

# The Hegemony of South Africa and the Free Movement of Persons in SADC: Challenges and Perspectives

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## ABSTRACT

*The free movement of persons faces many challenges in the SADC region. Currently, there is no solid regional framework that governs it. As a result, it is managed by several varying bilateral agreements between the member states. This study aims to evaluate the impact the hegemony of South Africa has on the free movement of persons in the SADC region. The specific objectives of the study were to examine the effect the hegemony of South Africa has on visa openness in the SADC region, to describe the hegemony of South Africa in relation to ratification of the protocol on the facilitation of movement of persons in the SADC region, and finally to evaluate the influence the hegemony of South Africa has on border procedures in the SADC region. The qualitative research method was undertaken in pursuit of fulfilling the study objectives. The data for this study was collected from a selection of official statistics, technical reports, and scholarly journals. The findings of the study suggest that the hegemony of South Africa has greatly contributed and shaped the status of the free movement of persons in the region. South Africa has negotiated itself into favourable positions with its fellow SADC member states that have placed them at an advantage. South Africa benefits from favourable visa openness and border procedures. It's contribution in influencing the Protocol on the Facilitation of Movement of Persons has resulted in it being among the countries that have ratified the protocol which has more relaxed provisions. The study recommends harmonised free movement agreements that have a more regional outlook and an approach to the free movement of persons that has a bearing that is not centred around security and negative perceptions.*

**Keywords:** Bilateral Agreements, Free Movement of Persons, Hegemony, South Africa

## I. INTRODUCTION

### 1.1 The History & Establishment of SADC

The Southern African Development Community (SADC) is a Regional Economic Community (REC) with a membership of 16 countries namely Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia, and Zimbabwe (SADC, 2023). Its mission includes encouraging equitable and sustainable economic growth and socio-economic development through efficient systems that promote its productivity. The mission further encompasses deepening collaboration & integration, good governance, and durable peace & security. The mission seeks promoting the region to an emerging competitive and valuable player internationally and the world economy (SADC, 2023). SADC is an inter-governmental establishment between its member states, and the secretariat is based in Gaborone, Botswana.

The SADC we know today was established in August 1992 in Windhoek, Namibia as a successor of the Southern African Development Coordinating Conference (SADCC). The predecessor of SADC, the SADCC, was established in Lusaka, Zambia in April 1980 by Angola, Botswana, Lesotho, Malawi, Mozambique, Eswatini, Tanzania, Zambia, and Zimbabwe, as the establishing member states (SADC, 2022). SADCC was formed as a source of national political liberation in the region and to lessen economic dependence, particularly on South Africa during the apartheid era. This was done through the organization and employment of specific features and strengths of each of the member states and their resources (AU, 2023). However, at a Summit in 1992, where the Heads of Government of the region convened, it was decided to convert the SADCC into SADC with integration at the centre for economic development. In the same year, The Heads of State and Government signed and ratified the SADC Declaration and Treaty that effectually converted the SADCC into SADC. Thus, the RECs foundations are anchored under Article 2 of the SADC Treaty (SADC, 2022). As a result, subsequent to the attainment of independence by the remainder of the Southern African countries, economic integration became an added objective.

On its formation, SADC adopted a treaty based on the collaboration of Member States, redefining their cooperation from disjointed association into a legitimately obligatory arrangement with an emphasis on attaining

economic development through integration. Achieving economic development, peace and security, and growth, alleviating poverty, enhancing the standard and quality of life of the people of Southern Africa, and supporting the socially disadvantaged through regional integration emerged as the main objectives of SADC (SADC, 2022). The fulfilment of the objectives is to be realised through improved regional integration anchored by on even-handed sustainable development and sound democratic principles.

## 1.2 The Status of Regional Integration in SADC

SADC had set several targets and timelines in the quest to ensure progress in the realm of regional integration. The milestones included: “ the formation of the SADC Free Trade Area (FTA) to support inter-regional trade by 2008; the establishment of a Customs Union (CU) with common external tariffs for the Free Trade Area by 2010; the achievement of a Common Market by agreeing on common policies on production regulations by 2015; attainment of Monetary Union through macro-economic convergence by 2016; and accepting a Single Currency and becoming an Economic Union by 2018” (AUC, 2021). Regrettably, the mentioned timelines have not been attained. The REC managed to attain the status of an FTA in 2008, however it has been unable to follow the set timelines for regional integration as delineated. Instead, progressive developmental attempts have been sought by amalgamating the FTA first through focusing on collaboration in various sectors, and specifically choosing industrial and infrastructure development as the courses of action (AUC, 2021).

Although SADC has fallen behind the timelines it had set, it has made substantial advancements in terms of regional cooperation and integration since its establishment. Avoiding the linear and stepwise approach towards regional integration has allowed the REC to make progress under the four focal areas of Industrial Development and Market Integration; Infrastructure Development in Support of Regional Integration; Special Programmes of Regional Dimension; and Peace and Security Cooperation (SADC, 2020). The objectives of SADC lay a foundation for the different protocols that it has ratified or is on the course of ratifying, which are targeted at promoting regional cooperation and coordination. These advancements make the REC a fundamental element for African unity as prescribed by the African Union (AU). To further the regional integration agenda, thirty-three protocols and several declarations, charters, and memoranda of understanding on numerous matters have been signed by SADC Member States (SADC, 2020). Among the signed protocols, twenty-five have entered into force subsequent to being ratified by the requisite signatory Member States. In the pursuit of the realization of regional integration in SADC, plans to strategically achieve its agenda have been developed. The Regional Indicative Strategic Development Plan (RISDP) being one of them. Since 2005, the RISDP has provided an in-depth basis steering the development and execution of integration agenda of SADC (SADC, 2020). It provides direction and outlines the expected preconditions that are needed for the region to accomplish regional integration and development.

