

**BINDURA UNIVERSITY OF SCIENCE EDUCATION
FACULTY OF SOCIAL SCIENCES AND HUMANITIES**



**THE IMPLICATIONS OF NON -TARIFFS BARRIERS TO
TRADE IN SADC FREE TRADE AREA. A CASE OF
ZIMBABWE and ZAMBIA.**

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PROJECT SUBMITTED IN PARTIAL FULFILMENT OF THE
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UNIVERSITY OF SCIENCE EDUCATION.**

DECLARATION FORM

I declare that the implications of non –tariffs barriers to trade in SADC free trade area. A case of Zimbabwe and Zambia is my original work and that all sources I have used or quoted have been indicated and acknowledged by means of complete references.

.....October 2017

DEDICATION

This study is dedicated to my wife Moleen, my daughter Shalom and son Prince. To all I want to say, most sincerely, thank you.

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I am deeply indebted to all those who supported, encouraged and stood by me during the course of this research. Without their assistant and unlimited support, this dissertation would not have come into existence. I really want to express my appreciation to each and every one of them however, some deserve special mention.

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LIST OF ABBREVIATION AND ACRONYMS

AMU	-	Arab Maghreb Union
AU	-	African Union
COMESA	-	Common Market for Eastern and Southern Africa
EAC	-	East African Community
ECOWAS	-	Economic Community of West African States
GATT	-	General Agreement on Tariffs and Trade
NTB	-	Non Tariff Barriers
SADC	-	Southern African Development Community
SI	-	Statutory Instrument
TBT	-	Technical Barriers to Trade
UNCTAD	-	United Nations Conference on Trade and Development
WTO	-	World Trade Organisation

ABSTRACT

Although the main objective for the adoption of SADC Trade Protocol was to enhance economic gains through elimination of tariffs and non-tariff barriers (NTBs) within the member states, the objective has failed to remove NTBs in member states. This study indicated that NTBs is a reality and they are found in member states. The study argued that SADC trade Protocol has failed to take into consideration the implications of NTBs on SADC free trade area. This study has established that several NTBs continue to exist, and some have persisted. The NTBs that have persisted for more than seventeen years include a long list made up of quantitative restrictions, customs procedures and administrative requirements, technical standards, sanitary and phytosanitary measures, government participation in trade, lack of infrastructure, restrictive rules of origin and anti-dumping measures. Other NTBs that still exist include: corruption at border posts; several road blocks; lack of recognition of individual country's standards. The results of study show that without NTBs at the SADC level there are positive production, trade and welfare implications attributable to elimination of NTBs in intra-regional trade. NTBs in the SADC region are restrictive or rather they are protective in nature to trade. NTBs frustrate free trade and benefits of competition in terms of pricing to the consumer. The research adopted the qualitative research paradigm using a case study. In this study purposive sampling was done to come up with seven respondents. To eliminate the existing NTBs and to reduce the possibility of new ones being created, first and foremost, the SADC countries need to design effective mechanisms for identifying and verifying information about NTBs and ensuring their elimination. This will require giving the SADC Monitoring and Mechanism the mandate to compel individual countries to eliminate any identified NTB and to ensure that no new ones are created. The Government of Zambia and Zimbabwe needs to examine the trade barriers

identified in this study and remove those that are internally instituted while working with the rest of the member states to remove those externally imposed. In the specific and medium term, standards should be harmonized and enforcement of compliance be transferred to one regional body, such as SADC Bureau of Standards.

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CHAPTER ONE	
INTRODUCTION	

1.1 BACKGROUND OF THE STUDY

Trade liberalization and facilitation has therefore been at the centre of World Bank and World Trade Organization efforts across countries (Grammling 2007). Increased trade is facilitated through a range of mechanisms, including reduced regulatory barriers. Accordingly, after WTO realised that NTBs are rapidly overtaking tariffs as main obstacle to trade, it came up with unique instruments that could be used to address these measures (McCarty, 2002). The WTO Agreements which are outcome of the 1986- 1994 Uruguay Round of multilateral trade negotiations introduced disciplines on a wider range of trade issues and testify to the wider and deeper commitment to trade liberalization. Tariffs on international trade are generally low, as they have been progressively liberalized, first under the auspices of the General Agreement on Tariffs and Trade (GATT)/World Trade Organization (WTO) and subsequently in the context of regional and bilateral preferential trade agreements., At present, a number of NTBs are now subjected to a number of multilateral and legally binding WTO rules and Agreements. The Agreements regulate technical, bureaucratic measures and legal issue that may impede free flow of goods in trade or be used as instruments for restrictive and discriminative trade policies. They cover Agreements on Technical Barriers to Trade, Sanitary and Phytosanitary Measures, Import Licensing Procedures, Customs Valuation and Rules of Origins among other agreements (McCarty, 2002).

The fact that tariff liberalization alone has generally proven unsuccessful in providing genuine market access has drawn further attention to non-tariff measures (NTMs) as major determinants in restricting market access. Non-tariff barriers are increasingly acting as blockages to international trade and economic growth and development. They are capable of restricting trade; they are unpredictable, persistent and influence trade patterns across countries NTBs represent a major challenge for the multilateral trading system both because they are difficult to negotiate and because they threaten to undermine the tariff commitments already made. NTBs are most similar to the tariffs. Tariffs for goods production were reduced during the eight rounds of negotiations in the WTO and the General Agreement on Tariffs and Trade (GATT). After lowering of tariffs, the principle of [protectionism](#) demanded the introduction of new NTBs such as technical barriers to trade (TBT). According to statements made at United Nations Conference on Trade and Development (UNCTAD, 2005), the use of NTBs, based on the amount and

control of price levels has decreased significantly from 45% in 1994 to 15% in 2004, while use of other NTBs increased from 55% in 1994 to 85% in 2004.

Increasing consumer demand for safe and environment friendly products also have had their impact on increasing popularity of NTBs. Even though the WTO advocates trade opening, many WTO members do not liberalize every sector of the economy and, instead, maintain certain barriers to trade. Many of these barriers take the form of non-tariff barriers (NTBs), discriminatory non-tariff measures (NTMs) imposed by governments to favour domestic over foreign suppliers (Nicita and Gourdon, 2013).

The potential for regional integration to propel African growth and enhance Africa's ability to effectively participate in global trade is recognised by the African Union in its initiative to establish an African Economic Community. The African Union aims to promote the "economic, social and cultural development and integration of African economies in order to increase self-reliance and promote endogenous and self-sustained development" (Abuja Treaty, 4). The African Union has created regional economic communities (REC's) as an initial step to foster deeper integration and enhance intra-Africa trade. It is envisaged that enhancing intra-Africa trade, particularly in non-traditional commodities with high income elasticity and lower rates of protection, provides a valuable opportunity for enhancing production and trade diversification (Kousari, 2004). This, in turn, can facilitate the effective and sustainable integration and participation of African economies in global trade. The Africa region also is fairly dependent on trade reflected by exports to GDP of 33% (WB, 2009). Africa's regional economic communities are making significant progress in attempts to integrate. The African Union is pursuing an integration agenda. The integration and trade liberalisation in Africa is hampered by the introduction of NTBs by different countries To facilitate convergence towards achievement of a continental common market the AU recognised eight regional economic communities as building blocks, SADC being one of them.

They are eighty main types of NTBs that are substantially impeding SADC trade by unreasonably increasing the cost of trade. All the NTBs existing in the region are regulated through the General Agreement on Tariffs and Trade and a number of side agreements (Van Houtte, 1995). Improving intra-regional trade, through reduction of tariff and non-tariff measures has been widely advocated for as a critical piece in the integration. In 2005, SADC

introduced a process for identifying and eliminating non-tariff barriers. The achievement of free trade is a considerable challenge in a region as economically diverse as SADC. Undaunted, the SADC member states have committed themselves to the removal of tariff and non-tariff barriers (NTBs) to trade to achieve a free trade area by 2008, a customs union by 2010 and a common market by 2015. The importance of Africa to South Africa is also underlined by the fact that the Southern African Development Community (SADC) is now the second largest export market for South African agricultural products. They are various NTBs hindering trade in SADC and assess costs attached to their prevalence. These NTBs covers quantitative restrictions, customs procedures and administrative requirements, technical standards, sanitary and phytosanitary measures, government participation in trade, lack of infrastructure, restrictive rules of origin and anti-dumping measures (Viljoen, 2011). The scale of their problem will be demonstrated by reference to NTBs faced by companies trading in SADC Free Trade Area based on recently released studies on NTBs. On the same note, the discussion will pay special attention to the fact that whereas some of NTBs are purely illegal under the WTO and SADC Trade Protocol rules, exceptional cases exists where other measures are considered to be legitimate. For instance measures aimed at protecting human, animal or plant life or health in the form of sanitary and phytosanitary are permissible as long as they do not unnecessarily inhibit trade. A review of literature on intra-SADC trade is suggestive of the fact that as tariffs have been lowered, demands for protectionism have induced a new form of protectionism in the form of NTBs (Gillson, 2010). Therefore; there is a need to eliminate these NTBs because removal of tariffs alone is not enough to open up markets. Their prevalence may also be a drawback on the establishment of a COMESA-EAC -SADC Tripartite Free Trade Area.

