

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

PARLIAMENTARY DIPLOMACY AND REGIONAL INTEGRATION: A CASE
STUDY OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

SERAH C.W. WACHIRA

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SUPERVISOR:

Dr. PATRICK MALUKI

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DECLARATION

I, Serah Caroline Wachuka Wachira hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Signed Date

WACHIRA SERAH C. WACHUKA

This project has been submitted for examination with my approval as University Supervisor;

Signed Date

Dr. PATRICK MALUKI

DEDICATION

I wish to dedicate my work to two very supportive men in my life; dad and my fiancée. For your unconditional love, words of encouragement and financial support, may God bless you abundantly. I would not have made it this far without you two. You're cherished!

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ABSTRACT

This study focused on parliamentary diplomacy and regional integration and specifically on the role of the East African Legislative Assembly (EALA) within the East African region. Parliamentary diplomacy is a relatively new aspect of International Relations and within the East African Community (EAC) it takes place within the regions assembly, EALA. However, while implementing its mandate, the EALA Members of Parliament (MP) get stuck in between a rock and a hard place, not knowing whether to prioritize the regions interests or their national foreign policies. The MPs tend to be national loyalists more than representatives of the regional body whose overall interests they are expected to find solutions for, through their oversight, legislation and representation roles. With that in mind, a research to fulfil the objectives of examining the role of parliamentary diplomacy in enhancing regional integration, evaluating the conduct of parliamentary diplomacy in East Africa and analyzing the role of EALA in enhancing regional integration within East Africa was necessary. This scenario is best explained using the realism theory explained by Hans Morgenthau and Thomas Hobbes whereby they posit that states' national interests are their priority and advancing their interests is their priority even within regional organizations. A combination of a close ended and an open questionnaire was used to collect data from a sample size determined through snowballing. Ultimately, it was true from the data collected in the field within the East African region that EALA MPs' priority is their national interests and are more loyal to their sending states than the regional body. This is what led to a recommendation of an amendment of both the EAC Treaty and that establishing EALA in order to change their nomination process since it is the root cause of their allegiance to their executive and political parties. The research work was very important since it verified the problem statement and proposed a change to the status quo.

ABBREVIATIONS

ACP-EU JPA	African, Caribbean, Pacific- European Union Joint Parliamentary Assembly
AU	African Union
AIPA	ASEAN Inter-Parliamentary Assembly
ASEAN	Association of South East Asian Nations
BSEC	Black Sea Economic Cooperation
BRICS	Brazil, Russia, India, China and South Africa
CPST	Centre for Parliamentary Services and Training
CoR	Committee of the Regions
CPA	Commonwealth Parliamentary Association
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
EA	East Africa
EALA	East African Legislative Assembly
EAC	East African Community
EAC	East African Cooperation
ECOWAS	Economic Community of West African States
EEC	European Economic Community
EU	European Union
IGO	Inter-Governmental Organization
IMF	International Monetary Fund
IPU	Inter-Parliamentary Union
KANU	Kenya African National Union
MP	Member of Parliament

MCDA	Ministries, Counties, Departments and Agencies
NGO	Non-Governmental Organization
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PAP	Pan African Parliament
PGA	Parliamentarians for Global Action
SADC-PF	Southern African Development Community Parliamentary Forum
SIG	Special Interest Groups
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commission for Refugees
USA	United States of America
WB	World Bank
WTO	World Trade Organization

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CHAPTER ONE

1.0 Introduction and Background to the study

Regional integration according to Helda Heinomen refers to a process in which states engage themselves in cooperation with other states which will bring them all the time close together.¹

The European Economic Community (EEC) charter also defines regional integration as laying the foundation of an ever closer union among the peoples of Europe.² States with such an arrangement are therefore brought together by common interest which they are optimistic about working together to achieve.

Parliamentary diplomacy on the other hand has no specific definition but can be referred to as a process whereby national parliaments take part in the duties and actions of a foreign environment. It is interdisciplinary in scope and can be approached in two levels of analysis. The first, related to its legal nature, deals with the examination of the institutional competence of regulated Parliaments in the area of international relations of the country. The second level is related to its political nature which refers to the broader political role of Parliaments in the implementation and formulation of a country's foreign policy. Combining both levels introduces an initial description of parliamentary diplomacy as the activities carried out by Parliaments in international relations, both within the limits of institutional competence and as a central factor of internal political scene.

The East African Community (EAC) is a regional Intergovernmental organization with six partner states, namely Kenya, Uganda, Tanzania, Rwanda, Burundi and recently South Sudan. This organization has had a long history. It was previously known as the East African Cooperation (EAC) and comprised of three partner states; Kenya, Uganda and Tanzania, who came together as a result of the close relationship between them. The East African

¹ www.helda.helsinki.fi 2006

² Preamble of the European Economic Community

Cooperation was only operational from 1967 to 1977, due to the various disagreements the members had, such as unequal distribution of resources, dominance by a single party in all their shared sectors among others and this led to bad blood among them and eventually a dissolution of the organization.

After seven years of hiatus, in 1984 they formed a tripartite negotiation agreement that was to oversee sharing of the assets and liabilities of the former EAC and to explore possible areas of future cooperation among them. This agreement led to further mediations among the three heads of states and a Permanent Tripartite Commission for the East African Cooperation that comprised the three members and was established on 30th November 1993 and its secretariat officially launched in Arusha Tanzania on 14th March 1996. There still was need of strengthening the agreement and therefore, the presidents directed the Permanent Tripartite Commission for the East African Cooperation to begin a process that would upgrade it into a treaty. The process took three years, involving wide consultations including members of the public of the three partner states and officially signed and ratified it on 30th November 1999 and 7th July 2000 respectively.

The current EAC has made a great milestone in its integration process since its formation, among them the inauguration of the East African Legislative Assembly (EALA) on 30th November 2001. The regional bloc operates under seven organs which help it achieve its mandate. The organs include The Summit, The Council of Ministers, The Coordinating Committee, Secretoral Committees, The East African Court of Justice, the East African Legislative Assembly and the Secretariat. Each of the five partner states has a Ministry that deals with and coordinates EAC affairs with other Ministries, Counties, Departments and Agencies (MCDAs) in their country.

The East African Legislative Assembly is an organ established under article 9 of the EAC Treaty and is the legislative organ of the regional organization. It performs the mandate of oversight, representation and legislation of all EAC affairs. The Assembly comprises of fifty two members who are nine legislators from each partner state and seven ex-officio members who are Ministers or Cabinet Secretaries in charge of EAC affairs from each partner state, the Secretary General and the Counsel to the Community.³ It operates under six standing committees which include the Accounts Committee, the Committee on Legal, Rules and Privileges, the Committee on Agriculture, Tourism and Natural Resources, the Committee on Communication, Trade and Investment, Committee on Regional Affairs and Conflict Resolution and finally the Committee on General Purpose.⁴ The assembly is also allowed to establish any other committee if it deems necessary that will assist in the implementation of its mandate.⁵

It is in its representative role that the assembly represents parliamentary diplomacy since national parliaments of member states both in their capacities of institutional competence and as a central factor of internal political scene take part in the international relations of EAC member states.

1.1 Statement of the research problem

EALA members are drawn from all the six partner states and are meant to represent the interests of the regional bloc on matters legislation. However, there arises conflict of interest between whether to prioritize EAC interests or align their mandate to their states' foreign policies. Their appointment is a political reward from their political parties, both the government and opposition side and once passed by their National Assemblies, it becomes automatic that allegiance will be paid to their states before considering the interest of EAC.

³ www.eala.org

⁴ EALA Rules of Procedure

⁵ Article 49(e), The Treaty of the Establishment of the EAC

Before any Bill is proposed in the House, its mover first ensures it favors its state and is almost sure that it will not be passed by the majority if it does not favor their countries. This therefore means that all the Bills passed are not after improving the quality of Regional Integration within EAC but deliberate on favoring the majority of the member states and therefore no independent regional integration interests debated and passed in the house for the betterment of the bloc, but only to favor the majority of the EAC member states. Lack of independence and neutrality of the EALA MPs in the execution of their legislative mandate leaves a beg for the question of who then is after the interests of the bloc?

1.2 Research Questions

1. Is EALA a neutral EAC organ?
2. How can EALA MPs' loyalty to the EAC be improved?

1.3 Objectives

This study's objectives are;

1. Examine the role of Parliamentary Diplomacy in enhancing Regional Cooperation
2. Evaluate the conduct of Parliamentary Diplomacy in East Africa
3. Analyze the role of EALA in enhancing Regional Integration in East Africa

1.4 Justification

Not so much research work has been done in this area and therefore how it formed a basis for researching in the area. The challenge of independence and neutrality of EALA MPs is one that ultimately influences the quality of Bills and Acts that are there within the EAC regional bloc and therefore affecting the regional integration. This study is therefore academically justified since it is among the pioneer researches carried out in this field not only in Kenya but in Africa as a whole. This is because apart from not being researched on, other African

regional blocs have so much to borrow from EAC and carrying out research work on the legislative body will only make better its effectiveness.

Policy justification is the second reason that validated the work. The research findings on the independence of the MPs in the legislative body will help in the provision of direction on the attainment of neutrality as far as the execution of their mandate is concerned. Best practices in the sustenance of neutrality was studied culminating into a value addition roadmap that will assist the members of parliament in their legislation duty.

1.5 Literature review

Diplomacy has evolved over the centuries since the early second millennium Before Christ in Western Asia whereby diplomatic missions were entrusted to special envoys with ambassadorial functions.⁶ Such were chosen from high officers of administrations by the heads of states then and were termed as messengers. Despite the evolution, some aspects of diplomacy have been maintained to date by states which among them include the ambassadors being representatives of their sending states to go and advocate for their foreign interests in the receiving states. They were expected to remain loyal to their bosses and not allow to be manipulated by in order to shift their focus while at their destination. Being selected from high level government officers was also a strategic move since these are the people who were familiar with the operations of their government and knew exactly would be good and bad for their homeland. Diplomacy then emerged to serve systems of exchange as kings were after exchanging of goods, services, warriors and wives.⁷ It was less of policy oriented as it is now and this made the requests short term and more of individualistic for the royal families other than the states at large.

⁶ Christer, J & Langhorne, R, *Diplomacy*, (London: SAGE Publications, 2008). P. 25

⁷ Ibid P. 51

The evolution of world systems has brought about major trends including among others a change in the global actor which is the state. Some scholars argue that the role of states is declining and other actors have played a major role in the international system, mainly quoting regional organizations.⁸ There has been an increased number and importance of international organizations, multinational corporations and other international actors. An example is the United Nations, which is on the forefront working towards order in the international arena. The increased international interaction and interdependence is what is slowly eroding the sovereignty of states.⁹ This clearly explains the important role regional integration is playing in the world today.

Interdependence is the expanded foreign policy agenda.¹⁰ This has been cause by the economic problems arising from trade, investment and money which are aspects that have become a priority in foreign policy. This has been caused by the explosive expansion of health, science, management, information, knowledge, skills, communication, demands, possibilities and frustrations.¹¹ Top diplomats in the contemporary international system now feel that interdependence agenda has moved from the bottom of priorities to the top since it mitigates such issues and states providing solutions to their neighbors with an ultimate result of economic growth since it is all done at a fee. This new agenda is what is bringing rise into regional organizations that are ending up to promote parliamentary diplomacy.

Historical origins of states, their political systems and their overall position in the international field determine their foreign policy and the role of their parliament. Parameters such as the existing form of government defines the role and authorities of various institutions. Several authors consider that one-party or authoritarian regimes act in foreign policy in a more or less arbitrary manner, undisturbed by any internal reactions. Some others

⁸ Rourke, J, *International Politics on the World Stage*, (USA: Dushkin Publishing Group, 2000). P. 34

⁹ *ibid*

¹⁰ Broomfield, L, *The Foreign Policy Process: A Modern Primer* (USA: Prentice-Hall, 1982). P. 21

¹¹ *Ibid* P. 22

argue that in democratic regimes the powers of legislators are substantial, since the possibilities of governmental control are wider. However, they are quick to add that parliaments are more vulnerable to handling foreign affairs, internal pressure of public opinion, the need for transparency, and great influence of the media.

Foreign policy is mainly exercised by the executive arm of a government, in a way more or less monopolistic, as a remnant of the culture of absolutism and centralism. The political forces agree on foreign policy issues, so that their implementation will be more effective. In addition, the Parliament shows its interest through parliamentary control, frequent meetings of familiar committees and by enhancing the involvement of parliamentarians in foreign affairs in case they have transferred to similar government positions. Thus, there is convergence or divergence of Parliament by governmental choices.

A significant parameter influences the parliamentary diplomacy and is the essential content of its foreign policy, which is the national priorities and international weight of every country. Of course, countries with a high position in the international community emphasize both on the development of diplomatic services, and the relevant parliamentary committees. This category includes the U.S., which have developed very strong parliamentary congressional committees to monitor governmental options.