As far as the status of regional integration within SADC, the REC has made significant progress. However, the region still falls short according to some of the indices of the Africa Regional Integration Report (ARIR). One of the indices of the ARIR is the Free Movement of People (AUC, 2021). The African Multidimensional Regional Integration Index (AMRII) reports that a major cause for the stunted performance in free movement within the region is due to the lack of application of the SADC Protocol on the Facilitation of Movement of Persons ((AU), 2020). Surrounding the Protocol, member states are employing dissimilar features, including visa entry freedoms between the Member States. Certain Member States completely exempt SADC Member States from acquiring a visa upon entry whereas others only exempt a few member states from the same. Further, SADC still does not have a community passport (AUC, 2021). The tailbacks to the operation of the integration agenda are significantly caused by the absence of full adoption and compliancy to mutual protocols and agreements across the SADC countries. Of particular interest, is the inadequate level of adoption and enactment of regional frameworks, protocols, and agreements in achieving the free movement of persons.

## 1.3 Regional Efforts for the Free Movement of Persons

The SADC Protocol on the Facilitation of Movement of Persons 2005 is a regional instrument that is meant to enhance regional integration through the free movement of the citizens of SADC. The protocol pursues the fulfilment of SADC objectives as prescribed by the SADC Treaty, creating an expectation for progressive policy development for ongoing removal of barriers to the free movement of capital, labour, goods & services, and of the people of the REC (SADC, 2023). The objectives specified in Article 3 of the Protocol include to "facilitate: entry for a lawful purpose and without a visa into the territory of another state Party for a maximum of ninety (90) days per year for bona fide visit and in accordance to the laws of the state Party concerned; permanent and temporary residence in the territory of another state party; and establishment of oneself and working in the territory of another state Party" (SADC, 2005).

Within the Protocol, the phases of implementation are clearly stated. In addition, circumstances affecting the harmonisation of State laws and movement practices are addressed. The protocol in principle sets a foundation for regional integration through the free movement of persons, however, the reality seems to be completely different. Seemingly, without the citizens of the region being able to move freely with their products while interchanging their shared experiences, ideas, and interests, regional integration within the SADC region will become insincere. Reaching the required ratification number of member states for the protocol would be a progressive step for deepening integration in the region. Regrettably, in the late 2010s, only 4 SADC member states Botswana, Mozambique, South Africa, and Eswatini had ratified the protocol (Maunganidze & Formica, 2018). Currently, although the protocol has gained more ratifications, the requisite number for it to enter into force has still not been attained. Records show that as of 2021/2022, only seven member states have ratified the protocol, these include Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa, and Zambia (SADC, 2022). This poses a problem for the attempts of the region at integrating to the levels described by its objectives, creating a lot of work yet to be done in the pursuit of advancements of regional integration through the movement of persons. A collective effort by the member states is required to achieve this.

#### **1.4 South Africa's Hand in Shaping Regional Integration Within SADC**

The composition of SADC member states brings together countries with varying levels of strength economically. The strongest economy in the SADC region and one of the economic giants on the African Continent is South Africa (Amos, 2010). South Africa is attractive in the labour market, attracting employment seekers of all kinds. As a result, the country has been able to counter the loss of its own citizens who seek employment in other destinations like Europe, Australia, New Zealand, Canada, and the USA, a phenomenon that has not always been seen as an advantage (Amos, 2010). The trade unions in South Africa have been vocal about the recruitment of foreign nationals, resulting in restrictive legislation in the labour market which advocate for the preference and reservation of employment opportunities for black South Africans through the Employment Equity Act who were previously disadvantaged during the country's apartheid past (Amos, 2010). Foreigners are only consequently regarded for employment purposes in the country as a tertiary option after the South African locals, a position which is not exclusive to South Africa alone. The existence of restrictive regulations has failed to cease foreign nationals entering South Africa, where in the farming industry and others they are considered more hardworking than the locals, a reality that has brewed undesirable consequences (Amos, 2010). In 2007 more than 200 foreigners in South Africa died in what were termed "xenophobic attacks" by locals who had accused the foreigners of stealing their jobs (Amos, 2010). Ironically, the wealth of South Africa has been said to be built by migrant workers from surrounding countries.