SADC countries share the common objective of regional integration. Improvements have been made in areas including trade .Despite the gains they are still a number of challenges facing integration process. Furthermore regional integration may raise bargaining power at the level of trade negotiations as well as promote regional stability (IMF, 2005). Despite the proliferation of preferential trade agreements in Africa, significant barriers to intra-regional trade still remain within free trade areas. The incredible success of the World Trade Organization and the SADC Trade Protocol in reducing tariffs has shifted the battle for market access in the twenty-first century. Now countries that seek to protect their markets resort to Non-Tariff Barriers (NTB)

whose trade distortive effect is similar to tariffs. As a result whereas majority of SADC Members States have been able to reduce a significant proportion of tariffs on intra-SADC trade, there has been very limited progress in addressing trade restrictive NTBs.

Surprisingly ,while the East African Community and the European Union pursued a legally binding approach to address NTBs with sanctions to enforce compliance (Kirk ,2010), SADC has chosen moral suasion through establishing committees and other institutional structures such as technical expert groups requiring dialogue, and the exchange of information as a way to address NTBs. Unfortunately this mechanism is not working and will never work in future due to the lack of political will by governments in Member States to eliminate NTBs at national level.

Southern Africa Development Community has been a free trade area since 2009. While all members have been able to reduce a significant proportion of tariffs on intra-SADC trade, there has been very limited progress in addressing trade restrictive non-tariff barriers which are used in this study interchangeably with non-tariff measures (Charalambidies, 2010). This is despite that the SADC Trade Protocol clearly makes specific reference to the need to eliminate NTBs and to refrain from imposing new ones. Such elimination and reduction were to be effected under the principle of asymmetry, and should have been completed within a period of eight years after the Protocol came into effect. Accordingly, this goal should have been achieved in 2008. Regrettably, Member States missed the deadline despite the increasing consensus among African policy circles that trade is a powerful engine for economic growth and development through the removal of interregional trade restrictive measures such as NTBs. Member States habitually make use of NTBs thereby inhibiting intra-regional trade. This is despite that such practices are contrary to their obligations under the World Trade Organization rules that call for the removal of all trade barriers. Although free trade is commonly accepted as the main tendency of international trade development in most of facets, trade protections are still supported by some stakeholders due to the necessity in particular period or regions. Although SADC is not a regional trading block per se, promoting intraregional trade has become one of its core objectives, as evidenced by the ratification of the Trade Protocol in 2000, under which countries agreed to gradually phase-out tariffs in most economic sectors by 2012

The main objective of this study is to make a deep analysis on the regulation and impact of NTBs in Southern Africa Development Community Free Trade Area. Member States habitually make use of NTBs thereby inhibiting intra-regional trade. This is despite that such practices are contrary to their obligations under the World Trade Organization rules that call for the removal of all trade barriers. Katenga (2011) asserts that NTBs have been widely cited as a significant constraint to intra-SADC trade which have increased in importance as tariff barriers have declined SADC does not belong to the groups having made the most progress such as the Common Market for Eastern and Southern Africa (COMESA) and the Economic Community of West African States (ECOWAS); nor does it belong to those making limited progress such as Arab Maghreb Union (AMU). Gathii (2011) only limited steps have been made across Africa to implement the commitments in the regional economic communities for elimination of non-tariff barriers (NTBs). A number of goods and sectors are excluded from the agreement. As a result, there is little evidence of progress on further deepening of trade liberalization and facilitation. To this end, there is a need for serious focus on the best ways to address these NTBs otherwise the cost of doing business across borders in SADC will be unnecessarily high and thus scares away the much needed investment in the region. Again these NTBs will militate against the formation of tripartite free trade area if not immediately addressed.

Nevertheless, trade in the SADC is hampered by procedural obstacles imposed by individual countries. Although they are some progress in implementation, there are indications that, in spite of the commitments made by the partner states to remove NTBs, they remain a serious obstacle to trade within the region. They continue to increase the cost of doing business in the region and have negatively impacted on trade and cooperation. In the SADC region, NTBs are seen as the most significant constraint on the growth of intra-SADC trade (AECOM 2011). A World Bank (2011) study finds that notified NTBs affect products accounting for 20% of regional trade.

1.2 STATEMENT OF THE PROBLEM

Although the SADC has a legal instruments namely Article 6 of the SADC Protocol on Trade ,provide for the elimination of NTBs and further prohibit the introduction of others, the instrument is not effective due to the non-political will of countries to address the elimination of Non-Tariff Barriers. They are explicit provisions in the Protocol for the continuation of infant industry protection in Article 21 of the Protocol. They are some contradictions in SADC Article

4, Article 6 and Article 21 in the elimination of NTBs. The contribution of Non-Tariff Barriers to overall trade restrictiveness is significant. The identification, removal and monitoring of NTBs are a priority areas for policy harmonization and coordination under SADC. The challenges continues to be how to eliminate NTBs and other barriers to trade that contribute to high cost of doing business across the region thereby inhibiting central inter regional trade. These barriers affect considerably more than one fifth of regional trade, and are hindering the competitiveness of domestic firms and their ability to export to regional and global markets and so must now urgently addressed. A mapping of various NTBs reported by firms in SADC countries to trade in affected sectors shows that these barriers impacted US \$3, 3 billion of regional trade. The continuing existence of NTBs in SADC region have led to the rampant smuggling of goods through illegal boarders, limit world trade, diminish economic efficiency, reduce total production and employment, raise prices and encourage retaliation. CZI magazine August 2017 contends that they is rampant smuggling along designated and undesignated ports of entry. The magazine says between January and March 2017 estimated goods worth about \$1, 8 million were recovered in Manicaland. Others are so restrictive and difficult to comply with and go beyond internationally accepted standards that they amount to deliberate, anticompetitive restrictions on trade. It has been empirically demonstrated that the removal of NTBs between countries can lead to trade expansion. The SADC Trade Protocol does not effectively address the elimination of NTBs. SADC Member States are a step behind other regional economic groups as far as the regulation and process of eliminating NTBs is concerned.

1.3 ASSUMPTIONS

THE STUDY IS BASED ON THE ASSUMPTION THAT

- (i)The SADC regulatory framework does not effectively address the elimination of NTBs.
- (ii)The removal of NTBS can lead to trade expansion.
- (iii) NTBS have led to illegal entry of goods in member countries.
- (iv) NTBs have increased the cost of doing business in the region.

1.4 PURPOSE OF THE STUDY /AIM OF THE STUDY

The purpose of this study to explore the implications of NTBs on SADC free trade area using the case of Zimbabwe and Zambia trading patterns as case studies

1.5 RESEARCH OBJECTIVES

- (i) To establish and understand the rationale of NTBs for their existence by different countries
- (ii) To establish the potential effects of NTBs on the SADC Free Area.
- (iii) To examine the adequacy of global, continental instruments that control NTBs.
- (iv) To analyse the efforts of Non-State Actors in the fight against NTBs.

1.6 RESEARCH QUESTIONS

1. What are the efforts done by Non-state actors in the elimination of NTBs?
2. What are WTO, AU and SADC regulatory framework with regard to elimination of NTBs?
3. What are problems or effects of NTBs on SADC Free Trade?
4. Why are countries continuing imposing NTBs?

1.7 SIGNIFICANCE OF THE STUDY

While there is a great deal of scholarly writing on NTBs in general aspects of regional integration in SADC. The incredible success of World Trade organisation (WTO) and SADC Free Trade reducing tariffs has shifted the battle for market access in the twenty first century. Now countries that seek to protect their markets have resorted to NTBs. The research will add value to the present literature debate on NTBs and expand the scope of the debate to cover the question whether SADC's Trade Protocol is effective enough to address the removal of NTBs. It will make contributions on possible ways that can assist the processing of eliminating NTBs. The research will also identify areas which need special reforms as far as the NTBs are concerned. Finally the research will strive to provide clarity on the impact of NTBs on intra-regional trade in SADC since there are conflicting views from authors concerning this subject matter.

1.7.1 STAKEHOLDERS

- i). Individual traders are set to benefit from this study because the information provided in this study will assist them to make informed decisions about trade restrictive measures that they may face in the course of trade.
- ii) The Ministry of Industry and Commerce will benefit in crafting policies on trade.
- iii) Non-Governmental Organisations and civic societies which deal with the economy when they advocate for the removal of NTBs in regional trade and integration.
- iv) Scholars and academics will benefit by seeing the trade relations in the region.
- v) World Trade Organisation will benefit by crafting regulatory framework complying countries to remove NTBs that hinders free trade.
- vi) The SADC region will benefit in putting regulatory framework that will comply countries to remove NTBs.

1.8 DELIMITATION OF THE STUDY

This research shall be subjected to two sets of delimitations. The first delimitation is of geographical coverage, concentrating the research on one representative regional economic community in Africa. Secondly it shall be informed by the scope and time frame available for this research. The concept of NTBs is very broad to cover any trade restrictive measures which are not as a result of tariffs. The purpose of this study NTBs shall be defined as any measure other than tariffs by government or private person that restrict trade flows. This definition is more appropriate because it covers a wide range of barriers from health and safety barriers through a suite of regulation associated with trade and general matters such as transport costs, customs and administrative procedures that may not be directly under the control of the government but certainly under its influence. The study will only covers two SADC countries that are Zimbabwe and Zambia. The study will be of the period from 2010-2016.