Intervention and involvement of Parliaments in foreign policy issues occurs at two levels: the institutional level, which occurs in three particular contexts namely the legislative process, under the usual parliamentary control and within the broader political role. This happens in the legislative process with the ratification of international treaties and enactment of laws relating to the sovereignty, security, and state security. The use of means at their disposal such as, the preliminary, committees and censure is what is used under the usual parliamentary control and within the broader political role it is done through the holding of

meetings and discussions on foreign affairs on various occasions for instance by submission of program statements, pre-agenda discussion and approval of the budget. The second level is at the diplomatic level which has four areas of intervention of the Parliaments. The first is in bilateral diplomacy, which aims to strengthen cooperation with other Parliaments and thus to strengthen the ties of people. The development of this sector contributes to the broader strengthening of relations between Greece and other countries. The second in multilateral diplomacy, which is developed in Parliaments through parliamentary delegations, either in parliamentary meetings of international organizations such as the Council of Europe, the North Atlantic Treaty Organization (NATO), Organization for Security and Co-operation in Europe (OSCE) , Black Sea Economic Cooperation (BSEC), or in international parliamentary bodies like the Inter-Parliamentary Assembly on Orthodoxy, in conference diplomacy usually held at the level of Presidents of Parliaments and parliamentary delegations and meet the needs of both bilateral and multilateral diplomacy. Such meetings are regional in nature for instance in the Mediterranean, Balkans, Ionian Sea and Central Europe or focus on topics such as organized crime and human rights. The third is in European meetings, which may resemble those of diplomatic conferences, but have a peculiar character. They operate in a manner more or less institutionalized in practice and in the procedures and practices of the European Union for instance conferences of Presidents of Parliament, meetings of European Affairs Committees of Parliaments, and in the Inter-parliamentary Friendship Groups. Last but not least is at the World Hellenic Inter-Parliamentary Union (P.A.D.E.E) of Greek nationality association composed of ethnic Greek parliamentarians around the world. It is therefore evident that parliamentary diplomacy is a brainchild of regional integration.

Jean Monnet, the Chair of the European Comparative Politics in 2002 listed the various practical examples of parliamentary diplomacy. First, is how the activities of national parliaments have become increasingly internationalized. For instance, technical committees

such as the agricultural or education committees of most national parliaments have become more involved in international affairs in recent years. In the case of the national parliaments of the European Union member states, such a trend has been reinforced through the process of integration, in particular the institutionalisation of the specialised committees in European Community affairs (COSAC) system. Globalization of world politics has further strengthened this development with increased parliamentary inputs in the activities of institutions such as the World Bank, the International Monetary Fund and the World Trade Organisation. There is even now talk of the need to set up a world parliament. He mentioned arguments put forward by Professors Richard Falk of Princeton University and Andrew Strauss of Widener University School of Law in their International Herald Tribune article dated 19 April 2002. They proposed the next global parliament be linked to the UN but would not be a substitute for the General Assembly which, as is well known, is not a parliamentary institution.

Second, he mentioned that one should also add an increased number of non-national parliaments, mainly regional (i.e. sub-national parliamentary bodies such as the Catalan Parliament, the Scottish Parliament, or the Quebec Parliament) which also possess an international role. This is an important development, which exists throughout the world. In Europe, these regional parliaments appear to gain more collective power within the EU not only because of the wider European integration process, but also because of their impact on the EU institutions themselves. Thus, for the past decades, there existed a Committee of the Regions (CoR) in the EU. Under the new Treaty of Nice which has now been ratified following the second Irish referendum in October 2002, CoR members must either hold a regional or local authority electoral mandate or be politically accountable for an elected assembly.¹²

¹² www.cor.eu.int/corz108.htm- printed, 1 November 2002

Third, a list below presents a large number of parliamentary bodies that have mushroomed over the years. It offers evidence for the claim that diplomatic cooperation at the parliamentary level has been complemented by a number of bodies that deal exclusively with international affairs. Last but not least is the fourth, a number of new worldwide parliamentary bodies and parliamentarians have appeared to heavily rely on modern technology, and in particular on the internet (websites). For instance are two such examples: Earth Action which has set up an electronic-Parliament (e-parliament) with the objective of linking up existing [democratically elected] legislators into a democratic global body on the internet which will engage with citizens movements.¹³ It claims to be able to link 25,000 democratically-elected legislators representing 60% of humanity. The second example is the Parliamentarians for Global Action (PGA), which is a unique network of 1,300 members of parliament throughout the world.¹⁴

Another issue worth noting is that there are a number of organizations and other associations that use the term 'parliament' but have nothing to do with parliaments at all. For instance the 'Balkan Parliament' which consists of students, academics and businessmen, the 'European Youth Parliament' which is an organization promoting European issues among young people, and the 'International Youth Parliament' which is an Oxfam-based network of young leaders from 150 countries. Other similar examples of the mis-use of the term parliaments would include the Naas Youth Parliament, the World's Parliament of Religions, the Parliamentary Forum on the International Conference on Financing for Development and the Council for a Parliament of World Religions

Intergovernmental organizations (IGO) should be independent international actors. They are expected to develop strong and relatively permanent staff whose role is to increase the role

¹³ www.earthaction.org/e-parl/index.htm, 3rd March 2002

¹⁴ www.pgaction.org

and authority of the regional body. According to Rourke, the staff's views may differ with those of the member states.¹⁵ This view leaves a beg for the question of whether this is what really happens in those organizations and specifically if those members are independent. Do the IGO's force exceed those of individual member states and are they forces unto themselves? In most cases, IGOs independence is intended and stipulated in their charters but is this really the case? An example is how the United Nations (UN) Charter directs that the Secretary General or any of his or her staff "shall not seek or receive instructions from any government or from any other authority external to the organization".¹⁶

Parliamentary diplomacy should bring out clearly the role of the member states executives Vis a Vis the role of the regional legislative bodies. At the European Union for instance, there is trouble when it comes to the conciliation stage of unanimity requirement in the Council and the co-decision procedure.¹⁷ This scenario brings out the differences between the council, which is the executive arm of the union, and the European Parliament on several matters such as institutional matters, consumer protection, health and social policy.¹⁸ From that, it is clear that the legislative body is a strong independent organ of the European Union and does not at all depend on the executive to be told what to do. Once the legislatures deliberate on issues, they do so independent of their member states but prime focus on what suits the European Union as a regional body, which is what should be the case.

Parliamentary diplomacy has been in existence in Africa for over two decades now. The Pan-African Parliament (PAP) is a good example of a legislative body that promotes diplomacy among its member states. Being one of the nine organs of outlined in the Treaty Establishing the African Economic Community of 1991, PAP's role is to ensure full participation of

¹⁵ International Politics on the World Stage, P. 317

¹⁶ Article 100 of the United Nations Charter

¹⁷ European Commission, *General Report on the activities of the European Union* 1997 P. 400

¹⁸ *ibid*

African peoples in the development and economic integration of the continent.¹⁹ It creates a platform for all African states to discuss and make decisions on the problems and challenges facing the continent.²⁰ This platform brings together legislatures from all AU member states to deliberate on international matters affecting them and there for becomes an act of parliamentary diplomacy as defined earlier. It is a way of promoting regional integration within the African region since it is obvious that matters of mutual concern are deliberated in that platform. However, the challenge of independence also comes in since in most of the cases, issues to be deliberated upon are raised regionally, which is called caucuses and ultimately voting also following the same route. According to the organ's rules of procedure, each region should form a regional caucus composed of its members²¹ and this automatically leads to motions being moved according to the issues favoring the different caucuses.

Within Africa, South Africa is a force to reckon with in terms of taking part in Parliamentary diplomacy. In pursuit of its role in international relations, cooperation and participation, the Parliament of the Republic of South Africa is a member of a number of inter-parliamentary organizations. They include the Southern African Development Community Parliamentary Forum (SADC-PF), Pan African Parliament (PAP), African, Caribbean, Pacific-European Union Joint Parliamentary Assembly (ACP-EU JPA), Inter-Parliamentary Union (IPU); Commonwealth Parliamentary Association (CPA) and India, Brazil, South Africa Parliamentary Forum (IBSA-PF). Currently it is taking part in the formation of the Brazil, Russia, India, China and South Africa – Parliamentary Forum (BRICS - PF).²² Its parliament's affiliation and participation in these organizations is driven by the need to uphold universal values and principles of democracy, respect for human rights and

¹⁹ Article 17 of the AU Constitutive

²⁰ www.au.int/en/organs/pap

²¹ Role 83 of the PAP Rules of Procedure

²² www.parliament.gov.za

international law as well as the need to reinforce South Africa's foreign policy objectives, at the level of international parliamentary fora.

A better coordination between governmental diplomacy and parliamentary diplomacy is of paramount importance. The only way to take advantage of MPs leverages in coping with crises and conflicts is to maintain a permanent contact between the international and national governmental and parliamentary institutions, to keep each other informed, in order to achieve the optimum burden-sharing and to strictly harmonize action.²³ Parliamentary diplomacy creates the opportunity for two or more parliaments as institutions or independent MPs to conduct dialogue on key international issues. And this tends to give another dimension to international politics in terms of morality and entertaining diversity.

The Association of South East Asian Nations (ASEAN) is a regional organization that also found the need of parliamentary diplomacy.²⁴ They have an ASEAN Inter-Parliamentary Assembly (AIPA) whose secretariat seats in Iran. It is a way of promoting regional integration amongst the South East Asian states and debate and pass bills and resolutions on matters of mutual concern.

Within the East African region, the EAC is the dominant regional bloc and one that engages in parliamentary diplomacy through EALA which has representatives from all its 6 partner states. Parliamentary diplomacy takes place through selection of nine members from each partner state and making them representatives in the legislative body at Arusha, which is where its secretariat sits, to debate and deliberate on international issues affecting them. However, from the onset, the assembly proved to have a problematic integration relationship more so with the other national assemblies. Investigation into the functioning of the body during the first years of operation proved that there was a high level of non-cooperation

²³ www.turkishdailynews.com , 11 November 2001

²⁴ www.asianparliament.org

among the parliament and the national assemblies. This was in part formed by the inward looking nature of the politics in the region²⁵. The only significant bill that the assembly had managed to pass in the four years since its establishment was on customs management. Attempts to use the body for increased regional integration however resumed with the most of the efforts centered on the development of inter-parliamentary liaison committees aimed at the increment of the overall level of effectiveness, efficiency and representation in the region. However, it is evident that the body with only sixty sittings per year has been able to create bills that cover the needs of the member states. This can be perceived as a way of increasing the overall level of representation as well as integration²⁶. The bills that it has considered touch on the mutual transport, customs management amendment, civil aviation, health, common language, science and technology as well as appropriations. These bills indicate a movement towards consideration of the common problems and invention of the most innovative solutions. The ability to consider the common issues underscores the relevance of the legislative body as far as the increment of the regional integration is concerned.

While performing its legislative role, there has been a conflict of interest among the EALA members of whether to promote the interest of the Community as a whole or their state interests, which vary depending on what favours which state. This dilemma therefore translates into compromised quality of bills passed and therefore also affecting the regional integration among member states. Most of the bills come from the council of ministers as opposed to the legislators²⁷. This means that the national agendas of the individual member states may take precedence as opposed to the community needs.

²⁵ Nzioki, T., & Tostensen, A, *Fast-tracking East African Integration. Assessing the Feasibility of a Political Federation by 2010*. (Michelsen Institute. 2005)

²⁶ Tusasirwe, B., *Constitutionalism In East Africa: Progress, Challenges And Prospects In 2003* (Vol. 5),(Fountain Publishers,2005)

²⁷ Mdachi, L. M., *Regional Integration and People-Centeredness; An Assessment of the Mechanisms for Popular Involvement in the Decision-Making of the East African Community*. (2014).

In executing its oversight, legislative and representation role, article 48 of the EAC Treaty is very clear on how election of the EALA MPs should be done.²⁸ Five should come from the government side and four from the opposition, bearing in mind gender balance and people from the Special Interest Groups (SIG). However, the procedures to be followed in the conduction of the elections of those members from their political parties is not well defined hence the ambiguity. It would be more people centered and therefore more accountable if the members are elected by the national electorates, unlike the political rewarding that take place, regardless of merit. There is a need to consider the role of the members in relation to the assemblies that elect them. There would also be more people centered integration in the region if the members had the responsibility of reporting to the national assemblies on a regular basis. However, with the process as it is, some scholars have still argued that the law making process that the body engages in has ensured that the laws that it passes are central to the regional integration and not biased on the individual member states that it favors.²⁹

1.6 Theoretical framework

Realism is the best theory to explain the EALA members' dependence on their sending states. Hans Morgenthau and Thomas Hobbes are said to be the fathers of this theory. Realism brings out the nature of the state to being prone to what Hobbes refers to as 'bellum omnium contra omnes' to mean the war of all against all.³⁰ He further specifically breaks down the nature of states as the international system being anarchical in nature due to all states being equal and none more superior to the other and their foreign policies largely dedicated to ensuring pursuit of national interests and maintaining national survival. This therefore means that however much states engage in regional integration, such have very little influence on

²⁸ *ibid*

²⁹ Abdirahin, A., *A functioning legislature*. EAC. PDF, (2010).

