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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

The role of political parties and interest groups in East Africa Community Federation Process
(2001-2011)

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R50/7424/2006

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A Research Project submitted in partial fulfillment of the requirements for the award of
Master in Arts Degree in International Studies.

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Declaration

This Research project is my original work and has not been presented for a degree in any other university.

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This research project has been submitted for examination with my approval as a university supervisor.

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Dr. Anita Kiamba.

Dedication

I would like to dedicate this study to my mother Gathoni Njiraini and to my family Wangui, Theuri and Gathoni Ngigi, and to, the people of the territories of the East Africa community who are consciously or otherwise engaged in their own ways towards the eventual effectuation of an East African Federation. Your diversity, resilience, boldness and general disposition inspires me.

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I wish to express my gratitude to Liz, who amidst her punishing schedule at the EAC secretariat did a superb job of mobilizing, recruiting and connecting me to the respondents of this study. Thanks Liz.

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Acronyms

CCM	Chama Cha Mapinduzi
CHADEMA	Chama Cha Demokrasia Makini
CTI	Confederation of Tanzania Industries
EABC	East Africa Business Council
EAC	East Africa Community
EACJ	East Africa Court of Justice
EAF	East Africa Federation
EALA	East Africa Legislative Assembly
EC	European Commission
EU	European Union
KANU	Kenya Africa National Union
KEPSA	Kenya Private Sector Alliance
NAFTA	Northern Atlantic Free Trade Area
NRM	National Resistance Movement
PSFU	Private Sector Foundation of Uganda
RPF	Rwandese Patriotic Front
TCCIA	Tanzania Chamber of Commerce, Industry and Agriculture
UMA	Uganda Manufacturers Association

Abstract

The East Africa Community made up of the territories of Kenya, Uganda, Tanzania and newly admitted Rwanda and Burundi have declared their intention to politically federate into a political entity to be known as the East Africa Federation (EAF). The consolidation process into a federation was initially set to come into place by 2013. In 2004, the summit of the East African Community, made up of the head of states and Governments of the member states formed 'the Committee on Fast Tracking East African Federation (also called the *Wako Committee*)' to explore the possibility of fast tracking the consolidation into a political federation. The Committee proposed a 2010 fast track date for the federation.

The actualization of that process has not happened 2 years after the proposed fast track date, and the East Africa Community (EAC) seems set to miss the initial 2013 date for a political federation. This failure to meet the proposed fast track dates of 2010, and the likely failure to meet the 2013 date's calls into question the underlying causes of the failure. This study will propose that the varying level of engagement by key interest groups, such as trade lobbies (during the initial integration process that had an overwhelming economic integration theme) and political parties, in the federation process (which is a distinctly political stage) is one of the key underlying factors undermining the actualization of the EAF.

The thesis will posit that, the federation being a distinct political process will require the support and engagement of the plurality of political players within the territories of the community and at the regional level. This has been lacking in the case of East Africa Federation process and as such, absence of this critical pre condition for success in a federation has undermined and will continue to undermine the viability of this project for the East Africa Community territories.

Lack of participation, and interest in the project by key interest groups, including political parties, undermined the realization of a political federation by the 2010 proposed fast

track date and will continue doing so and undermine the proposed 2013 timing for the federation of the territories of East Africa.

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Chapter One

Introduction to regionalism in East Africa

1.1 Introduction

The East African Community, revived in June 2001, is a regional Inter governmental organization of the republics of Kenya, Uganda, Tanzania and newly admitted Rwanda and Burundi. It has its headquarters in Arusha Tanzania. These five countries are working on consolidating, into a geopolitical federation to be known as the East African Federation. Kenya, Uganda, and Tanzania were the original constituent members of the East African Community with Rwanda and Burundi being admitted in November 2007. The consolidation process into an East Africa Federation was at first set to come into place by 2013, although there have been failed attempts to fast track the federation process by 2010.

The world wide revival in interest for regional cooperation and integration has been inspired by the perceived success of the European Union (EU), the pressure being put on local economies by globalization¹, including the need to share dwindling natural resources, desire to achieve economic development among others. In Africa there is a long history of attempts for regional cooperation and integration, largely being undermined by lack of political commitment and disagreements over compensation for loss accruing out of cooperation (Cooperation in regional integration process requires member states to forego collecting duties from goods imported into their territories by other member states, at the free trade area stage, other losses that a member state may encounter would include being required as part of a custom union, to lower duties charged on import of goods from outside the federating territories in a bid to harmonize duties for

¹ R, Lavergne, 'Introduction: Reflections on an agenda for regional integration and cooperation in West Africa' in Real Lavergne (ed), *Regional Integration and cooperation in West Africa: A multidimensional perspective* (Ottawa: IDRC & Africa World Press, Inc, 1997) p.3

goods drawn from outside the federating territories) and distribution of benefits accruing from integration and cooperation.²

Theoretically, regional integration would follow five steps namely – a Free trade area where tariffs and quotas are eliminated among the members of the integrating region. A customs union which involves the elimination of tariffs and quotas and also eliminates discriminatory tariffs by non – members by setting up common external tariffs against non members. The third stage of integration involves the establishment of a common market where barriers and or obstacles for the free flow of factors of production, namely, capital and labour are eliminated allowing free flow of these factors across the integrating region. This is followed by establishment of a monetary union, or economic union which entails the harmonization of economic policies which may involve the introduction of a common currency. The highest form of integration is a political union, where structures and political institutions which harmonize policies are themselves harmonized and unified³.

Political federation refers to a political organization in which two or more states agree to form a union government with central authority, while retaining local autonomy⁴ on pre agreed legislative, political and policy issues that relate to issues of a localized nature that would not affect the resultant federation. At the regional level however, federalism is the call for the coming together of independent states to form a federal government.⁵ In regional integration, federation is a mean between political cooperation and political union. Political cooperation involves mutual policy arrangements among member states aimed at attaining common interests and objectives.⁶ Political cooperation does not necessarily require the surrendering of one's jurisdiction to a central unit. A political union is the ultimate goal of cooperating parties, and

² N. Ng'eno, K (et al), *Regional Integration study of east Africa: the case of Kenya, KIPPRA Working paper no.9* (Nairobi: Kenya Institute for Public Policy Research & Analysis(KIPPRA), (2003) P.1

³ Ben Belassa in Ojo et al, '*African International Relations*', Longman, London, 1985 p. 145

⁴ Ibid p. 75

⁵ Ibid

⁶ Rwekeza Mukandala; '*Political cooperation*', in *perspectives on regional integration and cooperation in East Africa; proceedings of the 1st ministerial seminar on East African cooperation*', Arusha Tanzania p. 89

entails a shared political jurisdiction in which the parties to the union agree to surrender either all or part of their sovereignty to a central political unit.⁷ In between political cooperation and political union is political federation. The Tanzania and Zanzibar federation is a good example of a political federation of the two territories previously known as Tanganyika and Zanzibar that resulted into Tanzania upon federation in 1964. Tanzania is divided in 26 regions. Five of those regions form Zanzibar. The island is a self-governing region. It elects its own president who has control over the internal matters of the island. Zanzibar was an independent sultanate and a British protectorate, while Tanganyika was a German colony until 1919, when it became a British mandate territory.

Trinidad and Tobago is another example of federation of territories that retain local autonomy while submitting a substantial amount of sovereignty on issues like defense, foreign affairs, economic policy among others while retaining autonomy on issues such as collection of taxes.

1.1.1 Background of the research problem

The *Wako Committee* set out 2010 as the year that the member states of EAC would become a political federation.⁸ This did not happen, and it appears that lack of participation and engagement of key players in the member states was one of the reasons for this failure, it is thus imperative to establish the effect of participation or lack of by interest groups, including political parties, in the actualization of regional federation. It is an acknowledged fact that mobilization and aggregation of citizen interests through organized groups is crucial to ensure their needs and interests are captured during the crafting of a political federation of multiple territories. If interest groups are active in the architect of a federation by amplifying the voice of the interest groups

⁷ Ibid p. 93

⁸ The Committee was chaired by Amos Wako, Attorney General of Kenya; Professor Haidan Amani, Vice Chairman (Tanzania); Dr. Ezra Suruma, Secretary (Uganda); and Associate members were: Professor Sam Tulya-Muhika (Uganda), Ms Margaret Chemengich (Kenya) and Mr. Mohamed Fakh Mohamed (Tanzania).

they represent into the design, there is likelihood of citizen ownership and thus success of a federation than if they are excluded or disinterested.

There is a need to ascertain the actual role played by interest groups, including political parties, in the proposed East African Federation by the year 2010 when the proposed federation was meant to happen but did not happen, and establish the impact of these roles to the lack of success to achieve the EAF by the 2010 set date.

1.1.2 Statement of the Research Problem

Full federation of the East Africa Community through the proposed 'fast Track mechanism' by 2010 has been unsuccessful, while the same outcome seems to await the federation process by the initial proposed 'gradualism mechanism' by 2013. This will be difficult to achieve without examining and addressing the internal weaknesses of the federating states. Thus, this study seeks to analyze the movement towards an East African Federation. It will specifically address itself to the lack of interest and participation of key interest groups, including political parties, in the discourse for and architecture of the proposed East African Federation both within their own territories and at the regional level. It appears unhealthy democratic status, deficiencies and differences within the federating states as pursued or aggregated in political parties is a major cause for the missing of the proposed fast track timing for an East African Federation, and will continue to undermine the likelihood of an eventual federation by the initially proposed 2013 timeline. If the architects of the federation do not take time to study and positively mobilize the ethno nationalists and political parties that aggregate these interests to support the federation project there is a high risk that the federation will be unsuccessful thus denying the citizens of this region the economic, political and social benefits that would accrue from an EAF. The supporters and architects of the federation need to understand the power and political dynamics in the federating states in order to mobilize and align their interests with those

of the federation. Failure to do that may lead to these powerful power and political forces undermining the member states desire to be part of the federation.

Discussions around fast tracking East African Federation, and or the actualization of the federation by proposed 2013 timeline have captured public attention for awhile now. Since the *Wako Committee* released its report, a lot has been said about the project. After holding wide consultation in the countries of the region, the Committee came out with a report containing several recommendations on fast tracking the East African Federation. It should be remembered that there have been attempts before to federate the East African region, attempts which came to nothing. Despite this long history of cooperation and attempted federation and the obvious benefits that would accrue to the member states was the federation to succeed one ought to ask whether within these federating states conditions exist that would support the federation project? Despite the prevailing political good will by the political leadership of the partner states and the attempt to seek the participation of the private sector, Civil society and the people of East Africa in this project, it still appears that the greatest risk to the federation of the East Africa would emanate from the prevailing social, economic, political environment and makeup of the member states.

The member states have a myriad of challenges within their own territories ranging from high levels of poverty, insecurity, weak state institutions, competing ethno –nationalism, weak democratic culture among others. It does thus appear that the weaknesses of the federating states in the region will undermine the viability of the federation idea. Two years after the proposed Fast track date for the East African Federation and less than a year to the initial proposed gradual federation date of 2013, the federation process appears to be behind schedule. This study shall seek to understand the major hindrances to the successful federation of the Territories of this region.

1.1.3 Research questions

1. What constitute interest groups in regional federation processes?
2. Do the roles of interest groups accelerate or hinder regional federation processes.
3. Should interest groups in the East Africa Community region play a bigger role in shaping their national positions in the regional negotiation towards an East African Federation?

1.1.4 General Objective

The general objective of the study was to analyze the impact of absence or exclusion of interest groups in the individual federating states and how this may lead to support or opposition to the proposed East African Federation.

1.1.5 Specific Objectives

1. Identify the existence and nature of interest groups in the territories of the East African Community.
2. To identify the effect of any role these interest groups, including political parties, may have on the success or failure of the formation of an East African Federation.
3. To examine the implication of the absence of interest groups, including political parties, in the architecture of the proposed East African Federation.

1.2 Hypotheses

The study makes the following assumptions:

1. Active participation and engagement of interest groups, including political parties, in the federating states, will have positive impact in the success of the federation process of the East African Community.
2. Active participation and engagement of interest groups, including political parties, will have no effect at all to the success or otherwise for the federation of the East African Community territories.

3. The state of political parties in the individual territories of East Africa and their nature of engagement with the ruling parties affects their ability to engage and influence decisions at the national and regional level relating to federation.

1.3 Literature Review

Introduction: This chapter will examine literature and scholarly works on regional integration, relying primarily on the school of thoughts that can broadly be classified as functionalism; neo functionalism and Pan Africanism as the theoretical foundation of regional integration in Africa generally and specifically examine how this relates to the ongoing process of integrating the territories of the East African Community. This section will draw conclusion around the inefficiency of these theories in application to the context of the East African Community. The second part of this section will relate to the liberal intergovernmentalism as the Theoretical framework that this study will be anchored on and conclude by showing how this is theory is better position to explain the East African Community integration attempts given our unique context.

1.3.1 Interest group definitions:

The online Dictionary.com defines an interest group as a group of people drawn or acting together in support of a common interest or to voice a common concern. It elaborates further as 'An organized group that tries to influence Government to adopt certain policies and measures,'⁹ these are drawn or acting together in support of a common interest or to voice a common concern. Any association of individuals or organizations, usually formally organized, that, on the basis of one or more shared concerns, attempts to influence public policy in its favour. All interest groups share a desire to affect government policy to benefit themselves or their cause. It could be a policy that exclusively benefits group members or one segment of society (for

⁹ "Interest group." *The American Heritage® New Dictionary of Cultural Literacy, Third Edition*. Houghton Mifflin Company, 2005. 03 Apr. 2012. <Dictionary.com http://dictionary.reference.com/browse/interest_group>.

example, government subsidies for farmers) or a policy that advances a broader public purpose (for example improving air quality). Interest groups are a natural outgrowth of the communities of interests that exist in all societies, Interest groups exist at all levels of government national, state, provincial, and local and increasingly they have occupied an important role in international affairs.

1.3.2 Literature review on regionalism

Senghor argues that, any discussion of the foundations of regional integration in Africa must focus on functionalism and its offspring neo-functionalism¹⁰. Kibua while agreeing with Senghor posits that under the functionalist approach, regional integration is promoted piecemeal through gradual steps to painstakingly build a web of functional relations in trade, investment, infrastructure, culture, etc. In this building-block approach the political superstructure, such as a political federation, would be considered the logical culmination of the integration process from below¹¹.

Senghor contends that nationalism and national self-consciousness in Africa poses a great challenge to the functionalist strategy. This has implications for attitudes towards sovereignty¹². He points out that in the African experience, the absence of strong interest groups and the restricted role of technocrats deprives functionalism of its mercenaries and gatekeepers. Functionalism prescribes that in the process of integration “sovereign rights” are transferred from the state to functional organizations¹³.

Senghor further argues that the politicization of the integration debate dilutes the functional approach in Africa and a consistent lack of a shared common value system and commitment to integration further undermines the utilization of this approach. Individual state

¹⁰ J. Senghor C., 'Theoretical Foundations for Regional Integration in Africa: An Overview' in Nyong'o, Anyang (ed), *Regional integration in Africa: Unfinished Agenda*, Nairobi: Africa Academy of Sciences, 1990 p. 18

¹¹ T. N. Kibua and Arne Tostensen, *Fast-tracking East African Integration: Assessing the Feasibility of a Political Federation by 2010* (Chr. Michelsen Institute (CMI): Norway, 2005) p. 17

¹² J. Senghor C., 'Theoretical Foundations for Regional Integration in Africa: An Overview' in Nyong'o, Anyang (ed), *Regional integration in Africa: Unfinished Agenda* Op. Cit. p. 25

¹³ *Ibid.* p. 21

interests and their promotion and protection rather than those of the functional supra national organization is the more common scenario.¹⁴ This predominance of narrow national centric politics in the functional integration efforts among developing countries has stunted growth in the integration process in Africa.¹⁵

In the formation of the new EAC, on paper, the functionalist approach is embraced: creation of a customs union was considered the entry point followed by a common market, a monetary union, and ultimately a political federation of the EAC states¹⁶. However, since 2004, efforts have been directed towards fast tracking the achievement of a political federation by 2010¹⁷. The environment of underdevelopment prevailing in Africa, and the dominance of political preoccupations at the national level and in inter-state relations, the success of the functional or building block approach is likely to be very limited¹⁸. EAC is no exception.

Given Taylor's Definition of integration as the sense of transfer of authority and legitimacy to a new supranational set of institutions, brought about, and as, a response to the condition of inter-dependence where actors in the international system are sensitive and vulnerable to the acts of other entities, whether these be governments or trans-national actors such as multinational corporations or terrorists groups¹⁹. And looking at the practice of functionalism in Africa and East Africa in particular it is not hard to see the challenges that the functionalism theory faces if it were to be applied to our context. Taylor continues to elaborate that the sense of transfer of authority should eventually lead to a 'condition of political community' he further argues that integration is based principally on the development of shared norms, values, interests, or goals' as a process it is perceived by integration theorists as

¹⁴ Ibid. pp. 26-27

¹⁵ Ibid. p. 22

¹⁶ N. Ng'eno, K (et al), '*Regional Integration Study of East Africa: The Case of Kenya*', Op. Cit. p. 8

¹⁷ EAC, '*Report of the Committee on Fast Tracking East African Federation*' Op. Cit. p. 81

¹⁸ J. Senghor C., 'Theoretical Foundations for Regional Integration in Africa: An Overview' in Nyong'o, Anyang (ed), '*Regional integration in Africa: Unfinished Agenda*', Op. Cit. p. 30

¹⁹ T. Taylor, '*Approaches and Theory in International Relations*', (London: Longman, 1961) p. 254

consensual,²⁰. Ernst Haas positions that for a process of integration to materialize political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities towards a new centre whose institutions possess or demand jurisdiction over the pre-existing national states²¹.

Neo Functionalism in itself emphasizes the central importance laid to the role of loyalty in the process of integration. According to Senghor loyalty is seen in a two-fold manner. First-flowing from political and cultural homogeneity brought about by successful trans-national institutions which provide the basis for integration and from this, the second form being the concept of spill over. The idea here is that functions cooperatively performed by governments in one area result in cooperation in other areas, leading eventually to integration. Spill over usually flows from a functionally specific economic area to a more controversial less technical and political area²².

