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TRUST, TIME AND PARTICIPATORY RESEARCH IN REGIONAL SOCIAL POLICYMAKING: THE AFRICAN UNION AND SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

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PRARI Working Paper 15-5



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Abstract

This paper reports two empirical studies undertaken in 2012 and 2014 both of which examine the extent to which International Organisations have argued for and helped to develop regional social policies in regional associations of government in Africa and in particular within SADC. The paper argues that within the context of an analytical framework for understanding policy change that combines *social structural, institutional, agency and policy discourses*, biographies of policy players including civil servants (national, regional and global) and individual policy advocates acting in often fleeting global and regional policy spaces can and do impact on policy change, in our case regional social policy formulation. The paper argues therefore that researchers applying participatory research tools can in certain circumstances also influence policy in favourable conditions where actor-researchers as *agents* have earned trust over time in engagements with key individual policy players in international and regional organisations and manage to shift *policy discourses*.

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1. Introduction and overview

This paper reports two empirical studies undertaken in 2012 and 2014 both of which examine the extent to which International Organisations have argued for and helped to develop regional social policies in regional associations of government in Africa and in particular within SADC. Regional Social Policies are defined as policies of cross border redistribution, social regulation and social rights and cross border cooperation in the health, education and social protection. The paper charts the influence of these IO actors (and individuals working for them) in the processes that have led to the emergence within Africa of regional and sub regional social policies.

The paper is based upon documentary analysis and two periods of participant observation. The two episodes of participatory policy research were; first (2010-2012) a study of the injection into the SADC and AU policy processes of the concept of regional social policy and second (2014) the reform of SADC policy on the issue of the social rights of cross border movers. The Reported research and the associated analysis draws substantially on earlier writings with colleagues (Deacon, Macovei, Van Langenhove and Yeates (2010), Deacon 2012 and Deacon, Olivier and Beremauro 2015).

The paper argues that within the context of an analytical framework for understanding policy change that combines *social structural, institutional, agency and policy discourses*, biographies of policy players including civil servants (national, regional and global) and individual policy advocates acting in often fleeting global and regional policy spaces can and do impact on policy change, in our case regional social policy formulation. Crucially researchers applying participatory research tools can in certain circumstances also influence policy.

The favourable conditions are where such actor-researchers as *agents* have earned trust over time in engagements with key individual policy players in international and regional organisations and manage to shift *policy discourses*. However there are often still limits to the translation of such policies into practice caused by *social structural* circumstances and *institutional* fragility or resistance.

2. Theoretical Framework

In the search for an analytical framework for understanding global social policy formation and change I argued together with Paul Stubbs (Deacon and Stubbs 2013) that the attempt by Frank Moulaert and Bob Jessop (notably Moulaert and Jessop, 2006) to combine agency, structure, institutions and discourses (the ASID approach as they term it) may offer a way forward². Referring to the problem of the relationship between agency and structure, they suggest (Moulaert and Jessop, 2006, 2) that: “it is almost impossible to analyse any aspect of socio-economic growth and development without referring directly or indirectly to the actions that steer or interfere with these processes, the structures that constrain action, the institutions that guide or hamper action and mediate the relation between structures and action, and the discourses and discursive practices that are part of these interactions”.

They define the four key concepts as follows (ibid: 2-3):

Agency is any type of meaningful human behaviour, individual or collective, that makes a significant difference in the natural and/or social worlds. ...

Structure comprises those moments of natural and/or social realities that, in the short or medium run and in a concrete spatial context ... cannot be changed by a given individual or collective agency. ...

Institutions ... can be considered as ‘socialised structure’, i.e., a relatively enduring ensemble of structural constraints and opportunities insofar as they appear in the form of a more or less coherent, interconnected set of routines, conventions, rules, sanctioning mechanisms, and practices that govern more or less specific domains of action. ... (and)

Discourse is the inter-subjective production of meaning.

² The following sections are based on an article written myself and Stubbs (Deacon and Stubbs 2013). I am very grateful for the long collaboration with Paul that has enabled me to get a better grip on explaining rather than just advocating global social policy change.