1.9 LIMITATIONS

The limitation relates to the depth of analysis. It shall as well be limited to the Zimbabwe and Zambia context .This information is really controlled. Government has official secret Act. One spokesman has the information. Information is not released easily. It affects foreign policy of the country. It's not given easily to people. To overcome these problems the researcher will use a letter from the University which states that this research is for academic purpose only and also write a letter in advance. The research will cover only two countries in the SADC region. The study focused on the capacity of regional groupings to resolve NTBs. However, the role of SADC on political performance was not covered.

1.10 DEFINATION OF TERMS

Free trade is a system in which the trade of goods and services between or within countries flows unhindered by government-imposed restrictions and interventions (Alves, Kalaba and Draper, 2006)

Free Trade Area is an area in which members remove trade barriers among themselves but keep their separate national barriers against trade with the outside world (Ma ,2011).

Non-Tariff Barriers are ‘any barrier to trade other than import and export duties’ (The SADC Trade Protocol of 1996).

The U.N. Conference on Trade and Development (UNCTAD) defines Non-Tariff Barriers as “policy measures, other than ordinary customs tariffs, that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both.

1.11 OUTLINE OF CHAPTERS

CHAPTER TWO

Chapter two addresses theoretical framework and literature review with various types of NTBs hindering trade in SADC and assess costs that are attached to their prevalence using case studies on the implications of NTBs for intra-SADC trade.

CHAPTER THREE

In chapter three the focus is on research design, research methodology, research approach of philosophical framework, target population and sample, sampling procedure, data gathering methods, and trustworthy, data presentation analysis and ethical considerations.

CHAPTER FOUR

Chapter four represents the most important part of this paper and it deals with the issue of data presentation, analysis and discussion of findings.

CHAPTER FIVE

This chapter is dedicated to a summary of findings and conclusions reached by this research paper. Again this part will provide recommendations based on the problems identified as contributing to the continued existence and prevalence of NTBs.

CHAPTER TWO

2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 INTRODUCTION

The implications of Non-Tariffs Barriers to SADC free trade area draw on several sources for its conceptualization, methodological approaches and interpretive insights. This chapter reviews literature on Non-Tariffs Barriers with a view to locate the different interpretations of the Non-Tariffs Barriers within the contextual framework of international relations. The theoretical frameworks will inform the methodological interpretations and analysis of the findings.

2.1 Interdependency Theory

This study will be informed by interdependency theory. Interdependency theory was developed by Keohane and Nye in 1977. Keohane and Nye (1977) define interdependence as situation in which actors or events in different parts of the system affect each other in a manner where there is potential for benefits and potential for tragedy as well. One of the characteristics is that within and between states, there are a multiple channels of actors. Le Roy (2012) contends that other than the state, there are a multiple of other actors inclusive but not restricted to interstate, trans-governmental and transnational structures that are increasingly shaping the international system. In the post-cold war period, non-state structures as the United Nations, African Union, SADC International Monetary Fund, the World Bank, multinational companies, churches, pressure groups and non-governmental organisations have become active players in the international system. Interdependency emphasise that all different actors are interconnectedness through a variety of channels such as trade, finance, travel and communications. Interdependency is also based on the assumption that all these actors are benefiting from closer ties that the world would be peaceful and prosperous world. However it does not mean that all the relationship is asymmetrical because some international actors may be more vulnerable than others. These vulnerable actors will resort to the use of NTBs in the trade relations.

For that perspective, an analysis of the trade between Zimbabwe and Zambia can be said of the interdependency. Le Roy (2012) noted that the opening up of markets that is associated with liberalism has seen national interest being redefined to accommodate interests that might be

outside a country's borders. In such arrangements, Brenner (2000) notes, it becomes imperative that states act in a manner that ensures protection of its interests in other countries.

As regional integration initiatives begin to address NTBs, they are faced with the practical challenge as well as the working definition of NTBs. As result it is inevitable for deep divisions to emerge among scholars in their effort to define what NTBs are and on the proper mechanism to address them. This section examines literature that deals with the impact on trade in SADC.

It is crucial to state that despite substantial literature on NTBs, Joseph Karugia and others correctly noted that a great deal of literature has focused on individual types of NTBs and only in exceptional instances is sophisticated empirical analyses of their economic and social effect are provided. Article 3(1) (c) of the Protocol contains one of the controversial provisions as far as elimination of NTBs is concerned. It allows Member States to derogate from their obligations to eliminate tariffs and NTBs. It exonerates Member states who feel threatened by the removal of NTBs and tariffs from complying with the obligation set in article 6 of the same Protocol. This position is further fortified in Article 21 of the Protocol which allows Member States to protect infant industries without defining what constitute an infant industry. As a result decades down the line after the Protocol came into force some industries are still treated as infant despite a long time of their establishment. In 2016 Zimbabwe government introduced statutory instrument SI64 to protect its industries. In this case the provisions contradict each other thereby raising the question whether there is a real commitment to remove NTBs on the part of Member States.

Even though the SADC Trade Protocol provides for the elimination of all existing NTBs and refraining from introducing new ones, in practice it does appear that NTBs measures are widespread, increasing and are a real obstacle to intra-regional trade expansion. Negasi (2009) went on to point out that some SADC Member States continue to introduce NTBs such as periodic ban on imports, imposition of additional import levies and other forms of import controls, police roadblocks, corrupt practices at roadblocks, road toll charges often as protectionist devices. Consequently, undermining the credibility of the Trade Protocol and makes it irrelevant in the eyes of traders, investors and consumers at large (Negasi, 2009).

According to the Technical Report on 2011 Audit of the Implementation of the SADC Protocol on Trade, while progress has been made in further development of the system and the resolution

of NTBs through the online mechanism over the last years, some concerns remain particularly with the prioritization of NTBs, the clarification of exceptions to the elimination of such measures and the development of national level mechanisms to address the elimination of NTBs systematically. Lack of mandatory obligations on the part of Member States to put in place laws that are aimed at eliminating NTBs is a reflection of a major weakness on the part of the Trade Protocol.

Thus, despite an overall perception of liberalised food markets, governments continue to intervene heavily, particularly in times of rising food prices, leading to “tremendous unpredictability and frequent change of direction in governments’ role in the market” (Jayne and Tschirley 2010). The past years have seen a general proliferation of non-tariff measures in SADC. These barriers apply to large as well as small traders, the World Food Programme, which is the largest purchaser of food in Africa, has reported frequent problems obtaining export permits, quality certificates and other documents from different countries in order to process transactions.

Nora submitted that as far as trade in goods is concerned, there are big opportunities for SADC firms to increase regional trade but still there are many obstacles in the form of NTBs that impede trade in Southern Africa. She identified import bans, quotas and levies, and the requirement of import permits as most notorious forms of NTBs with a substantial negative impact on the agriculture sector in many SADC countries (Moneyweb, 2011). Her argument is fortified by the World Bank research which indicated that only 10% of total trade in Southern Africa is regional. This is compared to 60% regional trade within the European Union (EU) trade bloc, 40% for North America and 30% in Asia. (Malcolm, 2011). There is no doubt that the poor performance on intra-SADC trade compared to other regional trade blocs is mainly due NTBs in the region as a result of a toothless legal framework since tariffs are now very low in the region.

Major impediments to trade in the region are related to procedural obstacles in the application of NTBs leading to administrative and bureaucratic inefficiencies. Another category of barriers relates to NTBs in the form of import measures, mainly SPS and TBT. When these standards and requirements are imposed unilaterally to protect local industry they can have a severe restrictive impact on trade. With Zimbabwe having adopted an open economy approach and with trade accounting for almost 75% of GDP (World Bank, 2016), the imposition of a ban on its most

important trading partner is cause for alarm and raises some serious questions. Protectionist arguments appear somewhat misplaced in the light of the current narrative about regional integration and its many benefits. Having said that, a selective ban on South African imports could help to push Zimbabwe out of its deflation trap. As with the switch to the US dollar some years ago, this appears to be a desperate attempt to escape the latest economic crisis and is another reminder of the economic bungling that has long characterized the administration. Even if a lack of competitiveness (and a shortage of foreign exchange) prompted the Zimbabwe government to impose emergency ad hoc measures against imports from South Africa,

2.2. Types of Non-Tariff Barriers in SADC Free Trade Area.

2.2.1 Quantitative restrictions as NTBs

Licensing of foreign trade is closely related to quantitative restrictions quotas on imports and exports of certain goods. A quantitative restriction refers to a ban on imports or exports after a determined quantity (the quota) has entered the territory of another Member State and there are different types of quantitative restrictions (Van den Bosche, 2005). Quantitative restriction on imports and exports is a direct administrative form of government regulation of foreign trade. Pursuant to Article XI: 1 of GATT WTO Members including all SADC Member States who are all WTO contracting parties are generally prohibited from maintaining quantitative restrictions. Consequently, quantitative restrictions, whether quotas, import or export charges or other measures, are a violation of the rule in Article XI: 1. Evidence however shows that in spite of the prohibitions under WTO rules, most SADC Member States impose import quotas aimed at directly limiting the quantity of goods that can be imported. The need to protect the local industry seems to be the major force behind the use of quantitative restrictions (The standard 2011). For instance, the Zambian government justified the frequent restrictions on exports of maize and maize products as a strategy that is essential until Zambia is able to consistently produce exportable surplus (Imani Development international Trade, 2007).