The evidence of this spillover effect trumpeted by neo functionalist is scanty in the African experience. This can be attributed to a number of factors including the fact that the low levels of intra Africa economic cooperation does in itself limit the possibility of this function generating sufficient passion and or desire (spill over) to a political union, this is aggravated by the central role the ruling political class play in the integration process at the expense of the better suited technocrats. Short term National sovereignty issues as defined and practiced by the African political elites further undermines the possibility of the spillover effects to broaden further and deeper cooperation in areas outside, and even, within economic cooperation. Decision-makers approach inter-state cooperation with perceptions of competing, and even

²⁰ J.E Dougherty and R.L Pfaltzgraff (Jr), *Contending Theories of International Relations*, (Adison Wesley: Longman, 1997) p. 420

²¹ E. B. Haas, *The Uniting of Europe*, (C.A Stanford University Press, 1957) p. 5

²² Ibid. pp. 20-21

conflicting, national interests. The objective is to ensure that one's own interests are not trampled under²³.

From the foregoing, it is clear that though both functionalists and neo functionalism played a role in the EAC, it is insufficient to explain the current state of the EAC specifically as it relates to the federation process. For example it appears that though there has been impressive progress in the economic front in the EAC, with businesses enjoying relatively liberal ability to operate in the 5 territories, this success hasn't translated to loyalty being transferred from the national territories in the region to the EAC as a regional organization. In fact if one was to look at the political actors within the EAC, like the East African Legislative assembly, the membership there tend to project more their national interests (sovereignty) than those that can be called regional interests, in some cases like the Kenyan and Ugandan representatives, they project more the interests of the political parties that nominated them than the national and or regional interests. This in itself points out to the insufficiencies of these two theories in the case of EAC.

Another criticism that can be leveled on the functionalism and neo functionalism in explaining the EAC is that, rather than the diversity of political actors within the EAC territories being active in the federation process those active are those that constitute the executive of the territories that are members of the EAC, rather than the political plurality that make up these territories. As shall be shown in the conclusion chapter of this study, the non parliamentary political parties, and parliamentary opposition parties in the various territories of EAC are disinterested, disengaged or excluded by the ruling parties from active participation in the discourse and architecture of the proposed East African Federation.

Neo-functionalism is considered as one of the main theories of explaining European integration. Ernst Haas proposes a theoretical approach that seeks to explain how and why

²³ Ibid. p. 28

nation-states cease to be wholly sovereign, and how and why they voluntarily mingle, merge, and mix with their neighbors so as to lose the factual attributes of sovereignty while acquiring new techniques for resolving conflicts between themselves."²⁴ He argues that this process of integration takes place through the influence and leadership of supranational institutions and domestic interest groups. Elites at the supranational level and individuals within these domestic interest groups are assumed to be rational utility-maximizers viewing further regional integration favorably.

Pollack asserts that although the initial decision for integration is taken by governments of interested member-states, these elites and interested groups "create additional pressures for further integration"²⁵. How these supranational elites and interested groups further integration is by taking advantage of unintended consequences or gaps left behind by initial integration efforts to "spillover" cooperation in other policy areas²⁶. By colluding together, domestic interest groups, but especially supranational elites are viewed as the main proponents of the regional integration process by neofunctionalist. Whereas the governments initiate the process of integration, as the process continues their role is relegated to the sidelines. States for neofunctionalist serve a refereeing role during the integration process. Haas argues that since these governments would have heterogeneous interests they are skeptical of taking any anti-integration steps for fear that such a measure might be unprofitable and might set a negative precedence²⁷. Further, as Mattli elaborates these heterogeneous interests leave governments with little room to maneuver around pressures for further integration from supranational elites and their own domestic interest groups.²⁸ Nye discusses the applicability of neo

²⁴ Haas, Ernest B: *The Unifying of Europe: Political Social and Economic forces*, Stanford, CA, Stanford University Press P 67

²⁵ Pollack, Mark: *Theorizing the European Union: International Organization, Domestic Polity or Experience in new Governance?* Annual review of political Science p 36

²⁶ Mattli, Walter: *The Logic of Regional Integration*, New York, Cambridge University press (1999)p.24

²⁷ Haas Ernest B: *The unifying of Europe: Political Social and Economic forces*. Stanford, CA, Stanford University Press (1958)

²⁸ Mattli, op cit. at p.25

functionalism to regional integration arrangements in less-developed regions. He argues that one proposition that “seemed questionable in the East African situation is the idea that increased transactions across borders creates new institutions to cope with them.”²⁹ Instead of spillover, such unintended consequences were tackled by limiting deepening of cooperation or spilling back. He further questions the place and role played by organized interest groups in the earlier attempt to integrate the EAC. He acknowledges, “The business community was committed to the East African Common Market, but no one would have dared predict the future of the market because of it.”³⁰

In his examination of whether pan-Africanism as an ideology had an impact on the earlier EAC attempts to federate Joseph Nye though not labeling the attempt constructivism, concludes that the pan-African ideology was not strong enough to propel East African integration in the 1960s³¹. He further posits that the then member-states’ self-interest got in the way of deepening cooperation in East Africa during negotiations. Although these were newly established states “East African leaders acted at least in part according to national interest at the same time that they maintained their commitment to Pan-Africanism”³². And although the “new” EAC references ideation factors, it is more likely that deeper cooperation in East Africa “will be achieved through a reconciliation of national interests, with ideology playing a less significant part”³³

²⁹ Nye, Joseph S op cit at p.19

³⁰ ibid p.20

³¹ Nye, Joseph S; ‘*Pan Africanism and East Africa integration*’, Cambridge, MA, Harvard University Press p 19

³² Ibid p.198

³³ Ibid p. 247

1.4 Justification of the Research

Most studies looking at the past and ongoing regional integration in East Africa have, as was shown, utilized the functionalism, neo functionalism and realism theories to analyze the regional integration efforts in East Africa, there hasn't been much work done around the use of liberal intergovernmentalism theory, this study proposes to bridge that gap and seek to apply the Liberal Intergovernmentalism theory as the more appropriate model for our case. Where this model (Liberal Intergovernmentalism) in the East African Community context has been utilized, it was focused on the economic side of the integration, and not on the political federation ambition. At a time when the stated objective is to create the East Africa Federation it is important that this theory be tested on the political development that would lead to political federation of the five member states of the East Africa Community. This study will contribute towards deepening the understanding on the integration of the East African community, specifically the ongoing attempts to federate the territories.

The second attempt for an East African Community has acquired a federation angle. There would be a need to understand this integration in the EAC context by interrogating the different group and power dynamics that would either accelerate or hinder the federation project. This study proposes to apply the Liberal intergovernmentalism framework to the proposed East Africa Federation project in order to deepen understanding around integration in the East African Community.

1.5 Theoretical Framework

Liberal intergovernmentalism has exclusively been applied to explain European integration. In *The Choice for Europe*, Moravcsik writes that integration is as a result of rationalist choices made by states. "These choices responded to constraints and opportunities stemming from economic interests of powerful domestic constituents, the relative power of each state in the international system, and the role of institutions in bolstering

the credibility of interstate commitments³⁴.” Moravcsik traces the evolution of European integration from the founding of the Coal and Steel Community through the Single European Act, to the signing of the Maastricht treaty that established the European Union³⁵. Moravcsik and Vachudova expand this theory by applying it to the eastern enlargement of the E.U. The explanation places the state at the center with domestic politics and power politics influencing the integration process³⁶.

Liberal Intergovernmentalism has been faulted for application of selection bias, that it has during its evolution only been applied to those cases that fit it, and thus there has been no attempt to fit this theory to other efforts of regionalization³⁷. Schimmelfennig further criticizes the liberal intergovernmentalism theory for downplaying the behind the scene roles that supra national institutions play in influencing government choices in the integration process, and its failure to realize that the liberal intergovernmentalism three parts assumed to follow each other precludes the obvious scenario where the case could be that they run in tandem³⁸.

An application of the liberal intergovernmentalism to other regional integration arrangements and specifically East African integration will follow the steps laid down by Moravcsik. In the developing world, the state has a formidable role and may sometimes neglect the input of its domestic constituency. However most governments rely on a segment of the domestic constituency for political survival and would make policies that address the needs of this selectorate. Domestic lobbying therefore would matter not only for democracies but also for democratizing and autocratic states.

³⁴ Moravcsik, Andrew ‘*preferences and power in the European Community: A Liberal Intergovernmentalist approach*’ Journal of Common Markets Studies, 30th Anniversary Edition (1993)

³⁵ Moravcsik, Andrew ‘*The choice for Europe: social Purpose and state power, from Mesina to Maastricht*’. Ithaza, New York, Carnel University Press (1998)

³⁶ Moravcsik, Andrew, Vachudova, Milada – Anna ‘*Politics and society*’ (2003)pp. 42 - 57

³⁷ Scharpf F.W ‘*Selecting Cases and Testing Hypotheses*’ Journal of European Public Choice pp. 164 -168

³⁸ Schimmelfennig, Frank ‘*Liberal Intergovernmentalism*’ in Antje Wiener & Thomas Diez (eds) European Integration theory, Oxford University Press, 2004 p.82

The focus in applying liberal intergovernmentalism is domestic preferences and state policy positions regarding a specific policy area of regional integration. The assumption of rationality holds and thus domestic groups will have preferences on integration that would maximize their welfare. These groups, be they pro- or anti integration, will lobby their respective governments to pursue a particular integration policy. Organization of these lobby groups is therefore important if they are to successfully influence government policy.

Once these preferences are taken into account by governments, the governments will negotiate with other governments to ensure that these preferences are addressed by any agreement on integration. In order to plausibly predict the evolution of regional integration in a particular policy area, one needs to examine the convergence of preferences of the various states and domestic groups within these states.

In this hypothesis, the expectation is that convergence around pro-integration preferences should lead states to agree to deepen cooperation. Convergence around anti-integration preferences or the lack of any convergence would stagnate regional integration since states would not have agreed on how to develop their level of cooperation.

Liberal intergovernmentalism accounts for the influence of power politics in the integration process, especially during negotiations. Since integration would affect states differently, those poised to gain more may be more willing to offer side-payments to states skeptical of further integration or any other incentives that could sway such a state and its domestic constituency to be more pro-integration. Thus Side payments offered to laggard states to influence preference convergence affect the evolution of regional integration.

These side payments serve a corrective mechanism to persuade states that feel their domestic groups would lose out due to further integration. The laggard states are therefore assured of benefitting from integration due to the side payments while the more pro-

integrationist states are guaranteed further deepening of cooperation in a particular policy area.

The convergence of preferences, as the theory predicts, would lead to an agreement being reached regarding integration. Any form of institutional choice, assuming the agreement is further cooperation on a particular policy area, would reflect the wishes of the member-states. To ensure compliance and to deter cheating through sanctions or threat of sanctions, the institutional mechanism will facilitate interstate cooperation and aid in the redistribution of gains from cooperation.

The experience of the second attempt to an East African community as shown above has clearly been driven by governments of the federating nations. These Governments have paid heed to the lobbying and influencing of the dominant interest groups. Initially, when the East African Community was focused on economic growth through cooperation, these lobby groups were the local business lobbies, as shall be shown latter in this study. It is clear that as the community turns more and more to the political agenda of federation, the more vocal groups are likely to come from the competing ethno – cultural groupings in the federating countries, and since all the countries have no institutions to manage the diversity within their territories, these ethno – cultural groupings, most times embodied in political parties will become bigger players in determining how the proposed federation will be realized, or not. It is not enough for the Wako commission to assume that the emergence of a bigger consolidated territory in the name of the East African Federation – would aggregate, manage, eliminate and curtail these competing ethnic identities and their interest.

The history of attempts at regional integration in Africa is as old as its colonial political system. Much has been written about the effects of regional integration schemes on trade and economic development, little investigation and analysis has been done in terms of developing a theoretical framework to account for the evolution of these regional blocs.

This paper will demonstrate that preferences of prominent political, business and other influential organized interest groups in the member-states influence the governments' policy positions regarding regional integration as it was seen during the negotiations for a customs union and will continue to be seen in the current process towards a federation. These groups', especially the political elites will through lobbying their respective governments, push to have their policy preferences reflected in final state policy on integration³⁹. Through their influences, the outcomes of interstate bargaining and the institutional choice will very likely reflect the wishes of the negotiated vested interests of these powerful interest groupings within the territories of the federating states. They will seek to ensure that integration would maximize their welfare⁴⁰.

Liberal Intergovernmentalism offers a more plausible explanation of East African integration by focusing on influences of policy and bargaining outcomes, unlike other explanations such as Pan-Africanism, which as a constructivist/ideational argument, circumvents the power of the state.

1.6 Methodology of the Research

1.6.1 Study Design

Introduction: Research design is a presentation of the plan, the structure and strategy of investigation, which seek to obtain or answer various research questions. It is a detailed plan for how research carried out the study and concluded according to the data required in order to investigate the research questions in an economical manner. It is a framework that guides the collection and analysis of data.

The purpose of this study was to explore and examine the possibility of the realization of the political federation of East Africa Community (EAC). In order to answer these questions, a

³⁹ Chacha, M, '*Presentation at the Annual Meeting of the American Political Science Association*', Toronto, Canada 3— 6 September 2009 P.16.

⁴⁰ Ibid p.21

quantitative research approach (or design) was adopted. This was a purposive survey of selected organization across the member countries. Quantitative research includes designs, techniques and measures that produce discrete numerical or quantifiable data. Quantitative research relies on the principle of verifiability i.e. information, proof, or substantiation, using appropriate measurements of the study variables.

1.6.2 Target Population

The target population in this study comprised of the selected organizational participating in the architecture of EAC purposively selected. It specifically targeted political party actors active in the territories of EAC and those active in the EAC institutions specifically the East Africa Legislative assembly.

1.6.3 Data collection

Data was collected with a structured questionnaire administered to respondents (see Appendix 1) either through email and or personal interviews conducted by the researcher to the target respondents. In this case most questions were open-ended in order to enhance the extraction of information from the respondents.

A questionnaire is a research instrument that gathers data over a large sample and its objective is to translate the research objectives into specific questions and answer for each question and provide data for hypothesis testing. The advantages of a questionnaire over other instruments include, information can be collected from large samples, and it saves on time.

1.6.4 Data analysis

Data was entered into an excel spread sheet and analyzed using statistical package for social sciences (SPSS version 17.0). Simple descriptive statistics was used in the analysis; it

describes data in terms of the research questions and objectives. The resultant findings were presented in tables and figures where applicable.

For comparisons between factors in the study, p value of less than 0.05 was considered statistically significant.

1.6.5 Scope of limitation

One of the critical limitations of this study was on availability of the respondents, given the challenge of contacting and reaching multiple respondents in 5 national territories. Language barrier was another challenge, specifically from the French speaking Burundians respondents, who had to be interviewed in the Kiswahili language to enhance communication.

The data available for analysis on this study is heavily reliant on Kenya Uganda and Tanzania, who were the original members of EAC. This history has meant that little data is available for Rwanda and Burundi who have only been members of the East Africa Community for 5 years. This was another challenge relating to trying to analyze the EAC as it is including the two newly admitted members. Where data on the role of the interest groups from the two new members is available it was analyzed, where it was lacking the study relied on the outcome of analysis from the 3 primary members of the EAC.

1.6.6 Scope of the study

The East African Community was initially made up of the 3 territories of Kenya, Uganda and Tanzania, and only expanded to include Rwanda and Burundi in 2007. The longer history of cooperation of the 3 primary states means that much more data, relevant to this study is available as they relate to them as opposed to the 2 new members. Due to this historical fact this study will in most part rely on data from the 3 original members of EAC, and only analyze data from the 2 new members in areas where the same is available as it relates to the scope of this study.

1.7 Chapter outline

Chapter one: Political federation within East Africa; this chapter will contain an introduction to regional federation and relevant literature review on the same. It will set out the theoretical framework for the study and provide the study justification, the statement of research problem, the study objectives and the hypothesis underpinning the study.

Chapter two: the East Africa Community – this chapter will contain the genesis and history of the East Africa community, challenges and successes of the first and second East Africa Community, the current structure and architecture of the second EAC, and the general status of the community including its readiness for political federation.

Chapter three: The role of interest groups in EAC. This chapter will address itself to the role of interest groups in the EAC, and explore the relevance of the theory of intergovernmentalism as it relates to domestic organized groups in the architecture of EAC and the proposed EAF.

Chapter four: This chapter will explore the specific role of Political parties in the EAC federation process while providing a basic country profile and scale of political freedom and political parties' security in East Africa.

Chapter five: Chapter five will examine data collected and analyzed and present the findings based on the outcome from the political and non political players within the federating states on the role, enabling and disabling factors in the integration process of the East African Community.

Chapter six: Chapter six will present the conclusions and general recommendations based on the outcome of the data collected and analyzed on the role of political parties towards the political federation process of the East African Community; it will seek to offer an explanation on whether the ambition for a federation in East Africa is reasonable under the prevailing circumstances.

Chapter Two

Historical analysis of the East African Community

2.1 Introduction:

A history of East African Cooperation: The integration of East Africa has gone through four phases.⁴¹ The first phase began when a decision was taken to commence the building of the Mombasa-Jinja Railway in 1895. The second phase involved the creation of the East African Common market which started in 1900 with a customs arrangement between Uganda and Kenya (then British East Africa) on one hand and Tanganyika (then German East Africa) on the other. This phase saw increasing measures to integrate and interlink the three countries including: the introduction of a common currency (the East African Shilling), a Joint Income Tax Board and Joint Economic Council, the establishment of a Governor's Conference which was consolidated into an East African High Commission in 1948. According to Mukandala, "this was the golden age of cooperation".⁴² He points out that, over forty different East African institutions in research, social services, education/training and defense among others, were established or strengthened. Several commissions were also appointed to explore the possibilities of East African Federation, including the Ormsby-Gore Commission in 1924, the Hilton-Young Commission in 1927, and the Joint Selection Committee of both Houses of the UK Parliament in 1931.⁴³

The third phase began in 1961 with the formation of the East African Common Services Organization (EACSO) as a result of the Raisman Commission which had been set up to review

⁴¹ Sam Tulya-Muhika, 'Revival of the East African Co-operation and its Institutional Framework,' in *Perspectives on Regional Integration and Cooperation in East Africa: Proceedings of the 1st Ministerial Seminar on East African Cooperation Arusha, 25-26 March 1999*, (Arusha: EAC Secretariat, 2000) p. 21. However, it needs to be pointed out that the current EAC is the fifth phase of the community.

⁴² Rwekeza Mukandala, "Political cooperation in perspectives on regional integration and cooperation in East Africa", proceedings of the 1st ministerial seminar on East African cooperation, Arusha Tanzania, p. 87.