The concept of conjuncture is also central to their framework. Thinking conjuncturally involves an examination of the different, and sometimes divergent, tendencies at work in a particular location at a particular moment in time. Using the ASID framework as “a generic toolkit or heuristic that can be applied to all forms of social engagement with the natural and social worlds” (Moulaert and Jessop, 2006: 10) for the analysis of global and regional social policy offers, I believe rich possibilities.

Any understanding of global or regional social *structure* is far from the rather functionalist notion of social structure found within much of ‘world society theory’ (Meyer and Hannah 1979, Meyer J. W. & Jepperson R. L. 2000). I have counter-posed rather “the framework of capitalism, patriarchy and a racially structured imperialism with its concomitant global social divisions of class, gender and ethnicity” (Deacon, 2007: 21) which would still be consistent with the ASID framework. At a global and regional level divisions between the securely employed and the ‘informal sector’ lie behind some of the *structural* imperatives to and at the same time obstacles to global and regional social policy change.

In terms of the contribution of *institutions* to the understanding of global and regional social policy, the institutional legacy of intergovernmental organisations has some path dependency effects just as diverse welfare state institutional structures within single countries do. The tripartite governance structure of the ILO (Baccaro and Mele, 2010) has contributed to the continued emphasis on the desirability of countries adopting and retaining (reformed) Bismarkian style PAYG pension systems. The World Bank's prime concern with global capital accumulation has, in turn, contributed to its promulgation of a pension system based on individual private savings' accounts. The limits of path-dependency are clear, however, in the context of a long-standing concern with debates both within and between intergovernmental organisations (Deacon et al., 1997).

Agency can be ‘individual’, and even ‘idiosyncratic’ (Moulaert and Jessop, 2006) and enables analysts to counters the primacy given to ‘cultural processes, logics and mechanics’ within ‘world society theory’. Global social policy studies have argued that, at times, particular individuals can be important in pushing global and regional social policy ideas. The ‘UN intellectual history project’ has traced the strong influence of Andrea Cornia and Richard Jolly of UNICEF in contributing to shifting the dominant

global discourse from 'structural adjustment' to 'adjustment with a human face'. The same figures later influenced the UNDP in terms of developing measures of human and social development (the HDR indicators) to challenge the World Bank's economic growth indicators. It is also evident that the careers and biographies of civil servants (national, regional and global) matter in terms of preserving or changing institutions and policies.

Perhaps the concept of *discourse* has proved to be most slippery in much of global social policy analyses. At the same time, a rather under-theorised sense that discourse, ideologies and ideas matter has been present throughout. One strand of my work has stressed the importance of understanding the shifting and sometimes contested policy debates within and between international actors and agencies (Deacon, 2007) Ideas about social policy and social change and their trans-national contestation and promulgation by differentially powerful agencies (St Clair, 2006) and the role of epistemic communities and trans-national networks (Stone and Maxwell, 2005) have also been addressed. Dostal's (2004) concept of 'organisational discourses' has been used by Mahon in her work on the OECD (Mahon, 2009). Schmidt's (2008) focus on the importance of 'discursive institutionalism', which emphasises the scope for actors within institutions to challenge dominant discourses, is also relevant.

What is, of course, most complex, both theoretically and practically, is to assemble the four concepts together as an analytical approach in the context of any empirical study. Whilst it is important to question the determinist formulations of Sklair (Sklair, 2002: 99) or Soederberg (2006) that the entire range of international organisations, the policies they formulate and the intellectuals working within and around them can be understood as a fraction of the global capitalist class, only challengeable by 'the multitude' (Hardt and Negri, 2005), seeing global and regional social policy in terms of the condensation of processes of material struggles around gender, race, class and ethnicity, is both legitimate and desirable. Social policies at both national and global level continue to be shaped by class, gender and ethnic interests and mobilisations and linked discourses concerning work (*who gets it*), family (*the role of women and how it is to be lived*) and nation/citizenship (*who belongs*) (Williams, 1995).