Like during the duration of apartheid, South Africa has sustained to bank on bilateral arrangements with bordering counterparts instead of subjecting herself in the direction of a regional agreement (Maunganidze & Formica, 2018). In this light, South Africa has played a hand in watering down free movement in the region. As a target country for migrants, the position of South Africa tends to be a defensive one, prioritising security and sovereignty (Maunganidze & Formica, 2018). The journey to the development of the 2005 Protocol on the Facilitation of the Movement of Persons was highly influenced by the reservations of South Africa. The regional powerhouse advocated for the "facilitation of movement" in contrast to the "free movement of persons". This latest Protocol drives visa-free travel, residence, and establishment rights conditional to domestic legislation while motivating member states to foster bilateral agreements for the free movement of persons rather than prescribing a regional agreement (Maunganidze & Formica, 2018). It seemingly encourages the widespread presence of sovereignty and signifies a fondness for security management through bilateral agreements and national laws (Maunganidze & Formica, 2018). South Africa as the community's 'centre' practices hegemonic power by refraining from freer movement protocols which are multilaterally inclined, a position which two of its allies Botswana and Namibia have endorsed, along with other bordering countries who are particularly reliant on South Africa. The position of South Africa and its allies poses a problem for the attainment of regional integration, specifically through the free movement of persons.

#### **1.5 Statement of the Problem**

Regional integration has been a fundamental approach for economic transformation in Africa. Additionally, it is important to enhance intra-regional trade. African countries thus face the overwhelming undertaking of establishing wide-ranging and controlled actions to guarantee the ideal and uninhibited cross-border movement of goods and people. The free movement of persons is a principal indicator for advanced levels of regional integration (AUC, 2021). In that light, and by the AU's desire to accomplish the African Economic Community (AEC), demonstrating commitment to reaching a single market where the free interchangeability of goods, persons, and services occurs regionally and continentally, regional integration is key to continental development. In the quest for the same, RECs can be seen as

building blocks in achieving the continental goal for integration. The SADC is among one of the RECs recognised through the AU (AUC, 2021). SADC's founding treaty, the RISDP, and other instruments guide its regional integration agenda. However, its commitment to the integration agenda through the free movement of persons leaves much to be desired. SADC operates to an extent as an FTA where non-tariff trade of goods occurs across the region's boundaries. It had the ambitions to proceed further along the integration process to convert into a Common Market by 2015, and an Economic Union with a Single Currency by 2018. Neither of these marks have been fulfilled thus far (Tanyanyiwa, 2014). The lack of enthusiasm from countries in Southern Africa is of alarming concern.

The countries in the SADC region are represented by extensive differences in economically and developmentally (Lenaghan, 2020). Consequently, the results from trade are diverse per country. South Africa emerges as the economically dominant member state in SADC, with a long history of contributing the highest share to the region's GDP (McKeever, 2008). In 2020, South Africa alone contributed 51 % to SADC's GDP (SADC, 2021). Considering that a significant amount of trade in the region happens with and through South Africa, the country can be recognised as the regional hegemon. Therefore, if South Africa adopts a stabilising approach towards the accomplishment of the regional integration agenda, the region is likely to succeed (Mills & Sidiropoulos, 2001). On the contrary, South Africa seems to have adopted a threatening role towards the regional integration agenda, especially through the free movement of persons.

South Africa has continuously undermined the region's integration agenda by pursuing seemingly self-serving interests. In 1995 SADC drew-up a Protocol on the Free Movement of People to enable the movement of persons. Although the Protocol never saw fruition, it was subsequently substituted by a Protocol on Facilitation of Movement of Persons in 2005, one more restrictive by design. South Africa sported a heavyweight position in the refurbishing this newer protocol advocating for more flexible commitments concerning the free movement of persons for the community. South Africa carries a protectionist approach regarding free movement, and this is evident in its advocacy for the revised protocol which is more aligned with its foreign policy versus the interests of the region (Lenaghan, 2020). The revised protocol has not operationalised, as the required ratification by a two-thirds share of Member States has not come to pass. The only member states to have signed and ratified the protocol are Botswana, Lesotho, Mozambique, South Africa, Eswatini, Namibia, and Zambia (UNECA, 2023).

Separate from the free movement protocol, other hurdles to free movement in SADC include inconsistent visa and border regulations. To date, SADC citizens do not share a common passport, as such they have become susceptible to differing national regulations regarding obtaining visas and crossing borders into fellow member states. The inadequacy of a sole dependable and all-inclusive framework creates susceptibility to informal practices at the borders. Despite substantial actions concerning unrestrictive movement for fellow Africans in other RECs and separately by various African countries, minute eagerness for the approval and application of the same exists within the SADC region (Hirsch, 2021). Consequently, the subject of guaranteeing the free movement of persons between SADC Member States lingers around being controversial and uncertain, limiting the region from the benefits of integration at a deeper level.

There is limited research to fully understand the role that South Africa has played as the region's hegemony in shaping the trajectory of the free movement of persons within SADC. Several studies conducted focused mainly on why the free movement of persons in the SADC region is yet to advance and reasons the Protocol on the Facilitation of Movement of Persons itself ought to have faltered. Maunganidze & Formica (2018) in their work "Freedom of movement in Southern Africa: A pipe dream?" argue that South Africa has always been the driving force behind the challenges that are currently being faced by the region in terms of free movement because of South Africa's securitized approach to movement. In another study, Mudungwe (2015) in his work "Promoting Free Movement of People in Southern Africa: A case for the Ratification of the Protocol on the Facilitation of Movement of Persons in the SADC Region" concluded that there should be imperatively prudent for the member countries of SADC to ratify the protocol for the region to realize social integration and more meaningful regional economic integration. Other studies, (Hirsch, 2021; Kitimbo, 2014; Woyo, 2017; Mlambo, 2020; Nshimbi, 2014) showcased the challenges that the region has been facing regarding free movement and used successes from other RECs to benchmark the potential benefits that could be brought about by actualizing free movement for SADC. Neither of the above-mentioned studies focused on the role South Africa has played in influencing the free movement of persons in the region through border procedures, visa policies, and influencing the ratification of other countries.