³⁰ Hobbes, T. and Gaskin, J., C. A. (1998). *Leviathan*, Oxford: Oxford University Press

the member states as all of them get onboard due to their national gains in their interactions. Hobbes insists that human's greatest instinct is his self-preservation. According to Morgenthau, the social world is just a reflection of human nature since anarchy prevails in their interaction and each one of them is after the best for themselves first.³¹

According to the realism tenets, it is the same situation at EALA whereby priority of its members' interests are foreign policies of their sending states. Members move motions and support bills according to what suits their state's interests and this therefore means that member states' interests are the driving factors of the quality of EAC regional integration but not what suits EAC as a regional bloc. On the other hand, all EAC member states are equal and none is above the other, which gives the freedom for representatives of member states supporting and not supporting specific issues according to how they think suits their states and no one to coerce them into any direction.

1.7 Hypothesis

The following are the hypotheses the study undertook to prove;

1. State dependency of EALA members affects the quality of regional integration within EAC
2. The quality of regional integration within EAC is not affected by state dependency of EALA members
3. State dependency of EALA members has had no effect on the quality of regional integration within EAC

³¹ Morgenthau, H. J. (1948). *Politics Among Nations: The struggle for power and peace*, New York: A. A Knopf

1.8 Methodology

In this study, both primary and secondary data was used as sources of information. Trips to the field were made in a bid to collect primary data. A combination of both a close and open-ended questionnaire discussed and approved by the supervisor for reliability and validity reasons was administered to at least three immediate former EALA MPs in Kenya since currently the country does not have representatives to the parliament due to the 11th parliament closing business for elections before approving lists presented to it by both the government and opposition political parties. Incumbent EALA MPs from three other EAC member states were also interviewed both electronically and physically in their countries since the EALA speaker halted the activities of the house due to absent Kenyan representatives and therefore they're not in session in Arusha. The researcher was also lucky to interview the speaker of the Assembly, Hon. Daniel Kidega who gave very strong opinions. The four countries engaged represented a majority of the EAC member states, six, and therefore brought out a clear picture of the information that was required in the study. The EAC-EALA liaison officer at the Kenyan Ministry of EAC was approached for a face to face interview. Two staffs from the Legislative and Procedural Services and from the library and research departments of EALA were also interviewed. This is because the latter represent the technical team of the parliament, and were therefore useful to the study in terms of the research and technical support that they give to the legislators. Two East African Business Council members were approached to give their opinion on the legislative members since they are implementers of some of the regulations they pass but did not get back. Two members of the Kenyan International business community exporting their goods within the East African region were also requested to fill the questionnaire too since they are directly affected by the legislative mandate of the EALA MPs but too did not fill and send back the questionnaires. A minimum of ten ordinary Kenyans were also approached to give their opinions on their contentment level of the regional MPs representing them.

Secondary research was conducted at the library in scholarly sources to find out how other regional and global legislative assemblies are striking the balance between the regional and their states' interests. A visit to the assembly's clerk was come in handy since he is the custodian of the assembly's documents which include but not limited to the Bills, Acts and Resolutions passed but during the three times visited he was either not in the office or was too engaged to give the information. Snowball type of sampling was used to identify any other relevant target population to either be interviewed or given the open ended questionnaires to fill. Data collected through this means was then manually analyzed and presented in pie charts.

The questionnaires were administered both physically and electronically and interviews also both physically and over the telephone. This helped cover for situations that either the interviewer and interviewee were both physically available or not and also saved time and resources for those not carried out physically. Data collected from the field was analyzed and presented in pie charts in order to clearly show the percentages of the variables.

Conclusive research design was used in the study since it it's a method aimed at providing conclusive answers, which is what the researcher was aiming at, in a bid of proving the hypotheses.

Snowballing sampling method was used to determine the target population. This was the best method to use due to the limited respondents familiar with the parliamentary diplomacy discipline. It is a non-probability sampling technique and the sample size is pin pointed from a population.

1.9 Ethical considerations

Several ethical considerations needed adhered to in the conduct of this study. One of them was assuring the respondents of being confidential with all the information they give. This is because quoting any of them to the media or any other inappropriate audience could have been against their wish and lead to unnecessary developments that would have been prevented by being discrete with information given.

Information from respondents should only be used for academic purposes in order to develop the field of knowledge by coming up with solutions to the problem statement and not for any other purpose unknown to them. This is because some details might be delicate and discrete and not for public consumption. On the other hand, some detailed information can work against the organization's reputation and public image, which is a negative thing for its development.

1.10 Scope and limitations

The scope of this study varied according to the type of data collected. Primary data was restricted to range from 2001 to 2017, which is the period that EALA has existed since it was formed immediately after the relaunch of the second EAC in 2000. It was also carried out within four East African Countries; Kenya, Rwanda, Tanzania and Burundi. However, secondary was limited to a period ranging from 1952 to 2017. 1952 is symbolic since it is when the first regional legislative assembly was formed, Common Assembly of the European Coal and Steel Community, now the European Union, which was later followed by other regional parliaments globally.

The researcher anticipated the study would be faced with a few challenges such as language barrier in Burundi who's widely spoken languages are French and Kirundi, despite English

being their official language.³² However, she was prepared to handle it by finding another researcher who speaks both French and English to interpret in the event that there could be a communication hitch during the interview. The other challenge was of the costly expenditure traversing the whole EAC region to find the EALA MPs to interview or fill questionnaires. This was however mitigated by sending them soft copies to fill and have phone call interviews with others. That was more cost effective and time saving unlike physically meeting all of them. Finding external travel documents was challenge due to time constraints but that was solved by the researcher getting them during the eleventh hour.

1.11 Chapter Outline

Chapter one introduced the topic and gave a background of the study. The specific research problem was covered after the background and the specific objectives of the study also included in the chapter. Justification of the study and literature review followed in the same chapter one and then the theoretical framework used and the study's hypothesis discussed respectively. The data collection methodology then followed and finally the ethical considerations looked at while carrying out the research, before the scope and limit of the work concluded that chapter. Chapter two examined the role of Parliamentary Diplomacy in enhancing Regional Cooperation which is in general the role EALA is playing within the East African region. Chapter three evaluated the conduct of Parliamentary Diplomacy in East Africa. In this chapter, the thematic concern was directly put into perspective within a locality with a view of getting information of how practicable it is on the ground. Analysis of the role of EALA in enhancing Regional Integration in East Africa was captured in the fourth chapter as the research was concluded with the study's summary, conclusion and recommendations in the final chapter.

³² www.iwacu-burundi.org-17/9/2014

CHAPTER TWO

THE ROLE OF PARLIAMENTARY DIPLOMACY IN ENHANCING REGIONAL COOPERATION

Parliamentary role in the process of regional and multilateral affairs has become more prominent as the line between national or domestic and foreign or international become overlapping and blurred.³³ This is because local affairs are now closely intertwined and determined by the international policies like international legal instruments, international businesses and many more aspects. Some countries, Kenya included, have a policy of once they ratify international agreements they automatically become listed in their national laws. This therefore means that such countries localize international matters and therefore leaving a very slim gap between international and local affairs.

The barriers between domestic and foreign policies have been challenged by the rise of globalization where domestic policies attract global dimensions.³⁴ Issues of global interest such as terrorism, climate change, financial crisis, diseases and pandemics have moved discussions from the argument of national interest to global interest. The barriers between domestic and foreign policies have been challenged by the rise of globalization where domestic policies attract global dimensions.³⁵ Issues of global interest such as terrorism, climate change, financial crisis, diseases and pandemics have moved discussions from the argument of national interest to global interest.

³³Kohl, Ernst (ed.), *World Directory of national parliamentary libraries*, 6th ed., 2 vols, Bonn, Deutscher Bundestag

³⁴Malamud, A and Stavridis, S (2011), *Parliaments and Parliamentarians as International Actors*, Farnham, Ashgate Publishing Limited.

³⁵Ibid.

Regional Integration has been on the rise in the recent past due to agreements between states that neighbor each other discovering their common interests as a region. However, a range of historical and structural factors limit their involvement in the regional organ. An example is the hesitation of Nigeria to legislatively take part in the Economic Community of West African States (ECOWAS) during its formation, despite being the region's hegemony.³⁶ This is because the Nigeria National Assembly was established as a deliberative body during the colonial times rather than a public policy making body. Its role was entirely advisory and this again could only be given within certain limits, in accordance with strict rules that had been set out by the colonialists.³⁷ This therefore subjected the national legislative body into a difficult time of trying to adjust to its role post-independence and subsequently not being ready to be active in the regional bloc.

A 2006 International Parliamentary Union (IPU) report distinguishes the three different types of parliamentary cooperation at the international level. These are parliamentary diplomacy, inter-parliamentary cooperation and technical parliamentary cooperation.³⁸ This report explains the point that parliamentary diplomacy is more than just mere parliamentary cooperation since the latter is institutionalized with set out long terms agendas to be achieved by the elected representatives.

Parliamentary diplomacy is a relatively new form of diplomacy which has developed in the last decades as a result of the increasing role of national parliaments in international and foreign affairs.³⁹ International diplomatic duties play a crucial role in fostering international relations between national parliaments and this has emerged as another way through which international relations between states is enhanced. Parliaments engage in diplomacy through

³⁶ Nkwachukwu, J., *National Legislative Assemblies and African Regional Integration: The Role of the Nigerian Parliament in ECOWAS*, Dakar Senegal, Codesria

³⁷ Ibid.

³⁸ Stavridis, S., *Parliamentary Diplomacy: Any Lessons for Regional Parliaments?*

³⁹ Noulas, G (2011), *The role of Parliamentary Diplomacy in Foreign Policy*, Foreign Policy Journal, Michigan, Cross Village.

three main ways by; influencing foreign policy through parliaments, establishing parliaments as representative bodies of regional and international organizations and conducting diplomatic relations with the state as well as with other non-state actors.⁴⁰ Stavridis on the other hand lists out various examples of what he terms as parliamentary diplomacy as; the activities of multilateral international parliamentary organizations, bilateral parliamentary groups and in particular the so-called ‘friendship groups’, international agreements between parliaments, the activities of parliamentary foreign affairs committees, plenary sessions dealing with foreign policy questions and finally parliamentary participation in elections monitoring processes.⁴¹

Each country has different national policies when it comes to regional cooperation. If anything, national interest of any state supersede regional interests. This therefore poses a challenge when national parliaments are collaborating on a number of common goals such as security as each parliamentarian in the negotiation table strive to further the interest of the country or people they represent. This competitive position in most cases has led to stalling of processes on a number of important issues at the regional level since no representative is willing to drop the interests of his sending state.

Parliamentarians continue to attend international parliamentary conferences and workshops either as guests or officials in the host’s national parliaments. This form of exposure expand Parliamentarians horizon on a myriads of issues. This meeting of parliamentary focus groups at the regional levels encourages regional cooperation and is an important step in building likeminded individuals who have a wider global context on issues. The role of Parliament as a diplomatic actor is gaining prominences and should not be shelved as secondary. The diplomatic duties of this institution form part of the political institution and shapes its

⁴⁰Hamilton, K. and Langhorne, R. (1995), *The Practice of Diplomacy Its evolution, theory and administration*, UK, US: Routledge.

⁴¹ Stavridis, S., *Parliamentary Diplomacy: Any Lessons for Regional Parliaments?* P. 5

prospects. Therefore, the Parliamentarians should realize the significance of international diplomatic affairs strategies on international affairs and diplomatic duties and thus come up with way to achieve parliamentary diplomacy.⁴²

It is worth to note that the practice of parliamentary diplomacy is conducted through bilateral cooperation agreements between parliaments, bilateral friendship arrangements, parliamentary delegations, inter-parliamentary organizations, meetings between diplomatic officials and parliamentarians among other facets. Parliamentary diplomacy at the regional level may be conducted through forums such as Pan-African Parliaments in Africa and for countries in Europe through the Intra-European Union parliamentary diplomacy. The establishment of the Pan-African underpinned the importance of parliaments in regional cooperation for member states in the promotion of Pan-African economic, cultural and political integration. The protocol in Article 3, 11 and 18 envisages a greater role for regional parliaments. The European Parliament is a great example on how parliamentary diplomacy can be achieved through its involvement in international issues of democracy, good governance peace and development. Foreign policy involves a lot of reciprocity processes where one state will implement policies of another state which is more friendly or responsive to their own policies. This is a diplomatic practice which is in line with the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

The form of government whether it's democratic, federal, unitary or dictatorial influences how a state conducts parliamentary diplomacy.⁴³ The nature of parliamentary diplomacy must be in line with the nature of government to ensure that there is no misunderstandings arising from a conflict of interest between the national parliament and the state they represent.

⁴²Malamud, A and Stavridis, S (2011), *Parliaments and Parliamentarians as International Actors*, Farnham, Ashgate Publishing Limited.