⁴³ *Ibid.* p. 88.

the structures of East African cooperation. It is important to note that Mwalimu Nyerere of Tanzania had even suggested that he would delay Tanganyika's independence for a year to wait for Kenya and Uganda so that an East African Federation would be established.⁴⁴ In June 1963, the leaders of Kenya, Tanzania and Uganda gathered in Nairobi Kenya and called for the establishment of a federation. They declared, "... we believe a political federation of East Africa is desired by our peoples. There is throughout East Africa a great urge for unity and an appreciation of the significance of federation."⁴⁵ As a result of this, a Working Party Committee on East Africa Federation was established. The Committee came up with a Draft Constitution for the Federation.⁴⁶ The mood among the parliaments of the three countries at the time was for the countries of Tanganyika, Kenya, Uganda and Zanzibar to federate. In March 1963, President Nyerere declared, 'A federation of at least Kenya, Uganda and Tanganyika should be comparatively easy to achieve. We already have a common market, and run many services through the Common Services Organization-which has its own Central Legislative Assembly and an executive composed of the Prime Ministers of the three states. This is the nucleus from which a federation is the natural growth.'⁴⁷

At that time a federation would have become a reality had it not been for the stance that was taken by the Prime Minister of Uganda, Dr. Obote. He had argued at the time that, the idea of federation had been put forward as an argument to speed Kenya's independence. He had added that, the site for the federal capital had not yet been discussed, nor who was to head the federation.⁴⁸ Also there were disagreements on the division of state and federal powers, land, citizenship, and borrowing powers.

⁴⁴ See East African Legislative Assembly (EALA), *Report of Select Committee on East Africa Federation (Munanka Report)*, Arusha: East African Community, (Undated), Page 12

⁴⁵ Ibid p 31

⁴⁶ Ibid. pp. 36-101.

⁴⁷ Ibid, p. 31.

⁴⁸ Ibid pp. 30 -31

There are various arguments that have been advanced for the failure of the federation idea in 1963. Munanka⁴⁹ attributes the failure of EAC to conceptual problems. According to him, “what Tanganyika wanted, what the Kenyans were willing and able to agree, and what most people wanted ..., was not federal government but unification.” For the people of Tanganyika and Kenya, regional unity involved the concept of a tightly constructed federation. In fact, people of Tanganyika were willing to endure the adverse short term implications of the existing common market arrangements because they assumed that a close political federation would reallocate development opportunities to the poorer areas.⁵⁰

For the Uganda leadership, federation inferred a loose plan of inter-territorial coordination. Throughout the negotiations, Uganda’s representatives strove to limit central authority in such fields as foreign affairs, citizenship, external borrowings, agriculture and animal husbandry, higher education, mines and trade unions. Uganda’s tactics within the Working Party on East African Federation led the then Kenya’s Minister of State Joseph Murumbi to remark that “I feel that in Uganda we have this difficulty of the leadership, they are fearing they will be absorbed into an East African Federation. Some of the Ugandan leaders feel they might become non-entities overnight.”⁵¹ Adoko Nekyon, “expressed the fear of being thrown into darkness ... unless unity was hedged about with inordinate restrictions.”⁵² Due to these differences, there was a realization that a higher priority should be placed upon strengthening the East African Common Service Organization (EACSO) than upon the federation.

The major aim of EACSO was to centralize the administration of East Africa’s customs, excise and revenue authorities; currency, land, sea and air transport; telecommunication; and education.⁵³ While, there were these attempts the initial challenges of suspicion and lack of the

⁴⁹ Ibid p. 32

⁵⁰ Ibid.

⁵¹ Nye, Joseph S; *Pan Africanism and East Africa integration*, Cambridge, MA, Harvard University Press p. 34.

⁵² Nyirabu, *Lessons from the East African Community of 1967-1977*, p. 25

⁵³ Mohabe Nyirabu, *Lessons from the East African Community of 1967-1977*, in Ahmed Mohiddin (ed.), *Deepening Regional Integration of the East African Community*, (Addis Ababa: DPMF Book Series, 2005), p. 24.

common vision of the East African Community continued to vex the future of EACSO. According to Nyirabu, "from its birth, the EACSO was faced by serious problems, predominantly trade imbalances and unequal distribution of the benefits."⁵⁴ Attempts were made to address the imbalances by signing the Kampala Agreement in 1964. The agreement sought to decrease trade deficits and industrial imbalances between Uganda and Tanzania. Additionally, it advocated industrial policies of allocating new industries to Tanzania and Uganda so as to increase production in the two countries, thereby reducing imports from Kenya. The agreement was never implemented partly because Kenya refused to ratify it by insisting among other things that one single currency be maintained in East Africa, a condition that was unacceptable to the other partners.⁵⁵ Therefore, this phase of East African cooperation was marked with pull and push among the member states.

Generally, the phase was marked by efforts to manage and contain the stresses and strains of inequality in the distribution of the gains and pains of cooperation while at the same time maintaining and even developing new areas of cooperation.⁵⁶ The phase culminated in the formation of the East African Community (EAC) in 1967. Although this was an achievement of the three member states, it later turned out that EAC was formed/initiated on a platform of implicit hostility and suspicion. Factors that later hampered the process of integration.

The third phase gave way to the fourth, which ushered in the establishment of the East African Community (EAC) in 1967. The failure of the Kampala Agreement gave rise to a new search for cooperation.⁵⁷ The Phillip Commission that was established in 1965 to study the issue of economic cooperation in East Africa came out with several recommendations.⁵⁸ First, it proposed the maintenance of a common tariff against foreign goods entering the region, however

⁵⁴ Ibid. pp. 35 -42.

⁵⁵ Ibid., p. 25.

⁵⁶ Rwekeza Mukandala, "Political cooperation in perspectives on regional integration and cooperation in East Africa, op. cit., p. 88.

⁵⁷ Nyirabu, 'Lessons from the East African Community of 1967-1977,' op. cit., p. 25.

⁵⁸ Ibid, pp. 25-26.

unlike in the past, custom duty was to be paid to the consuming state rather than to the port of entry, which was usually Kenya. Secondly, with respect to industrialization, it recommended the maintenance of the licensing scheme created under the Kampala Agreement with incentives, whereby Tanzania was unequivocally granted the authority to establish three industries, while Uganda and Kenya were to establish two industries and one industry, respectively. Thirdly, it recommended the creation of the East African Development Bank (EADB) with the key aim of lending investments funds to the three states with special bias in favor of Uganda and Tanzania.

While the above commission was intended to demonstrate the challenges facing the EACSO and propose ways of countering them, it became evident that the cooperation was based on a zero sum game. While, cooperation was intended to benefit all the states, custom duty paid at the port of Mombasa benefited Kenya more than the other states who were the consumers. Subsequently the recommendation of Philip Commission that the consuming state impose custom duty demonstrated a situation that Kenya could not agree to as it would lose the economic benefits of its port.

The Phillip Commission's work led to the signing of the Treaty for the East African Cooperation on December 1, 1967 in Kampala, Uganda. The treaty recommended the creation of the East African Community (EAC). The treaty was anchored on three broad categories: harmonization of economic policy; common institutions and a common market.⁵⁹ As observed elsewhere in this chapter, the EAC was established on a bad footing. Within a period of ten years it collapsed.

Therefore, East African integration can be summarized as follows⁶⁰:

1900 - Mombasa established as a customs collection centre for Uganda.

1905 - Currency board set up to issue currency for Kenya and Uganda.

⁵⁹ Ibid, p. 26.

⁶⁰ Mothae Maruping, "Challenges for Regional Integration in Sub-Saharan Africa: Macroeconomic Convergence and Monetary Coordination" in *Africa in the World Economy - The National, Regional and International Challenges*, (The Hague: Fondad, 2005), found in www.fondad.org accessed on 12/12/2009.

1917 - Customs Union established between Kenya and Uganda and Tanganyika joined in 1922.

1948 - High Commission established.

1961 - Common Services Organization established.

1967 - The treaty for the East African Community was signed.

1977 - The then East African Community collapsed.

2.1.1 The Collapse of the first EAC

The EAC collapsed in 1977 as a result of several reasons. These included among others: the economic war waged by Idi Amin resulted into a divergence of currencies, and a black market burgeoned between Uganda and Kenya as the Uganda economy plummeted; Uganda's relation with Tanzania worsened with the latter having given political asylum to Milton Obote; Uganda's relations with Kenya worsened after the Israel raid on Entebbe in 1976; and, the disparity between the three currencies and the divergences in their economic policies made the collapse of the EAC inevitable.⁶¹ Other reasons have also been given as; structural Problems which impinged on the management of common services; inadequate involvement of the people in the decision-making processes; lack of compensatory mechanisms for addressing inequalities in the sharing of the cost and benefits of integration; ideological differences, vested interests and lack of vision in the part of some leaders.⁶²

According to the Treaty for the Establishment of the second East African Community, the dissolution of the East African Community was due to lack of strong political will, lack of strong participation of the private sector and civil society in the co-operation activities, the continued disproportionate sharing of benefits of the Community among the Partner States due to differences in their levels of development and lack of adequate policies to address this situation.

⁶¹ Sallie Simba Kayunga, 'Deepening Political Integration of the EAC Countries: The Uganda Case,' in Ahmed Mohiddin (ed.), *Deepening Regional Integration of the East African Community*, op cit. pp. 152-153. See also Rwekeza Mukandala Op Cit

⁶² Directorate of Corporate Communication and Public Affairs, *East African Community Update*, (Arusha: East African Community, Undated), p. 5.

This implies that the sustainability of the revived EAC largely depends on how these challenges are to be addressed by the member states.

In assessing its past, the current EAC points out that the collapse of its predecessor in 1977 dealt a major blow to the East Africa region. This was widely regrettable as the region had made great strides in the process of integration. It had become a world model of successful regional integration and development.⁶³ Although, this assessment points to the successes that had been made, the collapse categorically show how impossible the process was or how management process was weak. This makes Kayunga to observe that the collapse of the first EAC was inevitable.⁶⁴

While it is evident that many reasons have been cited as the cause of the collapse of the community, it is important to recognize that the burden lied on the member states to address them. However, little was done due to lack of the common vision that is evidenced in the blame game and skepticism of the member states as well as some leaders. The question that remains to be answered is how the New EAC community is going to address the past challenges as well as the suspicion mounted by the collapse of its predecessor.

2.1.2 The Revival of EAC

The fifth phase of East African integration earnestly began in 1984 when the three countries signed the 'Mediation Agreement for the Division of Assets and Liabilities of the former Community.' Under the agreement, the parties agreed to explore areas of future cooperation and to work out concrete arrangements for such cooperation.⁶⁵ At that time, Uganda and Kenya had new presidents, a factor which removed the acrimony which characterized the region prior to the collapse of the EAC in 1977.

⁶³ Ibid., p. 5

⁶⁴ Sallie Simba Kayunga, 'Deepening Political Integration of the EAC Countries: The Uganda Case,' in Mohiddin (ed.), *Deepening Regional Integration of the East African Community*, op. cit, pp. 152-153.

⁶⁵ Article 14.02 EAC Mediation Agreement (1984).

In October 1991 at the Commonwealth Heads of Government Meeting (CHOGM) in Harare, Zimbabwe, a meeting of the three heads of state of East Africa resulted in a decision of a Satellite East African Summit to revive East African Cooperation.⁶⁶ Subsequently, on 22 November 1991, the Permanent Tripartite Commission for Cooperation was set up. The Commission was charged with the responsibility of promoting cooperation in various fields among the member states. It was further charged with the responsibility of coordinating the economic, social, cultural, security and political issues for closer East African cooperation.⁶⁷ The leaders of the region also tasked the Tripartite Commission to speed up the process of resolving outstanding issues of the defunct EAC as stipulated in the EAC Mediation Agreement of 1984.⁶⁸

At a meeting in Arusha Tanzania on 30 November 1993, the heads of state of the region signed an agreement to revive cooperation among the three countries. Subsequently, in November 1994, the Kampala Protocol including provisions for setting up a permanent EAC Secretariat in Arusha was signed. Cooperation activities effectively commenced on 14 March 1996 with the launching of the Secretariat at the EAC headquarters in Arusha.⁶⁹ This culminated to the development of the policy framework for the regional cooperation by the secretariat. The implementation of this policy framework resulted in the establishment of a treaty to revive EAC which was signed on 30 November 1999. On 15 January 2001, the East African Community Treaty was officially launched in Arusha after ratification by the three countries. Since then, there have been efforts to consolidate the cooperation process.

The progression of the resumption of the EAC can be summarized as follows:

30 Nov. 1993 - Permanent Tripartite Commission for East African Co-Operation established

⁶⁶ Tulya-Muhika, 'Revival of the East African Co-operation and its Institutional Framework,' in *Perspectives on Regional Integration and Cooperation in East Africa: Proceedings of the 1st Ministerial Seminar on East African Cooperation Arusha, 25-26 March 1999*, op. cit., p. 24. See also, ⁶⁶ Directorate of Corporate Communication and Public Affairs, *East African Community Update*, op. cit., p.6

⁶⁷ Sallie Simba Kayunga, 'Deepening Political Integration of the EAC Countries: The Uganda Case,' in Mohiddin (ed.), *Deepening Regional Integration of the East African Community*, op. Cit., p. 153.

⁶⁸ Mohabe Nyirabu, 'Lessons from the East African Community of 1967-1977,' in Ahmed Mohiddin (ed.), *Deepening Regional Integration of the East African Community*, op. cit., p. 28.

⁶⁹ Sallie Simba Kayunga, 'Deepening Political Integration of the EAC Countries: The Uganda Case,' in Mohiddin (ed.), *Deepening Regional Integration of the East African Community*, op. Cit., p. 153.

14 Mar., 1996 – The Co-Operation Secretariat Launched in Arusha as the Executive Arm of the Tripartite Commission

30 Nov. 1999 - The Treaty Establishing the East African Community Signed.

7 July, 2000 - Entry into force of the Treaty, and coming into being of the New East African Community.

15 Jan. 2001 - Formal Launching of East African Community by the Three Heads of State.

The EAC was re-established on the rational of common history, language and culture; history of co-operation; geographical advantage and competitive positioning in globalised world markets; infrastructural network linkage; need for accelerated socio-economic transformation of the region; and the adoption of harmonized socio-economic policy frameworks. The fundamental principles guiding the EAC are mutual trust and political will, peaceful co-existence and good neighborliness, peaceful settlement of disputes, good governance, equitable distribution of benefits, and co-operation for mutual benefits. This is followed by operational principles which include: People centered and market driven cooperation; provision of adequate and appropriate enabling environment such as conducive policies and basic infrastructure; establishment of an export oriented economy with free movement of goods, persons, labour, services, capital, information and technology; the principle of subsidiarity with emphasis on multilevel participation; the principle of variable geometry which allows for progression in cooperation at different speeds; equitable, balanced development of partner states; the principle of complementarities; partner states undertake to abide by principles of good governance.

The EAC was re-conceived with the objective of deepening co-operation among partner states, in areas of economic, political, defence, social, cultural, security and legal. To achieve this, the community anticipated to follow the following phases of integration: a customs union as the entry point into the community followed by a common market, then a monetary union; and ultimately a political federation of the east African states.

2.2 Tracing the Progress of EAC II

Since its establishment, EAC has made progress towards its attainment of the final goal of political federation as stated in article 5(2) of the EAC Treaty, "... the Partner States undertake to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation..." to this effect The Protocol establishing a Customs Union was signed in 2004. In a meeting held in Nairobi in August 2004, after reviewing this article, the leaders of the region "resolved to expedite and compress the process of integration so that the ultimate goal of a Political Federation is achieved through a fast track mechanism."⁷⁰ This is the foundation of the idea of Fast Tracking East African Federation. EAC member states signed the common market protocol on 20th November 2009.

The EAC Summit commissioned a team to study the possibilities of fast tracking the regionalization process of EAC into a political federation. This committee led by Amos Wako the then Attorney general of Kenya carried out its work and after consulting with Heads of State; Ministers, Principle/Permanent Secretaries and relevant/selected officials of governments; Parliamentarians and members of the East African Legislative Assembly (EALA), civic leaders in each country, ordinary East Africans particularly in border areas, fishermen and fish industries around Lake Victoria, representatives of the business communities and representatives of civil society among others, gave its report to the Head of States. The report contained the issues needing to be addressed, recommendations on how they can be addressed, and timelines. However, the committees' time line for December 2010 as the date for the official confederation of the partner states has triggered debate, on the possibilities, or limitations of those possibilities of meeting that deadline.

⁷⁰ The Committee on Fast Tracking East African Federation (Wako Committee) Report, para. 2.

The Wako Committee among others, recommended that the process of fast tracking take the form of an overlapped and parallel stages of integration (involves the retention of the timeframe for the Customs Union of five years effective January 1, 2005, overlapping of the four stages of integration to allow the undertaking of parallel activities at each stage to ensure that the basic minimum requirements at each stage for the Federation are achieved within five years effective from January 1, 2005, and a consolidated and planned approach, in the form of negotiating templates, in order to hasten the process of integration; and, that the timetable (roadmap) towards Political Federation be in three periods: a preparatory phase, a transitional phase to a Federation, and a consolidation phase leading to a fully-fledged Federation with its institutions, including an elected Executive Organ and Legislature and a dully constituted Federal Judiciary⁷¹.

The rationale of fast tracking process is that for a people to survive there must be an environment that enables them to participate in an accelerated economic development process. However, economic development can be made faster within a Political Federation than when it is done under totally separate governments. The underlying fact is that effective economic integration buffeted by a Political Federation is imperative.

2.2.1: Successes and challenges of EAC II

People centered formulation of the treaty: The East African community celebrated a decade of existence in November 2009. It was a celebration that sought to highlight some of the positives that have been achieved and to analyze what could have been done better. Dr Joe Oloka Onyango in a 2005 presentation entitled 'who owns the East African Community' states that the inclusion of a people centered objectives in the revived EAC was a good step towards the right direction. He opines that while many of the eight objectives were present with respect to EAC I, there are several new ones that were added in. These were, Objectives (iv), (v), (vi) and (vii).

⁷¹ The Committee on Fast Tracking East African Fedcration, Op cit.

These additional objectives in the first instance address some of the key issues of sustainable development, peace, security and stability that have been of central concern to the peoples of the region since the collapse of EAC I. Secondly, they also point to the place of the people in the organization (ranging from the business community, to women to civil society).