Within the World Bank, as Sen (2004, 2006) has shown, arguments developed by feminists about the positive developmental effects of putting women at the centre of development by, for example, ensuring equal opportunity for girls in education and micro-credit for women have become accepted, and therefore in some ways distorted of course, as mainstream. Sen (2004: 13) comments that “the real struggle to transform the new discourse into effective policy change has to move on to the level of changes in institutions, laws, practices and norms“. In short, to be path creating in international institutions it is first necessary to change the discourse. It should never be forgotten, in this context, that 'established rules' can also be transformed, "sometimes with major path-shaping effects, as individuals, groups, and other social forces reinterpret, resist, or overturn them“ (Jessop and Neilsen, 2003: 8).

My (Deacon 2013) study of the agency behind the ILO’s formulation of its Social Protection Floor Recommendation concluded “that certain individuals both at the level of the ILO Directorate and at the level of its Social Security department did change, to some extent, the practice of the ILO by first changing its discourse (Deacon 2013: 148). Furthermore it was concluded that “This case study has shown the importance of *trust won over time* between key figures in the ILO, UNICEF, INGOs concerned with Social Protection and others which has enabled the concept of the Social Protection Floor to gain traction in many UN agencies and outside them” (Deacon 2013: 154).

The case studies below of the emergence of a regional social policy discourse within SADC and the specific emergence of a regional social protection policy for SADC migrants do, I am suggesting lend further support to the importance of individual agency in shaping policy and of trust won over time in the affecting the capacity of policy players to shape policy. The case studies also illustrate the constraints on the conversion of these changed discourses into policies exhibited by social structural and institutional factors.

3. Regional Social Policy: the policy idea that travelled to Africa

The first attempt to interest international policy actors, in this case, UK DFID in the concept of regional social policy received a polite but muted reception. Seminars based on the GASPP working paper on the Social Dimension of Regionalism (Deacon

2001) took place in London (UKDFID) in 1999 and Pretoria (UKDFID) in 2000, while Yeates' working paper on regional social policy commissioned by UNRISD (Yeates 2005) also significantly featured in this emerging analytical and policy arena. A chance encounter in 2004 (initiated by the then UNESCO Assistant Director-General for Social and Human Sciences, Pierre Sane) generated a proposal to organize a joint GASPP-UNUCRIS-OU High Level Symposium on Regional Social Policy in Uruguay in the context of UNESCO's International Social Science Policy Nexus taking place in Buenos Aires and Montevideo in February 2006. This seminar, led by Nicola Yeates, Luk van Langenhove and myself (Deacon et al, 2010), enabled two things to happen. First the Buenos Aires Declaration (UNESCO 2006) flowing from the Policy Nexus "called upon the UN to facilitate inter-regional dialogue on regional social policies". Secondly it enabled a meeting to take place over dinner at which was present Serge Zelenev of the UNDESA secretariat, a young minister in the South Africa Department of Social Development and myself. The Minister expressed concern that the current policy focus across Africa at that time, the NEPAD agreement spoke little about the social dimension of regionalism in Africa. At UNDESA at the time was Isobel Ortiz (since of UNICEF and now of ILO) who I had been in touch with about drafting some UN social policy guidance notes to counter World Bank thinking. What followed was a quick collaborative project not only on global social policy but also on regional social policy with a UNDESA working paper on the topic soon seeing the light of day (Deacon, B Ortiz, I and Zelenev, S 2007).

Conversations with South Africa followed up the concern about NEPAD and a SADC meeting of Social Development Ministers was convened in November 2006. In 2006, UNDESA Division for Social Policy and Development issued a pioneering draft document on regional social policy in Africa, reflecting the inputs Isabel and I had made which was finalized in the Ministerial Meeting of SADC. The Ministerial Meeting's endorsement of the document *Towards an African Regional Social Policy* represented an important step forward in framing SADC Sub-regional Social Policy.

Of importance elsewhere on the Africa continent at the time was the work undertaken by UNESCO through its management of Social Transformation Programme (MOST), following on from the Buenos Aires event and still driven by Pierre Sane. Zola S. Skweyiya, Minister for Social Development in South Africa and chair of MOST ensured

that the focus of such meetings in Africa has been on regional integration. Within this perspective MOST organized a series of seminars on regional integration policies in the ECOWAS, ECA and the Arab Region.