⁴³ Ibid

States interdependence is done through a diplomatic process since peace is a key player for them to come into an agreement. According to an oxford dictionary, diplomacy refers to the management of international relations by negotiations while the Webster's dictionary defines it as the conduct of relations between nations. The common aspect worth noting from the two definitions is the intended peaceful international relations between states, which is what culminates into a regional organization arrangement. Adam Watson is quick to caution against perceiving diplomacy as a synonym of foreign policy⁴⁴ since a state's foreign policy is the agenda it seeks to achieve in its international relations while diplomacy is a means in which it seeks to achieve the said agenda. Not all foreign policies are achieved through diplomatic means since force can also be a tactic for a state to get what it wants, but the majority are. At the same time, not all diplomatic strategies end up positively. Some requests between states fail to be agreed upon and the diplomacy may turn out to use of force. A diplomatic mood is created once interested states have mutual interests with each other and know that the gains are mutual at the end of the day. Such a situation avoids supreme anarchy in the international system and generally a situation of chronic insecurity and war, which is what Hobbes termed as the 'nature of states'. Alliances are a means by which states add to their capacity to persuade others⁴⁵ a good example being the voting pattern of developing states at the United Nations General Assembly (UNGA). Such alliances give states a louder voice to be heard and respected in the international system, unlike a single state doing it single handedly.

Before states interdependence in the international arena, its first locally strategized interdepartmentally. Several national agencies are expected to sit down and agree on what exactly their departments need from the international relationship before engaging the negotiating actors since they are the technical team with first-hand experience. Bloomfield

⁴⁴ Watson, A., *Diplomacy: The Dialogue between States*, (London: Routledge, 1991) P. 11

⁴⁵ Ibid P. 64

Lincon justifies this by giving an example of the case between Ruritania and the United States of America (USA) whereby the political interests the USA had in Ruritania was negotiated by the USA government officials who traditionally were responsible for making their foreign policy. The USA officials were generally from the national security community, from departments such as the Central Intelligence Agency, Defense Department, the State Department, National Security Council Staff and maybe the President.⁴⁶

The above are what culminate into regional organizations, whose main purpose is to foster regional integration. Parliamentary diplomacy takes place within regional organizations. According to Daniel Fiott, Parliamentary diplomacy has a general definition of the activities of parliamentarians that are aimed at increasing ‘mutual understanding between countries, to assist each other in improving the control of governments and the representation of people’.⁴⁷ For the effectiveness and efficiency of regional organizations, several organs and institutions are established by member states and their mandate clearly stipulated in the treaties establishing the organizations. Parliamentary diplomacy can also be termed as legislative diplomacy since the latter according to Fiott refers to the ability of legislatures influencing the direction and shape of a regional bloc using institutional mechanisms and provisions of a binding treaty.⁴⁸ It is clear from this definition that a binding treaty is a legal requirement for effective parliamentary diplomacy. This document is what will guide the legislatures on the boundary of their mandate in terms of achieving the vision of the organization.

In Africa, the role of parliaments in regional cooperation has been overlooked in the past few decades with the Executive taking a lead role while Parliament has been confined to

⁴⁶ Broomfield, L, *The Foreign Policy Process: A Modern Primer* (USA: Prentice-Hall, 1982). P. 21

⁴⁷ Daniel Fiott, *The Diplomatic role of the European Parliament’s parliamentary group*, www.edge-programme.eu, 2005. P. 3

⁴⁸ *Ibid* P. 4

legislative matters.⁴⁹ Training in parliamentary diplomacy therefore equips Parliament with the knowledge and skills for influencing the efforts to achieving political stability both at the intra and inter-state relations.⁵⁰ Parliamentary Centers per se have played a very vital role in promoting parliamentary diplomacy within regional integrations. Member states of a regional bloc agree and open a regional parliamentary institution which has been seen to be promoting different aspects that contribute to the quality of a regional parliamentary diplomacy. Such institutes have had interactions with different Parliaments in capacity-building activities aimed at fostering good governance and democratic processes. This collaboration has been in the form of sponsored workshops for Parliamentarians from different countries to benchmark and share lessons learnt from their countries. Other components include trainings areas such as macro-economic, financial accountability, national budget making and public participation among others.⁵¹ This is aimed at building on the gains and progress of Parliaments.

The established Parliamentary training institutes have also been in the frontline in coordinating and addressing trainings and capacity building initiatives for regional parliamentarians. These institutes also design customized programs for different Parliaments in consideration of the dynamics of every different state to prepare the Parliament for a transition, pre- and post- elections.⁵² This training may be delivered during workshops, seminars, conferences and debate and dialogue forums. Such programs seek to address issues such as gender mainstreaming, enhanced public participation, increased oversight, transparency and good governance, which go a long way in building a firm national government. To ensure an inclusive and diverse representation, participants for this trainings

⁴⁹Noulas, G (2011), *The role of Parliamentary Diplomacy in Foreign Policy*, Foreign Policy Journal, Michigan, Cross Village.

⁵⁰Ibid

⁵¹Coghill, K., Holland, P., Donohue, R., Rozzoli, K., and Grant, G. (2008), "*Professional Development Programs for Members of Parliament*" in *Parliamentary Affairs*, Vol.61, No.1, P.73-98.

⁵²Bynander, F. And Hart, P. (2006), "*When Power Changes Hands: The Political Psychology of Leadership Succession in Democracies*" in *Political Psychology*, Vol. 27, No. 5, P. 707-730.

are drawn from various Parliamentary Committees of: Finance, Public Accounts, Local Government, Gender and Children Affairs, Special Committees among others. Other representatives are from the Ministry of Foreign Affairs, NGOs representatives' and representatives from Parliamentary Centers. Those capacity building for staff from Parliaments take place at national, regional and international levels and is coordinated by regional blocks Parliamentary Institutes through Pan-African Parliaments in Africa.⁵³

Parliamentary Institutes have also taken a lead role in advocating for gender issues in Parliaments. Most Parliaments have over the years created the Gender and Children Committees for spearheading gender initiatives and advocating for women participation in Parliament. At the regional and international levels, Parliaments have adopted protocols that seek to address gender equality issues such as protocol on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This ensures that most Parliaments are committed to complying with international legislation on gender issues at the domestic and international frontiers.

The parliamentary institutes have also been organizing for professional conferences and short study visits for Members of Parliament from different national parliaments across the globe to learn, share, network and build collaboration. During this platforms, the participants are taken through study programs to help them understand some key aspects of parliamentary institutions followed by practical sessions to parliaments to witness proceedings when the Parliaments are in session.⁵⁴ This bonding fosters friendship and deepens regional cooperation, thereby building on their parliamentary diplomacy.

⁵³Parliamentary Conference: Assisting Parliamentarians to Develop their Capacities. Bern (Switzerland) 19-20 October 2011.

⁵⁴Dall'Alba, G. and Sandberg, J. (2006), "Unveiling Professional Development: A Critical Review of Stage Models" in *Review of Educational Research*, Vol. 76, No. 3, pp. 383-412.

Factoring regional dynamics, country's context and other political, economic and social issues, the Parliamentary institutes can design a standard curriculum which can be used across Parliaments in a certain region.⁵⁵ This is a way of deepening issues of common good such as adopting the use of a common language that is widely acceptable in a certain demographic or other protocols such as free movement of goods and people across certain borders.

Parliament has been active in building relationships with other arms of the government such as the Executive. To this end, Parliamentary training institutes strive to expand this collaboration with other key stakeholders ranging from key ministries, departments, civil societies, research institutions and diplomatic efforts.⁵⁶ The research centres can support the processes and strategies of different parliamentary committees on various issues. Parliaments must create a deliberate effort to build linkages and strategies that will enhance debates beyond the borders. The role of the media in sharing information on matters to do with governance, accountability and public participation must be defined in a way that promotes regional cooperation.

It is important to note that these Parliamentary training centers handle each national parliament as a unique entity and thus strive to provide support within a context that acknowledges, respects the cultural, political historical uniqueness of each partner state in their training programs. The programs are customized to meet the needs of the different beneficiaries and their people, state or region that they represents. The process is carried out in an inclusive way which also encourages participation.⁵⁷ Members of Parliament and

⁵⁵The Centre for Parliamentary Studies and Training, 2012: *The Symposium for Peer Review the Curriculum of the CPST*. CPST, Nairobi.

⁵⁶Noulas, G (2011), The role of Parliamentary Diplomacy in Foreign Policy, *Foreign Policy Journal*, Michigan, Cross Village

⁵⁷International Foundation for Electoral Systems Parliamentary Toolkit 2005: *Global Best Practices: A model Annual State of the Parliament Report*. A Strategic Monitoring and Reporting Tool for Promoting Democratic Parliaments Worldwide.

parliamentary support staff are taken through the training workshops aimed at equipping them with the skills needed to enhance the effectiveness of parliaments in pushing for more accountable, transparent, participatory and democratic space. Networking with parliamentarians from different countries also foster regional cooperation through sharing and common interests.⁵⁸

Parliamentary training institutes have also had an impact in conflict resolution and peace processes in countries such as Myanmar, Uganda, and Zambia among others. This result is achieved through organized workshops on peace and governance. Participants are drawn from different political parties, religious and community leaders, representatives from the civil societies who are all stakeholders in peace processes. The workshop may also be attended by key experts in the field of security and peace who share their international experiences and best practices. Participants are equipped with conflict resolution skills such as how to dialogue, negotiate and mediate in conflict situations. Most parliamentary institutes have developed various training curriculums on programs that foster peace both at the local and international realm. Parliamentarians and their support staff have been beneficiaries of this training especially during electioneering periods in different states when the peace situation tends to be more volatile. The institutes support in the design of stability instrument contributes in regional stabilization and peaceful existence. This could be through deliberate crisis response mechanisms aimed at addressing longer- term regional security threats. For instance, the EU continues to support the role of the regional actors within the Africa peace and security mechanism through the Africa peace Facility under the Joint Africa-EU strategy.

⁵⁸Kappeler, D. (1999), "Knowledge Management and Diplomatic Training: New Approaches for Training Institutions" in Kubalija, K., ed., *Knowledge and Diplomacy*, Malta: Diplo Projects, University of Malta.

Parliamentary training institutes should operate in an independent and non-partisan approach in providing support to Parliamentarians and their support staff. In an ideal environment, political parties and other government offices should not interfere with the functions and processes of parliamentary training institutes. In countries where these institutes are independent, self-funded and autonomous, they are able to conduct objective and quality research. Such an institute is the Pakistan Institute for Parliamentary Services.⁵⁹ It is worth noting that in some countries like Kenya, though the Centre for Parliamentary Services and Training (CPST) receives its funding from the government through the Parliamentary Services Commission, the institute is a good example of a semi-autonomous Parliamentary training Institute.⁶⁰

Parliamentary training institutes aim at providing quality, objective and independent research which should enhance the role of the legislature in its oversight and legislation. They should also be well equipped with all the tools and key personnel to be able to conduct quality research whose findings can then be used to improve the overall performance of parliaments in their various roles thus deepening regional integration. On concluding about these institutes, it is right to say that they do not have a fit it all strategy in carrying out their functions. Parliamentary institutes need to customize their programs to respond to the specific needs in the context of each and every country and region.⁶¹

Parliamentary diplomacy provides the starting point of dialogue on issues of importance such as development and governance which encourages bilateral and multilateral relations. This form of diplomacy takes a pragmatic, engaging long-term approach to dialogue by building

⁵⁹Goraya, KA. 2012: *Developing a Parliamentary Institute: Case Study of the Pakistan Institute for Parliamentary Services*. Parliamentary Affairs.10:1093.

⁶⁰Mwambua, C. M. 2012: *Personal Communication*. The Centre for Parliamentary Studies and Training, Nairobi.

⁶¹Kioko, J. 2012: *Personal Communication*. The Centre for Parliamentary Studies and Training, Nairobi.

trust and understanding.⁶² The protection and promotion of national and regional interests is key in any foreign affairs engagement. Parliamentary institutes provide a guideline to parliamentarians and their support staff on how to conduct themselves when representing their states and what to do to ensure that the interests of their countries are well represented. Most state's foreign policy is anchored in the Constitution on the need to ensure that all international treaties and conventions ratified by that state must be respected.⁶³ This way most states have a baseline and a common ground for consensus. At the regional level, regional economic blocks hold more bargaining power and are stronger when they approach a matter of international interest as a block rather than as an individual state. Thus regional cooperation is important as it presents a stronger block. For instance, the African Union (AU) is likely to succeed at the United Nations General Meeting on an issue such as climate change or terrorism when it submits a case on behalf of the member states.

We live in an era of interdependence⁶⁴, whereby states are forced to coexist in cooperation. This is the contemporary ideology in the international system since however much states are equal sovereign members of the international community, none of them is able to individually satisfy their own needs. According to Henry Kissinger, the world has moved into a new era whereby states are now independent in so many fields including communications, economic wise and also in human aspiration. Contemporary world politics is not a seamless web; it is a tapestry of diverse relationships⁶⁵ and this statement clearly brings out the numerous agenda oriented relationships that are created for states to depend on each other.