This second point is taken further in the Treaty provisions governing the operational principles of the Community (Article 7). In particular, the first principle is that of *people-centered cooperation*. Principle No.4 concerns the creation of a conducive environment, which encompasses ensuring law and order, providing good policies and putting in place a good infrastructure⁷². The design of the community from the fore going may be seen as a success at least at the conceptual stage, however the fore going notwithstanding whether the actualization of the treaty was people driven is a question that would speak to whether the success in the design was to move into successful implementation Onyango J⁷³ argues that there was some lack luster attempt to involve the masses across the original 3 member states, but that attempt did not go far enough to mobilize the masses to get engaged in the process. He posits the draft treaty was opened to public debate from May 1998 to April 1999⁷⁴. He offers several reasons for the lackluster response from the public, these included: The non-involvement of civil society and other non-state actors in the conception, formulation and final packaging of the treaty; The lack of publicity and information surrounding the process; The inability to see what real benefits would be gained from the treaty, The emphasis mainly on macro-economic (and rather abstract) issues, and the methodologies and approaches were top-down.⁷⁵ He concludes that indeed, there was hardly any attempt to involve the people in the process from its very beginning.

At best, only the urban-based elite of the three countries were involved. No attempts were made to get the masses of women, peasant, business, worker or youth groups that are

⁷² Oloka Onyango J ' *Who owns the East African Community* ' ; in a DENVIA public dialogue on East African Community held at Hotel Equitoria; November 2005. Page 5

⁷³ Oloka Onyango J ibid

⁷⁴ Ibid P 5

⁷⁵ Ibid PP 7-8

present in all the East African countries engaged in and feeling part of what should have been regarded as a monumental development in the history of the region. Rather, as was the case at inception, the process was largely elite, top-down and driven by the political and bureaucratic leadership of the three countries. Although presented as the main beneficiary of the process of cooperation, the same governments have conceptualized the people as passive recipients of their policies. The criticism leveled by Onyango on the design of EAC II illuminates the practical applicability of the Liberal Intergovernmental approach, it was government driven, the 'urban elites' were involved and engaged and was driven by the political and bureaucratic leadership of the three primary members of EAC. Further the absence of interest groups identified by Onyango J 'women, peasant, business, worker or youth groups that are present in all the East African' was pointed out to one of the weaknesses identified in the implementation of the design of EAC II as it was implemented in the first decade of its existence.

The East Africa Legislative Assembly and East African Court of Justice: In analyzing the composition and mandate of the EALA Onyango J faults the composition of the first assembly for being representative of the ruling party/movement rather than the population of the nationals of the partner states, he questions whether the interests of the ruling parties/movement can be equated to the interest of the broad masses of the partner states⁷⁶. He states; *'Of particular concern to our inquiry is the way in which elections for this body are conducted, i.e. its composition. EALA members are elected by our individual National Parliaments. There were several problems with this methodology. In the first instance it was indirect. While indirect elections are not necessarily unrepresentative, they nevertheless reflect a limited franchise. Secondly, in each instance the ruling parties/movements in the three parliaments manipulated the elections in order to secure their interests in the regional body, which essentially produced mainly NRM, CCM or KANU representatives to the regional assembly.* He goes on to bemoan

⁷⁶ Ibid at page 6 - 7

the lack of inclusion of minority groups including women, which led to women organizations demonstrating against the lack of gender balance considerations in the case of Kenya's' selection of its EALA members.⁷⁷The presence of the dominance shades of domestic interests as aggregated and amplified by the ruling parties of the three nations tends to render credence to the liberal intergovernmentalism theory where dominant domestic groups shape their national government policies to regionalism, in this instance that dominant electorate in the three territories goes further, and actually occupy the resultant institutions to ensure that their interests as negotiated are secured.

2.2.3: Projects:

In an Address by the Deputy Secretary General, Projects and Programmes, EAC, Mr. Jean Claude Nsengiyumva to the National Defence College, Nairobi, Kenya, 30 September 2009 the deputy secretary cited the signing in of the Custom union as one of the key successes of the EAC, he elaborated that since the coming into force of the Customs Union rather than the loss that the individual economies of the member states had feared intra trade within the region and with the rest of the world had grown between 20 – 30% annually⁷⁸As shall be shown latter in this study, the apparent success of the Customs Union drew from the in-depth participation of business interest groups of the territories of the member states, something that did not happen with the other interest groups with a political role to play in the EAF project.

2.2.4: The expansion of the regional body through admission of Rwanda and Burundi

The expansion is another success indicator cited by the deputy secretary general⁷⁹ the inclusion of the two new members expanded the market size of the community to 120 million people and a combined Gross Domestic Product of 41 billion US Dollars⁸⁰; and had a positive

⁷⁷ Ibid page 8

⁷⁸ Nsengiyumva J Claude; deputy Secretary General, Projects and Programmes, EAC at an address to the National Defence College September 2009, Nairobi Kenya, page 2

⁷⁹ ibid

⁸⁰ Speech by his Excellency Mwai Kibaki, C.G.H., M.P., President and commander-in-chief of the armed forces of the republic of Kenya on The occasion of the 9th Summit of the East African Community Heads Of State at Kigali Rwanda 26th June, 2008

effect in securing peace and security for the region for the two member states had to accede to a defence pact that inter alia required them to share intelligence, conduct joint training and where necessary carry out joint defence actions. As shall be shown latter in the study, the successful application of inclusion of Rwanda and Burundi was championed by the ruling political parties at the exclusion of the non ruling, non parliamentary parties in these two territories, which, as the outcome of the research in this study shall show, has led to the excluded political players to offer only luke-warm support to the EAF, where they ought to ply a robust role.

2.2.5: Defense

A Memorandum of Understanding on Defence Cooperation was signed in 1998, the Armed Forces of the EAC Partner States undertake joint activities of confidence building and common defence preparedness. This MoU is now set to be upgraded into a Protocol that will holistically address cross-cutting security challenges that affect the EAC region.⁸¹the outcome of this study, will latter show, how the military in the five territories, organized as distinct interest groups – have played a key role in effectuating the EAC II. It should be remembered that in territories like Uganda, Rwanda and Burundi, the military are recognized as an interest group, represented in the parliament of these 3 territories as such, and are part and parcel of the ruling political parties in these 3 territories.

2.3 Conclusion

From the fore going it is clear that cooperation amongst the member states of the East African Community has been long, with an equal share of challenges and successes, there is a history to build on, lessons have been learnt, with some amount of application of some of these challenges in the redesign and implementation around deepening cooperation under the second EAC with an aim of finally federating.

⁸¹ Ibid.

It would be a fair assessment to say certain substantive things have happened on the ground specifically projects that the partner states have cooperated in implementing. However a close analysis of what the EAC may brag of as successes are those things that are largely driven by the states and not the people of the community, and as such the people continue to remain largely 'recipients' of the benefit of the community, rather than the movers and generators of these benefits. It is thus telling that the successes as they are; are those that would speak to the model of Liberal intergovernmentalism as the model being used, in the practical sense to drive the community towards a political federation. Further to the above most of the areas that can be cited as successes derive their success from the active participation of interest groups, even where this participation is limited to the dominant interest groups in the territories of EAC at the exclusion of the non dominant interest groups.

Chapter Three

The role of Interest groups in the EAC integration process

3.0 Introduction

This chapter will look at the key actors in the East Africa Federation process and seek to analyze how their domestic influence shapes their national government policy positions during the negotiation at the regional level. Liberal intergovernmentalism posits that national government positions at the regional level are shaped by organized selectorate of domestic actors who have influence on their national government on the specific policy issue to be negotiated at the regional level. It further states that national government will seek to maximize the benefits and interests of these domestic groups during negotiations at the regional level and in choosing institutions to protect and enhance these benefits.

This chapter shall focus on analyzing how domestic lobby groups, especially the business lobbies in East Africa, have been active, domestically in shaping their national government positions at the regional negotiation level, and regionally by amplifying their voice and interests as trade lobbies, aggregating the trade interests of their membership across the region. The chapter will also show the relative absence of influence of political parties, with the exception of ruling and parliamentary parties, as an outcome of the limited spaces these political parties enjoy at the domestic level, and thus their limited influence on their national governments in shaping their government policy positions at the regional level.

3.1.1: Interest groups

Interest groups are defined and understood as 'organized groups that tries to influence government to adopt certain policies and measures'⁸² these are drawn or acting together in support of a common interest or to voice a common concern. An interest group can further be defined as

⁸² "Interest group." *The American Heritage® New Dictionary of Cultural Literacy, Third Edition*. Houghton Mifflin Company, 2005. 03 Apr. 2012. <Dictionary.com http://dictionary.reference.com/browse/interest_group>.

Any association of individuals or organizations, usually formally organized, that, on the basis of one or more shared concerns, attempts to influence public policy in its favour⁸³. In the EAC region especially in the earlier stages of integration that dealt on economic integration, it is observed that trade lobbies, within the member states and at the regional level, were quite active in influencing their national government policy positions as it related to issues of economic integration and at the regional level in amplifying the interests of businesses from across the region.

As earlier posited in chapter one, Liberal Intergovernmentalism evolved as a theory aimed at rebutting the popular neofunctionalist approach and claims to regionalization. It largely emanated and has been widely applied to the evolving structures and pathways that the European Union followed to reach its current status. Scholars in the region are looking afresh the process of regionalization in the East African Community and are arguing that this model, Liberal Intergovernmentalism sits better as a theoretical framework for EAC currently, than the previous model propounded as neofunctionalism.

An application of the liberal intergovernmentalism to the regional integration arrangements and specifically East African integration will follow the steps laid down by Moravcsik. In the developing world, the state has a formidable role and may sometimes neglect the input of its domestic constituency. However, as proposed in selectorate theory most governments rely on a segment of the domestic constituency for political survival and would make policies that address the needs of this selectorate. Domestic lobbying therefore would matter not only for democracies but also for democratizing and autocratic states⁸³.

The focus in applying liberal intergovernmentalism is domestic preferences and state policy positions regarding a specific policy area of regional integration. The assumption of

⁸³ De mesquite, Bruce Buena, Morrow, James D, Silversen, Ranolp M and Smith, Alastair: '*Testing novel implications from selectorate theory of war*', world politics. P378

rationality holds and thus domestic groups will have preferences on integration that would maximize their welfare. These groups, be they pro- or anti integration, will lobby their respective governments to pursue a particular integration policy. Organization of these lobby groups is therefore important if they are to influence government policy.

Once these preferences are taken into account by governments, the governments will negotiate with other governments to ensure that these preferences are addressed by any agreement on integration. In order to plausibly predict the evolution of regional integration in a particular policy area, one needs to examine the convergence of preferences of the various states and domestic groups within these states.

3.1.2 Interest groups in The East Africa Community.

Customs unions are defined as a trade agreement by which a group of countries charges a common set of tariffs to the rest of the world while granting free trade among themselves. It is a partial form of economic integration that offers an intermediate step between free-trade zones (which allow mutual free trade but lack a common tariff system) and common markets (which, in addition to the common tariffs, also allow free movement of resources such as capital and labour between member countries). A free-trade zone with common tariffs is a customs union.

A customs Union is a distinctly business or commerce oriented stage in the integration process. It is thus expected that if the theory of liberal intergovernmentalism was to apply in reality, in the regional integration of the East Africa Community, then one could expect to find that the domestic business and commercial interests were heavily involved in lobbying their governments to protect and or enhance their interests, which lobbying then, would influence those governments in forming their interstate positions during the negotiations in the regional arena while negotiating for the customs union. For purposes of this area of interest we shall focus on the 3 primary member states and the conduct of their business and commerce interest groups, the position of their governments and the parameters and outcome of the negotiations of the Customs Union of EAC.

3.1.3: The East African Business Council

The EABC was founded in 1997 just as efforts at reviving regional integration began. Its key purpose is to spearhead the involvement of the private sector and businesses in the integration process. Its objectives include facilitating and promoting private sector development in East Africa, promoting an enabling environment for business in East Africa, coordinating the efforts of the private sector in promoting trade and investment in East Africa, and providing a joint forum that enables the private sector in East Africa to speak with one voice in its interactions with the EAC and EAC member-states⁸⁴.

The EABC's official website lists 64 members from Kenya, 15 from Uganda, and 23 from Tanzania. These include both industrial sectors and business lobby groups. However, to coordinate its activities at the nation-state level, EABC relies on focal points in each member-state that facilitate the collection of information regarding national positions and lobbying efforts employed by the various businesses and business groups. The Kenya Association of Manufacturers in Kenya, the Uganda Chamber of Commerce & Industry in Uganda, and the Tanzania Private Sector Foundation in Tanzania are the focal points that the EABC relies on.

An overall picture of the EABC shows that it is pro-East African integration. By serving as a forum for the various business lobby groups in the region, the EABC seeks to influence the opinions and lobbying efforts of nation-state businesses to be more pro-regional integration. An examination of activities of various business groups at the member-state level ensures that both pro- and anti-integration lobbying efforts are presented. An examination at the nation-state level shows that in Kenya, businesses were pro-integration and their lobbying efforts were directed at ensuring the government pursued this policy. For Uganda and Tanzania however, preliminary findings and anecdotal evidence shows that businesses were rather reluctant towards the customs union and influenced their respective governments' negotiating positions on East African integration.

⁸⁴ www.eabc.com

3.1.4: Pro-Integration Lobbying in Kenya:

With 64 members in the EABC, Kenyan businesses dominate regional lobbying efforts in East Africa. With the largest economy in the region, Kenya was slated to benefit from regional trade liberalization. Tracing the balance of Kenya's trade with Uganda and Tanzania, the extent of this regional economic dominance is evident. Trade balance figures can offer some preliminary evidence on the position producers of a country would take regarding trade liberalization. As noted by the Stolper-Samuelson theorem, net exporters would be in favor of liberalization since fewer tariffs would further increase their export numbers. Industries that are geared towards exporting would support liberalization efforts since this would mean expansion of markets and production capabilities. Net importers would shun or at least be apprehensive to liberalization efforts as this means competing with more efficient producers for their own domestic market. Industries in such economies would prefer some level of protectionism to shelter them from direct competition with better-organized foreign firms. The economic position of Kenya's economy and the position taken by Kenya businesses in the custom union's negotiation lend support to the expectations of the Stolper-Samuelson theorem and the precepts of liberal intergovernmentalism. Kenya has continued to enjoy a favorable balance of trade within the EAC. Between 1990 and 1999 when the EAC treaty was signed, the balance of trade had gone from a mere US \$ 77.5 million to US \$ 454.7 million. In the next 5 years as interstate negotiations were taking place; the balance of trade had continued to increase settling at US\$ 656.2million. Kenyan businesses, based on these figures were slated to benefit most from market liberalization of the East African.⁸⁵

Influential leaders of business associations in Kenya also indicate that a majority of businesses were of the opinion that efforts at regional integration that included the customs union would be in their favor. The then chairman of the Kenya Business Council Wilfred Kiboro

⁸⁵ Data from the East African Community Statistics website: <http://statistics.eac.int/en/economy.html#trade>.

noted in 2003 that there was need for closer trade links in East Africa to spur economic development⁸⁶. In previous media reports, Kiboro as chairman of the EABC in 2001-2002 was quoted as being a proponent of the customs union⁸⁷. Although Kiboro was speaking for the EABC, his position as the chief executive of the largest media house in Kenya and chair of the Kenyan chapter of the EABC lends support to the view that Kenyan businesses and the private sector preferred a customs union of East Africa. Further evidence of this preference by Kenya's private sector is based on the position of the Kenya Association of Manufacturers (KAM) in 2000 as negotiations on the East African customs union were commencing. The chairman of KAM at the time, Chris Kirubi was quoted by East African media as pushing for deeper regional integration in the form of the customs union. Kirubi, using the NAFTA experience at trade liberalization, noted that the private sector in East Africa would emerge the winners of a customs union.⁸⁸

In a recently released report by the Kenya Private Sector Alliance, an association that brings together professional associations, business lobby groups, and corporations, the Kenyan pro-integration preference is documented. In this report, KEPSA champions regional integration as a beneficial policy move and states the need for lobbying the Kenyan government to fasten the attainment of the East African Community Customs Union⁸⁹.

3.1.5: The Influence of Kenyan Business interest groups on Kenyan Government's Position on Customs Union.

As one of the founder of the integration efforts in East Africa, the Kenyan government was in favor of deepening cooperation. While the Moi government in 1999 signed the EAC treaty, as the negotiations for a customs union were entering a critical phase in 2003

⁸⁶ East Africa Leaders to Sign Customs Union Pact. *'The Daily Nation'*. 2003, August 25

⁸⁷ States Urged to Endorse Customs Union Treaty. *'The Nation Daily Newspaper'* 2002, January 24.

⁸⁸ Business Council to Push for Customs Union. 2000, May 9. *'The East African'* Newspaper

⁸⁹ <http://www.kensa.or.ke/inner.asp?cat=reports>. Kenya Private Sector Alliance (KEPSA) (2005). Economic Recovery Journey-Partnership Successes and Challenges. KEPSA Annual Convention. February 7-12, 2005. Nairobi.

the NARC government was at the helm. The change of government however did not mean a change in policy. In fact, one of the pledges of Mwai Kibaki while running for president in 2002 was closer economic ties with Uganda and Tanzania to reignite the Kenyan economy⁹⁰.

The extent of Kenya's trade advantage in East Africa is depicted. As a government keen on furthering the interests of Kenyan producers, the Kenyan government saw deeper economic ties with Uganda and Tanzania to be a profitable option. The interests of the various producers represented by the business and private sector associations augmented this government position of supporting the customs union agenda. Thus while the Kenyan government through its initiation of the East African integration process had signaled its preferences for economic ties, business lobbying reinforced this preference position especially during the negotiation phase as it will be shown later in this paper.

3.2. Ugandan Business Interest groups.

Relying on the same Stolper-Samuelson theorem, there would be a need to analyze balance of trade figures for Uganda. In examining this, a notable observation is that it is severely a net importer. The balance of trade has moved negatively from 1995 when it stood at US \$ -196 million. By the time the EAC treaty was being signed in 1999 and negotiations for a customs union were about to begin the figure was US \$ -219 million. Such a state of the trade balance, then should lead to the expectation that businesses in Uganda would be skeptical of deeper integration moves especially those pertaining to trade liberalization.

Media reports do lend support to the prospect of business skepticism towards the East African Customs Union. A leading daily in Uganda had reported as early as 2002 the reluctance of Ugandan businesses and industries to the idea of regional free trade in East Africa. Most notable however, is the opinion of specific lobby groups on their position regarding the

⁹⁰ Ford, Neil EAC: A Marriage of Unequals? African Business. <http://www.thefreelibrary.com/East> Africa: Kenya has been actively working to make the East African... 2003, October 1

customs union. In an article in the *New Vision* newspaper, the then chairman of the Uganda Manufacturers Association (UMA) argues for some kind of protection measures if Uganda is to commit to the customs Union⁹¹. While not completely against the customs union, the leading official of this association argues for tariff measures to protect infant industries of Uganda from direct competition with those of Kenya.

