of their destinations.³⁹

Unlike the SADC Tourism Protocol which is specific to the tourism sector, the SADC Protocol on Trade in Services encompasses all service sectors in terms of its scope. The stated objectives of the latter Protocol include, *inter alia*, promoting sustainable economic growth and development; enhancing economic development, diversification, local, regional and foreign investment in the services economies of the region; pursuing services liberalisation, while preserving the right to regulate and to introduce new regulations; and enhancing the capacity and competitiveness of the services sectors of the State Parties.⁴⁰ Crucially, the SADC Protocol on Trade in Services allows for progressive liberalisation of the services sector within the region over successive rounds of negotiations.⁴¹ These subsequent negotiations provide an opportunity to effect improvements of some of the shortcomings in the current legal framework regulating tourism in the SADC. It is also noteworthy that the SADC Protocol on Trade in Services recognises the right of member States to regulate the scope and pace of liberalisation of the services under its coverage based on each country's readiness and interests.⁴²

Considering that the tourism sector also has the potential to negatively affect, among others, local communities, the environment and human rights,⁴³ it is disappointing that the SADC instruments and institutions aimed at promoting tourism do not include safeguards against irresponsible and unsustainable conduct by those involved. It is common knowledge that tourism development can lead to exploitation of vulnerable groups, such as, women and children, if left unchecked.⁴⁴ Commenting specifically on the impact of tourism on children, a publication by the World Tourism Organisation (UNWTO) states that, "[a]lthough ... tourism is not the cause of child exploitation, it can aggravate the problem when parts of its infrastructure, such as transport networks and accommodation facilities, are exploited by child abusers for nefarious ends".⁴⁵

With regard to women, studies show that tourism development often comes with challenges, such as, women doing low status work, gender stereotyping, inequality,

³⁹ Article 7 (2) (a) - (d).

⁴⁰ Article 2.

⁴¹ Article 16.

⁴² Article 5 (2).

⁴³ UNWTO "15 years of the UNWTO World Tourism Network on Child Protection: a compilation of good practices" (2014) at 2. Available at <http://www.e-unwto.org/doi/pdf/10.18111/9789284415588> (accessed 21 July 2017).

⁴⁴ UNWTO (2014) at 2.

⁴⁵ UNWTO (2014) at 2.

informal employment and sexual exploitation.⁴⁶ In addition, although there is a lot of information on employment related benefits accruing to women as a result of tourism, little research has been done into the facts pertaining to implementation, enforcement and promotion of the laws relating to women's employment rights in the tourism sector.⁴⁷ Consequently, the information currently available does not reflect the full impact of tourism on women in the region. It is important, therefore, that more studies are done so that a more balanced picture is presented and reflected in regional agreements as well as in the mandate of the regional institutions.

It is just as important for SADC instruments and institutions dealing with tourism to recognise and pay attention to the environmental impact of tourism. According to UNWTO, "[t]ourism activities can cause impacts on ecosystems, so it is necessary to promote the efficient management of resources and to support measures against climate change".⁴⁸ UNWTO also advocates protection of biodiversity, which it regards to be essential in ensuring the sustainability of resources and priority economic sectors through sustainable tourism.⁴⁹

4 OBSTACLES TO CO-OPERATION ON TOURISM ISSUES

Notwithstanding the clear expression of intent by SADC member countries to work together in developing a strong regional tourism brand, realising this intention has proved to be difficult for a number of reasons. To begin with, the existing legal framework has several fundamental flaws that have severely limited its effectiveness. This is seen in the failure of some provisions of the SADC Tourism Protocol to impose binding obligations on member countries.⁵⁰ Without having a binding effect, the provisions are practically toothless since their implementation is dependent on the whim of the member countries rather than on a clear set of criteria.

In addition, the institutional framework currently in place within the region is not sufficiently equipped to oversee the implementation of those provisions of the SADC Tourism Protocol that are legally binding.⁵¹ The framework also lacks the mandate to enforce basic accountability norms, such as, reporting, consultation and notification obligations on the part of member countries.⁵² This makes it difficult to keep track of what the member States are doing individually and serves to complicate rather than simplify the implementation of the SADC's expressed wish for co-operation on tourism issues among the member countries.