⁶²Ibid

⁶³Hamilton, K. and Langhorne, R. (1995), *The Practice of Diplomacy Its evolution, theory and Administration*, UK, US: Routledge.

⁶⁴Keohane, R. & Nye, J., *Power and Interdependence: World Politics in Transition*, (Canada: Little, Brown & Company (Canada) Limited, 1997) P. 3

⁶⁵ Ibid P. 4

Stavridis however criticizes parliamentary diplomacy by saying that it operates in a sporadic manner.⁶⁶ This he explains by saying that there is no regular effort in diplomacy since it is not the main realm of 'normal' parliamentary activity and therefore ending up weakening parliamentary diplomacy. He recommends more research in this critic in a bid to find out if it is an inherent weakness of the international system. He also accuses the legislative diplomats of being on a political tour. This is because they never debate issues on different matters other than what is already in the public domain of their national interests.

In conclusion, it is evident that parliamentary diplomacy has so far played a great role in the quality of regional integration existent today. This is because the elected legislatures from member states of a regional organization are mandated and debate and pass rules and regulations that are favorable to all of them and implementation of those legislations is what increases their level of interaction. It is the legally binding aspect of a regional integration that has both direct and indirect repercussions if not adhered to.

⁶⁶ Stavridis, S., Parliamentary Diplomacy: Any Lessons for Regional Parliaments? P. 11

CHAPTER THREE

THE CONDUCT OF PARLIAMENTARY DIPLOMACY IN EAST AFRICA

Parliamentary Diplomacy is the means by which two or more parliaments conduct an ongoing dialogue with regard to key international issues.⁶⁷ This brings in the issue of national parliaments being the key players in the process, each participating state having representatives on the table. The representatives are elected or nominated to go dialogue with representatives from the other states on issues that are in line with their national interests. According to Mirsada Hallunaj, Parliamentary Diplomacy is a very important alternative and aspect of diplomacy, recently developed due to the increasing role of Parliaments and their enrollment in foreign affairs and international relations,⁶⁸ and especially since it is the national body mandated with debating, formulation and ratification of local and international laws respectively.

After the Second World War, states began interacting at a chameleon pace and especially those who were on the conflicting sides (Triple Alliance and Triple Entente). This interaction was not structured per se and gradually advanced to very close international affairs that developed to formation of regional organizations. The European Union was the first regional body at the global stage. The ability of the European Union to be effective has been a major motivator for the formation of the other forms of regional integration in other parts of the world. The regional economies have come out to be more important and successful as opposed to the national economies.⁶⁹ The regional integration movements all over the world have not been earmarked as moves against the nations but as efforts to increase the overall level of effectiveness based on the mutual gains on the aspects of the member states that

⁶⁷ www.agora-parl.org

⁶⁸ www.culturaldiplomacy.org

⁶⁹ Kasaija, P. A. (2004). Regional integration: A political federation of the East African Countries?. *African Journal of International Affairs*, 7(1-2).

provide the members with some degree of advantage over any other member. The regional integration wave can also be deemed to be a direct result of the globalization efforts. The regionalism movement ought to be understood as a way of increasing the effectiveness of the member states as opposed to the misplaced perception of the loss of power in governance.

In Africa, the pan African movement had a bearing on the creation of the regional blocs. In as much as pan African movement did not originate from Africa, the impact that it has had on unification and regionalism can be perceived to be significant. African nationalism and the perception that indeed the African people could be self-sufficient without any form of subjugation has a bearing on the overall effect on the current belief that unification of countries is the most important agenda. Tanzania's former President, Julius Nyerere, had a significant role in the pan African movement as well as the first East African community.

Growth of the regional legislative bodies is linked to the national and global trends calling for integration⁷⁰. The increased development of political pluralisms as well as the development of democratic institutions in regions of the world after the cold war led to an increase in the level of integration that was manifested. Regional integration more so in the African region can be traced back to the mid-1980s when the role of cooperation between countries became more pronounced.

The legislative bodies through parliamentary diplomacy have come out to increase the level of autonomy as opposed to the former days when their operation was strictly attached to the commands of the executive branch. Hence, as more regions develop more robust parliamentary diplomacy has come out to be a vital consideration when interacting. The links between the individual parliaments in the established regional blocs has come out to be one

⁷⁰ Biddle, J., Guevara, W/., & Matiangi, Fred (2007). Regional and International Legislative Organizations. A Legislative Brief. USAID. pdf

of the most important aspects⁷¹ of parliamentary diplomacy. Legislative units in any regional blocs are coming out to be more important to the process of the regional integration than ever before, the East African regional assembly not being exceptional.

Legislative bodies covering the law making process for the rest of the regional blocs are created with the main aim being the overall increment of the integration efforts. In order for integration of any kind to succeed, there is a normal trend towards the establishment of a more robust legal system, the East African Legislative Assembly (EALA) serves that purpose within the East African Community. It has a Chapter in every of its member states and has it's headquarter sitting in Arusha, Tanzania.

In the spirit of Parliamentary diplomacy, the East African Legislative Assembly has the role of ensuring that the distribution of the costs and benefits of the integration, policy making, conflict resolution as well as representation is attained. This it does in line with East Africa's 147.5 billion gross domestic product as of 2015⁷². Ensuring that the above aspects are met in full has a bearing on the perceived integration as well as the survival of the body. With an area of 1.82 million square kilometers including its waters and a population of 145.5 million people as of 2015⁷³, the assembly is supposed to ensure that there is a high level of cooperation as well as representation⁷⁴. To be an effective and independent regional parliament and to legislate, do oversight and represent the people of East Africa in a bid to foster economic, social, cultural and political integration are its vision and mission respectively⁷⁵, which create a roadmap on where the assembly should be headed to. However, from the onset, the assembly proved to have a problematic integration relationship more so with the other national assemblies. Investigations into the functioning of the body during the

⁷¹ Ibid

⁷² www.eala.org

⁷³ Ibid

⁷⁴ Nzioki, T., & Tostensen, A. (2005). Fast-tracking East African Integration. Assessing the Feasibility of a Political Federation by 2010. Chr. Michelsen Institute.

⁷⁵ www.eala.org

first years of operation proved that there was a high level of non-cooperation among the parliament and the national assemblies. This was in part formed by the inward looking nature of the politics in the region⁷⁶. The only significant bill that the assembly had managed to pass in the four years since its establishment was on customs management. Attempts to use the body for increased regional integration have resumed with the most of the efforts centering on the development of inter-parliamentary liaison committees aimed at the increment of the overall level of representation in the region.

Optimal East Africa regional integration is hinged on the nature of the legislative body as well as how well equipped it is in handling the common issues. The inauguration of the East African Legislative Assembly came in 2001 with the main aim being the increment of oversight over the functions of the East African member countries, representation of the respective member countries and making laws. The body is therefore central to the overall functioning of the entire regional bloc. In performing its mandate, it is guided by core values such as upholding ethics and integrity, being effective, transparent and accountable, practicing objectivity and impartiality, professionalism and promoting team work among all the stakeholders, being united in diverse opinions and finally paying allegiance to EAC ideals⁷⁷. These guiding principles become paramount in its performance since they are reminders of the aspects that will fuel the body forward.

Another important role of the body as per the treaty of establishment is to discuss issues relating to the community and recommending to the council on the best way of implementing the treaty⁷⁸. These discussions ensure that the voice of the individual members attest are heard and respected. Therefore, the council can implement the treaty with the needs of the members in mind. A unique aspect about the body is that there is no political affiliations

⁷⁶ Nzioki, T., & Tostensen, A. (2005). Fast-tracking East African Integration. Assessing the Feasibility of a Political Federation by 2010. Chr. Michelsen Institute.

⁷⁷ www.eala.org

⁷⁸ Von Trapp, L. Sida Evaluation 2008: 52.

linked to the body. Contrary to the common trends in the national assemblies, the affiliations in the parliament are more or less related to the national allegiances as opposed to political parties. Hence, the needs of the country tend to assume the center stage in the discussions. The overall needs of the community are also better represented resulting in a stronger level of integration. The different political incentives in the community parliament as opposed to the national parliaments serve to increase the level of integration in the region. The parliament is also more or less a technical body as opposed to a political body⁷⁹. Hence, the professionalism manifested in the technical aspect of the regional assembly can serve to increase the level of integration since the political affiliations do not have any chance of reducing the integration efforts.

However, it is evident that the body with only sixty sittings per year has been able to create bills that cover the needs of the member states. This can be perceived as a way of increasing the overall level of representation as well as integration⁸⁰. The bills that it has considered touch on the mutual transport, customs management amendment, civil aviation, health, common language, science and technology as well as appropriations. These bills indicate a movement towards consideration of the common problems and invention of the most innovative solutions. The ability to consider the common issues underscores the relevance of the legislative body as far as the increment of the regional integration is concerned. In its 2016/2017 approved work plan and calendar for instance, performance evaluation for 2015/2016 and signing of performance contracts for 2016/2017 was slated for 11th to 23rd July 2016, which is a clear indication that the visionary organization is concerned with achieving its planned for objectives and keen on planning ahead. In the same work plan, there were plans for an oversight activity on the tourism sector, a workshop on gender development

⁷⁹ *ibid*

⁸⁰ Tumasirwe, B. (2005). *Constitutionalism In East Africa: Progress, Challenges And Prospects In 2003* (Vol. 5). Fountain Publishers.

and female genital mutilation, a session to discuss audited accounts, a pre-budget conference, a select committee on the fight against genocide and genocide denial, to have public hearings and also slated time for the 34th meeting of the Council⁸¹. Such activities clearly discuss issues that affect the public from all the member states and bring out the representative role from the concerned participants and the legislative and oversight roles of the assembly.

People centeredness is one of the key considerations in any integration efforts. The former failures of the legislative body can be associated with the absence of a people centered approach⁸². Regional integration ought to be perceived as a process as opposed to a one off action. The process of political integration entails the shifting of loyalties towards new center with the demand of jurisdiction over the former national body to which the individuals were loyal. The East African regional assembly still stands out as one of the most ambitious bodies of the entire East African Community. The body was established under the ninth chapter of the treaty. The treaty stands out as one of the most people centered institution⁸³.

This aspect of people centered approach towards the body validates the argument that there is a higher chance of integration if only the body was to handle the mandate in the most effective manner. The body is people centered even in the light of lack of popular legitimacy that may be indicated in the national assemblies. The body may not have the same level of influence over the partner states as far as the process of integration is concerned. This can be evidenced in the people who sponsor the bills. Most of the bills come from the council of ministers as opposed to the legislators⁸⁴. This means that the national agendas of the individual member states may take precedence as opposed to the community needs. However, the people centered nature of the assembly can contribute to the integration.

⁸¹ www.eala.org

⁸² Mdachi, L. M. (2014). Regional Integration and People-Centeredness; An Assessment of the Mechanisms for Popular Involvement in the Decision-Making of the East African Community.

⁸³ Ibid

⁸⁴ Mdachi, L. M. (2014). Regional Integration and People-Centeredness; An Assessment of the Mechanisms for Popular Involvement in the Decision-Making of the East African Community.

One of the role of the assembly in the integration process can be manifested in the nature of the composition. Under article 48 of the treaty, the composition mechanisms are defined⁸⁵. The members of the different partner states are set at nine. The criterion for the members' selection is also set out in article 50 section 1 of the treaty. The criterion sets a stage for the integration through the representation specifics of the members from the individual member states who comprise the assembly. The population composition of the individual member states has also to be placed into focus as far as any integration efforts are concerned⁸⁶. Other representation considerations include the gender, political parties as well as the special interest groups in the respective member states. In executing its mandate, EALA has a functional administrative structure which is politically headed by the speaker and its day today activities being overseen by the clerk of the assembly. It is administratively divided into the legislature and the office of the clerk, two departments that ensure the smooth running of its activities. The legislature deals with administrative issues concerned with the MPs while the Office of the clerk concerned with the staff, who are currently 25 in number and the clerk their head.⁸⁷ The Office of the clerk, due to the range of staff issues it is to deal with, it is further subdivided into several sectors. This is because this office' mandate at some point overlaps with that of the legislature department. The legislative and procedural services sector processes bills, motions, sits in the chambers and are secretaries to the standing and select committees. Hansard sector produces verbatim records of the assembly and select committees. There is the sergeant at arms sector which is mandated with providing security, maintaining buildings and ceremonial functions including carrying the mace. The library and research division on the other hand provides technical support to staff and Members of the Assembly in the areas of research, documentation and dissemination of information.

⁸⁵ The Treaty for the Establishment of the East African Community

⁸⁶ Mdachi, L. M. (2014). Regional Integration and People-Centeredness; An Assessment of the Mechanisms for Popular Involvement in the Decision-Making of the East African Community.