Zimbabwe has through Statutory Instrument 156 of 2011 introduced a surtax of 25 percent on a number of commodities at the beginning of the year 2012 aimed at protecting local industry against what the government called extensive imports (Viljoen 2011). Zimbabwe in 2016 have

also introduced statutory instrument 64 of 2016. Statutory Instrument 64 of 2016 listed forty three products categories that required a permit when being imported into Zimbabwe. According to the government of Zimbabwe the purpose of SI 64/ 2016 was not to ban the importation of the listed goods but to limit their importation through licensing (CZI magazine, August 2017). Under the General Agreement on Tariffs and Trade (GATT) provisions, members are justified to take measures to protect domestic industries from serious injury caused by increased imports of certain goods. The government Gazetted SI 64 which removed goods that that are locally available from general import licence exemption. According to Industry and Commerce minister the movement was meant to supporting local industry (Herald 2016). The reasons cited and widely reported to have led to the action of restricting imports have been to do with the believed negative effects excessive imports are causing on local industry.

This in World Trade Organisation (WTO) language is remedied using safeguards. In addition, the action taken by the Industry and Commerce Minister Mike Bimha through SI64 confirms that the Minister had safeguard measures in mind. Simply put, safeguard literally shield the local industry from damage induced by excessive imports. The logic behind measures such as safeguards is that a country with a damaged industry, apart from job loses, also loses its capacity to reciprocally trade with others and therefore loses its standing in international commerce. If this is allowed to happen at a large scale, the international system of trade itself which supports modern societies' prosperity, peace and security becomes threatened (CZI magazine, August 2017). Quoting one manufacturer benefitting from SI 64 ,Meprin Founders and Engineers , based in Bulawayo ,”SI64 has been an advantage to us because the local market is no longer importing but buying locally. We are now enjoying both local and export market and we believe this will yield good fruits in the long run.” For instance since the introduction of SI 64 manufacturing industry's capacity utilization rise from 34, 5 percent in 2015 to 47, 4 percent in 2016. While some industries are reaping the benefits from the gazetting of this instrument there seems to be more harm done to the economy than good, Ironically following the import regulations exercise, the boarders have become more porous and promulgating corruption. They is rampant smuggling along designated and undesignated ports of entry. They are many illegal entry points used by smuggling syndicates and individuals. Confederations of Zimbabwe Industries (CZI) Manicaland Chamber of Industries, as well as Provincial Affairs Minister for

Manicaland are on record making noise about finding a lasting solution to porous border issues which are affecting industry productivity, competitiveness and viability. The most smuggled goods include soft drinks, fuel, illicit beer, second hand clothing, grocery items, and cigarettes among others (CZI magazine, August 2017). It follows that instead of the SADC Member States to enact legislation that are aimed at facilitating free flow of goods as mandated by the WTO and SADC Trade Protocol rules, they are doing the opposite by implementing laws that impede trade in violation of rules prohibiting imposition of quantitative restrictions.

2.2.2 Rules of origin as NTBs

The SADC rules of origin are classified as the most complicated set of rules under the WTO. This is because they have specific requirements such as the use of regional inputs, specified processes or a combination of the two or more criteria and requirements. Madzvova (2002) says member states often use rules of origin as NTBs. This is contrary to the theoretical understanding that the rules of origin would promote regional development through import substitution achieved by forcing the producers to source inputs in the region. For years, SADC countries have been accused of using rules of origin for other purposes that are not in the interest of promoting regional trade and industrial competitiveness. These purposes include protection against antidumping, enforcement of consumer safety standards and protection of the environment (Madvova, 2002).

The other major concern is that restrictive rules of origin are not only a barrier to international competitiveness but also costly in terms of ensuring conformity. These costs arise from the administrative requirements for certificates of origin, which can account for nearly half the value of the duty preference. Instead it simply pays full tariffs because it currently deems the process of administering rules of origin documentation to be too costly (Gillison, 2012). The situation is further complicated by the fact that most of the SADC Member States have membership to a multiple and varied trade agreements, especially when such rules are not harmonized as with the case of many SADC Member States. This creates confusion in deciding on the rules of origin to apply. Authentication of Rules of Origin Certificates is sometimes negatively affected by the bureaucratic procedures involved in changing signatories.

2.2.3. Customs procedures and administrative requirements as NTBs

Toll fees and delays charges on the motorways connecting Zambia from sea ports constitute an important NTB to trade. The current impact of toll charges on supply chain costs for the affected companies. With respect to trade between Zimbabwe and Zambia evidence showed that another administrative NTB exist in the form of lengthy border delays. The Chirundu border post closes at 2200 hours. The closing of the border posts at the 2200 hours led to the prolonged stay of companies at the border post as they had to wait for its opening tomorrow. Prolonged formalities, lengthy procedure, duplication of clearance procedures and limited capacity all contribute to high costs of doing business in SADC Member States. These administrative complexity procedures are problematic for transparency and efficiency in the clearance of goods (Viljoen, 2011). Under these circumstances corruption by customs officials which is classified as form an NTB is inevitable. It also remains a significant problem in Zimbabwe, with the country ranked 154th out of 176 countries by Transparency International's most recent Corruption Perception Index.in 2016 (Viljoen,2011).For example on the Zimbabwean side of the Beitbridgeborder post customs official demand bribes from cross border traders. It is extremely hard for transport operators to pass through the border quickly without paying bribes to the customs officials. Customs administration, problems with transit traffic and corruption appear to be the biggest NTBs in the Southern African region in terms of trade costs. Corruption, including payments made at unofficial road blocks and at weighbridges that 'seem to defy gravity', were also cited as the most significant NTBs in the region by several of the export councils interviewed for this study. Corruption, along with payment default, was reported as the greatest constraint to trade with Southern Africa in small and medium enterprises (SMEs) in a survey undertaken in 2004.

In addition to poor administrative services at the border post, there are other challenges and difficulties to be negotiated by traders and transporters. Zimbabwe companies importing from South Africa and elsewhere are facing time consuming and costly administrative NTBs relating to how their imports are classified. Some Zimbabwe companies reported that up to 19 approvals which can take up to three month to acquire are required for some imports (World Bank, 2010) Zimbabweauthorities are also accused of classifying some imports as a service and subjected

them to 20% withholding tax instead of treating them as goods that generally attract a lower tax. In this case the government replaced a tariff with an NTB in order to preserve its revenue flow. Such practices are a violation of WTO rules on transparent laws and regulations. Mthembu (2007) notes that it has been also noted that northbound trucks travelling from South Africa to Zambia are increasingly avoiding Beitbridge despite recent reforms and an overall shorter journey distance, opting to pass through Botswana instead. The main reason motivating this decision is that transporters reckoned the time and distance disadvantages were outweighed by the cost of sending their goods through Zimbabwe. In acknowledgement of the poor administration at the border post Zimbabwe's State Enterprises and Parastatals Minister warned that poor administration at Beitbridge border post risks driving off commercial traffic to Kazungula as international transporters are getting frustrated by the delays at the border due to poor administration (The Standard, 2011). The Minister's comments are a clear indication that there is a lot of work that needs to be done to improve the flow of goods in the region through addressing NTBs.

Trade facilitation issues such as inefficient customs administration, border delays, high transport costs, poor physical infrastructure and a lack of knowledge among customs officers, insufficient dissemination of relevant information and corruption are also significant barriers to Zambian importers. According to the World Bank (2010) Report, Zambia ranks 153rd out of 183 countries or territories in terms of ease of trading across borders. This poor performance relates largely to the high number of documents required and long processing times. Zambia is also ranked 87th out of 176 countries on Transparency International's 2016 Corruption Perception Index, reaffirming a belief within the country that corruption is a major problem for Zambia's business environment (TRALAC, 2010). It is reported that Shoprite loses as much as US\$20 000 per week on imports permitted to trade meat, milk and plant based products in its shops in Zambia.

2.2.4. Poor infrastructure as an NTB

Cross-border infrastructure such as transport, energy and telecommunications are essential to move goods, services, people and information between countries. Such linkages expand market access, reduce economic distance and facilitate trade, investment and labor mobility. However; SADC's poor transport and communications infrastructure and unreliable power raise trade costs

and undermine competitiveness and the region's ability to integrate (Arncharaz, 2011). Installing a reliable supply of electricity across SADC region is perhaps the greatest need, since an insufficient and intermittent power supply acts as a deterrent to investments in projects in the region. Technical losses in power takes place during transmission and distribution largely resulting from electricity dissipation and weak power distribution infrastructure. Corruption and mismanagement in addition to theft exacerbate the problematic power situation. The huge network losses and the need to expand grid coverage requires investments. According to a report done by Mark Makanda the region is still far from reaching its potential, in large due to inadequate power transmission infrastructure, low generation capacity, low numbers of skilled workers and poor maintenance of existing power generation facilities and transmission lines(CZI magazine, April 2017).

