

**ROLE OF THE KENYAN PARLIAMENT IN PROMOTING
THE EAST AFRICAN INTEGRATION: 1963 TO 2010**

By

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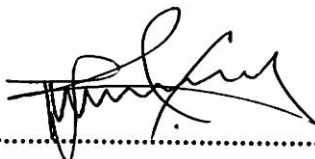
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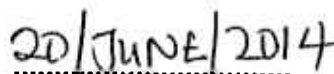
DECLARATION

This research study is my original work and it has not been submitted to any University for any academic award.



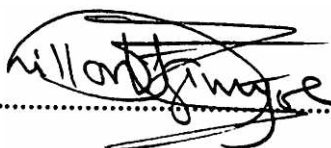
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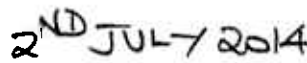


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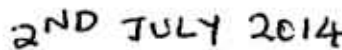
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DEDICATION

This thesis is dedicated to my dear wife Annlilly, daughter Celine and all staff of the Kenyan Parliament. My wife has been my inspiration and the wind beneath my wings in encouraging me to exert more time and bring this piece of work to fruitful conclusion.

ABSTRACT

This study sets out to examine the role of the Kenyan Parliament in promoting the East African integration since independence up to 2010. The study was guided by the intergovernmentalism theory of integration. In realizing the study's objectives, the study relied on secondary data which was drawn from library research of documentary sources of information. These were readily available in Nairobi and Arusha where the Kenyan parliament and EAC headquarters are domiciled respectively. The study tested the following hypotheses: timely domestication of regional protocols by Kenyan parliament leads to a quicker East African integration process; parliamentary oversight over the East African integration processes determines the fate of the integration and participation by the Kenyan parliament in the East African integration process is a manifestation of a representative process. The study found out that the institution has played some role but could do more if certain measures are taken to strengthen it. It also found out that the national parliament may not have had ample space in the EAC integration process due to a domineering Summit. In addition, it found out that the Kenyan Parliament has played an oversight role that has seen the process remain on track; EAC institutions strengthened and the due process of the integration followed. The study concludes that parliament has played a role through a show of goodwill to other actors like the East African Legislative Assembly. This goodwill is in terms of material, financial support and timely domestication of treaties and protocols relating to EAC matters. The study made some recommendations key amongst them being that the EAC integration process be more inclusive. Indeed, other institutions have also been pushed to the periphery in the integration process. This made the study to further recommend that more studies be done on the effectiveness of national parliaments and other actors in the process of regional integration.

LIST OF ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
AMU	Arab Maghreb Union
APSEA	Association of Progressive Societies in East Africa
CCM	Chama Cha Mapinduzi
CEN-SAD	Community of Sahel-Saharan States
CET	Common External Tariff
CISO	Cooperation of Informal Sector Organization
COMECON	Council for Mutual Economic Assistance
COMESA	Common Market for Eastern and Southern Africa
CSOs	Civil Society Organizations
DFID	Department for International Development
EABC	East African Business Council
EAC	East African Community
EACJ	East African Court of Justice
EACCD	East African Centre for Constitutional Development
EACSO	East African Common Services Organization
EAFCFA	East African Fine Coffees Association
EAHC	East African High Commission
EALA	East African Legislative Assembly
EALS	East African Law Society
EAM&JA	East African Magistrates and Judges Association
EASSI	Eastern African Sub-Regional Support Initiative for the Advancement of Women
EATUC	East African Trade Union Council
EAYDA	East African Youth Development Association

EAYF	East African Youth Forum
ECOWAS	Economic Community of West African States
EU	European Union
GDP	Gross Domestic Product
GTZ	'Gesellschaft für Technische Zusammenarbeit' (German Technical Cooperation)
HIV	Human Immune Virus
ICSW	International Council of Social Welfare,
IGAD	Inter-Governmental Authority on Development
ILEAP	International Lawyers and Economists against Poverty
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
LHRC	Legal and Human Rights Centre (Tanzania)
NAFTA	North Atlantic Free Trade Area
NATO	North Atlantic Treaty Organization
NGOCEA	Non-Governmental Organizations Coalition for East Africa
OAU	Organization of African Unity
PAC	Public Accounts Committee
PIC	Public Investment Committee
PTA	Preferential Trade Area
RTFP	Regional Trade Facilitation Programme
SADC	South African Development Community
UN	United Nations Organization
US	United States
WTO	World Trade Organization
WWI	World War 1