⁴⁶ UNWTO and UN Women "Global report on women in tourism 2010" (2011) at 7. Available at <http://www.e-unwto.org/doi/pdf/10.18111/9789284413737> (accessed 21 July 2017).

⁴⁷ UNWTO and UN Women (2010) at 7.

⁴⁸ UNWTO and United Nations Global Compact Network Spain (2016) at 24.

⁴⁹ UNWTO and United Nations Global Compact Network Spain (2016) at 24.

⁵⁰ For example, Art 5 on "Travel facilitation" and Art 6 on "Tourism training and education".

⁵¹ This includes the SADC Summit, the SADC Committee of Tourism Ministers, Committee of Senior Officials, Tourism Coordinating Unit and Regional Tourism Organisation of Southern Africa (RETOSA). See Art 13.

⁵² Cronjé (2016) at 4.

A further setback to co-operation is that, although the SADC Tourism Protocol introduces a regional standard and quality control mechanism while also calling for the harmonisation of standards for registration, classification, accreditation and grading of services providers and tourism facilities, these measures have largely not been implemented yet. This is mainly due to a lack of appropriate policy and regulatory measures to support the initiatives.⁵³ Various SADC member countries also continue to brand their destinations separately and to pursue marketing strategies that frequently pit them against each other.⁵⁴ Again, the effect of these delays and fragmented approach has been to compromise rather than assist co-operation on tourism matters among SADC member countries.

Furthermore, different divisions within the SADC Secretariat often perform parallel activities relating to the same kind of services. For the most part, this results from the lack of proper mechanisms for exchanging information which would help to avoid duplication and determine that each division knows what the others are doing.⁵⁵ It is, thus, critical to ensure that the efforts to co-ordinate policies on tourism within the SADC take into account and are in alignment with similar efforts undertaken within related services sectors and by other SADC Secretariat divisions. In the words of Jennifer Hawkins, "... a more institutionalised approach [is] needed to maintain the links between different SADC Units".⁵⁶ It is submitted that this quote is equally appropriate to the approach required to harmonise the activities of various SADC member countries.

Despite the rhetoric by SADC member countries about wanting to work together to improve tourism in the region, the truth is that co-operation efforts have often been hampered by member countries acting contrary to their regional commitments in order to advance their own individual interests. The fact that some SADC member countries are economically stronger than others has allowed the stronger members, especially South Africa, to impose their will on the weaker members.⁵⁷ Relying on its dominant position, South Africa has occasionally shown a disregard for regional co-operation by flouting its commitments, often at the expense of the other members. This is exemplified by the country's conclusion of a free trade agreement with the Union European (EU) without consultation with its SADC partners. South Africa's approach to its regional obligations prompted Mapuva and Muyengwa-Mapuva to remark that "... it would appear that for South Africa, a disintegrated regional body would benefit it more than if the SADC were economically integrated with all the member states accruing mutual benefit from the proceedings of the regional bloc".⁵⁸

⁵³ Cronjé (2016) at 8.

⁵⁴ Manasoe (2009) at 1.

⁵⁵ Hawkins J "Assessment of linkages between the SADC Protocol on Trade in Services and other SADC Protocols and legal instruments" (2012) at 63. Available at https://tis.sadc.int/files/2413/5279/8208/Assessment_of_linkages_TiS_other_SADC_Protocols_Final.pdf (accessed 27 March 2017).

⁵⁶ Hawkins (2012) at 63.

⁵⁷ Mapuva & Muyengwa "The SADC regional bloc: what challenges and prospects for regional integration?" (2014) 18 *Law, Democracy & Development* 22 at 29.

⁵⁸ Mapuva & Muyengwa-Mapuva (2014) at 29.

It is not only the bigger SADC member countries that have flouted their SADC commitments for individual gain. Even the smaller SACU member countries have, for example, gone on to negotiate Economic Partnership Agreements (EPAs) with the EU individually instead of negotiating through the SADC primarily because it suited them to do so.⁵⁹ All this individualistic conduct calls into question the assumption that the various SADC member countries necessarily see co-operation as an ideal to which they should aspire.