Poor infrastructure and the state of the road network in the region are affecting efficient movement of goods, forcing importers and exporters to use alternatives routes which are expensive. In addition police roadblocks in SADC FTA causes serious time delays for products being transported by road which can have significant impact on the quality of agricultural products available in the region. In Zimbabwe police checkpoints stop all commercial vehicles at various points on all major highways causing time delays and encouraging bribery and corruption(Viljoen,2011). At times police road blocks are found at every five or ten kilometers on the main high way from Beitbridgeborder post to Harare. According to Chairperson on Export Regulations thematic committee, Benson Ntini on the Rapid Result Initiative Forum on Improving export business said it was important for Zimbabwe to continue being perceived negatively, hence the need to manage investor perception. Ntini said'' the road blocks must change, we had this country function well without these. What are their objectives, what are they trying to achieve.'' These have been sighted as hindrance. The police roadblocks have been identified as a major source of pain to the country's economy in general public and to business, in particular tourism and free movement goods and services (CZI magazine,August 2017). The delays are further caused by a poor road network which links Zimbabwe and South Africaspecifically on the Zimbabweanside. The road is too narrow and full of pot holes hence it cannot cope up with a large volume of traffic. It therefore follows that poor transport infrastructure within SADC is a big challenge and it constitutes an NTB. The delay caused by

poor road networks and police road blocks means more costs are incurred by transporters of goods and this has a negative impact on business operations. Transport infrastructure is particularly critical to trade as it facilitates the movement of goods between points of production to final destinations. High transport costs can price a country out of the export market.

Limoa and Venables (2000) found out that 10% increase in transport costs results in reduction in trade volumes by approximately 20%. ECA (2005) argues that transport costs that are a high proportion of the value of exports add to the high cost of import goods and thus reduce their competitiveness in foreign markets. Therefore, high transport costs will serve as a barrier to trade amongst African countries. High transport costs are caused by inadequate infrastructure networks and inefficient transport operations (ECA, 2005). Transport costs in Africa are estimated at 13% while industrialised countries have transport costs of 5.5%. The impact of this on trade is that the burden of high transport costs is often shifted onto freight customers, raising the costs of goods and negatively affecting competitiveness. Charalambides (2010) notes that Shoprite reports that each day one of its trucks is delayed at a border costs US\$500.

In addition to transport infrastructure, efficient and cost effective energy and telecommunications infrastructure is also essential for businesses wishing to compete globally. Poor energy and telecommunications infrastructure further restricts the potential for greater intra-Africa trade. The inability to provide adequate and cost effective energy services limits the production possibilities of an economy and constrains attempts at diversification. CZI magazine April 2017 explain that unreliable and expensive energy across most African economies increases business costs, as organisations need to invest in generators, which raises energy costs and results in the marginalization of small enterprises that cannot afford high costs. These factors all contribute to deterring potential investment in sectors that may possess a comparative advantage. Inadequate supply of and the low use of telecommunications technology, is a further inhibitor to greater intra-African trade. Businesses, without access to quality and affordable telecommunications, remain unaware of up-to-date information in their respective industries including market trends and prices, thus further isolating them from potential markets (Viljoen, 2011).

2.2.5. Technical Standards as NTBs

Countries often have an interest in making sure that imported products meet certain technical standards. In order to ensure that such standards are met, countries adopt technical regulations. Chilala (2009) notes that in order to prevent unnecessary technical barriers to trade, the Protocol in Article 17 and the Annex on Technical Barriers to Trade encourage SADC Member States to use international standards whenever technical regulations are considered necessary. Sadly, technical regulations standard regimes in SADC are classified as being over-reliant on mandatory inspection and certifications. It is reported that in most Southern African countries there are no procedures by which technical regulations are assessed in terms of their consistency with public policy objectives, whether countries and the private sector have the capacity to implement them or their impact to trade and competitiveness. In particular the lack of 'Office of Regulatory Reform' in all Southern African countries to review the justification for both new and existing technical regulations is raised as a big concern. Such absence of regulatory impact assessment causes problems and raises costs.

Another problem is the delay faced due technical procedures is the requirement for Iodization of salt backed by Salt Iodization Act. Requirements to have salt tested for iodine verification at the entry border and consequent testing for iodine levels in salt delays the distribution of the product since the product cannot be distributed until testing is done. The survey by Imani Development revealed that companies are faced with delays in receiving certificate of approval, which delays the distribution of the product and at times wastage of a perishable item.

2.2.6 Sanitary and Phytosanitary Measures as NTBs

Article 16 of the SADC Protocol on Trade and the Annex on Sanitary and Phytosanitary authorizes Member States to regulate the importation of food products in order to protect consumers, plants and animals from contaminants, toxins, pests and diseases. These regulations are called sanitary and phytosanitary measures. Sanitary refers to regulations on human and animal products, while phytosanitary refers to regulations on plant products. Thus, SPS measures concern the safe handling and production of food for animals and humans and plant products. Chilala (2009) asserts that in order to make trade easier and minimize the burden of regulation, while at the same time protecting the health and welfare of citizens, the Protocol

requires Member States to adopt SPS measures that are in harmony with international standards. The SADC Protocol on Trade forbids the creation of SPS measures for the purpose of reducing trade and competition. Chilala, (2009). Found out that SPS measures should have a scientific basis and only be adopted for health and safety reasons. However in practice the demands of the Trade Protocol are neglected as various Member States require cumbersome pre-shipment inspections and stringent SPS certification requirements for the importation of different agricultural products.

TRALAC (2010) points out that there are also complains that SPS regulations relating to the importation of agricultural goods into Zambia lack transparent and there is an overall lack of available information regarding phytosanitary requirements. There is also little information regarding quarantine pests and regulated pests for importers and potential importers. In the national health and agricultural plans there are no specific policies pertaining to food safety and food safety standards. The Food and Drug Act 2001 plus additional regulations provide a foundation for food safety standards to be implemented, but current food laws are not adequately enforced. The Plant Pest and Disease Act (Cap 233) and other regulations govern SPS requirements and import permits for the importation of various agricultural products into Zambia. TRALAC (2010) further posits that in general, the importation of fruit and vegetables is restricted due to the requirement of an import permit from the Plant Quarantine and Phytosanitary Service, phytosanitary certificates from the Zambian Department of Agriculture and the exporting country, as well as the inspection of goods prior to entry. Zimbabwe and South Africa are the only two countries in SADC that have a clear legislation on production and sell of Genetically Modified Foods.

2.2.7 State Trading Enterprises as NTBs

There are numerous ways in which governments can engage in practices which restrict imports or exports. Instruments they can use include state trading enterprises, state sanctioned monopolies, procurement policies which discriminate against foreign goods and services, and industrial policies which subsidise domestic firms. Governments can also use macroeconomic, competition, fiscal, immigration or investment policy tools to distort trade in desired ways. The government in Zimbabwe has introduced the Indigenisation and Economic Empowerment Act in

2008 policy which will give Zimbabweans the right to take over and control many foreign-owned companies in Zimbabwe (Borsch, Marcus, Jones and Mathew, 2008). The Ease of doing business in Zimbabwe deteriorated to 155 in 2015 from 153 in 2014. The ease of doing business in Zimbabwe averaged 163 from 2008 and 2015, reaching an all-time high of 171 in 2011 and a record low in 2014. Foreign investment levels in some sectors of the economy are capped by government. State-owned enterprises distort the economy.

Soontiens, (2003) notes that government procurement provisions generally restrict the purchasing of certain products by government agencies in some ways towards domestic products rather than foreign products. This type of preference implies protection for local manufacturers and thus creates an obstacle to foreign producers. Participation of national governments, parastatals and monopolies in the trading system are prevalent in SADC. This extends to the government operation of borders and ports. In Zambia, for instance, the exportation of maize is done through one channel marketing. This is done not only by procuring maize from domestic farmers, but also through running a state trading enterprise which it occasionally supports with import and export quotas. In the case of Zimbabwe, the importation of maize is done via state trading government monopolies. As a result, only the Grain Marketing Board of Zimbabwe is authorized to import or export maize. The Grain Marketing Board had legal authority to engage in, or provide licence trading in grains.

2.2.8 Dumping and Safeguards Measures as NTBs

One of the most utilized forms of NTB in recent decades by the industrialized countries and increasingly so by developing countries, especially the larger ones like South Africa, has been the imposition of anti-dumping or counter-veiling duties on imports. In as much as not all SADC countries are neither the targets nor the initiators of anti-dumping measures, they still represent a veiled threat to their exports. Mold (2005) points out that anti-dumping and countervailing measures are permitted to be taken by the WTO Agreements and the Protocol in specified situations to protect the domestic industry from serious injury arising from dumped or subsidized imports. The way these measures are used entails heavy costs for the foreign firms targeted by this policy and certainly for consumers in the country applying antidumping legislation. If used as protectionist measures, they may act as some of the most effective NTBs. In Southern and

Eastern African regions for example, several least developing countries have complained about firms from a more advanced developing country for allegedly dumping goods on their markets to the detriment of local industries, while keeping their own markets off-limits through a labyrinth of tariff and NTBs measures(Mold, 2005).