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CHAPTER ONE

1. 0 INTRODUCTION

1.1 Background to the Study

The interlacustrine politics of yesteryears sought to address the same challenges that we seek to address today in relation to the integration of the East African countries. These are: competition in a hostile environment, the threat of anarchy, the need to protect and spread those values that underpinned their socio economic dispensations. A large number of the East Africa region's scholars have dedicated a lot of intellectual effort in unearthing the historical aberration and betrayal of the federation cause (Adar, 1981; Balassa, 1961; Burke 1965; Grzimek, 2002; Nnoli, 1971; Nyirabu, 2005; Oloo, 1995; Pfaltzgraff, 1997; Seziber, 2007 and Tandon, 1971).

These scholars continue to bemoan the existence of a conspiracy between the departing colonial masters, the African elite and the new political class to perpetuate the colonial links and patterns of economic marginalization and dependency (Seziber, 2007). The popular demand for the restoration of East African Political Federation has refused to die. Seziber records that the first East African Community (1967-1977) became the first formalized East African integration arrangement that was fashioned by the East Africans themselves. This idea of integrating the East Africa continues to date.

Regional integration is a desirable reality not only in Africa but also in the global community. The revived EAC, after its collapse in 1977, aims at achieving closer economic co-operation among its partner states by establishing a single regional market.

It is envisaged that the regional market would provide an opportunity to the East African states to raise the social and human capital, reduce poverty, maintain peace and security, raise the level of industrialization, increase output growth and reduce unemployment, international trade imbalance and external and domestic indebtedness among many other problems associated with developing countries (World Bank, 1995). The desire for EAC is a response to the challenges of globalisation.

The five countries of East Africa: Kenya, Uganda, Tanzania, Rwanda and Burundi have continued to intensify the process of integration. This integration is expected to lead to the harmonization of policies which can then maximize the benefits arising from regional trade and the comparative advantages of participating countries with political federation as the ultimate goal (Mohiddin, 2005).

The integration process calls for adoption of a systematic integration approach where harmonization of policies among the partnering states could take place in all areas: economic, political and socio-cultural. The integration process is carried in five broad and distinct levels namely the Free Trade Area (F.T.A.), Customs Union, Common Market, Monetary Union and ultimately a Political Federation. This implies that in the case of EAC, the process should roll out as follows: the East Africa Free Trade Area, the East Africa Customs Union, the East Africa Common Market, the East Africa Monetary Union, and lastly the East African State (Mohiddin, 2005).

The Customs Union for the EAC was embarked on by the three core East African countries – Kenya, Uganda and Tanzania- in January 2005, later acceded to by Rwanda and Burundi and was launched in July 2009. The aim of the Union is to abolish all restrictive tariffs to trade within East Africa and establishing one common external tariff while trading with other countries outside East Africa.

At a special Summit meeting held in Nairobi on August 27-29, 2004, the Heads of State of the three East African countries expressed concern at the slow pace of integration and examined ways of expediting the integration process. The Summit set up the Committee on Fast Tracking the EAC Political Federation - dubbed the Wako Committee which examined ways and means of fast tracking the EAC Political Federation. It carried out wide consultations and presented its report at the Sixth Summit Meeting on November 29, 2004 (Report of the Committee on Fast Tracking East African Federation, 2005).

The Wako Committee carried out sensitization and outreach programmes with the Civil Society Organizations (CSOs), universities, political parties, the youth and women. The purpose of these activities was to create awareness and stimulate continuous debate on the East African integration in general and on the political federation in particular. The Wako report observed that the Summit, the national parliaments, the CSOs, the Private Sector, Universities amongst other actors have a role to play in the integration of East Africa.

It is imperative to understand the role these actors have played and continue to play in promoting the East African integration process and find out the main challenges they face.