This study will therefore offer contributions to the existing body of knowledge by establishing the impact of South Africa in shaping the situation of the free movement of persons in the SADC region, looking specifically at how this has affected the visa policies, ratification of the protocol, and the border procedures in the region.



## 1.6 Objectives of the Study

### 1.6.1 Main Objective

To evaluate the impact the hegemony of South Africa has on the free movement of persons in the SADC region.

### 1.6.2 Specific Objectives

1. To examine the effect the hegemony of South Africa has on visa openness in the SADC region.
2. To describe the hegemony of South Africa in relation to ratification of the protocol on the facilitation of movement of persons in the SADC region
3. To evaluate the influence the hegemony of South Africa has on border procedures in the SADC region.

## II. METHODOLOGY

The qualitative research method was employed to achieve the study's objectives. Data collection involved a comprehensive review of official statistics, technical reports, and scholarly journals. This diverse range of sources provided a robust foundation for the research, ensuring a thorough exploration of the subject matter and enriching the study's findings.

## III. RESULTS & DISCUSSION

### 3.1 Visa Openness

The definition of a visa describes it as an endorsement, which ordinarily appears as a permit or imprinted in the holder's documentation for movement (ordinarily a passport). It serves as confirms for the holder, who ordinarily is a visitor to a nation other than that of their origin is permitted entry to a specific country for a definitive period and definite purposes (AfDB & AU, 2022). The usage of visas by countries serves diverse motives, these include using them as security measures to regulate entrance or duration limitations for entrants of a certain nation, for reasons of restricting guests' activities, as a revenue-creating mechanism, or as a means of retaliating to the behaviour their people are subjected to in other countries (AfDB & AU, 2022).

There are different ways to attain a visa. One can be attained before travelling which is described in this study as 'visa required' indicated in red shading in Table 1. A visa obligated before travel urges the guest to attain a visa from an embassy, an honorary consulate, or another official representative of the country of destination before travelling to that nation (AU & AfDB, 2023). Without attaining a visa before travel ordinarily, the traveller will not be allowed to enter the destination country. Another type of visa is that issued upon arrival. This means that the visitor must obtain a visa once they have arrived in the nation they are visiting. A procedure which may comprise completing visa forms, payment of visa fees, and production of a stamp on the guest's travel instrument at the destination country. This is defined as a 'visa on arrival' in this study and represented by yellow shading in Table 1. In other instances, a traveller is not required to attain a visa at all to gain entry into a destination country. The guest is not compelled to be authorised to enter the country. This is represented by green shading in Table 1 and labelled 'no visa required'. Even so, it is essential for the guest to conform to the entrance measures out in place by their destination country. These are likely to comprise of the completion of admission and entrance forms and reception of an entry stamp. The last type of visa is an electronic visa (e-visa), which can be gotten from an authorised web-based or digital portal prior to the departure of the guest (AU & AfDB, 2023).

Visa openness describes the effortlessness with which guests are approved to enter their nation they are visiting. Table 2 below shows the scores of SADC counties regarding visa openness as calculated by the African Visa Openness Index (AVOI). AVOI scores vary between 0 and 1, with a score of 0 being allocated to states with the most restraining visa rules and 1 implies countries which have the utmost welcoming rules (AU & AfDB, 2023). High-ranking nations by index score, indicate more "visa-open" procedures. Visa-open countries have more unprejudiced and loosened visa policies for guests, suggesting that either the guests may not need a visa to enter their state or may attain a visa upon arrival. Whereas countries that are more visa-restrictive require the attainment of visas strictly from consulates or other authorities. The illustration in Table 2 shows Seychelles to be the most visa-open country in the SADC region. Seychelles is the only country with a score of 1 in the region according to the AVOI. The SADC region itself has an average AVOI score of 0.536 (AfDB & AU, 2022). The other countries that perform well in terms of visa openness along with Seychelles include Mauritius with a score of 0.826, Mozambique at 0.804, Comoros with 0.800, Madagascar at 0.785, and Tanzania with 0.691. Further, the abovementioned countries fall within the Top 20 best-performing countries in the African continent.

Table 1 shows the visa requirements when entering different SADC countries. All SADC Member state travellers wishing to enter Seychelles are exempted from attaining a visa to enter the state, indicated in the green shading labelled "no visa required" in Table 1. This validates that Seychelles is the most visa-open country in the region as it has the most flexible entry requirements for members of the region. Mauritius follows Seychelles in visa openness, as it allows all SADC member states except for Madagascar to travel to the country without a required visa. Comoros and Madagascar also perform highly as although they do not allow visa-free entry into their territories, they allow all SADC member states to attain visas upon arrival.