⁸⁷ www.eala.org

Accounts division facilitates the running of assembly by being the financial managers and keeping books while staff, the last sector being the department that facilitates the remaining of the activities of the Assembly.⁸⁸ The Assembly ensures its effectiveness through the above departments and offices and together with its core values, mission and the vision it hopes to achieve, it is where it is now.

However, in as much as the framework establishing the body is sound on the need to include everyone, the procedures to be followed in the conduction of the elections are not as well defined hence the ambiguity. The potential of the body in fostering the integration efforts is yet to be fully attained. The body has to consider a future correction of the approach that it uses in its election efforts. It would be more people centered if the members are elected by the national electorates.

However, if the current mode of representatives being elected by the national assemblies is to be used, there is a need to consider the role of the members in relation to the assemblies that elected them. There would be more people centered integration in the region if the members had the responsibility of reporting to the national assemblies on a regular basis and on a more transparent manner. Adoption of this approach promises to make the issue of East African integration a national agenda with the public involvement at its core.

Establishment of the East African Legislative Assembly in 1999 came with a lot of promise. The promise was marred with a certain degree of idealism and the perception that the past mistakes could not come out to impact the way the entire body functioned. The ability to have the legislative function for the entire body was seen as a way of increasing the effectiveness of the regional bloc and increasing the degree of integration. The first assembly that took over in 2001 till 2006 had made significant trends as far as the integration is concerned. The body has been able to hold inter assembly's seminars that are aimed at the

⁸⁸ *ibid*

increment of the coordination efforts⁸⁹. The body has been able to live up to the expectations of the founding fathers of the East Africa Community, who's focus was on the development of the community that would be people centered and based on the democratic ideals. The East African Legislative Assembly was purposely created in order to ensure that there was a possibility of meeting the above ideals of the founding fathers. Hence the mandate of the body as outlined in the treaty has a bearing on the ability of the body to integrate the people more and more.

The assembly has been able to foster integration through the provision of the legislative agenda that is capable of providing a balanced and equitable approach towards the integration in order to handle the issues that had marred the former East African regional assembly. It also ensures that the agenda for the regional block is not only people centered but also capable of meeting the ongoing needs of the people in a sustainable manner. The law making process that the body engages in has ensured that the laws that it passes are central to the regional integration⁹⁰. Examples of such laws include the Inter-University Council of East Africa (Amendment) Act, 2011, the EAC Human and People's Rights, 2011, the EA Conflict Management Act, 2011, the EAC Elections Act, 2012 and some private members bill among them the EA Joint Trade Negotiations Bill, 2003 and the EAC Wildlife and Tourism Bill, 2008.⁹¹ The body has also adopted several resolutions to be adopted by the Council of Ministers which among them include a Resolution seeking to establish practical working relations between the secretariat, the Assembly and the Court, which was adopted in February 2003 in pursuance of Article 14 (3) and article 66 of the Treaty and also a resolution seeking the appointment of the East African Peace Committee for Uganda with the mandate being to bring to an end the violence in Northern Uganda in May 2003, in pursuance of

⁸⁹ Abdi Abdirahin (2010). A functioning legislature. EAC. PDF

⁹⁰ Ibid

⁹¹ www.eala.org/laws

Articles 123 and 124 of the Treaty⁹². The resolutions bring out the aspect of a one affecting all the member states, or can as well be adopted by members of the Council of Ministers from all the partner states but to be implemented selectively to the concerned member addressed in the resolution.

The laws are formulated through the standing committees which include the Accounts Committee, Legal, Rules and Privileges Committee, Agriculture, Tourism and Natural Resources Committee, Regional Affairs and Conflict Resolution Committee,. General Purpose Committee, Communication, Trade and Investment Committee and the EALA Commission⁹³. According to rule 80 of EALA's Rules of Procedure, a Select Committee is formed when deemed necessary to investigate and make a report of its findings on a specific issue a when need arises and the report is debated and adopted by the assembly⁹⁴. The overall foundational pieces of legislation have had a bearing on the future of the regional bloc hence ascertaining the statement that the body is a central player in the entire integration process.

The legislative assembly through its oversight function ensures that the public policies are integrated and earmarked based on their effectiveness. The funds are appropriated to ensure that the policy is effectively implemented. The oversight role is central to the integration in that there is a chance that in the event of poor oversight, the fairness and equity aspect in the administration and implementation will not be attained. Absence of these two factors has a bearing on the ability of the region to integrate in the most effective manner⁹⁵.

The representative committees in the legislative assembly ensure that the highest levels of fairness are attained. The oversight role also extends to the provision of direction on spending as well as resource allocation. The resources of the community are intended to increase the

⁹² *ibid*

⁹³ *Ibid*

⁹⁴ EALA's Rules of Procedure

⁹⁵ www.eala.org/laws

financing for the community activities as provided in article 132 of the treaty. The above aspect allows the body to allocate resources based on their centrality to the overall East Africa function. It also ensures that the body is capable of allocating the resources based on the community needs. The above function contributes to integration in that the body is capable of increasing the overall allocation of resources to serve the immediate needs of the community.

The oversight role also entails scrutiny of the finance. Under article 134 of the treaty, the assembly is supposed to debate on the audited report on the accounts of the East African Community. In the event that there is some misappropriation of the resources, the assembly is at will to take any action that it may perceive to be necessary. The future of the integrated body is hinged on the ability of the body to provide a direction on the resource uses. In the event that there is evident misuse of the public resources, the eminent collapse of the regional bloc is possible. The above consideration had a bearing on the success or failure of the predecessor of the current community.

Despite the discussed roles the regional assembly is expected to fulfil, it has not been in session since it last ended its previous term on 12th June 2017. This is because of the lacuna in both the Treaties that establish the EAC and EALA of there being no provision for the sessions to go on in the absence of one member state's representatives. The speaker, Hon. Daniel Kidega moved a motion to stop the sessions of the assembly due to lack of representatives from Kenya. Kenya failed to forward representatives' names to the Clerk of the Assembly due to the disagreement among members of the 11th parliament, whereby the government's political party, Jubilee Party (JP), accused the opposition coalition, National Super Alliance (NASA), of engaging in nepotism during the nomination process. NASA had nominated Wiper Democratic Movement's party leader's son, Kennedy Kalonzo, and Orange

Democratic Movement's party leader's brother, Oburu Odinga, as among their 4 nominees⁹⁶. This the JP MPs, who are the majority in the August house promised to reject the nomination list, recommending opposition nomination of other non-relative nominees. The stalemate still stands since that parliament dissolved ahead of the 8th August general elections before approving that list. When the newly elected and the reelected MPs were planning to resume, the Supreme Court of Kenya nullified the presidential elections and ordered for a reelection within 60 days and the Independent Electoral and Boundaries Commission scheduled it for the 26th of October 2017. The 12th parliament convened on 22nd August 2017 after being sworn in on the same day⁹⁷ but for a few days and again went for a break for voter mobilization in their constituencies ahead of the rescheduled presidential elections. After reconvening, they have again broke for a 3 week duration in order to form their constituencies Constituency Development Fund's committees and therefore the nomination list business still pending. This has consequently halted the Assembly's business and according to the EAC-EALA's liaison Officer Mr. Arogo, amending the law to cater for such a situation is one of the scheduled priorities once the Assembly resumes to ensure regional business goes on even without a minority of the member state's representatives. This is because EALA plays a very vital role including passing of EAC's budget and without funds no much regional integration activities can take place. Precisely, regional integration within the EAC region is at a halt per se, due to the Kenyan stalemate affecting the activities of the Assembly.

In conclusion, Parliamentary diplomacy in East Africa in exercised through EALA and it is through its activities of engaging with all the member states national legislative bodies that the discipline has been achieved. Despite prioritizing of individual national interests during their oversight, representation and legislative execution, the regional organ has been able to

⁹⁶ www.citizen tv.ke, 9th November 2017

⁹⁷ www.nation.co.ke, 13th August 2017

advance parliamentary diplomacy through the few bills it has passed that have a bearing on the regional interests. It is through passing by EALA and the ratification of such Bills by member states that the region is enjoying credible projects and programs implemented or slated for implementation in many sectors among them in the infrastructure and services, energy sector, postal services and telecommunication, agriculture and food security and also in the tourism and wildlife sector.⁹⁸ Though not yet at the desired level of parliamentary diplomacy, EALA's consistent progress backed up by reduction of nationalism spirit by the legislators will eventually lead to a fully spirited regionalism.

⁹⁸ State Department of East African Affairs: EAC Projects and Programmes

CHAPTER FOUR

THE ROLE OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY IN ENHANCING REGIONAL INTEGRATION IN EAST AFRICA

According to a majority of the respondents, EALA has to a larger extent enhanced regional integration within the East Africa region. This they attribute to several facts but best of all is there being more interaction among the EAC member states, unlike how the situation was prior to establishment of this regional organ. This chapter will discuss empirical evidence supporting how EALA has been instrumental in boosting regional integration and will also quantify the statistics collected from the field.

A total of twenty eight (28) respondents were approached to fill the questionnaire both physically and others electronically. Out of that figure, seven did not respond on why they were not willing to give the form or whether they would fill it later, all in the electronic category. The approached were those targeted in the first chapter since a majority are knowledgeable of the regional legislative body and of the majority, again a higher number have first-hand experience with it. From the data collected, an analysis of each and every aspect of the questionnaire will be discussed below.

Out of the 28, only half the number were willing to disclose their names on the questionnaire. On being asked why, they were purely after disclosing information about EALA but did not want to be quoted any other time, despite the assurance they got from the interviewer of being discreet and only using the information they give for academic purpose. The former and current members were excited and talked passionately about appreciating the fact that someone had thought of researching in that field since it is an area that needs a quick solution if East Africa has to achieve its ultimate goal of political federation.

With gender disparity being an issue of concern globally, it was encouraging to note that both the treaties establishing EAC and EALA advocate for different genders during the election of EALA legislators. The same was portrayed during collection of data, as indicated below.

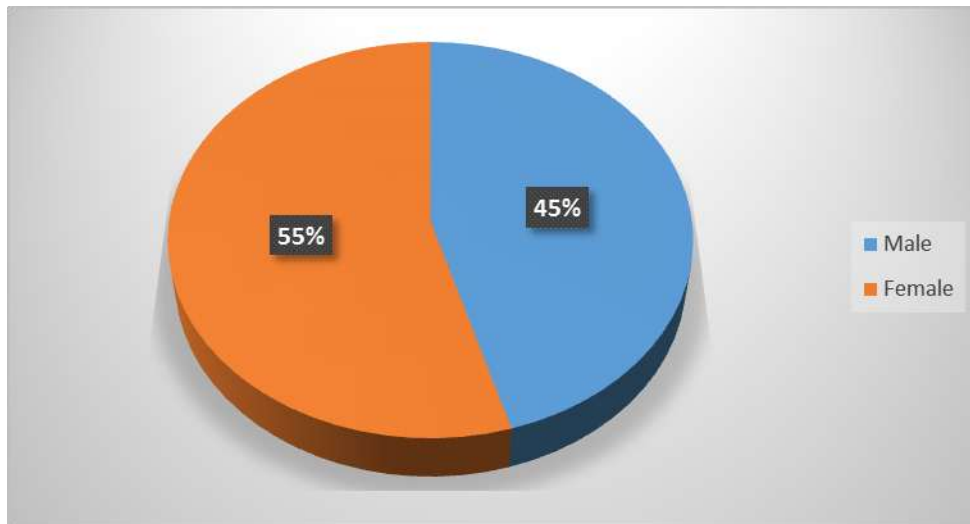


Figure 4.1 Respondents' Gender Representation

This is why out of the eleven both former and current MPs interviewed, the majority were women (6), the gender percentages displayed in the pie chart above.

.It also came out clearly that a majority of the Assembly's MPs are out of the youth age bracket (18-35 years). This can be interpreted to mean the field needs a technical team to deal with both national and regional interests and such delicate matters requiring a team with vast experience both in the national issues of their states and for one to climb to that s/he must be recognized nationally especially in the African setting. This is a process that takes time, leading to an individual having left that age bracket. The above scenario is what led to a youth group petitioning EALA for leaving out the young generation. They have been closed out in the nomination process due to the criteria used to nominate the MPs. The group was proposing the creation of an East African Youth Parliament that could also be sponsored and given chance for the youths to also contribute into parliamentary diplomacy discipline.

A notable aspect of the Assembly's MPs is that Muslims have always had a representative. This also brought out the religious diversity looked into during the nomination process and as the EAC and EALA Treaties recommend consideration among them religion, this is adhered to by member countries. A good example Kenya's Hon. Sarah Bonaya who has been part of the Kenyan Chapter for two terms. According to her, she managed to be re-nominated into the assembly due to falling in a majority of the special interest groups that the two treaties recommend special consideration; gender consideration and religion. This gave her high chances of being both elected and re-elected in her political party which is the Kenya African National Union (KANU). Her Kenyan counterpart Hon. Zein Abubakar of the Orange Democratic Movement also falls in the same category. From Tanzania also includes Hon. Abdullah Mwinyi (2007-2012) and Hon. Dr. Bilad Said (2007-2012), Kenya's Hon. Tsungu Safina (2007-2012), the Assembly's first ever speaker Hon. Abdulrahman Kinana from Tanzania (2001-2006), Tanzania's Hon. Hamid Mahfoudha Alley (2001-2006), Tanzania's Hon. Jecha Said Bakari (2001-2006) and Kenya's Hon. Zubedi Mohamed Abdala, Hon. Abdi Abdirahim and Hon. Lt. Gen. Abdullahi Adan all who served in the 2001 to 2006, just to mention but a few.