5 THE WAY FORWARD

As seen above, it would appear that the wish of SADC member countries is to formulate a co-ordinated strategy for developing tourism in the region so as to maximise their gains from the sector. This has been demonstrated time and again in the various protocols adopted by the regional body over the years. Sadly, this desire and the agreements that symbolise its expression have not been followed up by effective implementation. The questions that need to be addressed are: how this problem of poor implementation can be overcome; what it will take to do so; and how all this can be done in a responsible and sustainable way.

Although there have been instances of resistance to working together on the part of some SADC member countries, the reality is that co-operation is essential for enhanced competitiveness of the region against top global tourist destinations. It is generally accepted that an increase in regional co-operation would boost growth and facilitate an improvement of the services sector.⁶⁰ Therefore, it is important for the SADC to continually re-assess the existing regional tourism arrangements with a view to effecting the necessary improvements and to provide the required support for related initiatives. The fact that member countries sometimes succumb to the temptation of going it alone for a short term gain does not take away the good that comes with regional co-operation over the long term.

While stakeholders in the tourism industry are increasingly aware of the need for balance between the economic, environmental and socio-cultural aspects of development, the SADC region seems to be lagging behind in this regard. As seen earlier in this article, such balance is essential not only for the competitiveness of businesses operating in the tourism industry, but also for the protection of vulnerable groups, such as women and children, as well as for the long-term sustainability of the environment.

With respect to women, it is in the developing regions like SADC where tourism can have the greatest positive impact on their lives because this is where women encounter the toughest challenges.⁶¹ The SADC region can make this happen by employing a strategy involving protection of women's rights and interests including

⁵⁹ Mapuva & Muyengwa-Mapuva (2014) at 30.

⁶⁰ Mapuva & Muyengwa-Mapuva (2014) at 23.

⁶¹ UNWTO and UN Women (2011) at 65.

equal pay and fair minimum wage; giving them access to tourism education and training; and recognising their unpaid work in the home and the community.⁶²

When it comes to children, SADC member countries need to strengthen their domestic laws on child protection and uphold the UN Convention on the Rights of the Child. They must also run programmes designed to combat the exploitation of children in the tourism sector. Such programmes should entail running regular workshops as well as distributing leaflets and posters containing the relevant information by placing them at strategic places, such as, hotels, travel agencies and ports of entry.⁶³ The SADC should also seek to adopt and implement its own code of ethics modelled on the UNWTO's Global Code of Ethics for Tourism.⁶⁴ The latter Code provides in Article 2:

The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.

Although the Protocol on Trade in Services mandates SADC member countries to create a region-wide system of quality control as well as a harmonised method for regulating service providers, no clear regional policy or regulatory framework aimed at achieving these goals has so far been established.⁶⁵ RETOSA in particular, whose mandate is to sell the SADC region as a single tourist destination, has to take up this challenge by continually reminding the member States of their obligations and the importance of abiding by them. It must work with the relevant intergovernmental bodies and sectoral associations to not only persuade governments to live up to their undertakings, but to also raise awareness among citizens regarding tourism and its capacity for job creation and poverty alleviation.

RETOSA must also give special attention to the smaller SADC member countries that have so far been unable to improve their tourism services and develop them to standards acceptable to international tourists. It was seen earlier that countries like Angola, DRC, Lesotho, Malawi, Swaziland and Zambia, struggle to attract international tourists and to get them to spend money locally when they do visit. These countries should be given additional assistance to enable them to perform better.

It has been contended that one of the reason for poor implementation of undertakings made in tourism related SADC protocols is because the provisions of these protocols are not legally binding. Considering that a lot is at stake in terms of the potential economic gains for the region, the SADC should work towards making some of its important instruments on tourism legally enforceable. This will help to encourage

⁶² UNWTO and UN Women (2011) at 67.

⁶³ Indonesia, whose intervention programmes have been cited as examples of good practice, has adopted the similar initiatives. See UNWTO (2014) at 7.

⁶⁴ Adopted on 1 October 1999 by the UNWTO's 13th General Assembly in Santiago, Chile.

⁶⁵ Cronjé (2016) at 8.

member countries to be more compliant with their commitments and to bring more certainty to the sector.