However, this study intends to examine, mainly the role played by the Kenyan Parliament in promoting the East African integration process. The study covers the period 1963 – when Kenya got her independence - to the year 2010, a period that saw Parliament become more assertive and independent due to the Constitutional reforms that had been instituted since 2003.

1.2 Objectives of the Study

1.2.1 Main Objective

The main objective of the study was to examine the role of Kenyan Parliament in promoting East African Integration process since independence to 2010.

1.2.2 Specific Objectives

- a) To examine the role of the Kenyan Parliament in domesticating the East African integration process;
- b) To examine the role of the Kenyan Parliament in providing oversight over the East African integration process; and,
- c) To examine the role of the Kenyan Parliament in ensuring the East African integration process was representative.

1.3 Problem Statement and Research Question

A lot of mystery, fallacy, myth and a certain indefinable fear surround the EAC political federation debate. This fear is warranted, from the state centric realist approach, one can openly be sceptic on how states can ever give up their sovereignty to form a bigger and a more powerful state.

A simple Google search on East Africa federation will give one very diverse opinions: from ill shaped to very plausible arguments on how the federation will turn out to be, from western sceptics portending doom for the East African Community to very optimistic and ambitious debates by East Africans. Despite the varied debates and arguments, one thing that cuts across and is agreed upon by many is the enormity of this task.

All articles ever written on the EAC do not fail to mention the enormous challenges that face the individual members of EAC in the road to the realization of the East African state. Regional integration is an intergovernmental process that requires the inclusion of the main governmental decision-making institutions. Parliament is one such institution that plays an important role in each sovereign state as a law-making body. In addition, it plays other roles such as oversight and representation.

Through its Committees, for example the Departmental Committee on Defence and Foreign Relations, the Kenyan Parliament finds itself performing the function of linking the domestic environment to the environment beyond the borders. This has been the case since Kenya's independence. In 1964, Masinde Muliro moved a vote of No-Confidence on the Prime Minister, Jomo Kenyatta for failing to implement the resolution that had been passed by Parliament on June 18, 1964.

The resolution called upon the Government to accelerate the machinery for East African Federation immediately after independence (Hansard Report, 1964). The implication was that parliament had the requisite authority to engage the executive on issues of regional nature (EAC integration).

This notwithstanding, various constitutional amendments were passed with the unfortunate effect being a weakened Parliament and a dominant Executive. A weak Parliament would mean less oversight. There were about ten constitutional amendments that strengthened the Executive. Power was transferred from Parliament and concentrated in the Presidency (Mute, 2005).

In light of these changes, the role of the Kenyan Parliament to midwife the process of regional integration in East Africa appeared to have been compromised. The Community collapsed in 1977 and efforts of its revival were embarked on in 1984. The new EAC was revived in 1999 on the basis of a new EAC Constitution that sought to eliminate the factors that may have led to the initial collapse. One of these reasons was the reduced participation of other institutions (like Parliament) in the decision-making process as explained by the Wako Report, 2004.

But even with this realization, executive dominance (the Summit) continued to side-line other important actors. In the face of a dominant executive and the weak position that the Kenyan Parliament found itself in due to the said constitutional amendments, the study sought to answer the question what role had the Kenyan Parliament played in promoting the East Africa integration process since independence to 2010?

Evidently, the question posed was quite broad. To adequately address the question, the study specifically focused on the three main roles of parliament namely: legislation, oversight and representation.

This then led to the following three specific sub-questions which guided the study in regard to the objectives:

- (i) What role has the Kenyan Parliament played in domesticating the East African integration process since independence to 2010?
- (ii) What role has the Kenyan Parliament played in providing oversight over the East African integration process since independence to 2010?
- (iii) What role has the Kenyan Parliament played to ensure that the East African integration process was representative since independence to 2010?

1.4 Justification of the Study

Regional integration has become an attractive concept the world over. This has been seen as a response to and the result of, fundamental transformations of the international economic order. Scholars have argued in favour of the revival of collapsed schemes such as the EAC or the reorganization of others to be relevant to the demands of the global political and economic order (Gonzalez 1999, Nying'uro 2005, Nyong'o, 1990; Richards & Kirkpatrick 1999; World Bank, 1989 and 2000; Sachs, 1998, Spiro, 1959). The implications of globalization for the developed and developing countries are currently the subject of intensive policy debates among scholars and politicians.