Furthermore views from the Private Sector Foundation of Uganda (PSFU) also summarize this uncertainty among Ugandan business towards the customs union. The chairman of the PSFU at the time Mr. James Mulwana states that the customs union would drive out Ugandan businesses since they won't be able to compete with more efficient producers from Kenya and Tanzania⁹². The PFSU goes further to propose the retention of some tariffs in order to protect Ugandan businesses at least for a period of time after the customs union becomes effective. Throughout the negotiation period, UMA and PSFU continued to raise their skepticism towards the customs union. It can thus be concluded that the preferences of Uganda's business and private sector were against the customs union unless certain guarantees were put in place to protect their infant industries.

3.2.1: Influence of Ugandan Business interest groups on Ugandan Government Position on the Customs Union.

Similar to the Kenyan government, the Ugandan government had been a founder of the East African Community. By signing the EAC treaty in 1999, the government had signaled its intention to further economic and political cooperation in the region. At the EAC treaty signing ceremony in December 1999, the president of Uganda Yoweri Museveni was quoted as saying "By signing the [EAC] treaty, the three countries have today fulfilled the demand of the Lagos Plan of Action which called for bigger markets to facilitate

⁹¹ Uganda Manufacturers Association (UMA) Plea for Infant Industry. '*New Vision*' Newspaper 2002, December 11.

⁹² Uncertainty Dogs New Customs Union '*New Vision*'; 2003, April 3.

development”⁹³. With the customs union negotiations commencing after this signing, Museveni reaffirmed his government’s commitment towards the formation of an East African customs union by again noting that economic cooperation was key to development in the region. Although pro-integration, the Ugandan government was and continues to be keen on safeguarding the interests of Uganda within the East African Community.

The Ugandan ministry of East African Affairs notes that while it supports political and economic integration of East Africa, it also seeks to promote and protect the interests of Uganda⁹⁴. These preliminary findings point to evidence that while the Ugandan government was pro-integration prior to the customs union negotiations, it was also keen on addressing the concerns of Ugandan producers and businesses who would have been most affected by any move towards regional trade liberalization, and thus their position on a customs union was moderated by the influence of the domestic business interest groups as would be expected of an intergovernmentalism approach.

3.3: Tanzania’s Businesses interest groups

Similar to the Ugandan case, one should expect a country’s negative balance of trade to signal anti-liberalization preferences among producers and businesses of that country. This is somewhat the case for Tanzania when examining its balance of trade with Uganda and Kenya. These figures denote a level of negative balance of trade less severe than that of Uganda. It is furthermore clear that in the years after the signing of the EAC treaty leading up to the negotiations for the customs union, Tanzania’s balance of trade had made some improvements and was stabilizing around the US \$ -50 million mark. By having a negative balance of trade, one should expect some skepticism towards the idea of regional tariff

⁹³ Museveni Commends EAC Treaty as Regional Rebirth; *New Vision*. 1999, December 2.

⁹⁴ <http://www.meaca.go.ug/>. Ministry of East African Affairs (MEACA) (2009). Introduction.

reductions. At the same time, since the extent of the trade deficit is not extreme, one should also expect some businesses not to reject the idea of trade liberalization outright, but to support a modified version of a trade pact that wouldn't worsen the trade balance.

Tanzanian businesses were not as vocal opponents of the customs union as Ugandans. However, businesses and the private sector did have some doubts regarding their readiness to compete with Ugandan and especially Kenyan businesses. The Tanzanian president Benjamin Mkapa summarized an early indication of this uncertainty a few months after the signing of the EAC Treaty. Mkapa admitted "we have to give our industries more time to prepare themselves for competition"⁹⁵ Mkapa however, urges the private sector to continue its participation in the negotiations and to also be prepared to compete with Kenya and Uganda in a customs union. While Mkapa's statement includes the position of the government on signing the EAC treaty, his admission on the unpreparedness of Tanzanian business gives us a glimpse of the preference of business groups in Tanzania. In 2000 as well, the Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA) expressed its worry over the trade imbalance between Kenya and Tanzania and how this situation would deteriorate due to the impending customs union⁹⁶. The TCCIA although not anti-integration, urged the government to address this trade imbalance in order to avoid a situation where Tanzania will continue to being a dumping ground for Kenyan goods.

More directly, statements of the Confederation of Tanzania Industries (CTI) support the premise that there was some level of support for the customs union among Tanzanian businesses. In a 2003 news article, the chief economist of the CTI noted that the interests of manufacturers in Tanzania had been taken into consideration as negotiations for the customs union were underway. These interests included provisions of asymmetry in tariff elimination that would protect Tanzanian manufacturers. While noting this

⁹⁵ Tanzania" President Says Industry Unprepared for Regional Competition. *'The Guardian'*. 2000, January 3.

⁹⁶ EAC: Tanzanian Traders Worry Customs Union. *'Tomric Agency'* 2000, April 26.

accommodation, the CTI's chief economist went on to outline that Tanzanian manufacturers would face stiff competition under the customs union, suggesting some level of skepticism among business and private sector in Tanzania⁹⁷

Based on these findings, it could be concluded that although Tanzanian businesses felt disadvantaged under the proposed customs union, they did not reject it altogether. Its less severe balance of trade, the pronouncements of their President, those of the CTI, and the TCCIA suggest that there was a level of support that hinged on addressing the interests of the infant Tanzanian industries and businesses.

3.3.1: Influence of Tanzania Business interest groups on Tanzanian Government's Position on the customs Union.

Similar to its counterparts in Kenya and Uganda, the Tanzanian government was in favor of regional integration initiatives in East Africa. The statement by the Tanzanian president referred to above support the pro-integration position of Tanzania's government. Although President Mkapa notes the unfavorable position of Tanzanian business, he goes further to point out that the customs union is still in the interests of Tanzania. In the legislature however, Tanzanian parliamentarians expressed their concern over the trade imbalance with Kenya just as negotiations were commencing⁹⁸. These parliamentarians expressed fears that Tanzanian industries may not be ready to compete with Kenya once the customs union is finalized (this is the same position TCCIA had earlier taken). It could thus be said that going into the negotiation phase, there was support for the customs union, but with some reservations. Most notable of these was the trade imbalance and the infancy of Tanzanian industries. These were policy preferences represented by both the Tanzanian president and its legislature.

⁹⁷ East Africa Leaders to Sign Customs Union Pact. The *'Daily Nation'* Newspaper 2003, August 25.

⁹⁸ EAC: Tanzanian Traders Worry Customs Union; *'Tomric Agency'*; 2000, April 26.

From the foregoing it is clear that the different interest groups representing and aggregating the interest of the business class in the three primary territories of EAC were active in influencing, or attempts to influence the positions of their national governments as the governments went into inter governmental negotiations relating to the Customs Union of EAC.

3.4. Outcome of Intergovernmental Negotiations for the EAC Customs Union

Upon signing the EAC treaty in 1999, officials from Kenya, Uganda, and Tanzania began negotiations for the customs union. As noted previously, by initiating regional integration and ratifying the EAC treaty, the three governments had signaled their commitment to closer regional economic cooperation in East Africa. However, the three governments, just like their domestic business interest groups, were not in agreement as to how the customs union should be structured. As proposed by the theory above, there was need for preference convergence during the negotiation phase if the customs union objective was to be achieved, additionally given the asymmetries of the possible benefits of a customs union, there was need for the nations that were bound to benefit most to offer side payments to the laggards, and insist of an institutional choice that would secure the resultant benefits as suggested by liberal intergovernmentalism theory.

The EAC secretariat lists January 2001 as the commencement date of the customs union negotiations. At a meeting of trade ministers from the three member-states, they agreed to remove duties and reaffirmed their commitment to establishing a free trade area in East Africa. In the following years however, it became apparent that the three governments had divergent preferences. Stahl, a policy expert at the EAC writes that the lack of economic uniformity among Kenya, Uganda, and Tanzania resulted in a somewhat different tariff

arrangement between the three countries⁹⁹. In documenting the history of the customs union the EAC secretariat notes the signing of the customs union protocol had been slated for November 2003, but it had to be pushed back due to disagreements on the level of a common external tariff, the elimination of tariff, and common customs laws¹⁰⁰. It is the second issue that most interests this paper's domestic preference argument: whether all three member-states should eliminate all internal trade tariffs or not. The economic variation that Stahl refers to had been noted by businesses and the private sector in Uganda and Tanzania. In Uganda especially, there was a fear of domination by Kenyan firms. Their Tanzanian counterparts albeit less extreme, shared the same feeling. Additionally, the EAC secretariat notes that one of the challenges that faced East Africa as it pursued the customs union agenda was the variation in economic competitiveness between the three countries¹⁰¹. Kenya, being more economically competitive and enjoying a favorable balance of trade would be in favor of the customs union since its firms would be more likely to reap the benefits of a tariff-free expanded market. For firms in Ugandan and Tanzania however, the customs union would have pushed them aside because they would have found it difficult to compete with the more efficient producers in Kenya.

As a regional integration theory, liberal intergovernmentalism argues that business interests influence a government's bargaining position during critical stages of the evolution of a regional integration arrangement. Ugandan and Tanzanian concerns regarding the dominance of Kenyan industries featured during the customs union negotiation phase. Ugandans and Tanzanians feared that the trade imbalance would be exacerbated by the customs union while industrial activity and manufacturing would be stifled due to stiff competition from Kenya. The business groups from the two countries sought mechanisms to be put in

⁹⁹ Stahl, Heinz-Michael. 'Who Will Gain from East African Customs Union?' African Business. 2005, December.

¹⁰⁰ EAC Customs Union (2009). 'Negotiations Progress'. <http://customs.eac.int/eac-customs-union/negotiations-progress.html>.

¹⁰¹ EAC Custom Union (2009). 'Negotiations Progress'. <http://customs.eac.int/eac-customs-union/negotiations-progress.html>.

place to shield them from direct competition with Kenya. This is well documented through the results of the negotiations that ended up with Kenya yielding to certain demands (side payments to the laggard states) from Uganda and Tanzania that affected industrial and business relations.

As noted in the sections on Ugandan and Tanzanian business preferences, both groups felt that some mechanism was needed to address the trade imbalance they had with Kenya. Kenyan producers and businesses according to Stahl were in favor of the customs union and their positive trade balance with their partners meant that they would benefit from a customs union that eliminated or at least reduced tariffs¹⁰². In these negotiations, the Tanzanian and Ugandan governments took the concerns of the businesses and incorporated them in their negotiating positions with Kenya.

The governments of Uganda and Tanzania sought a customs union agreement that put in place a grace period for them in eliminating their internal tariffs. From this observation, it is clear that the governments of Uganda and Tanzania took into consideration the preferences of their respective businesses during the negotiations on the East African Community Customs Union. Kenyan businesses, already enjoying an advantageous position vis a vis businesses in Tanzania appeared willing to compromise in order to attain the proposed customs union. However, Kenyan businesses had to be reassured by their Government that any compromise would not put them in a disadvantageous position.

In the final agreement, it was agreed that Tanzania and Uganda would have free access to the Kenyan market while Kenyan goods would be subject to a 10% tariff in Uganda and Tanzania for a period lasting 5 years stated in article 11 of the customs union protocol. Uganda and Tanzania were to lower the tariffs on Kenyan goods from 10% at the start of the

¹⁰² STAHL, Ibid p.23

customs union to zero after 5 years by eliminating 2% in each of those 5 years¹⁰³. The aim of this arrangement was to enable businesses and industries in Uganda and Tanzania to make some efficiency gains before the end of the 5-year grace period in 2010. This 10% concession by Kenya could be seen as a side payment used to satisfy the interests of Uganda and Tanzania and in the process satisfy their conditions for regional integration. Kenya, being the state to benefit most from the customs union was willing to compromise on this issue in order to keep the customs union agenda alive. Business groups in Uganda and Tanzania acknowledged this compromise. A Uganda Manufacturers Association official at the time said that businesses in Uganda were satisfied with the 5-year transition period, which would enable them to recover economically¹⁰⁴. According to an EABC official, this transition was given in consideration of Ugandan concerns regarding their young industries and how they may collapse under a liberalized East African market¹⁰⁵.

In Tanzania, the Confederation of Tanzania Industries (CTI) commended the adoption of the principle of asymmetry in the elimination of tariffs under the proposed East African customs union. The CTI noted that although its input in the custom union negotiations was not adequate, it felt that the interests of Tanzanian manufacturers were “reasonably accommodated” in the draft protocol of the customs union¹⁰⁶. As a project centered on economic integration, the 5-year transition period was seen by Tanzanian business as represented by the CTI as creating “an enabling policy environment for deeper participation of the private sector in the regional integration process”¹⁰⁷. With Kenya making these concessions to Uganda and Tanzania, it became necessary for the Kenyan government to persuade Kenyan businesses that the compromise would not be to their disadvantage. Kenyan

¹⁰³ East African Community (EAC) (2004). *Protocol of the Establishment of the East African Community Customs Union*. Arusha: EAC Publications.

¹⁰⁴ Uganda Gets 5-year Transition Period to New Tariff (2004, March 4). *New Vision*

¹⁰⁵ Ibid

¹⁰⁶ Customs Union Protocol Accommodates Manufacturers Interests. *Business Times* 2003, August 1.

¹⁰⁷ Ibid

firms feared that the 10% tariff reprieve awarded to Ugandan and Tanzanian businesses would lead to these two benefitting more from the customs union. The Kenya Revenue Authority however, clarified the customs union protocol and reassured Kenyan businesses that the 10% would have negligible effect for Kenya since the elimination of non-tariff barriers would actually increase regional trade. The same sentiments were echoed by the Kenyan foreign affairs ministry permanent secretary who assured Kenyan businesses that antidumping measures put in place in the customs union protocol would ensure that Uganda and Tanzania don't have too much of an advantage in their trade relations with Kenya¹⁰⁸

The EAC Customs Union Protocol was finally signed in March 2004 and became effective in January 1, 2005. As earlier noted, one contentious issue that delayed the signing of the protocol was the law to govern inter-state relations under the customs union arrangement. This can be understood as an institutional mechanism that would ensure the interests of the three states were addressed while at the same time ensuring that gains from cooperation were actually obtained. In the final protocol in article 39, enforcement powers and other competencies are given to the EAC secretariat, with the East African Court of Justice given law review powers and the East African Legislative Assembly empowered to legislate on the customs law of the EAC. In article 41, the protocol stipulates a dispute settlement mechanism that would address instances of cheating or renegeing on the customs union protocol. This is also addressed in article 24 that stipulates anti-dumping measures, rules of origin; and disputes settlement would be handled by an EAC Committee on Trade Remedies. These clauses codified in the protocol served to assure the three member-states that the institutional mechanism would safeguard their interests under the customs union.

Preliminary evidence leads to the conclusion that business preferences ultimately did matter in the evolutionary process of regional integration in East Africa. While all three

¹⁰⁸ Kenya Allays Domestic Fears over Customs Deal. 'New Vision' Newspaper 2004, March 11.

governments were pro-integration, business groups in Kenya, Uganda, and Tanzania had different opinions regarding the customs union. Ugandans and Tanzanians supported the customs union, but with some caveats while Kenyans were pro-integration. During the negotiations, these business preferences featured in government bargaining position especially for Uganda and Tanzania. For Kenya, the government did make concessions that allowed Tanzania and Uganda to tax Kenyan goods while enjoying free access to the Kenyan market. However, to bring business and the private sector on board, the government in various occasions sought to allay fears held by these business groups essentially showing that the interests of these groups mattered. Further, the institutional mechanisms as represented by specific articles in the customs union protocol guaranteed the states that their interests would be ensured under the customs union.

The findings lend support to the three hypotheses stated in this paper. For the evolution of the East African Community into a customs union to take place, preference convergence was a necessary and a determining factor. All three states and business interest groups to some extent preferred some kind of customs union. To agree on the kind of customs union however needed the offering of side payments in the form of an asymmetrical tariff reduction arrangement. The country most likely to benefit from the customs union, Kenya, was willing to offer Uganda and Tanzania a different tariff-reduction mechanism that mollified business interest groups in those countries and in the process made them agree to be part of the customs union.

Chapter four

The Role of Political parties in Regional Integration.

4.0 Introduction:

This chapter will explore the state of political parties in the territories of East Africa community, and their role in the ongoing process of East Africa community integration. It will explore the democratic space available for the political parties in the individual states and how that constraint their ability to occupy the regional arena as a way of representing, aggregating and amplifying the needs and interests of their constituents' at the regional level with a specific focus on the integration process.

4.1 Political parties in East Africa.

The United Republic of Tanzania is the largest country in East Africa. The union government exercises state authority and controls mainland Tanzania and the islands of Zanzibar and Pemba. The government of President Julius Nyerere introduced a political system of procedural multi-party democracy in 1992.

In Kenya Daniel Arap Moi ruled under a one-party political system and the ruling party was called the Kenya African National Union (KANU). In 1992, the government repealed Section 2A of the Constitution to open up multi-party politics. KANU had ruled for a total of 39 years before a coalition of political parties called the National Rainbow Coalition (NARC), led by Mwai Kibaki, ousted it in 2002.

Uganda is divided into five regions, these regions contain 13 indigenous ethnic groups, which make up roughly 93% of the country's population. The 2002 National Census report found that the largest ethnic group is the Baganda people from Buganda located in half of the central and southern areas. They make up 18% of the population. Ugandans speak dozens of local dialects but English

became the official language in 1962. Swahili is also widely spoken and is used as a language of regional trade in the East African region.

A recent public opinion poll by the Steadman Group 2007 found that 46 percent of Dar-es-Salaam residents are opposed to the existence of the EAC. That poll randomly sampled 500 residents in the three partner-states on whether citizens were aware of the community, its purpose, and whether they favored its existence. The fast tracking of the EAC political federation, harmonization of the monetary and fiscal policy, all in 2007, generated debate among citizens of the Community and within the National Assemblies. The Steadman Group found that 89 percent of East Africans in Dar-es-Salaam (Tanzania), Nairobi (Kenya), and Kampala (Uganda) were aware of the regional body. Nairobi residents were more enlightened about the existence of the regional body, at 91 percent, followed by Uganda and Tanzania at 89 percent each. The poll also indicated that citizens were doubtful about the EAC's ability to build national economies and state societies, including the rule of law, peace, and stability.