At the same time, the SADC should endeavor to minimise losses to the regional economy resulting from the repatriation of profits to their home countries by international firms operating in the region. One way of achieving this is by developing homegrown service providers capable of delivering quality tourism services, either through creating new tourism products or by enhancing the existing ones. The SADC must also improve tourism related service sectors, such as, communication, finance and transport, on whose effectiveness the success of tourism depends.

In addition, it is critical for local firms to establish links with international firms having a global reach and exposure. Cronje highlights four basic ways through which a country can improve its standing within the international tourism value chain: (i) allowing foreign firms to establish a presence in the country in order to help it assert its status as a tourist destination; (ii) tour operators providing more sophisticated and complex logistic and co-ordination services; (iii) computerisation of business functions by tour operators so as to facilitate online bookings and reservations; and (iv) implementing product upgrades through measures, such as providing a higher level of luxury or size.⁶⁶ Implementation of all these measures in the SADC should, however, provide for transfer of skills and must not come at the expense of local entrepreneurs who have demonstrated the ability to render the same quality of services.

It was shown above that, as far back as 1998, SADC member countries undertook to implement a Univisa under the provisions of the SADC Tourism Protocol. The Univisa was meant to allow international and regional tourists to have easy access to the region.⁶⁷ Although the initiative was intended to take effect in 2002, only little progress has been made so far.⁶⁸ Of the 14 SADC member countries, only Seychelles, Madagascar and Mozambique offered visa free or visa on arrival access to citizens of other African countries by 2016.⁶⁹ In view of the proven correlation between the implementation of visa facilitation measures and an increase in a country's competitiveness as a tourism destination,⁷⁰ SADC member countries should expedite rather than delay dispensing with the visa requirements for intra-SADC tourists and adopting the Univisa for international tourists.

One of the obstacles to the adoption of the Univisa has been differences of opinion among government departments involved in the visa application process in various SADC member countries regarding the terms of the Univisa. The reasons for the divergence of opinion have been summed up as follows:

Although the benefits of tourism are clear and there is general agreement that a Univisa would boost tourism flows to the region, civil servants stationed at embassies and

⁶⁶ Cronjé (2014).

⁶⁷ Article 5 (1) (b) & (c).

⁶⁸ German Cooperation, GIZ ProSPECT, South African Institute of International Affairs (2014) at 56.

⁶⁹ Cronjé (2016) at 9.

⁷⁰ Cronjé (2016) at 9.

within the home affairs departments that manage and implement visas have little or no exposure to the benefits of tourism. Their primary concern is safety and security.⁷¹

It is clear, therefore, that the squabbles between the various government departments in SADC member countries are more about lack of information and understanding concerning the tourism sector than about any fundamental issues. This further demonstrates the urgent need to educate the different stakeholders about the importance of tourism and its economic benefits, such as, job creation and infrastructure development.

6 SUMMARY AND CONCLUSION

The main argument advanced in this article is that tourism has become the leading sector through which poor countries can achieve economic development and lift their people out of poverty. Because of its capacity to employ thousands of skilled and unskilled workers, the sector is particularly relevant for the SADC, whose membership comprises mostly least developed countries with high levels of poverty and unemployment. It was also seen that, although the importance of tourism is well recognized within the SADC, the regional body has so far failed to implement the measures required to maximise the benefits of tourism, which include ensuring proper coordination of the efforts to develop or improve tourism across the region. A word of caution was extended to SADC member countries to take steps to address the adverse effects of tourism which, if left unattended, may eclipse its positive aspects.

It was further shown that, despite SADC member countries concluding numerous agreements aimed at improving the region's tourism sector and the gains derived, these agreements remain largely unimplemented. Moreover, the agreements were shown to have flaws which further hinder their effective implementation, including not having a binding effect. It was also revealed that the work of the regional body charged with marketing the SADC as a single entity has been inhibited by factors, such as, substandard infrastructure in some of the countries, poor air connectivity across the region, and continued sidelining and exploitation of women and young people.

It is clear that if the SADC continues on the path it has been following regarding tourism development, attainment of its goals will continue to be impeded by the challenges it is currently facing. The regional body needs to come to terms with the fact that, notwithstanding the sacrifices required to act as a collective, doing so will help to improve its tourism sector and to bring about the benefits it desires.

⁷¹ German Cooperation, GIZ ProSPECT, South African Institute of International Affairs (2014) at 57.