All respondents were beyond the undergraduate level and this was clearly brought out through the rationality they portrayed in their responses on questions asked. This is a group who also are focused on national if not regional issues specifically since any postgraduate course needs a critical thinker to the real issues.

Below are charts that portray the national representation of the targeted respondents vis a vis those that agreed to fill the questionnaire.

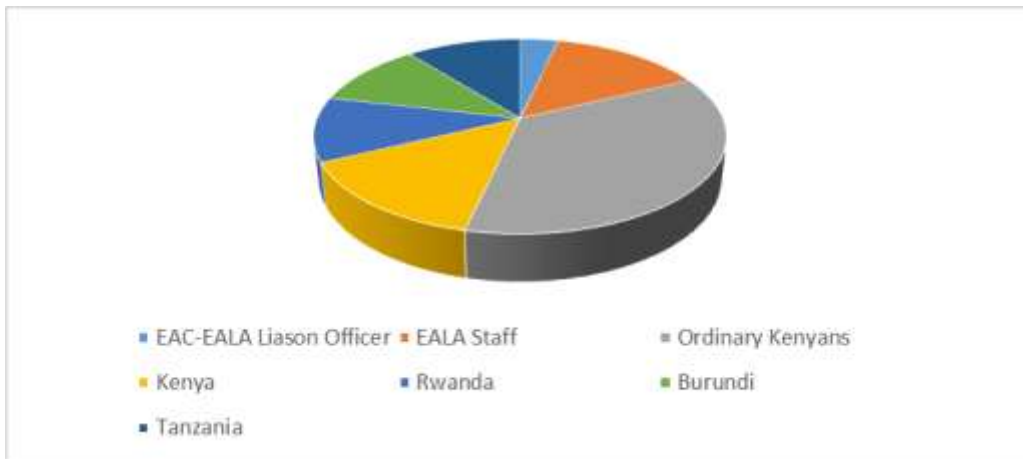


Figure 4.2 Targeted Respondents

The above displays the exact percentages of the respondents targeted among the four East African countries.

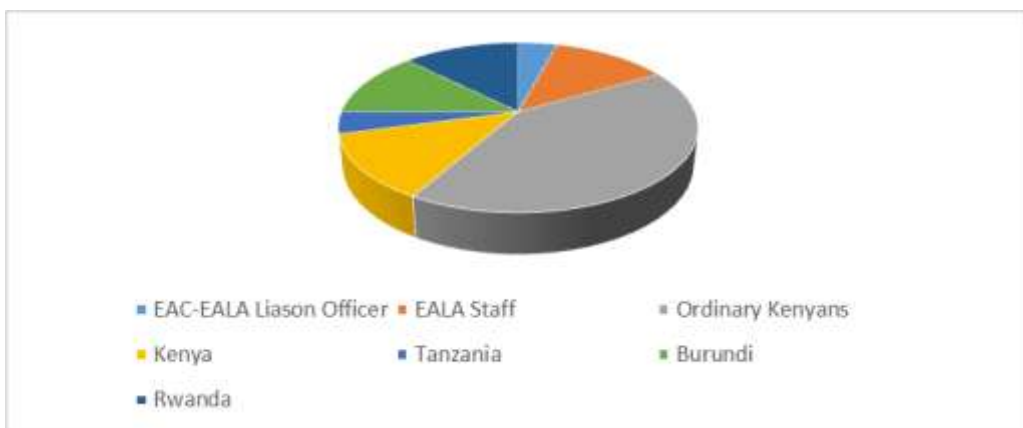


Figure 4.3 Actual Respondents

Despite the higher number targeted, twenty eight, only twenty were in a position to give a feedback of the questionnaire, with their percentages also displayed above.

A majority of the respondents understood what regional integration is and generally used words phrases such as ‘a process by which two or more states coming together and agreeing through a written documents for example a treaty to work together and cooperate towards achieving their common goals, ranging from accumulation of wealth through development of infrastructure, maintaining peace and security within their regions and doing this through

common structures and rules', to describe it. This indicated that they were well aware of the EAC regional body since some even quoted it as an example. This acted as a guiding principle towards answering the other questions in the questionnaire,

When it came to parliamentary diplomacy, only those with knowledge of International Relations either theoretically or empirically were able to describe it. The EAC-EALA liaison Officer Mr. George Arogo described Parliamentary Diplomacy as the legislative role in the shaping of a national, regional and or international organization(s) foreign policy discourse in international relations. Hon. Mike Sebalu on the other hand described it in the specific context of EAC and mentioned that EALA has treaty obligations to exercise which include oversight, representative and legislative roles within the region. He then said that the total sum of EALA's functions is to provide legislative framework of implementation of concluded protocols. From the two definitions sampled, it was evident that a majority of the approached respondents had an idea of what the discipline is all about, despite it being a relatively new theoretical field. Apart from the sampled, the rest rotated around describing it as a process where governments choose to use their parliaments to debate on diplomatic issues affecting their countries.

However, one of the respondents in the category of ordinary Kenyans, only filled some parts of the questionnaire (dominantly on the demographics) and specifically stopped at the question asking him of what Parliamentary Diplomacy is. He is a Jubilee Party Nyandarua County Organizing Secretary and being an official in the party, despite being at the devolved level, was expected to at least even answer on the question of the EALA MPs nomination process. He however went through the other technical questions but was not able to come up with any meaningful response to the rest of the questions. This therefore reduced the 20 respondents to 19, moving forward.

On question 11 and 12 on whether parliamentary diplomacy plays a role in enhancing regional integration and whether EALA plays a role in the enhancement of EAC regional integration process, all the respondents gave positive answers and explained that as the national parliaments met, discussed and legislated on issues of common interest, regional integration was enhanced in the process. Hon. Bonaya specifically explained that in its legislative role, EALA legislates on matters that strengthens the legal framework within which the partner states relate to one another; in its oversight role, it assures the EAC development partners that the use of resources that maybe advanced to the Community are over sighted; in its representative role, it represents and strengthens the Community relations with other organizations such as the European Union in its relations with the EU Parliament and participation in various election observer missions and in UN fora, among others. Hon. Martin Ngoga of Rwanda was however quick to state that the implementation is subdivided and takes place in phases with partner states retaining their sovereign powers. That the Assembly provides a legal framework on how areas of cooperation can be secured without infringing on sovereign authorities.

Majority of the respondents' feedback were similar but a few contradicted, which are worth scrutiny. That is why it is worth mentioning that Hon. Ngoga's views really brought out his defensive response of the Assembly. Whether he did not have faith in the interviewer on his opinions only being used for academic purposes or if that was his honest opinion, is an issue that could not be certainly determined. In his response, he really brought out EALA as a perfect EAC organ that had and is still as effective as it is expected to be, due to the 100% implementation of its roles stipulated in both the EAC and EALA Treaties. His response on whether EALA members represent their home countries more than the EAC was that he strongly disagreed. He did not have room for their sending states having any room to influence the stands that they take while debating bills at the Assembly. States' foreign

policies obviously influence the decisions that their foreign ambassadors make while in the receiving states or international organizations and therefore strongly disagreeing on that question, him being one of the MPs portrayed some insincerity. He however agreed that there was need to improve the MP's loyalty to the regional assembly and on answering how that could be done, he then contradicted himself by saying that EALA MPs from his personal experience have been and continue to be very loyal to the EAC more than to their national governments. He mentioned that it rarely happens, when there are contentious issues that they are forced to portray the position of their capitals about which there is clarity of agreement and the Members even defy and challenge their capitals' stands. This becomes easily said than done, and boils down to their nomination process, whereby they are handpicked by their party leaders before being approved in their national assemblies. The process directly translates into the Members paying allegiance to their government and becomes a non-foreseen scenario where a member can defy directions given from their home government.

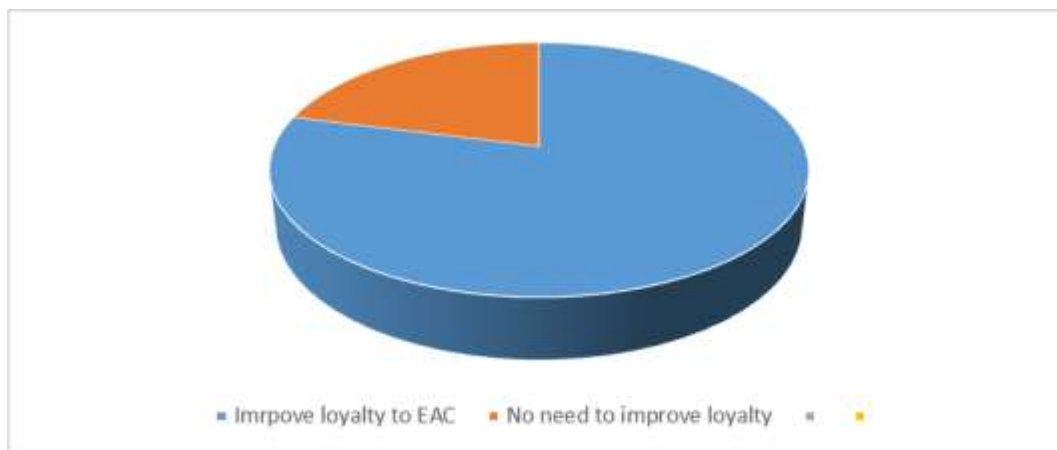


Figure 4.4 Need to improve EALA MPs allegiance to EAC

Majority of the respondents, with their percentages represented above agreed that there was need to improve the MPs allegiance to the Assembly because the region's interests were not their priority. This backed up the question that asked whether they represent their home countries' interest more than the region's despite their positions being regional in scope.

From the pie chart above, 15 out of the 19 respondents' advocacy for improving the MPs loyalty to the regional body confirmed what initiated this research. The empirical evidence matched theoretical wordings and also brought out the need to carry out this research. From this, it can be deduced that the EALA member's neutrality is in question and allegiance being paid to their national political parties and their executives. The Ndaragwa Constituency MP from Nyandarua County Hon. Jeremiah Kioni for instance was among the 4 who felt that EALA should remain the way it is with no slight amendments. He admitted that the MPs supposed regional focus was interfered with definitely by their 'boss' who is their national executives but at the same time did not recommend any changes from that. Being one of the national legislatures in Kenya, it was appropriate for the MPs to be puppets to their governments in order to remain guided on issues that favour their home countries. His argument was that in the International System in guided by realism theory whereby a state's interests come first and national sovereignty very key for survival in the international system. He stressed that liberalism, through formation of regional bodies only comes when the members involved separately know of the upper advantages they got over the other members, which disputes the anticipated liberal thought.

On how a boost to their loyalty can be boosted, some were able to give suggestions while others did not have a specific way of how they wanted it done but wanted it done, ultimately. According to the Assembly's speaker, Hon. Daniel Kidega, who is a neutral member of the house, debates in the house are dominantly aligned to states' foreign policies. This is what largely according to him increases the period between when first a motion is moved to when the bill is passed, and its national ratification being another issue all together. It becomes easy for the Assembly once issues of common interest such as the ban on polythene bags is discussed since such are environmental-unfriendly to all member states and hence its debate to its national ratification was smooth.

According to Mr. Lawrence Munezero, a staff at EALA's secretariat, in the long run the EAC Treaty will need amendment in order to entail a more democratic election of members of EALA so as not to be beholden to their partner states' executive and political party patronage. Democracy means a majority having their way and in this case the MPs being elected by the national majority. He was not specific on the criteria of how he proposed the execution of the democracy but was negative about the handpicking done in political parties.

From the explanation above, it came out clearly that the 16 supported the narrative of the MPs nomination process affecting execution of their mandate. This was advantageous according to the local legislature in order for the executive to be in control of what they advocate for at the regional Assembly but according to the rest a loop hole in the performance of the Assembly. The majority gave explanations such as the nomination by national parliaments being politically oriented and executive influenced therefore the Members in most cases paying their allegiance to those who influenced their nomination. A further justification according to Margret Njayakio, an Education Officer at the United Nations High Commission for Refugees (UNHCR) was that they tend to focus on their national interests rather than the regional integration core mandate that advocated for their positions. Scholastica Wagalla, a research assistant at the Nagasaki University Institute of Tropical Medicine Nairobi station also insists that those nominees go to the assembly as political party loyalists other than regional integration advocates.

John Oloo, a Managing Director at Alder Enterprises that supplies goods and services within the EA region, partially supports the idea of EALA MPs properly representing the states on who's mandate they are serving and terms it as a reasonable move. He however cautions against the move being to the extent of negatively impacting the integration as well informed and balanced representation is critical for the mutual benefit of all the EAC member states.