Interestingly, when travelling to South Africa, only travellers from Comoros and the DRC require a visa, while all other members of the region are not required to attain a visa. Travellers from South Africa however can be observed to have gained visa-free access to 13 member states and being allowed a visa upon arrival in Comoros and Madagascar. The only country where travellers from South Africa need a visa to enter is the DRC. This is an observation as suggested in the literature, revealing that the bilateral agreements that South Africa has signed with other states have positioned it well for benefiting from free movement of persons in its favour for entering into other countries. These benefits however are not being mutually shared (Nshimbi, 2014). The necessity for a regional framework to manage the situation would thus regulate such skewed relations. Unsurprisingly, none of states party to the Southern African Customs Union (SACU), Botswana, Eswatini, Lesotho, Namibia, and South Africa require a visa to enter each other's territories.

Regarding the requirements of visas to enter certain Member states in SADC, some countries have advanced in allowing for the application of visas online, in the form of electronic visas (e-visas). The eVisa denotes to an automated visa gained from an authorised digital portal before a guest departs (AU & AfDB, 2023). As an alternative of a passport stamp or sticker, the eVisa is connected to a passport through a digitised mechanism. Occasionally, one is obligated to produce a hard or soft copy of the eVisa upon entrance, subject to the country one is traveling. Several countries within the region have the provision of applying for an eVisa online (AU & AfDB, 2023). The SADC countries that offer electronic visa applications include Angola, Lesotho, Madagascar, South Africa, Tanzania, Zambia, and Zimbabwe (Salahudeen, 2023). As such, when applying for an electronic visa, a traveller need not physically locate an embassy and rather go through the process as guided on the formal websites of each country, and the visa is then ordinarily sent to the traveller by email or post mail. E-visas are convenient and faster than traditional ones.

The literature suggests that visas are ordinarily used as a defence mechanism to safeguard receiving countries from unwanted influxes of foreigners in the SADC region. An approach to tightening visa policies is usually also attached to the issue of security, which is of rising concern in the SADC region (Woyo, 2017). From the findings, it can be seen that the movement of persons in SADC still has restrictions with countries like the DRC requiring a majority of fellow SADC member states to attain a visa before travelling there. As purported in the literature, it can be observed that visa policies in SADC are driven more by bilateral arrangements instead of a sound and unilateral framework. A result of this is often policies that are centred around reciprocity between member states (Woyo, 2017). The strategy of adopting visa policies through bilateral negotiations means that there is always uncertainty regarding how the application of visa requirements will go. It is evident from the position that South Africa holds regarding visas, that it has positioned itself in a place that favours it, against that of other countries. The lack of a harmonised approach to managing visa policies may create fluctuations in the relations between member states, and member states can change the status of visa requirements according to their current relationship with each other.

It is elaborated in the literature that RECs such as ECOWAS have managed to promote migration within their region through subsequent steps to abolish entry visas and eventually the development of a harmonised travel document for all community members (Kabbanji, 2017). Adoption of such a unified approach towards movement in the SADC region would further its development.

**Table 1**  
*Visa Requirements between SADC Member States*

Visa Requirements per member state when travelling to:						SADC Member States										
	Angola	Botswana	Comoros	DRC	eSwatini	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Tanzania	Zambia	Zimbabwe
Angola		No Visa Req	Visa Req	Visa Req	Visa on	Visa on	Visa on	Visa on	No Visa Req	No Visa Req	No Visa Req	No Visa Req	No Visa Req	Visa Req	No Visa Req	No Visa Req



		uired	uired	uired	arrival	arrival	arrival	arrival	uired	uired	uired	uired	uired	uired	uired	uired
Botswana	No Visa Required		Visa Required	Visa Required	No Visa Required	No Visa Required	Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Comoros	Visa on arrival	Visa on arrival		Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival
DRC	Visa Required	Visa Required	Visa Required		Visa Required	Visa Required	Visa Required	Visa Required	Visa on arrival	Visa Required	Visa Required	Visa Required	Visa Required	Visa Required	Visa on arrival	Visa Required
eSwatini	Visa Required	No Visa Required	Visa Required	Visa Required		No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Lesotho	Visa Required	No Visa Required	Visa Required	Visa Required	No Visa Required		No Visa Required	No Visa Required	No Visa Required	No Visa Required	Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Madagascar	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival		Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival	Visa on arrival
Malawi	Visa Required	No Visa Required	No Visa Required	Visa Required	No Visa Required	No Visa Required	Visa on arrival		No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Mauritius	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	Visa on arrival	No Visa Required		No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Mozambique	No Visa Required	No Visa Required	Visa on arrival	Visa on arrival	No Visa Required	Visa on arrival	Visa on arrival	No Visa Required	No Visa Required		Visa on arrival	Visa on arrival	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Namibia	No Visa Required	No Visa Required	Visa on arrival	Visa Required	No Visa Required	No Visa Required	Visa on arrival	No Visa Required	No Visa Required	No Visa Required		No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required
Seychelles	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required		No Visa Required	No Visa Required	No Visa Required	No Visa Required
South Africa	No Visa Required	No Visa Required	Visa Required	Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required		No Visa Required	No Visa Required	No Visa Required

	uired	uired	uired	uired	uired	uired	uired	uired	uired	uired	uired	uired		uired	uired	uired
Tanzania	Visa on arrival	No Visa Required	Visa on arrival	Visa on arrival	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required		No Visa Required	No Visa Required
Zambia	No Visa Required	No Visa Required	Visa on arrival	Visa on arrival	No Visa Required	No Visa Required	Visa on arrival	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required		No Visa Required
Zimbabwe	No Visa Required	No Visa Required	Visa on arrival	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	No Visa Required	