Other polls from Infotrak, 'the Target Group Index by Consumer Insight', and the Harris Poll in Rochester in New York showed that East Africans expressed reservations towards the ambitions of the member-states leaders and the federal political viability of the regional body. These opinion polls seek to provide systematic and randomized public perceptions on questions concerning social, political, economic and cultural issues. The polls conducted in 2007 found that 80 percent of Tanzanians are against a fast-track approach toward the political federation, compared to 75 percent of Ugandans and 62 percent of Kenyans who support it .

Dr. Michael Chege in his publication *Political Parties in East Africa: Diversity in Political Party Systems* asserts that; Strong and sustainable democracy is dependent on the existence of well-functioning political parties. Political parties are crucial actors in bringing together diverse interests, recruiting and presenting candidates, and developing competing policy

proposals that provide people with a choice. In a democracy there is no substitute for open competition between political parties in elections. Throughout the world, however, political parties find themselves in crisis, unpopular and increasingly distrusted. They are suffering from declining membership, internal management practices that are often weak and not sufficiently democratic, and party system regulations that often set far-reaching limits to the way in which parties are allowed to operate. In Africa, political parties face challenges similar to those faced elsewhere in the world, challenges that are further exacerbated by diverse and complex political and developmental challenges¹⁰⁹. He further asserts that Political parties reflect the social and economic milieu in which they are grounded.

*3.5.1: Basic country democratic spaces and profiles (Table 1)*¹¹⁰

Country	Size in 00 square kilometers	Population (as at 2004) in millions	Income per capita (USD)	Freedom House rating	No. of Ethnic groups	No. of registered political parties as at 2006
Kenya	583	33.5	481	3 (PF)	42	66
Uganda	945	37.6	288	3.5 (PF)	120	25
Tanzania	236	27.8	245	4.5 (PF)	22	10

As the table above reveals, the three primary East African countries have allowed considerable numbers of political parties to register. Kenya leads the field with 66 registered political parties. Next to Kenya, Tanzania has a relatively liberal party structure, with 25

¹⁰⁹ Dr. Michael Chege, 'Political Parties in East Africa: Diversity ion Political Party Systems'; Report prepared for the International Institute for Democracy and Electoral Assistance (International IDEA) as part of its global Programme on Research and Dialogue with Political Parties, page 5

¹¹⁰ Ibid P. 22

registered parties. Uganda has allowed the registration of a plurality of parties but freedom for opposition parties remains severely constrained¹¹¹. To put the situation differently, the number of parties registered and their freedom to operate in the five countries are quite consistent with the Freedom House ratings. They are also consistent with expert opinion polls conducted for the UNECA in 2003 under its African governance programme. When asked to rate—on a scale of 1 to 100, 100 being the highest—the amount of freedom granted political parties to operate and their security, the survey of experts produced the following results.

The scale of political freedom and security of political parties in East Africa, 2002 (Table

)¹¹²

Kenya	55
Tanzania	63
Uganda	55

The extent of ethnic diversity in the three countries can be seen in column 6 of Table 1. However, as everywhere else in Africa, the data presented here (from the latest census figures) must be treated with caution. Ethnic identities in Africa mutate quickly over time and place depending on how people are asked to identify themselves. In and of themselves, ethnic identities are a neutral factor in political life. A great deal depends on how they are used and manipulated by political entrepreneurs. The extent of cultural diversity in and of itself therefore need not be a cause of political alarm: East African countries with low diversity (Rwanda and Burundi) have suffered from vicious inter-ethnic violence, while states that exhibit unusually broad ethnic pluralism (such as Tanzania) have enjoyed long periods of inter-community peace and been spared that fate. The extent to which

¹¹² Dr. Michael Chege, *Political Parties in East Africa: Diversity in Political Party Systems*; Report prepared for the International Institute for Democracy and Electoral Assistance (International IDEA) as part of its global Programme on Research and Dialogue with Political Parties, P. 23

party leaders, ideologues and mobilizers appeal to negative ethnic, cultural and religious stereotyping is the determining factor in whether diversity is turned into a liability (as in Burundi and Rwanda) rather than asset—which it could very well be in a democratic setting. It is clear from Table 1, though, that all the three countries are so ethnically diverse that party leaders and organizers intent on mischief can always take advantage of the situation to make the transition to democracy impossible, if not to induce anarchy and state failure. As earlier argued, the architects and supporters of the EAF must seek to understand any challenges that exist within the federating status in order to understand the viability of the project, and the resultant federation.

Although all these factors affect the structure and rhythm of party politics in the region, none of them is as immediately relevant to that process as the condition of democratic freedoms, reflected in the Freedom House ratings shown in Table 1. In 2006 Kenya had the best Freedom House rating in the region (3), just short of ‘free’ status (2.5). Kenya is on a par with the Seychelles, the Philippines and Thailand. Only eight African countries got a better rating than Kenya—Ghana, South Africa, Benin, Botswana, Mali, Namibia, Lesotho and Senegal. Tanzania’s democratic rating (3.5) is closer to that of Kenya while Uganda follows with (4.5). In summary, Kenya seemed in 2006 to be the freest country in the region, followed by Tanzania then followed by Uganda, in that order. All this has a direct bearing on party organizations and the liberties they can be expected to enjoy and thus their potential role in influencing the position of their national governments in the negotiations for a political federation.

On the role of political parties in the integration process of the East African community Honorable Beatrice Kiraso argues that for regional Integration to work, participating States need to have built strong, efficient and respectable institutions. Similarly, for institutionalization to occur, democratization is a pre-requisite. This brings about the causal relationship between democracy and integration and we cannot talk about democracy without recognizing the role of

political parties. Political Party democracy is important for ensuring good governance, transparency and accountability of Governments in power. Lack of the above will no doubt hamper integration efforts¹¹³. She argues that under the current EAC integration process Political parties have not played their roles as they should. She posits that Political Parties have been sidelined by Government officials simply because they, themselves are not strong enough. Political Parties in Africa do not endeavor to operate at a level higher than the societies they represent. Yet the societies in Africa suffer from lack of awareness because of low literary levels therefore have low knowledge of international affairs. Because of poverty, societies in Africa are pre-occupied by meeting the very basic needs, issues of integration and the benefits thereof are way beyond them. Most are neither producers nor entrepreneurs so they see no immediate economic benefit.

Politicians have not been useful in taking the debate to a higher level because of focusing on short term goals - Winning national level elections. So the debate is kept at the level of the Electorate - basic and with little value.

Short-term goals have undermined the development of Political Parties in Africa, sometimes perpetuating bad Governments in power. Governments therefore take centre- stage, excluding other stakeholders, but also fail because the integration they are pushing is not backed by the majority of the people they represent and there's no citizenry ownership.

The experience in Africa suggests that regional integration has faced many obstacles, and that co-operation arrangements in future may not be easy. The problem is to a large extent attributable to lack of involvement of various key stakeholders including the citizens, political parties, and the civil society, among others. The domination of the cooperation and integration processes by the Summit of Heads of States and Council of Ministers has largely made the efforts

¹¹³ Keynote address at the Conference on 'Role of Political Parties in Regional Integration in Southern, Horn and Eastern Africa' by Hon. Beatrice Kiraso (NAIVASHA, KENYA 11TH-14TH JULY, 2007)

elitists and withdrawn from the people who are supposedly targeted to benefit from them¹¹⁴. In addition these current players are drawn from or represent the ruling political parties of the member states at the exclusion of other political party players. States in the person of the political leaders (elite) do not operate outside the context of the people.

Even though political leaders have the leeway of sidestepping the people, depending on the political system and the level of awareness of the people on international affairs, this cannot be habitual if the recent events of the European Union Constitution are anything to go by. The rejection of the European Union constitution in the French and the Dutch referenda in 2005 demonstrates the salient power that the people have on regional integration initiatives. Any attempt to systematically exclude the people may spell doom for the processes. The sentiments of the people are therefore that, if decisions are made on their behalf without their involvement and approval, a referendum provides them with the opportunity to stamp their inalienable authority over their leaders. The integration process in Africa must learn from this experience and adjust accordingly for the benefit of the process.¹¹⁵ The main institutional requisite for achieving participatory democracy in governance is notably the political party.

Political parties are an integral part of the democratization process and this begins with intra-party democracy. Parties need to function according to strong rules/ideals and to have consistent presence in the public domain. As instruments of democratization, political parties have the advantage of ability to achieve widespread mass mobilization for participation in any political process and regional integration initiatives are no exception. Parties perform the task too of communicating the views of the masses to the policy making process and ensuring that such views are taken on board in regional integration processes, in other words influencing the policy positions of their national governments. In the last decade, Africa has seen a resurgence of

¹¹⁴ Report of a regional conference on '*the role of political parties in regional integration in Africa*' held at the great Rift Valley Lodge – Kenya 11th – 14th July 2007 p. 3

¹¹⁵ Dr. Michael Chege, '*Political Parties in East Africa: Diversity ion Political Party Systems*'; Report prepared for the International Institute for Democracy and Electoral Assistance (International IDEA) as part of its global Programme on Research and Dialogue with Political Parties P. 4

vigorous integration initiatives by negotiating new norms and principles in defence of democracy and good governance, peace and security.

4.1.2: Role of Political Parties in Regional Integration in EAC II

The crucial role played by political parties in democratization process cannot be ignored. Vibrant democracy has to be founded upon institutionally robust political parties. This is dependent on four key issues, that is, one, entrenchment of intra-party democracy; building of partnerships through coalitions where necessary; engagement with ongoing continental and sub-regional initiatives; and finally, appreciation of the inextricable link between democracy and development. The advancement of Africa's peace, security, development and democracy is, thus, unavoidably dependent on these developments. Political parties equally have an important role to play to promote these initiatives by ensuring that governments live by the letter and spirit of these initiatives. Political parties must begin to fulfill their inalienable role of being the conscience of their citizen membership both by directly playing an active role and ensuring that the citizens are consulted at every level and participate in these regionalization processes. The various protocols, declarations, treaties and commitments at regional levels must draw their legitimacy not from the heads of states and conclave of ministers but from the citizens themselves as aggregated and amplified by political parties.

These issues should also effectively guide political parties' engagement in regional integration initiatives. They should be reflected in the policy positions and documents of political parties. The unfortunate reality has been that political parties tend to over-concern themselves with domestic issues. Indeed, even at this level, political parties concentrate on parochial ethnic/regional and personal issues/interests often at the expense of the important regional integration matters that are then left to the whims of the governments and as such the preserve of the ruling parties. If the integration trend in Africa is anything to go by, then national issues are soon being overtaken by regional issues. The systematic elimination of national boundaries is slowly negating the political parties' continued over concentration on domestic issues.

Political parties should, thus, develop innovative strategies to engage such inter-state bodies as the East African Community, South African Development Community, Common Market of Eastern and Southern Africa, African Union, and Inter Governmental Authority and Development. These inter-state bodies directly and indirectly affect national development, which consequently means that they inevitably affect the behavior of political parties.

Whereas it is worth noting that a lot of the democratic reforms at the national level are attributable to political parties, similar effort has been absolutely absent at the regional and continental organization level. Political parties have remained completely out of the picture; this loophole, thus, means that the people have no alternative means of participation more so because the civil society likewise has remained ambivalent to regional and continental integration initiatives. Where the citizens are purportedly consulted, it is done conservatively within government frameworks. It is this weakness that calls for mobilization of political parties to take up their role in regional and sub-regional political agenda. Political parties have several intervention areas in these initiatives, including; Providing opportunities for public engagement and participation; Providing opportunities for mass public awareness creation and confidence building on the initiatives; Ensuring that African governments live by the norms, values and principles on democratic governance, peace and security and integration in Africa; Pressurizing African governments to close the gap between policy and implementation in regional commitments; Strengthening and preserving democratic representative and oversight bodies. Acting as the vanguard for public monitoring and oversight of delivery on commitments; playing the role of building confidence between integrating states, especially where ceding sovereignty is a key factor of success of the initiatives. This can be done by mobilizing public awareness and support so as to guarantee widespread legitimacy; and Building networks across member states in the regional and sub-regional organizations so as to mobilize collective support and legitimacy for the initiatives.

However, at the moment political parties play a very minimal role in regional integration in Africa, a fact that in turn has also undermined citizen participation. The main reasons why political parties are not visible in the integration process include the fact that the treaties of most regional bodies, including EAC, have no direct provisions for political party participation. For political parties to play a meaningful role in the integration process they must agitate for the treaties to clearly stipulate the direct role that they shall play in the process. Another reason is either their ignorance or disinterest in the integration process. Majority of Political parties in the region have no policies in their manifestoes or programs that address integration issues. Political parties appear to have surrendered the quest for regional integration to national states, regional parliaments and national parliaments. It is thus clear that political parties will only play a meaningful role in the integration process if they start developing an interest on deliberating the same with their members and pursuing their position in the various integration bodies' forums.

A third reason that has inhibited political parties participation is the fact that as integration efforts have been enhanced it has not been accompanied with the trans-nationalization of political parties. Fourth, because political parties have shown scant interest in the integration processes this has negated citizen participation. Political parties have to this end failed to educate the masses on the integration process. Political parties must in this case strive to create awareness among the general public on the ongoing integration process.

Finally, for political parties to be relevant in the integration process they must start being at the forefront in developing the idea of regional distinctiveness or the creation of a collective identity that will inspire the emergence of regionalist movements or parties. These in turn can be used to mobilize the citizens of the regions, the drafting of regional manifestoes and the development of regional policies. Should political parties choose to remain in the background of the integration processes, then they will negate their role as aggregators and amplifiers of citizenry interests in these

processes and thus risk becoming irrelevant as the citizens of the integrating territories seek alternative avenues, outside political parties, to participate in either facilitating or blocking the integration process.

Chapter Five

An analysis of political parties and interest groups in the East African Community

5.0 Introduction

Chapter five will examine data collected and analyzed and present the findings based on the outcome from the political and non political players within the federating states on the role, enabling and disabling factors in the integration process of the East African Community. This chapter will show the non participation of non parliamentary and non ruling political parties in the territories of EAC in the design and discourses around the EAF and the reasons for their ambivalence, it will further show interest groups active in EAC II, and what the supporters and architects of EAC II, ought to do to secure the participation and support of interest groups in EAC in the bring to fruition the EAF project.

According to Stanley Hoffman nation-states are resilient in regional integration ventures.¹¹⁶ He asserts that in integration politics states still enjoy primacy. Mattli criticizes Hoffmann's approach for ignoring the behind the scene maneuvers of interest groups that influence the policy preferences of states on issues to do with integration. Liberal intergovernmentalism relies on the rationality assumption. This assumption is key for the three stages of liberal intergovernmentalism¹¹⁷. Moravcsik notes that governments "act purposively in the international arena, but on the basis of goals defined domestically."¹¹⁸ "the foreign policy goals of national governments will vary in response to shifting pressure from domestic social groups whose preferences are aggregated through political institutions"¹¹⁹. For the above reason liberal intergovernmentalism proposes looking at "precise domestic societal interests in

¹¹⁶ Hoffmann, Stanley: *Obstinate or obsolete? The fate of the national state and the case of western Europe* (1966) p.862 - 915

¹¹⁷ Pollack, Mark: *Theorizing the European Union: International Organization, Domestic Polity or experiment in new governance?* Annual Review of political Science (2005) opp.cited

¹¹⁸ Moravcsik, Andrew; *Preferences and Power in the European Community; A liberal intergovernmentalism approach* in Journal of common markets Studies, 30th edition (1993)

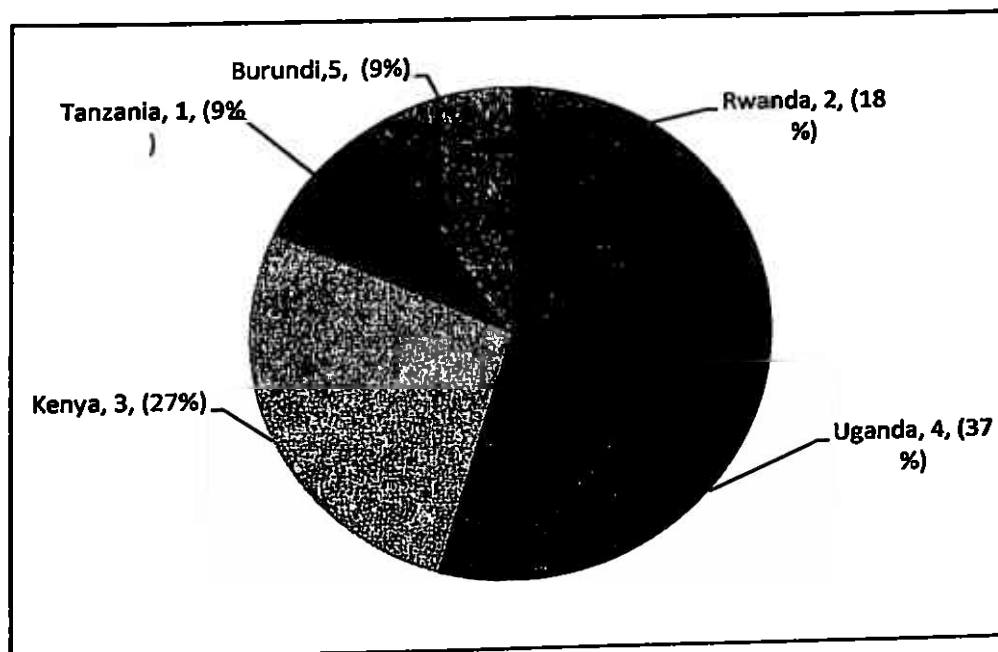
¹¹⁹ Ibid.

particular issue-areas and ways in which those interests constrain governments” in order to be able to predict where and whether international cooperation is most likely. Once domestic debate on state preference has been concluded, the second stage entails interstate negotiation based on these domestic preferences. In a world of increasing economic and other types of interdependence, opportunities arise for interstate cooperation and coordination that would aid in addressing the needs of various domestic groups. “National governments have an incentive to cooperate where policy coordination increases their control over domestic policy outcomes, permitting them to achieve goals that would not otherwise be possible”

Following from the fore going and relating more specifically with the East African Community declared ambition to attain a political federation by the year 2013 having missed the 2010 fast track timeline established by the Wako Commission, one would then expect to find a thorough ongoing debate and lobbying by political actors in the partner state territories as a requisite for forming state positions in negotiating for the political federation process. Under the theory of liberal intergovernmentalism, it is clear that the governments of state parties will retain primacy in this process, but their choices and policy preference in the architecture of the federation will be shaped and constrained by domestic pressure as mobilized and articulated by organized pressure groups, in this case political actors as represented by political parties and other social formations that have a stake as political actors within the member state territories or across territories.

The outcome of wide ranging interviews held with political actors in the 5 partner states that make up the East African Community show little, and in some cases no engagement at all in the architecture and design of the proposed federation and in some cases total lack of interest.