In accordance with other international trade agreements, and especially the provisions of the WTO, the Protocol provides for suspension of trade liberalizing measures in order to protect domestic producers from harmful effects of dumping by other SADC exporters to provide safeguards against damaging surges of imports into the domestic market.Flatters (2013) argues that while such measures are provided for under the WTO, there is increasing recognition that they can be and often are used as a form of disguised protection, and that standard techniques for determining the need for anti-dumping and safeguard measures are heavily biased in favour of narrow producer interests and against the broader national interests of users and consumers of importable goods. This argument is supported by the fact that usually not every investigation results in the finding of dumping or injury to the domestic industry causing severe damage on the exports of the country under investigation (Flatters, 2013).

Among economists anti-dumping is often regarded as a form of protectionism and its impact on trade is acknowledged. They view anti-dumping as form of inherent protectionism and therefore should be thought of in the same ways of any forms of protection aimed at assisting domestic industries against competition from imports (N'goma, 2010). There is also a growing recognition that true dumping, in the economic sense, is just one type of anti-competitive behaviour that should be dealt with as part of broader domestic policies to ensure competition and smooth and efficient working of domestic markets. In SADC context, the claim of “dumping” is often used by producers seeking continued protection of non-competitive domestic industries. Some SADC members have been among the heaviest users of WTO anti-dumping provisions in recent years, and this has been a great hindrance to the achievement of many of the promised economic benefits of international economic integration.

2.2.9 SUMMARY

In summary this chapter identified a list of NTBs that are being maintained by SADC Member States in the form of customs documentation and procedures, import and export permits, import and export quotas, sanitary and phytosanitary measures, technical barriers to trade, strict rules of origin and anti-dumping laws. The Chapter also noted that non-tariff barriers to trade are still maintained by most SADC countries despite the clear prohibitions under the WTO and SADC Trade Protocol rules. The chapter highlighted that by maintaining NTBs Member States' actions are contrary to their commitments and obligation to remove all forms of non-tariff barriers to trade and to refrain from introducing new ones. The quantitative restrictions undermine trade and economic efficiency more than tariffs. From the above statement there are more economic opportunities that are being lost by SADC members due to use of NTBs. It is therefore necessary for the SADC member states to make an informed choice and start to work towards the reduction and eventually elimination of all forms of NTBs. They need for the speed implementation and observing the timeframe for eliminating NTBs in the region.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.0 Introduction

This chapter describes the methodology and research methods of investigation for this study. The chapter is significant because it outlines the methods and procedures used to gather data as well as data analysis and presentation. Research design, research methodology, research approach of philosophical framework, population, sampling procedures, research instruments, validity and reliability, data presentation and ethical considerations are all going to be explained in this chapter.

3.1 Research Design

According to Maree (2007) a research design is a plan or strategy which moves from the underlying philosophical assumptions to specifying the selection of respondents, the data gathering techniques to be used and the data analysis to be done. Thus these are plans and strategies that are developed to seek and discover to research questions. De Vaus (2001) says the research design refers to the overall strategy that you choose to integrate the different components of the study in a coherent and logical way, thereby, ensuring that the research problem is effectively addressed; it constitutes the blueprint for the collection, measurement, and analysis of data. Trochim (2006) notes that it is the research problem that ultimately determines the type of design one can use. This research employs the qualitative research paradigm and as such, the design will be favourable to attaining qualitative objectives. De Vaus (2001) went on to emphasises that obtaining evidence relevant to the research problem generally entails specifying the type of evidence needed to test a theory, to evaluate a program, or to accurately describe and assess meaning related to an observable phenomenon. Research methodology is important in research work because it specifies the research design.

3.1.1 Case Study: Multiple Case Study

This research will use the case study research design. The case study is a kind of descriptive research in which an in-depth investigation of an individual, group, event, community or institution is conducted. The strength of the case study approach is its depth, rather than its breadth. The researcher is going to use the multiple case study. The researcher selects for study

several programs from several research sites or multiple programs within a single site. Yin (2003) states that the multiple case study uses the logic of replication in which the inquirer replicates the procedures for each case. Multiple case study motivates the researcher to consider a large number of cases in the idea of generalizability. McNabb's (2010) states that, case study provide a wealth of information, which is easy to understand and interpret. The case study is intended to answer in most cases the "how" and "what" questions which are quite significant in this study The case study helped the researcher to narrow interest to the implications of NTBs on the free trade in Zimbabwe and Zambia rather than trade as a whole thereby increasing the feasibility of this research. However the study of more than one case dilute the overall analysis, the more cases an individual studies, the less depth in a single case.

- **Research Methodology**

Research methodology refers to the method by which data are gathered for a research project. According to Smith (1997) research methodology is the blueprint for the collection, measurement, and analysis of data in order to achieve the objectives of a research project. Research methodology is important in research work because it specifies the research design. This study is conducted using a qualitative research design which allowed gathering of data from both primary and secondary sources such as documentaries, pictures, newspaper reports and pamphlets. These sources were aided by internet sources especially in the case of Zimbabwe and Zambia. Morgan (1980) says in brief, qualitative research shares the theoretical assumptions of the interpretative paradigm, which is based on the notion that social reality is created and sustained through the subjective experience of people, involved Fryer (1991) asserts that Quantitative is used to probe deeply into the research settings to obtain in depth understanding about the way things are, why they are like that, and how participants perceive them. Qualitative allows for the need to create a sustained in depth, in context study that allows the researcher to uncover subtle, less overt personal understandings.

The researcher used the qualitative research design because it obtained a more realistic feel of the world that cannot be experienced in the numerical data and statistical analysis used in quantitative research. It provided flexible ways for data collection, subsequent analysis, and interpretation of collected information, and it also provided a holistic view of the phenomena

which was under investigation (Bogdan & Taylor, 1975; Patton, 1980). Qualitative has the advantage that the research will involve few participants and the researcher will interact extensively with the participants. The method also allowed the researcher to interact with the research subjects on their own terms and its descriptive capability based on primary and unstructured data allowed the researcher to get first-hand information on the impact.

3.2.1 Philosophical Framework

3.2.2 Constructivism

Honebein (1996) describes the constructivism philosophical paradigm as an approach that asserts that people construct their own understanding and knowledge of the world through experiencing things and reflecting on those experiences. It is based on the analogy or basis that people form or construct much of what they learn through experience (Hein, 1991). Constructivism rejects the view of human knowledge. Truth and meaning do not exist in some external world, but are created by the subject's interactions with the world (Honebein, 1996). Meaning is constructed not discovered, so subjects construct their own meaning in different ways, even in relation to the same phenomenon. Hence, multiple, contradictory but equally valid accounts of the world can exist. The goal of research is to rely as much as possible the participants view of situation often these subjective meanings are negotiated socially and historically. The more open ended the questioning, the better as the researcher listens carefully to what people do in the life setting. The constructivist researchers often address the process of interaction among individuals. Constructivism focuses on specific contexts in which people live and work in order to understand the historical and cultural settings of participants. Lee (2012) notes that researchers recognise that their own background shapes their interpretation and they position themselves in the research to acknowledge how their interpretation flows from their personal, cultural and historical experiences. In constructivism the humans are the primary data collection instruments. In the research the knower and the known are inseparable; the research participants will be in their natural settings since their realities are wholes that cannot be understood from their context (Hein, 1991).

3.3 Target Population and Sample

Research population is simply a sampling frame. According to Wegner (1999) population is a collection of all the random variables under study. Borg and Gall (1989) stipulate that this population constitutes the group the researcher is interested in studying. In this study, population referred to all the individuals that were considered in this research study. . The population for the study will be officials from *Zambian embassy* and officials from the Ministry of industry and trade of Zimbabwe. A “population” consists of all the subjects you want to study. The sample shall consist of three officials from the civil society organisation, two members from the Ministry of Industry and Commerce and one academic person. Dooley (1995) explains that a sample is a sub set of a population. Ferber (1994) defines a sample as a small part of anything designed to show the style, quality and nature of the whole .Sampling is the process of selecting a group of subjects for a study in such a way that the individuals represent the larger group from which they were selected. It should include only those sampling units with characteristics that are relevant to the problem.

3.4 Sampling Procedure

3.4.1 Purposive Sampling

Wegner (1999) asserts that not every member of the population is observable or measurable for reasons mainly of costs and time. The researcher will use the purposive sample; this is the most common sampling technique. The researcher actively selects the most productive sample to answer the research question. Purposive sampling requires the consideration of the characteristics of the individual member of a sample in as much as those characteristics are very directly related to research questions. This can involve developing a framework of the variables that might influence an individual's contribution and will be based on the researcher's practical knowledge of the research area, the available literature and evidence from the study itself (Burgess, 1989). The researcher will select people who have worked in the government for more than 5years to provide the information. In the embassy the researcher will interview those from the trade department and the civil society the researcher chooses those who have the information needed.

3.5.0 Data gathering methods

A research instrument is what you use, (tools) to collect the information in a qualitative field study or observation and it helps the researcher to keep track of observations and how to report on them so it must be both valid and precise (Campion et al 1994). This study, being qualitative in nature, will use the interviews, written records analysis to obtain data. Shuttleworth (2008) notes that case studies have an element of subjectivity in the nature of information in that informants' views tend to be diverse and at times contradictory, reflecting differences not only in what individuals know, but also how the nature of the response depends very much upon the circumstances in which one is asked to divulge information. Therefore, the researcher resolved this shortcoming by having multiple sources of evidence to provide converging lines of inquiry that can be taken as reliable.