The UNDESA intervention in Jo'burg combined with the UNESCO MOST's regional seminars of Ministers of Social Development meant that the time was now ripe for an all Africa Meeting of Ministers of Social Development to draft an Africa Social Policy. In 2008 the AU commissioned a draft to be presented to the first ever meeting of Ministers of Social Development held in Windhoek, Namibia in October 2008. Help Age, UNICEF, UNU-CRIS in the shape of the author of this paper, and several Northern social policy scholars were invited to a pre-meeting in Windhoek to comment upon the draft social policy framework and feed recommendations into the Ministers meeting. The theme of cross border cooperation in social policy was inserted into the SPF at the suggestion of the delegate from the UNU-CRIS (me). On the floor of the Ministerial a UNDESA official (Zelenev) lent further support to this approach as did the UNESCO delegation. All of these interventions at this event flowed from and were only possible because of the earlier involvement by UNDESA, UNESCO and UNU-CRIS in discussions about regional social policy.

Specifically Section 2.2.17 of the document agreed at that meeting (AU 2008) contain the following formulations which directly flow from the regional social policy idea that had been discussed in Pretoria in 2000. The words were drafted by me and accepted unchallenged. The paragraph recommends that countries should:

- (b) Increase inter-governmental cross border cooperation in sector investments and programmes in the fields of employment, education, health, social protection, housing and utilities;
- (c) Increase inter-governmental cross-border co-operation on policies, which address *social issues and social problems* such as poverty and social exclusion. Such policies should promote regional social justice and equity, social solidarity and social integration (e.g. establishment of regional social funds or regional disaster mitigation funds, and the development of regional regulations of labour markets and utilities and health and education services);

(d) Member States to increase cooperation to protect human rights and fundamental freedoms (e.g. by establishing sub-regional charters of human and social rights and regional observatories to monitor progress).

Policy focussed action and participatory research by GASPP and then UNUCRIS over a long period of time gained the trust of key individuals in IO's such as UNESCO, UNDESA and UNICEF leading to the acceptance by the AU and SADC of the concept of regional social policy. The other IO player that needs to be included partly for its role in this phase of the story but more especially for its role in the next episode told below is the ILO. In Africa, the ILO regional office is conveniently located in Addis Ababa, which is home to both the African Union (AU) and the UNECA. This enabled close cooperation between the ILO and the AU. The AU organized a series of five sub-regional meetings in 2006 aimed at supporting capacity building in the regional economic communities. Regional frameworks for integrated employment strategies were agreed at each of these. The ILO signed memoranda of understanding with ECOWAS in 2005 and the Communauté Economique des Etats de l'Afrique Centrale (CEEAC) in 2006. The ILO International Training Centre subsequently secured funds in 2007, from the French and Flemish governments, to provide in association with the UNU-CRIS capacity building activities in regional employment and social protection policies for ECOWAS and SADC (Deacon et al.2008). In the case of SADC the ILO seconded to Gaborone in 2008 a Senior Programme Manager (Employment, Productivity, Labour, and Social Security) whose function is to coordinate labour and employment programmes within the SADC secretariat. This influential role of ILO within the SADC regional social protection agenda for migrants is picked up below.

This story demonstrates the fluidity and openness of the regional social policy making process in that period of AU policy formation. It demonstrates the capacity of individual policy entrepreneurs to fly into policy spaces and have influence. It demonstrates the politics of scale in concrete ways. It also reveals that once ideas articulated by policy entrepreneurs become accepted by International Organisation their capacity to shift policy is increased. Finding an institutional home for ideas matters. What is not revealed in the account is whether the impact of these ideas ever moved beyond the level of fine policy recommendations and challenged through their

embeddedness in strong institutions any social structural obstacles to their realisation in practice.

4. SADC formulates a regional social protection policy for migrants

While I was involved in the ILO capacity building exercise for SADC mentioned above (Deacon B, Hoestenbergh K Van, Lombaerde P De, Macovei 2008) I met over lunch Vic Van Vurren who was then Secretary of the Business Forum of South Africa and a keen supporter of more effective economic integration within SACU and to some extent SADC. When I found myself involved in this second participatory policy research exercise focussed on migration and social protection in SADC Vic Van Vurren had become Director of the Southern Africa office of the ILO based in Pretoria.