A number of treaties bring nations together through regional obligations (for instance European Union (EU) and EAC) or multilateral and bilateral obligations. National parliaments are statutory organs mandated with domesticating these treaties (Sachs, 1998). As such, it is worth interrogating what role parliament has played in domesticating the process.

Traditionally, the role of Parliament is conceived as that of making laws, holding the Executive to account and representing the citizenry by debating issues on their behalf. In modern times, more responsibilities have come to be associated with this institution. Parliamentarians are expected to act as the people's representatives, custodians and promoters of democratic values, provide oversight over the Executive and to play the role of domesticating international issues that require the input of a popular institution for the sake of legitimacy (Oloo, 2005).

A study of the role of the national Parliament in promoting East African integration was justified based on the challenges that the regional body, the East African Legislative Assembly (EALA) was facing. By the time of undertaking the research study, the EALA was facing a legitimacy issue, lacked a clear mandate, was often blamed for conflict of interest and lacked power to hold partner states to account (Wanyande, 2005). The study was concerned with what role that the Kenyan Parliament was playing in strengthening EALA and other EAC institutions.

To the policy makers in the partner states, this study offers them an opportunity to re-think not only the role of their national parliaments in the revival, promotion and eventual success of the EAC scheme but also the role that the national parliaments could play in ensuring due process was followed in the realization of a sound federation.

1.5 Scope of the Study

This study focused on critical analysis of the role played by the Kenyan Parliament in promoting the East African integration from 1963 to 2010. Kenya attained her independence in 1963 and her Parliament began work that year.

The study was tied to the 2010 time-frame because, the Kenyan Parliament became more assertive and independent then due to the constitutional reforms that had been instituted since 2003 culminating to a new constitutional dispensation .

1.6 Literature Review

1.6.1 Introduction

This section analyses a corpus of scholarly works on the East African integration process and focussed on three categories of literature. The first category sought to review literature on Parliament and the domestication of treaties. The second category focused on Parliament and oversight over integration processes whereas the third category focussed on Parliament as a representative institution in an integration process.

1.6.2 Parliament and the Domestication of Treaties

Parliament is an institution as well as an arena of government that has the capacity to enter into agreements of international obligations (Oloo, 1995). Oloo argues that such international obligations tend to be delicate and usually outside the purview of Parliament.

In essence, Parliament may not be a critical player in matters outside the national boundary. Oloo further argues that, international agreements have been seen as natural ventures between governments directed by the administration of the day. There is little room for Parliament to manoeuvre. Integration is equally a policy and a political issue. This explains why the Heads of State and or Government take a leading role in the EAC.

Firstly, Kiapi (1971) raised some theoretical questions on the provisions of the EAC Treaty as a legal document designed to achieve ultimate economic union in East Africa.

He argued that the Treaty was a compromise among the three countries (Kenya, Uganda and Tanzania). The basic assumptions of the Treaty were that the three East African countries would continue to be separate, independent and sovereign states.

This implied that the Treaty surrendered to the impossibility of an East African state. For integration to take place, many players must come to the scene, each with a specific role to play. The national parliaments, being the representatives of the citizens, may play an important role of passing legislations that carry through the process of integration.

The second assumption was that the countries of East Africa would continue to earn and run certain common services built up over a period of many years: transport and communication, ports and harbours, higher education among others.

Most of the services would be managed much more efficiently and economically if run as regional services rather than as state's undertakings. Although Kiapi's study captured the situation just after independence, a lot has changed. EAC now has five countries, each with its own economy. This would call for study on the input of the national institutions into the process. A national parliament is one of those institutions.

Thirdly, the countries of East Africa aimed to achieve an economic union. The EAC Treaty presupposed that the objective of economic union would be realised. Under Article 29 of the Treaty, the states agreed that in order to assist their respective national planning, they engage in consultation within the economic and consultative and planning council and between planning authorities of each of the partner states and of those of the Community.

Given that Parliament discusses and passes the budgetary proposal of each country, the study considered it as one of the main planning authorities of any state.