Source: (AfDB &amp; AU, 2022)

**Table 1***Visa Openness Ranking & Scores of SADC Countries*

Country/ Region	Score	Ranking	
		In Africa	Within SADC
SADC	0.536	-	-
Seychelles	1	1	1
Mauritius	0.826	11	2
Mozambique	0.804	13	3
Comoros	0.800	14	4
Madagascar	0.785	15	5
Tanzania	0.691	20	6
Namibia	0.623	21	7
Zimbabwe	0.472	23	8
Malawi	0.449	25	9
Zambia	0.430	26	10
South Africa	0.340	33	11
Botswana	0.321	35	12
Eswatini	0.321	35	13
Lesotho	0.302	37	14
Angola	0.294	38	15
Democratic Republic of Congo	0.121	47	16

**3.2 Ratification of the Protocol on the Facilitation of Movement of Persons****Table 3***Extract Summary of the Status of Ratification of SADC Protocols*

Protocol/Agreement/Charter	Status	Member States
Protocol on the Facilitation of Movement of Persons 2005	The Protocol has not yet entered into force. Entry into force requires ratification by two-thirds of the Member States.	Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zambia have ratified the Protocol.

Source: (SADC, Annual Report Financial Year 2021/22, 2022)



The 2005 Protocol on the Facilitation of Movement of Person is not currently in application because of the lacking requisite number of countries ratifying it. For a protocol in SADC to enter into force it needs to be ratified by at least two-thirds of the member states (SADC, 2005). For the Protocol on the Movement of Persons to become enforceable it requires at least ten SADC member states to have ratified it. Only 7 member states have submitted their instruments of ratification in its regard as indicated in the extract of the SADC annual report in Table 3. Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa, and Zambia are the countries that have currently ratified the protocol (SADC, 2022). Unsurprisingly, all SACU countries being Botswana, Eswatini, Lesotho, Namibia, and South Africa have ratified the protocol.

As previously mentioned, bilateral agreements in Southern Africa dominate the relations between countries. Bilateral agreements are mostly led by South Africa (Secretariat, 2013). All SADC member countries have national migration policies that preside over the entrance, duration of visit, and hiring of foreign workers. Thus, the non-astounding discovery that all countries that share borders with South Africa have ratified the Protocol on the Facilitation of Movement of Persons is expected. As various literature suggests, South Africa strategically enters into MOUs with these countries to enable the movement of its citizens between these countries without much required (Nshimbi, 2014). The same can be said for the relationship South Africa has with its SACU counterparts. Being clustered with South Africa in this regard means that these countries are likely to make decisions that favour South Africa. Additionally, for Lesotho and Eswatini which are completely enveloped within South Africa, it is in their best interest to mirror decisions made by South Africa to gain its favour, especially since both countries' economies are reliant and somewhat dependent on that of South Africa. The other countries that are yet to ratify the free movement protocol may not see the urgency of doing so as they do not share borders with other members of the region in the same way South Africa does.

The protocol itself is coordinated at the SADC Secretariat under the Directorate Organ on Politics, Defence and Security Affairs. The Organ on Politics, Defence and Security is mandated to arrange grounds for peace and stability in the SADC region, an essential precursor for the accomplishment of SADC ideals advocated for in the SADC Vision 2050 and the RISDP 2020-2030 (SADC, 2023). The Directorate Organ steered by the Protocol on Politics, Defence and Security Cooperation intends for the promotion of peace and security in the region, safeguarding the citizens of the region people from insecurity due to possible collapses in appropriate regulations, cultivating a shared democratic relations for the region, and conjoining on affairs associated with safety and security (Secretariat, 2013). Placing the Protocol on the Facilitation of Movement of Persons under the above-mentioned Directorate poses a risk of securitizing the movement of persons in SADC given that it ordinarily comprises and stretches through political and diplomatic, defence, state security, public security, regional peacekeeping, and policing matters. A threat this poses towards countries that have not issued their instruments of ratification for the movement of persons protocol is in creating the belief that movement within the region is more an issue that may threaten regional security rather than one that would enhance regional integration. The perception towards free movement in the region as suggested by the literature is one of a matter of security concern rather than one of regional integration or development, which is likely further fuelling the reservations toward it (Mudungwe, 2015). To curb this challenge, the SADC Secretariat could consider placing the protocol under the watch of other directorates such as the Directorate of Policy, Planning, and Resource Mobilisation, a central SADC institution for the promotion of strategic development, policy analysis, planning and programming, monitoring and evaluation, and managing collaborations with international cooperating partners.

Although South Africa has ratified the protocol on the facilitation of movement of persons it has played a role in the status of the ratification of the protocol. Literature submits that South Africa participated and held a leading role in watering down efforts of previously tabled protocols that advocated for more progressive free movement in the region (Mudungwe, 2015). South Africa was one of the countries that rejected the earlier draft protocols on the free movement of persons in 1995 and 1997 which aimed for there to be free movement in the region through subsequent phases including first allowing a six-month visa-free entry period. The overpowering voice of South Africa saw those protocols being ignored, only for the current protocol to be accepted under terms that were mostly dictated by South Africa. Maunganidze & Formica (2018) submit that it is those previous negative perceptions regarding migration in countries such as South Africa that have motivated the security-based approach to free movement that is now being adopted in the SADC region.