The new project was an EU funded programme focussed on facilitating labour migration within SADC. WITS University collaborated with UNUCRIS and the University of Pretoria in bidding for and winning this contract. The Pretoria link was facilitated by the appointment there of Lorenzo Fioramonti who had worked closely with the Director of UNUCRIS on previous projects. My involvement via UNUCRIS was a consequence of having been persuaded over a good meal by the UNUCRIS Director to accept the UNUCRIS-UNESCO Chair in Regional Integration and the Free Movement of People.

One of the first initiatives of the UNUCRIS-Pretoria link before the EU Migration project was started was the convening of a major conference in Pretoria on the Regional Governance of Migration and Social Policy: Comparing European and African regional integration policies and practices. I argued that because country policies are shaped within democracies by national political concerns, the only way to address the social protection needs of migrants is for the further development of regional bodies independently funded.....formulating social policies in conformity with international human rights. An important feature of this event was a Policy Forum addressed by several policy activists one of whom was of course Vic Van Vurren of the ILO.

When the new MiWORC project (<http://www.miworc.org.za/>) lead by WITS University got off the ground the ILO office together with the SA Department of Labour and other stakeholders was a key advisor and collaborator. While the project was focussed on

labour migration from SADC into SA a theme of the research and policy advice was that of strengthening SADC and developing its policies on labour migration. Within that context my research package (WP 4) addressed the social protection needs of labour and other regional migrants. A significant event in this policy engagement process was an *ILO – SADC – IOM Conference on Labour Migration in SADC: Trends, Challenges, Policies and Programmes* held on 21 - 23 August 2013. That such a conference could be convened was a consequence of effective background work already undertaken between the ILO and the IOM with SADC in the context of the MDSA Dialogues to advance the Labour Migration agenda. These processes had lead already to the formulation of the ILO inspired *SADC Draft Labour Migration Action Plan 2013-2015* (SADC 2013).

The MiWORC team made several presentations at this event including one by the WITS scholars on labour migration trends and prospects, another by the Pretoria team on Regional Integration strategies and one by the UNUCRIS-lead Social Protection Team on Social Protection and Social Security of Migrants in SADC (Deacon, B 2013). In effect these presentations added further support and legitimacy for the emerging ILO inspired SADC policies in this field. The Tripartite Labour and Employment meeting of SADC at Maputo in May 2013 had already approved the *Draft Plan of Action on Labour Migration in SADC* (SADC 2013). Among its 6 points was access to benefits across borders, social rights harmonisation and pension and social security harmonisation.

The ILO, which had in effect managed the August 2013 consultation meeting and supported the SADC Secretariat, pushed the agenda further. In October 2013, it commissioned the African Centre for Migration & Society (ACMS) at the University of the Witwatersrand (one of the MiWORC partners) to submit a Draft Labour Migration Policy, which was presented to a meeting of the SADC Joint Technical Sub-Committee on SADC Employment and Labour Sector Programmes in Gaborone on 26 February 2014. The ACMS-suggested draft addressed some of the issues in the *SADC Draft Labour Migration Action Plan 2013-2015*.

The ACMS comment on Section 4.1, concerned with data-based law and policy harmonisation, included suggested policies on “Harmonisation of legislations & policies on recruitment & conditions of employment of SADC migrant workers & third

country nationals towards a minimum floor of rights” (4.1.1). The ACMS comment also noted: “Social protection and the portability of rights is a fundamental dimension of improved labour migration and should be prioritised by SADC.” The ACMS report also notes: “Its potential to reduce inequalities between countries is also critical to further integration” (4.3.2). The suggested policy outcome is a “harmonised social protection regime across SADC countries for migrant workers and nationals informed by existing institutional good practices and supporting grass-root mechanisms.” (See Deacon et al 2015 for a full account).