3.5.1 Key informant interview

In- depth Interviews with Key Informants For the purpose of this research in- depth interviews with key informants were made use of. In- depth interviews involves probing whereby follow up questions are used basing on the response. According to Kumar (1989), Key informant interviews involve interviewing a select group of individuals who are likely to provide the needed information, ideas and insights on a particular subject. These people include professionals and people in the community who have in- depth knowledge on a certain area. Therefore, academics, Official of Zambian Embassy, official from Ministry of Commerce and Trade as well as officials from Civic Organisations were interviewed on the subject under study. In- depth interviews with key informants are critical as they give special knowledge from people who have experience with the NTBs in SADC. However, information can be difficult to obtain information on some issues as people chose not to reveal information viewed as sensitive.

3.5.2 Document analysis

The study analysed policy documents and literature on NTBs in SADC for the period 2010-2016. The research analysed literature on NTBs and policy document using thematic approach. Altheide (1996) argues that document analysis is a qualitative approach for finding, identifying, retrieving and analysing various documents for their relevance, significance and meaning. Boyd –Barret (2002) notes that document analysis is an integral and conceptually informed method, technique for locating, procedure, identifying, retrieving and analysing documents for their

relevance, meaning and significance. Document analysis has primary and secondary which needs to be distinguished. Boyd-Barret (2002) notes that primary sources consist of original document as well as contemporary records or records in closer proximity to some event. A Becker (2003) point out that secondary source consists of primary sources that have already been examined. Secondary sources include journals, textbooks and online libraries. In terms of primary source the researcher analysed contemporary articles on NTBs and policy documents and journals were analysed as secondary sources.

3.6. Validity and Reliability

In qualitative research, according to (Cohen et al. 2003), validity may be improved through careful sampling, appropriate instrumentation and appropriate statistical treatments of the data. In supporting the use of appropriate instruments, (Moser, 1967) defines the validity of an instrument as follows: By validity is meant the success of the instrument in measuring what it sets out to measure. (Cohen et al. 2003) also argue that research can never be 100% valid. It must be acknowledged therefore that even qualitative research has a measure of standard error. Reliability is defined by (Slavin, 1992) as the consistency of outcomes from one measurement to another. Any risk of uncertainty in the present study was made less likely by the clear wording of the questions. To ensure that the research results are trustworthy, this research was guided by the inquiry process. The researcher persistently investigated the phenomena under study intensively by looking at it from different analysis.

3.7 Data presentation and analysis

Marshall and Rossman (1990) define data analysis as the process of bringing order, structure and meaning to the mass of collected data. Gwimbi and Dirwai (2003) notes that data presentation and analysis as making sense out of large amounts of raw data, giving clear understanding of spatial process and is one of the most important parts of research. The researcher relied on the presentation of key themes supported by quotes from participants' texts as the primary form of analysis and reporting of their data. Bazeleg (2009) found out that once

raw data is gathered, reading and interpretation are the starting points for meaningful analysis where the researcher analysed words in interview responses in order to get emerging themes. Concepts which were similar were grouped together to form categories based upon similar phenomena. Codes and categories were compared for similarities and difference through technique of constant comparison. Core categories bought on major NTBs which occurred in the period 2010-2016.

3.8 Ethical considerations

According to Kimmel (1988), ethical issues are moral issues and both are related to values. One may define ethics as a method, procedure, or perspective for deciding how to act and for analyzing complex problems and issues. For instance, in considering a complex issue like trade, one may take an economic, political, or ethical perspective on the problem. While an economist might examine the cost and benefits of various policies related to trade, Ethics deal with the values people hold.

3.8.1 Informed consent

The researcher must obtain informed consent from each research participant. In this research the researcher will be obtained in writing after the participant has had the opportunity to carefully consider the risks and benefits and to ask any pertinent questions. Resnik (2011) explains that informed consent should be seen as an ongoing process, not a singular event or a mere formality. Manning (2013) notes for an informed consent to be ethically valid, the following components must be present. Disclosure the potential participant will be informed as fully as possible of the nature and purpose of the research, the procedures to be used, and the expected benefits to the participant and/or society and alternatives to participating in the research. Understanding the participant must understand what has been explained and must be given the opportunity to ask questions and have them answered by one of the investigators. The informed consent document will be written in lay language, avoiding any technical jargon .Voluntariness the participant's consent to participate in the research must be voluntary, free of any coercion or promises of benefits unlikely to result from participation(Townsend,2014).

3.8.2 Privacy and confidentiality

Westin (1968) says that privacy refers to the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others. Sieber (1982) expands the notion of privacy to include confidentiality arguing that confidentiality “refers to agreements between persons that limit others’ access to private information”. Thus, privacy refers to persons and confidentiality refers to information. When conducting this research the researcher in the face to face interviews the researcher as, a common way to protect the identities of those who have been interviewed or of the organisations or the communities being studied will use pseudonyms.

3.9 SUMMARY

The chapter dealt with the methods that the researcher used to collect data. The researcher used qualitative research and Key Informative interviews as instruments of data collection. Chapter four deals with data interpretation and analysis.

CHAPTER 4

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.0. Introduction

This Chapter is structured into five (5) themes (a) the rationale of Non-Tariff Barriers in the SADC region, (b) the potential effects of Non-Tariff Barriers on the SADC free trade area, (c) the feasibility of continental instruments that control Non-tariff Barriers, (d) the role of Non-State actors in SADC free trade area (e) the dynamics of the state in free trade area. Information from several respondents interviewed shows that Non-Tariff Barriers in SADC region have implications to free trade area.

4.1 The rationale of NTBs in the SADC region

The rationale of the continuation of the NTBs were justified by 63% of the respondents. The majority said NTBs are justified to protect the infant industries and for health issues. An official from the Zambian Embassy officials say that;

“The Zambian government has banned the import of live birds and other poultry products from South Africa Democratic Republic of Congo (DRC). This follows the outbreak of highly pathogenic avian influenza (H5N8). The measure was taken to safeguard Zambia poultry industry”

The respondent concurs with the East African Community Elimination Report of NTBS Report September 2015 which says NTBs are often justified on four main reasons which are to safeguard health, security and safety of animals, plants, human beings, and against environmental pollution to safeguard the interest of the nation, to protect infant industries and consumers to safeguard against revenue loss. Under the General Agreement on Tariffs and Trade (GATT) provisions, members are justified to take measures to protect domestic industries from serious injury caused by increased imports of certain goods. Thus in World Trade Organisation language is remedied using safeguards.

The findings also concurs with the CZI report in 2016 says since the quantitative restricts came into effect the manufacturing industry's utilization rise from 34,5 percent in 2015 to 47,4 percent in 2016 is partly attributed to the gazettement of the instruments which has boosted local industry production as well as local demand.

4.2 The potential effects of NTBs on SADC free trade area

37% of the respondents said that NTBS has some potential effects on the free trade in SADC region. One academic scholar said that *“NTBs in SADC, like in any other region, result in delays*

and increased costs which ultimately hinder the free movement of goods and services. Removal of NTBs is much more effective in boosting intra-regional trade. NTB frustrates free trade and benefits of competition in terms of pricing to the consumer. ”.

This respondents concurred with Gillison and Charalambidies (2007) who contends they is more, returns in terms of welfare gains, growth, employment generation and poverty reduction are more likely to be realised by addressing NTBs. Non-tariff barriers (NTBs) can act as important constraints on trade and limit the gains from increased market access. NTBs reported are indeed barriers to intra-regional trade for SADC countries.

Bhagwati (1965) has shown how both tariffs and NTBs can have equivalent effects when markets are competitive and therefore how the removal or reduction of NTBs can have similar effects to that of tariff reduction. Tariffs increase the costs for foreign suppliers while quotas and other types of NTBs serve to restrict the quantity of foreign-supplied goods in domestic markets; both may cause prices to increase in the domestic market. This in turn results in a decrease in economic welfare because of the distortion or wedge created between domestic and world market prices.

It therefore follows that the removal or reduction of Non-Tariff Barriers increase imports and therefore impact welfare through effects on local producers, domestic consumers and government revenues. The increased imports may displace domestic producers by foreign suppliers, depending on the assumed elasticity of substitution between imported and domestically produced goods; Consumers (and producers using imported inputs) may benefit from cheaper product prices; and governments may lose revenues for the product liberalised, e.g. revenues from quota auctions or licenses.

4.3 The role of non-state actors in SADC free trade area

The Non State Actors respondent that they have a **bigger** role to play in the SADC free trade area. 33% of the Non State Actors said that they are lobbying with the governments to remove NTBs in the trade .One official from Non State Actors said *“The ban on imports was not the greatest idea as the country is 80% made up of informal sector. The government needs to work with everybody. The official said he was passionate about informal sector urging government to*

hold consultations with the sector before selling policies that can alienate them. They is no industries here people survive on buying and selling now the SI 64 has taken away the livelihoods. They is need for the involvement of non-state actors in policy formulation and in area of trade". The majority of the Non State Actors said they welcome the imposition of the some NTBs on trade. One official from Non State Actors said "We support the law of SI 64 as a strategy that would ensure Zimbabwe reclaimed lost glory set itself on an economic glory."