Figure 4.1: Distribution of Respondents by Country

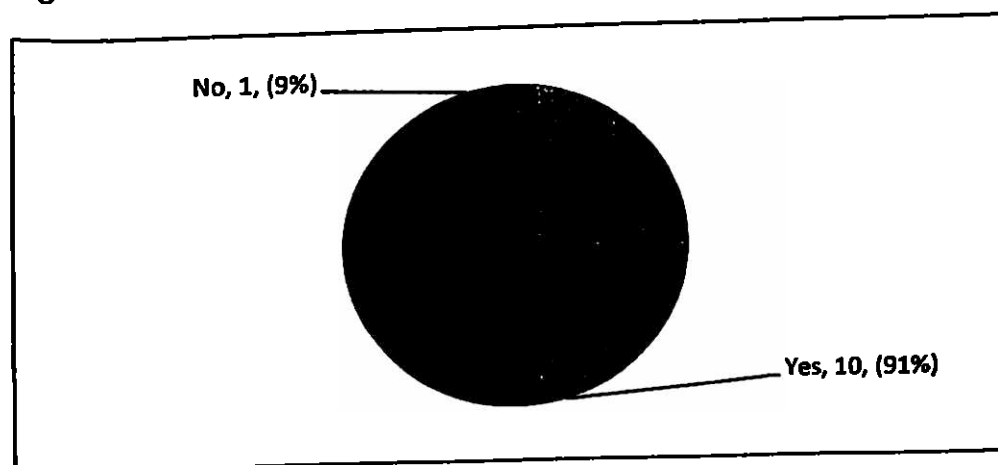


Source: Author; 20th September 2011

Most (37%) respondents were from Uganda followed by Kenya at 27%, Rwanda had 2 (18%) respondents while Tanzania and Burundi had only one respondent at 9% respectively.

On the possibility of achieving the EAC political federation majority 10 (91%) of the respondents were emphatic that the political federation of the East African Community can and will be achieved. This was a unanimous response from all the interviewed respondents expect for the media. The respondents were drawn from diverse backgrounds ranging from Political party leadership in the 5 territories, media personnel and Civil Society actors (figure 4.2).

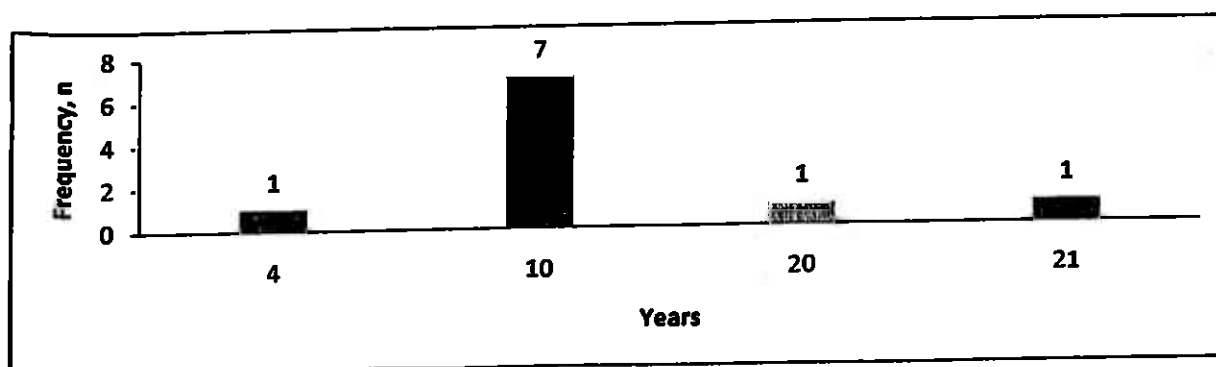
Figure 4.2: Distribution of perception of possible success of the Political Federation



Source: Author; 20th September 2011

Realistic time frames; For the respondents, who were optimistic about the realization of the political federation of the East African Community, the minimum realistic duration attached to the full realization was 4 years and a maximum of 20 years. This implies there was a generalized view that the 2013 timeline set for the political federation will be missed. Not a single respondent felt that the 2013 timeline will be met. Realistic timelines ranged from 2015 – 2031 to an abstract 3 generations from the current generation. Honorable Herilimana Abdul Karim felt confident that political federation can be achieved between the years 2015 – 2018¹²⁰, while Oluoch Fred¹²¹ felt that the federation will only be possible and achieved by the third generation East Africans in order to overcome the deep sited suspicion and narrow national interests. Most respondents six out of the eleven respondents, 54% mentioned 2021 as the most realistic time lines, 3 out of those six respondents that mentioned 2021 as realistic time lines were from Uganda, 2 from the opposition parties and one from the ruling party. F. Zedi¹²² a Burundian and a leader of an opposition party have a similar time line with Honorable Herelimana from Rwanda, the timeline being 2015. These were the most optimistic time lines provided by the respondents.

Figure 4.3: Distribution of perceived Realistic time lines for EAF (n = 10)



Source: Author; 20th September 2011

¹²⁰ A. Harelimana is National Executive Committee member of the Rwandese Patriotic Front, and a member of the East African Legislative Assembly. This comment is based on an interview conducted by the researcher on 15 September 2011.

¹²¹ Oluoch Fred is the political Analyst – Horn and Great Lakes Region for the Nation Media Group. This comment is based on an interview conducted by the researcher on 15 September 2011.

¹²² F.Zedi is the chairperson for V.P.U Zigamibanga (Union for Peace and Democracy) of Burundi. This comment is based on an interview conducted by the researcher on 16 September 2011.

Table 4.4: Distribution of Realistic time lines (in years), for the possibility of EAF by Country of Origin (n = 10)

The table below shows the distribution of what political parties and other interest group players in EAC II consider to be realistic time frames within which EAF can be achieved; the table shows the different timelines as perceived by country of origin of actors in each of the five territories of EAC.

Country of Origin	Realistic Timing		
	Mean	Maximum	Minimum
Rwanda	21	21	20
Uganda	10	10	10
Kenya	10	10	10
Tanzania	10	10	10
Burundi	4	4	4

Source: Author; 20th September 2011

Hindrances for a quicker achievement; respondents having shown that the set timeline of 2013 was, in their view unrealistic, it was important to find out what they viewed as factors that would delay the achievement of the East African Community political Federation.

Issues of member state sovereignty were identified as one hindrance. Honorable A. Herelimana¹²³ and F. Oluoch¹²⁴ identify reluctance by the state parties to cede national sovereignty to the supra national entity as one of the major hindrances to a quicker achievement of the East African Political Federation.

¹²³ Ibid
¹²⁴ Ibid

Weakness of the institutions of East African Community and executive domination were identified as other hindrances. Honorable N. Mao¹²⁵ and J.O.Mshama identify the weak institutions of the current East African Community as a hindrance. The East Africa Legislative Assembly, the secretariat and the East African Court of Justice were said to not inspire confidence amongst East Africans that would be required to excite the populace to push for the federation. N. Mao posits that currently the EAC is seen as a forum where the presidents of the partner states meet to 'conspire' against their citizens. Mshama suggests there is a need to upgrade the current secretariat to a commission so as to give it sufficient muscle and independence to drive the federation process and operate as the supra national entity it ought to be.¹²⁶

Self interest of politicians and bureaucrats: Fear by political actors including state bureaucrats being rendered irrelevant in a political federation was identified as another hindrance. This fear was identified by Hon Herelimana who explained that a bigger federated entity would be a different political landscape from the smaller more familiar partner territories that politicians are used to and thus this fear may be undermining the federation process that requires support from politicians.¹²⁷ Oluoch J, asserts that the political players fear that they may lose out should the federation materialize.

Democratic deficiencies in the partner states: Many respondents identified various deficiencies within the partner states as a threat and hindrance to the federation process for the East African Community. Among the deficiencies identified included the Autocratic nature of the current leaders in the partner states as cited by respondents from Uganda¹²⁸ and a senior member

¹²⁵ N. Mao is the president of the Democratic Party (D.P) Uganda and a former Ugandan member of parliament. This comment is based on an interview conducted by the researcher on 15 September 2011.

¹²⁶ J.O Mshama is the national Chairman Demokrasia Makini of Tanzania. This comment is based on an interview conducted by the researcher on 16 September 2011.

¹²⁷ Opp cited

¹²⁸ N. Mao is the president of the Democratic Party (D.P) Uganda and a former Ugandan member of parliament. This comment is based on an interview conducted by the researcher on 15 September 2011

of the Uganda ruling party the National Resistance Movement.¹²⁹ Another deficiency cited as a hindrance was the tendency of the ruling parties strangulating and alienating opposition parties at the national front and at the regional level. Z. Feruzi cites corruption, lack of political spaces for opposition parties and lack of respect for human rights at the national front as one of the hindrances and risks facing the Political Federation of the East African Community.¹³⁰

Disconnect and lack of active participation by the populace: Four out of the eleven (36.3%) respondents mentioned this as one of the hindrances for a quicker attainment for the Federation. It was indicated that the process of building trust amongst the populace in the partner territories has been slow and thus allowed myths and suspicion to flourish and thus become a bottle neck towards federation. Herelimana and Olouch cites the myth that Tanzania believe the federation will create an avenue for Kenyans to grab land in Tanzania.¹³¹ Other respondents' assert lack of grass root mobilization by EAC and the member states around the federation process as one of the hindering factor. Mshama posits that the architecture of EAC was top down, not people but governments driven and thus lack grass root ownership.¹³²

Other hindrances that were identified included; Lack of attention by other government institutions at the national level, for example, parliaments were cited as another indicator of lack of national in-depth attention paid to the regional issues. N. Mao invites observers of the East African Community to look at the Hansards of the national legislatures to see what amount of time the issue of Political Federation has been granted at the national level.¹³³ C Nsimbi identifies the different governance systems specifically the different presidential term limits within the community, differences in constitutional make up of the partner territories and the constitutional making process, failure for Kiswahili to take proper root in some territories as other hindering

¹²⁹ A respondent whose name has been withheld at her request; the deputy Secretary General of the National Resistance Movement (NRM) Uganda. This comment is based on an interview conducted by the researcher on 16 September 2011.

¹³⁰ Z. Feruzi Opp cited.

¹³¹ Op cit

¹³² Op cit

¹³³ Op cit

factors to a quicker federation of the East African Community.¹³⁴ Another hindrance identified included Intrigues and partisan views on national programs, for example opposition parties in the individual partner states may oppose a good idea like the federation just for the sake of opposing it.

5.1 Role of political parties and other organization groups

Table 4.2: Ideal Roles of Political Parties in the EAF process

Role of Political and other Organizations	%
Mobilization of members	33.3
Supportive role of political parties	16.7
Membership of concerned countries	16.7
Legal reforms	16.7
Analysis of the Interests of Member Countries	16.7

Source: Author; 20th September 2011

5.2 Current and future roles of political parties in the EA Federation

Having probed on the likely time lines to the effectuating of an East African Federation and the hindrances of a faster time line for the same, it was important to find out the actual status of the engagement of political parties and other political actors in the current architecture and process of bringing the federation process into fruition.

Most respondents asserted that the ruling parties in the East African member states have been effectively engaged with the process while the opposition and non parliamentary parties were not as effectively engaged and in most instances totally disengaged with the process, though most respondents were aware that the business lobby groups in the territories were engaged, they were not very clear on what other non political parties actors role has been. That having been said

¹³⁴ Nsimbi C is the head of voter registration Uganda Electoral Commission. This comment is based on an interview conducted by the researcher on 15 September 2011.

the East African law society was constantly mentioned as one of the actors that the respondents were aware of as engaged in the architecture of the proposed EAF.

Masime K posits that political parties in the territories of east Africa generally have been mobilizing their members to participate in the East African Community affairs and formulating and implementing pro-federation policies. He points that Centre for Governance as a civil Society entity has in the past and currently Facilitates political parties, civil society and private sector to participate in the process.¹³⁵ Angila F states that the role political parties ought to be playing would include aggregation of the prevailing interests related to the federation in their respective territories; fostering debate on various factors of the federation, he stated that as a civil society actor his institution has been tailored around strengthening the Kenyan and Ugandan parliament, with future plans of doing the same for the parliament of Southern Sudan and the East African Legislative assembly.¹³⁶ A Harelimana ¹³⁷speaking on the role of Rwandese Patriotic Front credits RPF for applying and securing Rwandese membership to the EAC, and asserts joining of regional blocks as one of the Key principle of the ruling party as enumerated in its political manifesto, he further asserts that RPF has being a critical supporter of the federation process through their support of federating principles and protocols by means of keeping conditions at a minimum during the negotiations of these enabling protocols.

On RPFs future role A Harelimana list the following; supporting negotiations aimed at ensuring the political federation of the EAC is achieved; implement federation principles agreed on and provide oversight on implementation of regional federation laws and protocols; and civic mobilization and education to secure citizen support of the political federation project¹³⁸.

¹³⁵ Masime K is the Executive Director, Centre for Governance and Development, Kenya. This comment is based on an email interview conducted by the researcher on 11th September 2011.

¹³⁶ A'ngila F is the Deputy Director of State University of New York, Parliamentary Support Program, and Kenya. These comments are based on an email interview conducted by the researcher in September 2 2011.

¹³⁷ A. Harelimana is the National Executive Committee member of Rwandese Patriotic Front, and a member of the East Africa Legislative Assembly. This comment is based on an interview conducted by the researcher on 15th September 2011

¹³⁸ A. Harelimana Ibid.

50% of the political party representatives interviewed reported having played no role at all in the East African Political federation process, and citing roles they were determined to play in the future.

Of the other 50% of the political parties that cited variety areas of contribution. RPF cited their having applied for membership to the community, their backing of supportive protocols in order to hasten their passing and actualization and their embedding their belief in regionalization in the political manifestation.

V.P.U – Zigamibanga (Union for Peace & Democracy) of Burundi¹³⁹ as well as NRM¹⁴⁰ of Uganda cite their mobilization and marketing of the federation process to their constituents and citizenry in their territories as part of their contribution towards actualization of the process. NRM in addition cites their capturing their aspiration to an East African Federation in the political party manifesto as an addition contribution.

Of the non political actors, the media (Nation Media Group - Kenya and the New Times – Rwanda) cites their informing the citizenry of the progress of the federation process as part of their contribution. F. Oluoch for Nation media posits that, theirs being a regional media, it provides a platform for forging of an East African identity. He goes on to say that they have become a platform for regional issues to be raised, discussed, canvassed and disseminated to the East African population¹⁴¹. G. Muramira on his part asserts that their coverage and reporting of regional forums and analysis and outcome they provide has been part of their contribution to the process.¹⁴²

¹³⁹ Feruzi Z is the chairperson of V.P.U Zigamibanga (Union for Peace & Democracy) of Burundi. This comment is based on an interview conducted by the researcher on 16th September 2011)

¹⁴⁰ A respondent whose name has been withheld on request; the Deputy Secretary General of the National Resistance Movement (NRM) Uganda. This comment is based in an interview conducted by the researcher on 16th September 2011.

¹⁴¹ Oluoch F is the political analyst – Horn and Great Lakes Region for the National Media group. This comment is based on an interview conducted by the researcher on 15th September 2011.

¹⁴² Muramira G is a senior reporter for the Newtimes, Rwanda. This comment is based on an interview conducted by the researcher on 15th September 2011.

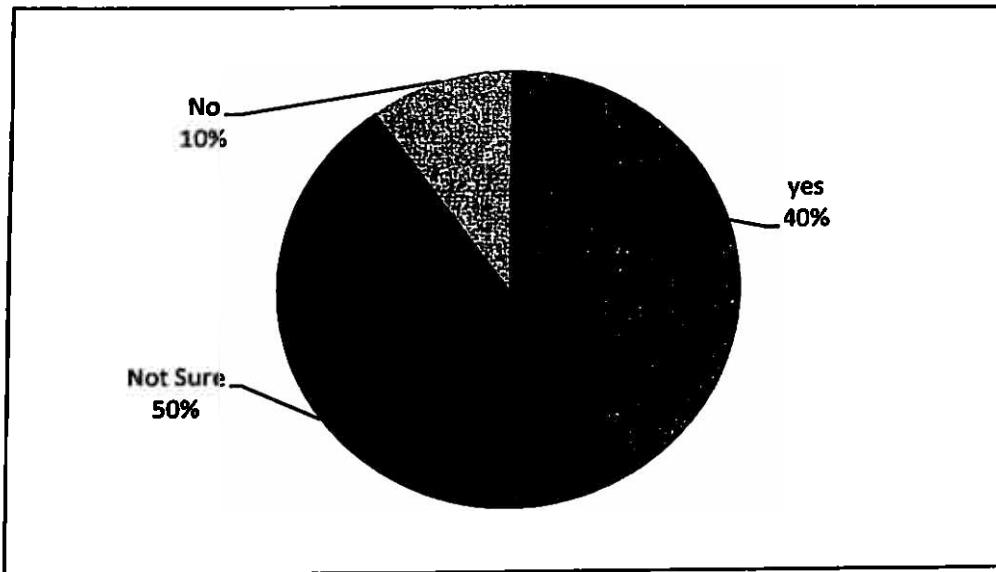
Table 4.3: Organizations Active in the Architecture and discourse of the EAF

Interest Groups Players in the East Africa Federation	%
Defense force of all states	13.6
East African Lawyers Association	13.6
East Africa Business Council	9.1
Uganda Manufacturer association	9.1
East Africa Civil Society Forum	4.5
Society for international development	4.5
Friedrich Ebert Stiftung	4.5
Centre for Governance and Development	4.5
RPF	4.5
Rwandese Private Sector Federation	4.5
Kituo cha Katiba	4.5
National Resistance Movement	4.5
Media	4.5
Universities	4.5
CHADEMA	4.5
East Africa Legislative Assembly	4.5

Source Author; 20th September 2011

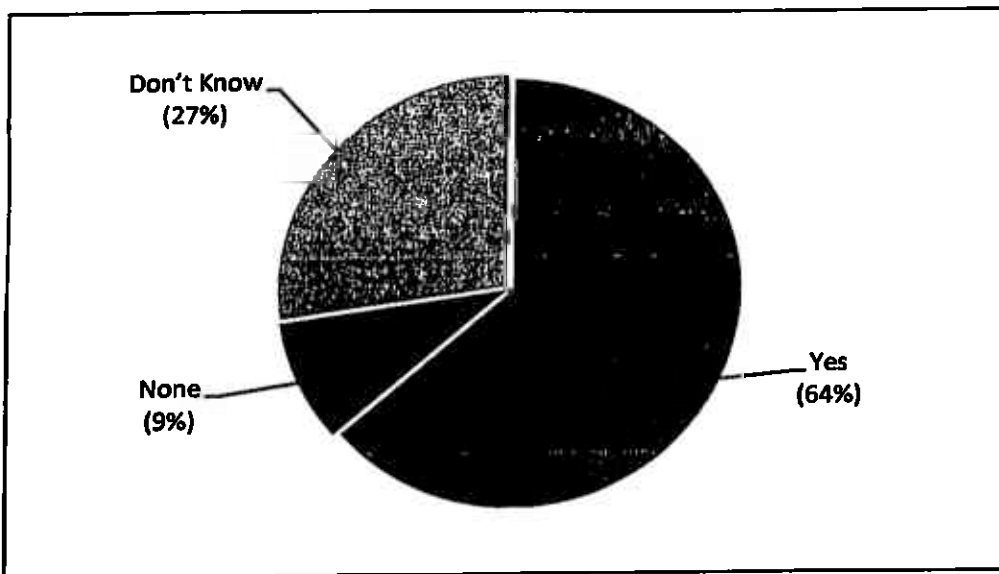
Defense force of all states and the East African Lawyers Association organization were cited as the most active, interest groups in the architecture of the federation at 14 %.