In the month following this February 2014 event, the SADC policy was redrafted so that the official draft reflected ACMS-suggested themes. For example, one section of the Draft Labour Migration Policy (SADC 2014) asserts that an aim of the policy is to ensure that migrant workers have the right to “equal treatment with nationals in relation to social security and social services” (para. 5.1.5, iii h) and that the rights of documented migrant workers’ family members extend to “equal access with nationals: education, training, social and health services, cultural life etc.” (para. 5.1.5, iv h). This draft was reconsidered and adopted with some amendments by the full meeting of SADC Labour Ministers in July 2014 in Harare, Zimbabwe (SADC 2014a) . Most of provisions in The *SADC Draft Labour Migration Action Plan for 2013-2015*—action on data, access to social benefits, remittance mechanisms, harmonization of labour migration policy within SADC, harmonization of the rights of workers and the harmonization of pensions and social security benefits in public and private schemes—were therefore incorporated into the *SADC Labour Migration Policy Framework* (SADC 2014b). The WITS team’s consultation and the broader MiWORC project had been used to reinforce the ILO inspired policy and add legitimacy to it.

Parallel to the drafting of the *Labour Migration Policy Framework* SADC in August 2014 adopted a *Protocol on Employment and Labour* (SADC 2014c) which also addresses in similar terms the social protection issues. This Protocol in Para19 aims to c) ensure that fundamental rights are accorded non citizens, in particularsocial protection rights, f) to adopt measures to facilitate the coordination and portability of social security benefits and j) establish an autonomous regional agency...(to address these issues). However the existence of first the *Migration Action Plan (2013-2015)*, then the *Labour Migration Policy Framework* and finally the 2014 *Protocol on and*

Employment and Labour all addressing social protection issues of migrants all in similar terms suggests policy making at that level is increasingly in line with requirements for effective policy and practice and in no small measure had benefitted from the several interventions by the MiWORC team in the context of the long standing trust built up between key ILO, SADC and policy analysts. The leading scholar in the WITS ACMS team is now working in the ILO regional office to advance the Labour Migration Agenda.

Revealed within the details of this story is the capacity of individual policy entrepreneurs such as myself, individual international civil servants such as Vic Van Vurren of ILO and effective scholarly policy analysis contributed in this case by the Migration experts at the WITS University to use ongoing institutional process and dialogues, in this case between the ILO, IOM and the ILO sponsored SADC Social Section Secretariat to shape an element of regional social policy at least at the level of formal aspirational policy.

5. Conclusion and Reflection

These two moments (the 2006 Jo'burg seminar on regional policy and the 2014 Labour Migration Policy formulation) in the longer process of SADC addressing regional social policy issues and formulating (at least on paper) specific regional social policies in the social protection field illustrate, in my view, a number of points which need to be taken account of by those aspiring to undertake participatory policy analysis with a view to actually shaping policy outcomes.

First; (social) policy shifts take *time*.

Second; players interacting to influence policy need to establish mutual *trust*.

Third; *individual* regional and global civil servants can make a difference.

Fourth; *policy spaces* in the intersection of the global, regional and national arise and those best situated to enter them have an advantage in shaping outcomes.

Fifth; *policy ideas* (in this case regional social policy) matter, travel and make a difference.

The case studies of the emergence of a regional social policy discourse within SADC and the specific emergence of a regional social protection policy for SADC migrants do, I am suggesting lend further support to the importance of individual agency in

shaping policy and of trust won over time in the affecting the capacity of policy players to shape policy. However as was noted at the beginning of this paper “it is almost impossible to analyse any aspect of socio-economic growth and development without referring directly or indirectly to the *actions* that steer or interfere with these processes, the *structures* that constrain *action*, the *institutions* that guide or hamper action and mediate the relation between structures and action, and the *discourses and discursive practices* that are part of these interactions”.

The fundamental *structural* obstacle within Southern Africa to the realisation in practice of, for example, the continuum of care across border wished for in the several SADC Action Plans and Protocols is the vast inequity in GDP and living standards and hence levels of social protection in different countries. The squaring of the circle between the national social contracts and the human rights claims of cross border movers could only be attained by a regional authority having resources to provide for the needs of migrants. This in turn points to the *institutional* weakness of SADC which precisely is not provided either with those resources or with authority to act in the field.

Had this paper addressed more centrally the *social structural* context within which policy is being articulated (the huge disparities between income levels of countries across SADC), the *institutional* framework guiding or hampering action (the weak institutional capacity of SADC) then it may have concluded that in such contexts regional social policy making may only be able to be advanced through discourse to the relatively ineffectual level of un-ratified and un-ratifiable protocols!

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