This concurs with the report by CZI of 2016 which states that the SI 64 was good as it is unpalatable for Zimbabwe industries to continue under the status quo where local products are being crowded out of the domestic market by imports which do not face equally high production costs which have prompted the government intervention through import control to bolster market uptake.

4.4 The dynamics of the state in free trade area

The state played a pivotal role in free trade. 100% of the respondents said that the state has the power to introduce Non Tariff Barriers to protect its industries. One of the official from the ministry said "*The Zimbabwe government use has banned all grain imports because the country has produced enough maize this year and also we need to protect the local industries*". The Ministry of Industry, Trade and Commerce (MIT) is the key ministry involved in all trade related issues in Zimbabwe.

This concurs with the report by Herald Saturday 23 September,(2017) which notes that in Zimbabwe BUREAU VERITAS has been awarded by the Ministry of Industry and Commerce of the Republic of Zimbabwe with the Consignment Based Conformity Assessment (CBCA) contract. This conformity and valuation programme intends to reduce hazardous and substantial imported products, provide compliance certificates to regulate products exported to Zimbabwe source prior to shipment ,improve customs duty collection, ensure Zimbabwe consumers and industry protection, enable fair competition, avoiding unnecessary retesting by recognition of tests results/ meeting minimum reliability criteria. BUREAU VERITAS has rejected \$182 million worth of substandard goods destined for Zimbabwe since starting 2015. The company ensure that the products imported into Zimbabwe were regulated to meet minimum safety, health and quality standards

The Imani inventory (2007) concludes that the biggest barriers face regional trade in agricultural commodities. The main reasons given to justify these barriers are food security, protecting local producers, health and safety, and single-channel marketing. The commodities that are most regularly affected by these restrictions include sugar, maize, meat products (including poultry), dairy products, tea, timber products, and seasonal vegetables.

4.5 The feasibility of continental instruments that control NTBs

The majority of the respondents said that the instruments which are in place are too weak to control countries imposing Non-Tariff Barriers. One official said that “the SADC region has no instrument like the issue of sanctions when a member introduced NTBs although Article 6 states that countries must refrain from introducing new NTBs”

The respondent concurs with the report by Mthembu-Salter (2007) on SADC which says that several challenges in NTBs have proved hard to solve and new ones have emerged. Several reported NTBs vary markedly in terms of their type and breadth of application, suggesting that some NTBs will require much lengthier and complex multi-institutional processes to remove than others. Some measures have been addressed several times; implying that some NTBs resurface from time to time. Mthembu-Salter (2007) argues that the monitoring mechanism appears to address only those NTBs that affect those companies from different countries within the region which are in direct competition with each other. There are a whole range of NTBs within the region which are not being addressed by SADC including infrastructural constraints and other ad hoc import bans which need to be disciplined. Despite these concerns, the monitoring of NTBs and responding to private sector concerns about them constitutes one step towards reducing them.

The SADC, EAC & COMESA, report of 2013 also support that all Southern African countries have made complaints against NTBs affecting regional trade under the NTBMM. The greatest number of complaints falls under ‘Customs and administrative entry procedures’ (143 total), mainly relating to ‘Lengthy and costly customs clearance procedures’. The highest number of outstanding, active complaints falls under ‘Transport, clearing and forwarding’ (33), especially complaints relating to ‘Costly road user charges and fees’ (15).

CONCLUSION

The chapter looked at the five themes which are the rational of NTBs in the SADC region, the potential effects of NTBs on the SADC free trade area, the feasibility of continental instruments that control NTBs, the role of Non-State Actors in SADC free trade area and the dynamics of the state in free trade area.

CHAPTER 5

SUMMARY, RECOMMENDATIONS AND CONCLUSIONS AND AREAS FOR FURTHER RESEARCH

5.0 Introduction

The chapter looks at the silent aspects of the research drawing conclusions from the findings of the whole research and giving recommendations based on findings.

5.1 Summary of the research

The aim of the research was to examine and analyse the implications of NTBs on SADC free trade area, using Zimbabwe and Zambia as a case study. The study sought to assess the implications of NTBs on free trade, examine the compliance of Southern African countries to the SADC Trade Protocol and to explore the economic impact of NTBs on free trade in the region. The research paper identified a list of NTBs that are being maintained by SADC Member States in the form of customs documentation and procedures, import and export permits, import and export quotas, sanitary and phytosanitary measures, technical barriers to trade, strict rules of origin, anti-dumping laws, police roadblocks, road toll charges and corrupt practices. It went further to highlight that these non-tariff barriers to trade are still maintained by most SADC countries despite the clear prohibitions under the WTO and SADC Trade Protocol rules. The research used one theory in assessing the phenomenon under study and the theory used was interdependency theory. The argument that is said on NTBs by Member States' actions are contrary to their commitments and obligation to remove all forms of non-tariff barriers to trade and to refrain from introducing new ones. The research presented an overview outlining the background of the study, statement of the problem, research questions, research objectives, justification, assumptions, limitations and the summary. The literature was identifying the gaps and also situating the problem under investigation with different scholars of thought with regard to the NTB by paying attention to the informing theoretical framework. It also interrogated the various sources of informing the NTBs and looked at the scholars and sources on the NTBs with the view to understand their purposes.

The research used the qualitative method to collect data. The researcher used key informant interviews and secondary sources as instruments of data collection. The research also dealt with data interpretation and analysis in five themes which were the rationale of Non-Tariff Barriers in SADC region, the potential effects of NTBs on SADC free trade, the feasibility of continental instruments that control NTBs, the role of the Non State Actors in SADC free trade and the dynamics of the state in free trade. The research also presents the summary of the research, conclusions, recommendations and areas of further study.

5.2 Conclusions

1 The study concluded the major rationale of NTBs in the Zimbabwe and Zambia is to protect the infant industries as well as health issues.68% concurs to the same statement.

- The study established that the potential effects of NTBs on the SADC free trade area are very huge. Majority of the officials concurs that the effects are too high.
- The study concluded that adequacy of global, continental and regional instruments that control NTBs are weak.
- The study concluded the efforts of Non-State Actors in the fight against NTBs are very minimal.

5.3 Recommendations

1 Based on this study member states in the SADC region should consider other ways of protecting infant industries other than NTBs as the hindered the free flow of trade in the region.

2 Based on this study the goal of attaining a SADC free trade zone will not be achieved. The countries should reduce the potential effects of NTBs by reducing roadblocks, one stop border posts and investing in conformity infrastructure for the purpose of trade facilitation.

3Countries should make use of bilateral trade agreements to eliminate existing NTBs.States clearly indicate their objectives of removing all NTBs inhibiting trade between them.Chances of full implementation and ability by such undertakings are higher than at regional level where a lot of parties are involved.

4 They is need to incorporate Non State Actors in the policy implementations as well as publications of administrative rules. All rules that have effect on trade should be published on time. Publication must incorporate rules on how the relevant duties and taxes on different goods are worked out.

5.4 Areas for further research

The study has exposed the need to investigate further issues to do with NTBs in Southern Africa and its impact on state relations. The study was limited to the impact of NTBs. It is absolutely imperative to look at the effect of globalization on trade and survival of states in Africa.

More related studies are needed in future to undertake an in-depth look into how removal of NTBs has significant rewarding impact for both states. In summation, it can be observed that

NTBs is not necessarily associated with burdens on receiving countries but equally present some benefits.

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Appendix 2

Structured interview questions for Zambian Embassy official

- What is your understanding of NTB to trade?
- What are the benefits that are drawn by the Zambian government on trade?

- What do you consider to be the effects of NTB on Zambia and Zimbabwe trade?
- What are the measures that can be put in place to mitigate these effects?
- How effective are the regional instrument that control free trade area?
- How do you view the future of NTBs in SADC?
- What is the rationale for countries to continue putting NTBs in trade?

Appendix 3

Structured interview questions for Non State actors.

1 What is your understanding of Non-Tariff Barriers?

2 What are the effects that can be derived from Non-Tariff Barriers?

3 What is the role played by Non State actors in mitigating these effects of Non State Barriers on SADC free trade area?

- How do Non State actors assist in enhancing continental instruments that control Non-Tariff Barriers?
- How have the SADC countries managed to work towards removal Non-Tariff Barriers?
- How do you rate yourself as Non state actors in your efforts?
- What is the justification for the continuation of Non-Tariff Barriers in SADC region?

Appendix 4

Structured interview questions for Ministry of Trade, Industry and Commerce and Academic

- 1 What is your understanding of Non-Tariff Barriersto trade?
- 2 What are the benefits that are derived from Non-Tariff Barriers to trade in SADC?
- 3 In your opinion what are the disadvantage of Non-Tariff Barriers?
- 4 What are the potential effects of Non-Tariff Barriers on SADC free trade area?
- 5 How are the effects mitigated in the SADC region?
- 6 What are the regional instruments that control Non-Tariff Barriers?
- 7 What is the justification of countries introducing Non-Tariff Barriers ?