Among others, Benard Mwaniki from the Ministry of Defence and in Charge of Personnel stood out in his input on EALA's representation of their home countries' interests vis a vis EAC's since mentioned the uneven pattern of integration due to several factors. Majority of the internal factors he says range from currency protection, the labour market, protection of infant industries and also ideological differences among the member states. He however also points out that external factors also delay regional integration within the region and advocates for the EAC member states to focus on their goal and give a deaf ear on factors outside the region.

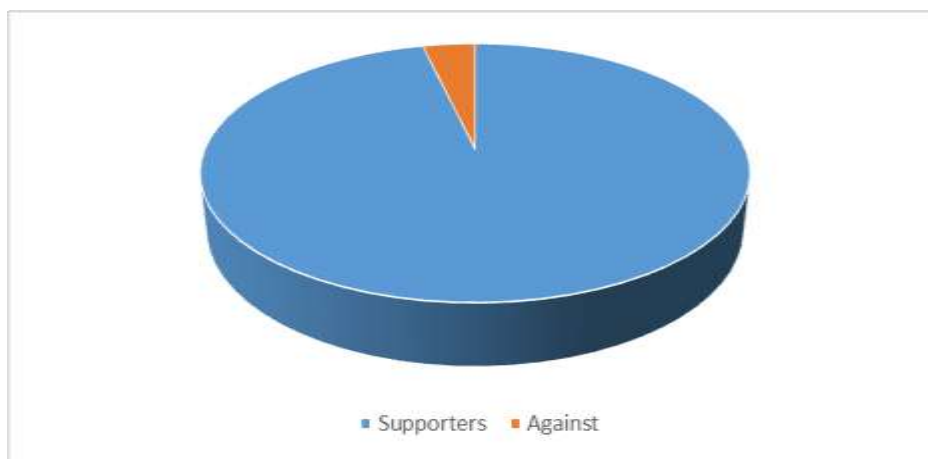


Figure 4.5 EALA MPs representing their home countries more than the regional interests

Above is the reflection of respondents that supported and were against EALA members representing their home countries more than the regional interests.

Data collected also supported the essence of the research since it through the lack of neutrality that parliamentary diplomacy has not been as effective within the EAC region, thanks to EALA.

On the final question on the evaluation of parliamentary diplomacy within the EAC region, respondents split into two, half of them applauding the process while half of them not pleased

at all with the role EALA was expected to play but is failing. Those impressed congratulate the regional assembly as having done a good job so far. Considering the legislations it had passed so far, regardless of whether member states have implemented or not, their mandate does not extend to implementation. One of them says that it had done much through economic legislations and significantly strengthened the fragile peace and security docket within the region. She continues to say that it is the insecurity between member countries and lack political goodwill even after enactment of acts and abiding by them that makes the Assembly's picture tainted by allegations of not being effective. However, those not impressed claim that the conduct of parliamentary diplomacy has remained weak due to preponderant weak legislative assemblies that tend to be subservient of the executive. That members of the national and EAC legislative assemblies have limited discretion to voice their foreign relations opinions other than other national executives and partner states stand for.

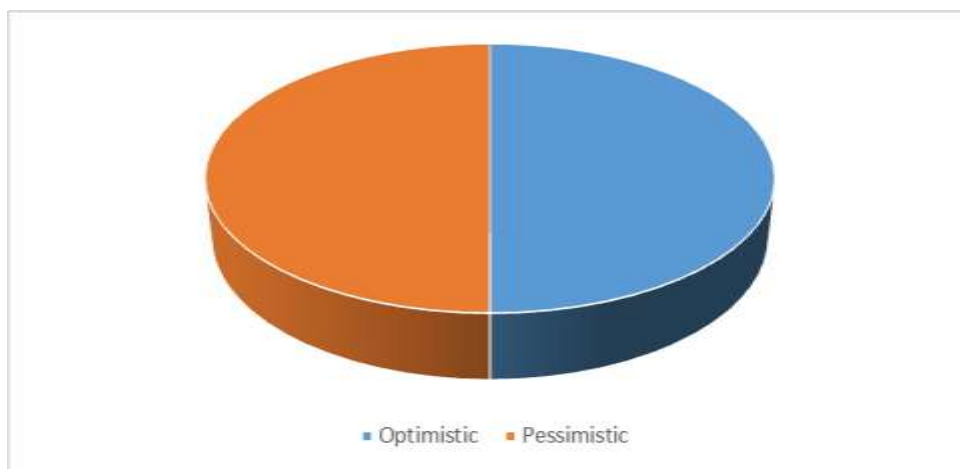


Figure 4.6 Parliamentary diplomacy performance within EAC

Above is the representation of Parliamentary Diplomacy responses according to the respondents.

In conclusion, it evident that the empirical data collected proves the concern of the study. This is because a majority of the respondents have confirmed the same concern of the

Assembly not being driven by regional interests but mainly by their sending states' foreign policy. They're mainly loyalists of their national political parties and their executive, and especially when it comes to a situation where they are supposed to make a decision of whether or not to support a Bill that does not tally with their national interests.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

From the research findings, it is right to say that however much EALA MPs are expected to be neutral of their member states' national interest, it has never been the case. This is because they have and are most likely to be influenced to support specific issues of discussion in the Assembly aligned to their sending states' foreign policies instead of supporting the regional outlook. From the case of the MPs induction exercise by their member states after their successful approval by their national assemblies before officially being released to Arusha, it is evident that it is during such exercises that the new members are informed of the country's positions on regional matters and advised on what to pay more attention to and what not to.

It is upon the national Foreign Affairs and the EAC Ministries to inform both the newly appointed and the reappointed of their interests within EAC and to also inform them of any shift in focus of any arising issue. Both the official and ex-official members of the Assembly are partisan and do not support regional issues that do not go in line with their country's interests.

It is such issues that have slowed the integration levels within the region and even made the ultimate goal of Political Federation seem a dream an impossible dream. This is because Political Federation deserves a sacrifice in totality of giving up one's sovereignty either partially or exclusively depending with the model structure they decide to use. Any issue touching on a state's sovereignty is delicate and only takes mutual trust between the states involved to indulge into.

Critics believe that EALA has not been as instrumental as it was dreamt of due to having no enforcement institutions. This therefore means that however much it might be active and successful in passing of laws, member states are allowed to localize those laws at their own

will. Lack of goodwill has made the partner states implement very few laws out of the 42 passed. The EALA 2016 report shows that over the assembly's 15 year lifespan, Rwanda has domesticated only 11 laws, Burundi 3, Kenya 7, Tanzania 6 and Uganda 10.⁹⁹ This is a clear indication that none of the members has even gotten half way in ratification of those laws. Lack of institutions like the police and courts to follow up on implementation only allows them to nationalize laws passed at goodwill, which definitely depends on which suits their national interests. This portrays a two-faced spirit and a move that is seen as meant to please the other members when the concerned state did not really mean to implement the law.

According to the EAC Treaty, laws passed by EALA supersede those passed by national parliaments.¹⁰⁰ Member states have deliberately chosen to ignore this statement from the treaty, yet they are bound by it. They only adhere to regional laws that they have assented to and ignore those that do not suit their interests. This also becomes a challenge to the conduct of Parliamentary diplomacy within the East African region since the main stakeholders selectively promote regionalism.

Handpicking of regional legislators has caused lack of independence and neutrality within the regional Assembly. This is necessitated by the nominated being loyalists to their political parties and the executive in general before even thinking of the regional interests. This scenario, though not mentioned, but is more likely to also cause division among the Members themselves. Their differences can be initiated by the fact that they don't all come from the same political party and therefore a likelihood of difference in ideologies, just as is the case between the political parties they represent. Therefore, national unity and representation is also not assured from this nomination process and therefore uniting for the regional gain becoming even more difficult.

⁹⁹ The East African Newspaper, 4th-10th March 2017, pg 6

¹⁰⁰ *ibid*

Nominations within political parties again take place as political rewards to party loyalists. For as long as a person meets the threshold of being an MP locally, their party leaders are at will to nominate them regardless of their level of regionalism, leave alone their knowledge of the regional community. This becomes a great challenge once such a person gets to the Assembly since they do not have a laid down agenda of what takes them there, to them it is merely a source of income. No vision for his or her member country and generally the Community and becomes difficult for such a person to be effective and efficient within EAC.

EAC however is progressively doing well but much still needs to be done. For instance, it is still behind schedule on the implantation of the joint monetary union goal aimed at strengthening the member states' economy despite it being passed on 30th November 2013. This leaves a beg for the question of whether and hence when its ultimate goal of political federation will be achieved. The lack of goodwill and mutual trust by these member states make political federation sound a far-fetched dream for the region. Globally, only the European Union has been able to get to that level, bearing in mind the other more developed regions and translated into EAC taking even much longer than expected to achieve its dream.

The researcher recommends a change in the status quo and advocates for a more neutral Assembly. This can be achieved through several ways but the priority being member states embracing the goodwill to do so. This should be regardless of what their foreign interests are. They should embrace liberalism that supports regionalism and not only be in such organizations and partially supporting them for instance through the annual contributions.

Direct nomination most likely leading to partisan politics and domestic political division at the Assembly is another possibility the researcher thinks happens in Arusha. It remains a thought and a possibility since despite being directed to the EALA MP respondents, none admitted of its existence. To avert such a scenario, she therefore recommends an amendment

of both the EAC and EALA Treaties on the Members nomination process. She recommends a process that she finds more democratic and non-partisan that will go a long way in the performance of the Assembly.

One main amendment she proposes is harmonization of nomination periods to happen at the same time in all the 5 partner states. This will reduce the likelihood of other states being represented at Arusha while others are not for instance with their nomination period coinciding with the campaigning period for their general elections. National parliaments are dissolved 60 days before general elections and if nomination of EALA members is scheduled to take place around that time, there are high chances of the local legislatures breaking for campaigns before they approve the list, due to the experience disagreements that take place both intra and inter-party. A perfect example is what happened in the Kenyan National Assembly as explained earlier and therefore to avoid such a scenario, an amendment should take place to ensure this process take place in the course of an election cycle. This move will also avoid and through the amendment avoid a scenario like is being witnessed at the Assembly now, whereby the speaker, Hon. Daniel Kidega moved a motion suspending the sessions in Arusha due to lack of representation from one member state, Kenya. According to EALA's Rules of Procedure, business cannot go on at the Assembly without representation of all member states in the House. This is what necessitated the halt of business in Arusha, which is still the situation now that Kenya has not yet approved a list of representatives. The researcher suggests that the treaties and subsequently Rules of Procedure be amended and allow a majority of the state representation go on with House business. With the current 6 EAC members, the Assembly should be legally allowed to transact business without a maximum of 2 of its members and the absentees be allowed to appeal any decisions that might have been made during their absence, that should be brought back to the house and

debated once more, failure to convince the members therefore the majority still voting for its passing, then be allowed for implementation.

The third recommendation is the nomination being done in a democratic way whereby non-political oriented nominees are given a chance to campaign in their local areas selling their regional integration manifestos. They are then selected by both the government and opposition sides of all County Assemblies or locally in districts for member states without devolved governments, those with majority votes winning. The Heads of States should then constitute a politically neutral panel consisting of International Relations experts and professionals who can now vet the nominees and according to merit approve the top 9. That list should then be forwarded to the President for his approval before it can be given to the speaker of the National Assembly for forwarding to the Speaker of the Assembly. This seems a lengthy exercise but will ensure that those interested in the posts research on the EAC needs before campaigning locally and the national vetting by professionals will reduce partisanship from political parties and also ensure that it's the crème del a crème in the national competition that get the post. This will fill this research's gap of dependence of EALA members to their executives (foreign policies), besides boosting their performance in the regional assembly and also be a positive input in the Parliamentary Diplomacy field.

In line with the above recommendations, the researcher advocates for further research in this field in a bid of coming up with even more ways of ensuring an independent Assembly.

However, this does not mean that there is absolutely no public participation within the region. Though not happening during the nomination process, EALA has passed Bills that promote local interaction, an example is the Creative and Cultural Industries Bill that was passed on 26th August 2015¹⁰¹. This is a bill that targets to benefit the locals, and specifically the artists, whereby they are encouraged to bring their creativity together and in the process

¹⁰¹ www.trademarka.com, 26th August 2015

will be enhancing regional integration within the region, apart from being a source of income for states. Artists are encouraged to raise awareness across board through their music and other different forms of art. This is a move that once completely realized will lead to more international interactions at the grassroots level, hence upholding and boosting regionalism.

With implementation of the above recommendations, the Assembly will definitely increase its level of independence and also become more efficient. This will also reduce the work of EALA's research department since nominees will be by default motivated to boost regional integration through debating and passing of regionalism-friendly Bills. EAC and its development partners will find value for their resources as no much resources will be spent on the Members yet no output, instead that will attract more development partners to be associated with the successful regional integration story.

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