Figure 4.4: Awareness of any strategic document in reference to EAC.



Source Author; 20th September 2011

Figure 4.5: Knowledge of existence of Political parties with strategy documents with reference to EAF



Source Author; 20th September 2011

The parties identified as capturing their vision of a political federation in the region included, RPF of Rwanda, Uganda Democratic Party, NRM and FDC of Uganda, ODM of Kenya, CCM and CHADEMA in Tanzania and in all those, the political Manifesto was the main document. Probed on knowledge of what the manifesto say on the federation, 13% were not sure

what it says, 63% said that it supported the regional block, 13% cited supportive for more member states and 13% said strengthening of EAC.

Ideal roles of political parties in the EAC federation; probed on what ought to be the roles that political parties ideally ought to be playing is support of EAF the following were cited; Civic Mobilization and education: The majority of the respondents cited mobilization and civic education of their membership and general citizenry in their respective territories to participate and create ownership as a core role that political parties ought to be playing. The mobilization would include for political will and funds for the realization of the federation process. M. Muntu cites the need for recruiting the youth into a vision for the East Africa federation as a critical mobilization angle, and suggested youth exchange programs across the region as a good thing towards forging of an East African identity.¹⁴³

Watch dog functions and Political party peer pressure: Political parties were also expected to play their 'watch dog' role to ensure their respective governments respect and implement commitments they make in relation to the federation process. This role would include using their members in national legislation to demand accountability around this while at the same time participating in and encouraging peer reviewing the other political parties' performances in relation to the values of EAC.

Agitation for a referendum: A referendum held across the 5 east African territories was cited as a beneficial political activity aimed at providing the requisite legitimacy for political, state and non political and non state actors the legitimacy required to push for and support the East African federation process. M.Muntu and O.Mushama¹⁴⁴ posit that a nod from the citizenry of the 5 territories will not only create legitimacy for the project but will also create a huge

¹⁴³ M.Muntu is a member of EALA and a senior member of the Forum for Democratic change, Uganda. This comment is based on an interview conducted by the researcher on 16th September 2011.

¹⁴⁴ J.O Mshama is the national Chairman Demokrasia Makini of Tanzania. This comment is based on an interview conducted by the researcher on 16 September 2011.

political opportunity for political parties to engage with the process while also conducting massive civic education within their territories around the merits and demerits of an East African Federation.¹⁴⁵

Cross Border political party Collaboration: F.Oluoch states that Political parties ought to push for an East African Constitution that encourages cross border political collaboration¹⁴⁶ while C. Nsimbi cited the need for political parties to reach out and form alliances with like minded political parties on common ideologies and cross national issues such as environment.¹⁴⁷ A senior member of the NRM cited the need of political parties forming 'multi party centers of excellencies' to share ideas and debate the architecture and vision of An East African Federation'.

Other roles cited as important by the respondents included deepening of democratic space in the respective territories as a prequisite for the eventual federation; capturing of the political parties vision of the federation in their political manifestos as a way of creating political and popular debate on the federation options, and, the need for political parties in the territories to campaign and offer themselves for elections for positions open at the federation level.

The Risks of non participation of political parties in the EAC political federation process: Probed on the eminent risks posed to the federation process by the non engagement of the political parties in the EAC region the following were identified;

Lack of Legitimacy: Non Involvement of political parties as drivers and aggregators of citizenry political views and vision in the East Africa Federation process was unanimously pointed out as one of the grave risks that would emanate to a resultant East Africa Federation. The respondents posited that the project would be seen more as one for the head of states and

¹⁴⁵ M.Muntu and O. Mshama: Opp cited.

¹⁴⁶ Oluoch F is the political analyst – Horn and Great Lakes Region for the National Media group. This comment is based on an interview conducted by the researcher on 15th September 2011.

¹⁴⁷ Nsimbi C is the head of voter registration Uganda Electoral Commission. This comment is based on an interview conducted by the researcher on 15 September 2011.

governments in the territories and lack the desired grass root support. F Angila points that such a scenario would predisposed the resultant federation 'going the way of the defunct EAC which succumbed because the then 3 EAC presidents could not get along by 1977',¹⁴⁸ Harelimana says a political federation that excludes political parties participation would not only make it difficult to attain but also result in a weak and shaky federation.¹⁴⁹

Opposition to the federation process: Another risk identified with non participation of political parties was the possibility of the non participating political parties mobilizing their constituents against the federation process thus creating pockets of strong resistance to the federation and predisposing the federation to being shaky. M.Muntu cites the likelihood of the current opposition parties not supporting and actually undermining what will have been achieved within the federation process should the current ruling political parties loose power and the opposition parties form the governments in their respective territories. He adds that the current opposition parties may demand to re negotiate already settled positions, protocols and principles within EAC.¹⁵⁰

Other risks cited included the fact that lack of political parties' participation would lead to the delay in the implementation of the federation process thus making the entire process a drain to the coffers of the partner states and create fatigue among the actors.

Other risks cited included the real risk of citizen conflict amongst themselves along former national lines destabilization of the entire geo political region that will be the East African federation.

Recommendations on how to get the political parties engaged in the EAC Federation process; Asked for their views on how the architects and supporters of the East Africa Federation

¹⁴⁸ F. Angila opp cited

¹⁴⁹ K. Harelimana Opp cited.

¹⁵⁰ M.Muntu is a member of EALA and a senior member of the Forum for Democratic change, Uganda. This comment is based on an interview conducted by the researcher on 16th September 2011

process may secure the participation of political parties in the region and hence mitigate the abovementioned risks the respondents made the following recommendations;

Creation of a regional political platform: A platform bringing together all political parties to discuss and share ideas around the federation process amongst the political parties was one of the recommendations made. The platform would not only create space for political parties discussion but also as pointed out by C.Nsimbi would provide an alternative platform for political parties that lack a platform at the national level to ventilate and infuse their views in the federation process.¹⁵¹ G.Muramira recommends that the respective ministries charged with EAC affairs in the respective member states be required to convene a multi party platform on the federation process in their respective territories.¹⁵²

Consultations and information sharing with all political parties: Harelimana and M Muntu suggest that political parties should be involved in the design of the EAC protocols and other bills as a way of promoting ownership of the process.¹⁵³ While Mao roots for keeping of political parties and political leaders informed on the state and status of EAC and recommends the EAC secretariat and the respective ministries charged with EAC issues in the individual territories of the EAC be charged with this task¹⁵⁴. F.Zedi on his part recommends that the political parties not only need to be kept informed on all major decisions and outcomes of the federation but the parties need to be tasked with the role of disseminating the same to the grassroots.

Legislative and legal reforms to EAC institutions: Review of the East African Legislative Assembly was recommended. The review would allow expansion of EALA to reflect the diversity of the people of the region and facilitate direct election of EALA members. Mushama

¹⁵¹ Nsimbi C is the head of voter registration Uganda Electoral Commission. This comment is based on an interview conducted by the researcher on 15 September 2011.

¹⁵² Muramira G is a senior reporter for the Newtimes, Rwanda. This comment is based on an interview conducted by the researcher on 15th September 2011.

¹⁵³ K.Harelimana and M.Muntu Opp cited.

¹⁵⁴ N. Mao is the president of the Democratic Party (D.P) Uganda and a former Ugandan member of parliament. This comment is based on an interview conducted by the researcher on 15 September 2011

further suggests a creation of a legal framework for political parties participation in the EAC institutions generally and specifically in the federation process.¹⁵⁵

Other recommendations included the involvement of the women and youth leagues and wings of political parties into the discussion and debates relating to the architecture of the East Africa Federation in order to capture the views of these segments of the region's population. The use of the media to push the federation agenda in the political parties of the region was also cited together with engagement and support of Civil Society Organizations to mobilize a critical mass to push for the EAC process and demand that political parties be engaged. M. Muntu finally recommended that the ruling regimes ought to involve shadow ministers in relevant discussions touching on the East African Federation Process.¹⁵⁶

N. Mao points out there is a need to develop common standards and rules to govern all political parties and political party activities in the East African community territory and recommends that the EAC secretariat should lead in this He further recommends that member states should invest more in the EAC processes to prevent it from being donor driven or captured and create ownership among the member states.

¹⁵⁵ J.O Mshama is the national Chairman Demokrasia Makini of Tanzania. This comment is based on an interview conducted by the researcher on 16 September 2011

¹⁵⁶ M.Muntu is a member of EALA and a senior member of the Forum for Democratic change, Uganda. This comment is based on an interview conducted by the researcher on 16th September 2011

Chapter six

6.0 Conclusion and Recommendations

The objective of this study was to analyze the impact of absence or exclusion of interest groups in the federating states and how this may lead to support or lack of support of the proposed EAF, it has clearly emerged that where interest groups are engaged and included in the architecture and discourse around regionalization, there is higher support and thus likely success of the project. This was clearly demonstrated by the successful engagement and thus the relative high level support of the business interest groups in the formation of their national policy positions at the intergovernmental negotiation stage of the Custom Union of EAC. This further proves hypothesis one which was set out the fact that 'Active participation and engagement of interest groups, including political parties, in the federating states, will have positive impact in the success of the federation process of the East African Community'. This conclusion further leads credence to the specific objective one that sought to identify the existence and nature of interest groups in the territories of the East African Community. The study has shown a plurality of both political and non political interest groups including but not limited to business lobbies, political parties, and civil society actors among others. Thus the study objectives as set out were met.

The findings also clearly demonstrates that, though political parties exist, as interest groups at the national level of the member states, their lack of engagement and exclusion from the discourse and architecture for the proposed EAF has served to undermine the project. This lack of engagement and exclusion of political parties and Civil Society has been attributed as one of the key factor that led to the unsuccessful achievement of EAF within the 2010 fast track timing, and will continue to undermine the possibilities of the same being achieved through the 'gradualism mechanism' targeted to be complete by 2013. This responded to specific objective

two of the study that sought to examine the implication of the absence of interest groups, including political parties, in the architecture of the proposed East African Federation.

The general weaknesses of political parties in the member states coupled with democratic deficiencies have ensured that political parties, outside those of the ruling regimes, continue to play peripheral roles in the architect and discourse around the EAF. These deficiencies within the territories have in turn meant that the EAF project has been denied crucial building blocks, namely stronger national democratic tenets, and vibrant political parties, towards a successful federation. This conclusion and finding responds to the third hypothesis, which sought to show, that the state of political parties in the individual territories of East Africa and their nature of engagement with the ruling parties affects their ability to engage and influence decisions at the national and regional level relating to federation.

Hypothesis two on 'Active participation and engagement of interest groups, including political parties, will have no effect at all to the success or otherwise for the federation of the East African Community territories' was disapproved. The study showed that where business lobbies, as interest groups, were engaged, they did contribute to determine the success of the EAC customs union, and the lack of engagement and exclusion of political parties has influenced the failure of achievement of EAF by 2010 and the likelihood of continued failure to achieve this by 2013. The absence of political parties and other political actors in the design of the EAF architecture presents the single most pertinent risk to the East Africa Federation Project. The architects and supporters of the EAF should find ways of including these actors in the ongoing discourse around EAF if it were to be successfully executed in a sustainable manner likely to bring the envisaged benefits to the people of the 5 member states.

Recommendations: For the East African federation process to come to fruition, the architectural model notwithstanding, it is paramount that the architects and supporters of this process bear in mind the following;

Capacity building of political parties on issues of regional engagement; As F. Oluoch points out there is a need to realize political parties as currently constituted and operating are focused exclusively on capturing national power and thus lack motivation to engage in and invest on a regional agenda. He adds that national voter apathy around regional issues act as an addition de-motivator for political parties to engage with regional agendas. Thus the success of the federation process may hinge on re – orienting the political parties in the region and building their capacity to operate within the envisaged emerging environment of a federation and interest the citizenry in the project to ensure they put pressure on the political parties to start thinking and perhaps operating regionally.

Fear for political parties being rendered irrelevance: There exists an apparent and cognizant risk of political parties sabotaging the federation agenda out of fear that a successful federation would render them irrelevant in the region. This fear ought to be addressed in order to assuage the political parties of their continued relevance within the federation and thus secure their support.

People led integration process: J. Oluoch makes an interesting observation. He argues that there has been a natural and ongoing integration process within the East African region at the people's level totally independent of the ongoing EAC federation process and other actors who fail to get engaged in this process may be rendered irrelevant by this force. This then would mean that the integral part of people's participation in this process needs to be enhanced and encouraged and the risk of irrelevance to those opposed to it ought to be brought to light as a motivator for these institutions to engage with the process.

The need to harmonize systems: There is a better chance of success of the federation process if some degree of harmonization of constitutive governance documents and practices across the region is undertaken. These would include the territories constitutions, presidential term limits, and political parties' governance legal regime among others. The harmonization and

standardization of the education system and the salary scale across the civil service within the 5 EAC territories ought to precede the federation process.

Resolution of internal tensions and democratic deficiencies: Territorial tension within the member states for example, Tanzania mainland and Zanzibar, and other manifestations of democratic deficiencies within the member states including the opening up of legitimate space for political party and genuine peoples' participation ought to be resolved to avoid the possibility of the tensions destabilizing the entire region. Another issue that needs to be addressed and resolved would be the membership of the participating states to multiple trading blocks to avoid policy distortion should the federation project materialize.

Development of an East African Identity: Finally there would be a need to develop an East African identity that would create ownership and spur the transfer of loyalty from the current individual national territories to the resultant supra national entity in the name of The East Africa Federation. The architects of the federation will need to communicate to the citizens of the territory the fact that the federation process has not and will not be easy, there will be some head ways and reversals, some head starters and laggards in the process and thus the need for patience and compromise in the course of the federation development.

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6.2 List of Interviewees

1. Hon. Sheikh Abdul Karim Harelimana (Rwanda & Arusha)
Member of East Africa Legislative Assembly
Senior member of RPF Rwanda
Chair of the foreign relations committee in EALA.
Interviewed on 15/09/2011, Nairobi Kenya
2. Hon. Norbert Mao (Uganda)

President Democratic Party (Uganda)

Former Member of Parliament; Uganda.

Interviewed on 15/09/2011, Nairobi Kenya

3. Honourable Mugisha Muntu, (Uganda & Arusha)

Member EALA Parliament

Senior member of Forum for Democratic Change (FDC – Uganda)

Interviewed on 16/09/2011, Nairobi Kenya

4. Fred Oluoch (Kenya)

Political analyst – horn and great lakes region

Nation Media group (Kenya)

Interviewed on 15/09/2011, Nairobi Kenya

5. Charles Nsimbi (Uganda)

Head of Voter registration

The electoral commission of Uganda

Interviewed on 15/09/2011, Nairobi Kenya

6. Gashegu Muramira (Rwanda)

Senior Reporter

The Newtimes Daily

Interviewed on 16/09/2011, Nairobi Kenya

7. Kennedy Masime (Kenya)

Executive Director

Centre for Governance and Development

Email Interview conducted on 30th September 2011

8. Francis Away A'ngila (Kenya)

Deputy Director

State University of New York,

Parliamentary Support Program.

Email interview conducted on September 29, 2011

9. Jimmy Obedi Mshama (Tanzania)

National Chairman

Demokrasia Makini – Tanzania

Interviewed on 16/09/2011, Nairobi Kenya

10. Feruzi Zedi (Burundi)

Chair person

V.P.U – Zigamibanga (Union for Peace & Democracy) Burundi

Interviewed on 16/09/2011, Nairobi Kenya

11. Name with held on request (Uganda)

Deputy Secretary General.

National Resistance Movement (NRM) Uganda.

Interviewed on 15/09/2011, Nairobi Kenya

ANNEX

Study Questionnaire

Questionnaire: the role of interest groups in the East African Community Federation
<u>Name of respondent (optional):</u>
<u>Organization:</u>
<u>Position in organization:</u>
<u>Date:</u>
<u>Notes:</u> The name of the respondent though encouraged is optional should the disclosure jeopardize the respondents position in the organization, the respondent may provide the identification details and request for anonymity.
1) Chances for success for the federation process
(a) Do you think the EAC will attain a political federation?
(b) If so, what do you consider to be realistic time lines for the federation to occur?
(c) If not what are the likely hindrances to the federation process
2) Role of political parties and other organized groups in the federation process
(a) What role do you see political parties in the partner states play either to drive and or hinder federation?
(b) What role has your organization (political party, business/ professional association, civil society) played in realization of the EAC federation?
(c) What role do you see your organization playing in future towards the federation?
3) Identify and strategy of interest group players in the East Africa Federation process
(a) What organization (political party, business /professional association, civil Society), in your knowledge has been active in the architecture and or discussions around the issue of federation of the EAC?

(b) Do any of these players you know have any strategy documents (constitution, manifesto etc) containing any reference to the EAC federation?
(c) If so, what document and what is the content referring to the federation?
4. Identify and strategy specific to political parties in the member states on the East Africa Federation process
(a) In your knowledge do you know any political party in any of the member states that has strategy documents with reference to EAC federation process (either in support or in opposition)?
If so:
(a)(i) What party?
(a)(ii) What document?
(a)(iii) What does it say?
5. What role should political parties play in the discussions and architecture of an EAC federation?
6. In your opinion if political parties don't engage in the discussions and architecture of the EAC federation what risks do you foresee to the federation project?
7. What should the architects of the federation project do to secure the engagement and involvement of political parties?
Any other comment you would wish to make around the possible federation of the East Africa Community?