Additionally, situations such as the xenophobic attacks that took place in South Africa seemingly reflect the country's perception towards foreigners as presented in the literature. This has created reservations for other countries to cooperate with South Africa regarding free movement to protect their citizens (Kitimbo, 2014) The ratification of the movement protocol still has a long way to go before reaching the numbers necessary to make it enforceable. The Secretariat could do more to move forward the ratifications of the protocol by showcasing every benefit of it.

Additionally, other member states can rally to support this regional effort on the movement of persons by submitting instruments of ratification.

The variations between a prior “free movement protocol” and the current “facilitation of movement protocol” are very obvious. It suggests that in more areas than one, the newer protocol is a diluted version of its predecessor. The new facilitation protocol only speaks to visa-free entry for half the period that the previous one did. It speaks very little of a regional framework on the control at borders. Further, the infrastructure structure as suggested by the newer protocol engages a more security-based approach by being composed of ministers of security instead of those of immigration as the previous protocol would have advocated for. This reiterates the position that was held by South Africa in guiding this newer protocol to provisions that were more desirable for it as suggested by Mudungwe (2015) in the literature.

### 3.3 Varying Border Procedures

**Figure 1**

*Countries that Border South Africa*



Source: (Howe & Howe, 2023)

The borders of the SADC region are many and vary regarding infrastructure and operations. Some of the border posts operate for 24 hours allowing for the passage of travellers throughout the day, while others operate on average during the working hours of 08h00 and 16h00. Each border has requirements that are regulated by the country's immigration policy. SADC members need to present their passports at borders to gain access to other SADC states. The varied required documents of member states stem from the fact that there is currently no singular document for travelling between member states. The literature submits that SADC could learn from other RECS in advancing the free movement of persons in SADC. (Oucho & Odipo 2017), use the EAC as a benchmark that SADC could learn from. The EAC are said to have adopted a common market approach towards free movement, to the extent that there is a common passport between their member states. The introduction of harmonised travel documentation has assisted the EAC with its regional integration agenda, and practicing the same could advance regional integration regarding the free movement of persons in the SADC region.

The advancements in border crossing have allowed for the introduction of one-stop border posts (OSBP) in certain areas in the SADC region. One of these is the Kazungula Bridge, a One Stop Border Posts between Botswana

and Zambia which launched in May 2021, and aimed at reducing congestion at the border crossings between the two countries (AUC, 2021). This development has allowed for the processing of travellers' documents to happen once, instead of the traditional two-time passport checks that ordinarily take place at each border. The Kazungula OSBP showcases the importance of borders for free trade and the movement of persons. The bridge has the potential to relieve congestion from other routes. In the literature, Nshimbi (2014) describe that South Africa has long established bilateral agreements and joint commission cooperations with each of its neighbouring countries. These deem the regional framework for free movement unfavourable allowing free movement to be continuously guided by the bilateral agreements. This has left free movement to be guided by varying agreements that work between the countries in agreement. This reiterates the position of South Africa guiding a rhetoric of free movement of persons through predetermined actions in their favour, which invalidate the protocol that would make a regional framework effective in the SADC region.

The varying border procedures regarding the operating hours of borders in the region and the documentation required to facilitate movement have stifled the movement of persons within SADC. These advancements in the development of OSBP have created a progressive path for free movement but is still based largely on bilateral agreements between member states.

The study revealed that the hegemony of South Africa has played a significant role in shaping the status of the free movement of persons in the region. The visa policies in the region are led mostly by bilateral agreements between member states instead of being guided by a regional framework. As such, these agreements have led to unbalanced and nonmutual relationships. South has negotiated for its citizens to be able to travel visa-free to 13 SADC member states and receive a visa on arrival in Comoros and Madagascar, while only needing a visa to enter the DRC. The lack of a regional framework regulating visa policies in the region has meant that they are often based on reciprocity which creates fluctuations in the visa policies in the region.

Furthermore, the study assessed South Africa's role in the ratification of the Protocol on the Facilitation of Movement of Persons. The study revealed that the protocol that exists today embodies South Africa's wishes for what free movement in the region should look like. South Africa has ratified this protocol along with other members of SACU, which it closely trades with. South Africa had previously refused to endorse versions of the protocol which demanded progressive free movement. These reservations created negative perceptions on the concept of free movement in the region, which has had long-standing effects on other member states. To date, the Protocol on the Facilitation of Free Movement of Persons in the SADC region has not come into effect due to insufficient ratification numbers. The security threats that have been attached to free movement in SADC have made the regional instrument undesirable. The movement in the region is now being regulated by bilateral agreements.

Lastly, the border procedures in SADC were evaluated against the influence that South Africa has had on shaping them. Again, it was evident that South Africa has a preference for bilateral agreements than a regional framework. This is evident in the varying procedures that exist in managing the borders in the SADC region. It is also revealed that there is no regional travelling instrument in the SADC region, which makes free movement more restricted than it is in the other RECs of the African continent.

#### IV. CONCLUSIONS

Free movement of persons in the SADC region remains with a lot yet to be done. The challenges the region faces stem from a long period of resistance by certain member states. The ratification of the Protocol on the Facilitation of Movement of Persons would stimulate progressive steps in a direction leading the region to advance in that regard. The hegemony of South Africa by using its impact in shaping the status of the free movement could further take positive steps in transforming the position of where the free movement is today. Countries that rely on South Africa such as those in the SACU bloc have aligned themselves well with South Africa's position. However, they could further advocate for the ratification of the protocol for it to come into effect.

The bilateral agreements that dominate the SADC region are another hurdle towards the advancement of free movement. The harmonisation of the different agreements and cooperation documents into a single regional framework that could guide free movement in the region would allow for the advancements of border procedures that are in unison following the regional framework. In this regard, member states in the SADC region need to play an active role in participating to move regional protocols forward by ratifying them.

The SADC Secretariat as an administrator of every affair for the member states of SADC and its regional agenda could assist further by avoiding securitising the protocol and the perceptions around it. The protocol is currently administered under the Directorate of the Organ on Politics, Defence and Security Affairs which creates wrongful





impressions that migration is a matter that threatens national security, fueling the first negative perceptions that South Africa had placed in the minds of member states at the preliminary phases of the protocol coming into being. As SADC's regional agenda has advanced, other directorates have emerged within the region. There is an opportunity for the housing of the Protocol on the Facilitation of Movement of Persons by those that coordinate regional integration activity such as the Directorate on Policy, Planning, and Resource Mobilisation, which would ease any assumptions that migration is a matter of national security rather than one of regional integration advancement.

## V. RECOMMENDATIONS

### 5.1 Recommendations to SADC Member States

SADC Member states in their endeavour to bring the region together as described in the strategic documents that have been signed could make a larger effort towards the prioritisation of free movement of persons. They could synchronise the protocols that they are ratifying to ensure that they are aligned with the agenda for free movement. Member states that have ratified other protocols, such as the Protocol on Trade in Services and The Protocol on Tourism may consider the ratification of the Free Movement Protocol as they speak to the aspects of movement within the region. To change the negative perceptions in member states, there could be awareness-building exercises that are undertaken to ensure that citizens of all member states understand the free movement of persons as it relates to regional integration and the benefits thereof. The negative perceptions can be curbed by awareness raising on SADC as an organisation that is meant to enhance the lives of ordinary citizens in the region. The awareness can further go on to highlight what regional integration is and the chances of its progression being beneficial at the national level.

In terms of the bilateral agreements that are being signed concerning migration, member states could plan their pooling strategy to have a more regional outlook on decisions that are being made instead of bilateral ones. The decision to do so could further cultivate a culture of ratifying regional agreements that would guide the framework to free movement framework.

### 5.2 Recommendations to the SADC Secretariat

Through the instruments that promote integration in the SADC region, such as the RISDP, the Agenda 2030 and the SADC Vision 2050, the SADC Secretariat could coordinate and promote the ratification of protocols that have been pending. Monitoring these protocols and facilitating their effective implementation through capacity building in the member states would advance the move towards freer movement in the region. By highlighting the benefits that come with free movement, it could better place its ratification as a priority area in the next phases of execution of the regional integration agenda. The SADC Secretariat through the organisations that fund the agenda could additionally create public awareness in the member states and ensure that those countries are sensitized on the importance of free movement of persons as prescribed in the SADC Treaty and other instruments.

The SADC Secretariat could further consider the relocation of the Protocol on the Facilitation of Movement of Persons to the Directorate on Policy, Planning, and Resource Mobilisation to direct it towards more regional integration-focused support rather than housing it under an Organ that deals with more Peace and Security issues. In this way, the efforts by the Secretariat to drive the regional integration agenda as prescribed in its instruments will be more focused on regional integration promotion instead of security and peacekeeping.

To further enhance knowledge management, the SADC Secretariat could consider regularly updating its website and publication availability to better inform the status of the protocols of the region. The website is regularly updated in certain aspects, however, a holistic protocol management system that could update the status of ratification of protocols, and their implementation would advance the efforts towards achieving the RECs goals.

### 5.3 Recommendations to International Cooperating Partners (ICPs)

Some organisations support SADC in the drive to advance regional integration. Organisations such as GIZ have steered the restructuring of SADC national structures to align them with the prescriptions of the SADC Treaty. Such organizations could make the free movement of persons a priority area in their financial support. This could be done by better capacitating member states in the knowledge, awareness, and skills building of what free movement in the region could help to achieve. The support of such organisations would facilitate the Member states to make informed decisions about the benefits that would come with the ratification of the free movement protocol.



#### 5.4 Recommendations to Learning Institutions and Academicians

The SADC region has a limited number of institutions that offer study programmes on regional institutions. The learning institutions in the region may consider offering such programmes to enable the cultivation of more knowledge on the matter. This would ensure that the region is producing graduates who could contribute to the development of regional integration as they penetrate the labour market. Furthermore, this would ensure the sustainability of citizens trained in regional integration and all its nuances.

To increase the literature on the free movement of persons between SADC countries, academicians may perhaps focus on producing more research on the subject matter. The more research that is conducted the more it could shed light that the status of free movement of persons in the SADC region is not advancing to the expected levels prescribed in its treaty which could inform the decision of member states to ratify the protocol at a faster rate.

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