However, there are other issues such as HIV/AIDS, cattle rustling, cross border conflicts, shared resources such as Lake Victoria and environmental degradation that are at the grassroots and can only be successfully dealt with by organizations on the ground such as non-governmental organisations, community-based organisations and self-help groups and most importantly, the people's representatives (parliamentarians). This literature gives a leader a background of the EAC and offers a chance for comparison- what was to be done according to the Treaty and what had already been achieved with the renewal of the community.

Green (1966), argued that it is apparent that maintenance of economic union by independent East African states would require basic alterations in aims of integration, institutions involved in the process, operations of the Community and division of gains among the states.

He said the three countries (Kenya, Uganda and Tanzania) have failed to achieve the alterations due to their *ad hoc* and piecemeal nature of attempts to address the issues. Green identified the institutional shortcomings in the process but does not suggest a remedy. This study attempts to understand whether these shortcomings emanate from any failure on the national parliament in addressing the issues either through legislations or otherwise.

The link between parliament and the process of integration has been studied by Rothchild (1968). This is a source of documentary materials on the politics of unification in East Africa. The author has presented motions debated in the House of Commons (United Kingdom) and the report of the East African Commission among others, in form of dialogue.

He argues that in the beginning, a federation of the three countries was assumed to be easy to achieve. There was a common market and many services were run through the East African Common Services Organisation with its own central Legislative Assembly and an Executive composed of the three Heads of States/Governments at that time (Rwanda and Burundi had not yet joined the community).

This was seen as the nucleus from which the federation was to grow. By 1964, it was apparent that the task of forming a federation was not easy as a sense of belongingness and national interest emerged rapidly after independence. Much energy was consumed by the demands of nation building that little remained for the less immediate goal of political federation. The three countries were more concerned with enacting legislations on issues of poverty eradication, education of the population, eradication of diseases, national security, territorial integrity and general national economic development (Ibid, 1968).

According to Rothchild (1968), an examination of region-building in Africa is important not only as a case study of supranational activity but also as an analysis of the relationship between political action and constitutionalism. This is because integration can be seen as an essentially political process. It requires a bargaining situation involving a legitimate play of interests – territorial and inter-territorial. The only problem with the work of Rothchild is that, it is a collection of documents from the 1920s to the 1967 Treaty.

It is therefore more of a colonial documentation with little information about the efforts by East Africans themselves.

However, Rothchild demonstrated the pattern underlying the crises of integration and isolated the major issues involved in East African integration. This study sought to focus on the post-independence effort by the so as to find out whether the individual-based process was to blame for the collapse of the first EAC.

Loewenberg (1971) argued that in France, the constitutional power of Parliament in relation to the other institutions of government is unsettled. He further argued that, in Germany, there is controversy over the extent to which priority Parliament should give to debate on public issues. He also argued that in India there is a question about the relevance of Parliament (a medieval European institution) to the problems of nation building in non-western world. Most research on legislatures support the view that the institution performs few policy-making functions. However, in modern political systems, many other actors take an active role in regional integration.

Nye (1971) argued that regional trans-national economy involves considerations of welfare and considerations of interdependence. In the case of East Africa, protectionism of individual state interests may create a trans-national economy for the five countries so as to increase their interdependence in trade and other economic factors.

Although Nye argued that protection may be necessary to prevent the countries from being integrated into other trans-national economies, such as SADC in this case, a net loss in regional welfare may arise if the effects of trade diversion exceed those of trade creation. With economic integration it would be expected that prices of commodities in the five partner countries would be similar. However, a perfect market mechanism does not allow for wholesome harmonization of economic policies.

Prices of many goods and factors continue to differ considerably among the EAC partner states despite the establishment of the Customs Union and the Common Market. Economic integration is the abolition of discrimination between economic units belonging to different states (Balassa, 1961). To the extent that there are several difficulties experienced among the five states, it is imperative upon the national parliaments to legislate on those critical issues that may hinder integration. Issues such as tariffs, border crossing and operating businesses in the states have often been cited as sources of friction.

1.6.3 Parliament and Oversight over Integration Processes

Nyirabu (2005) discussed the lessons that can be learnt from the EAC of 1967-1977. He highlights factors such as dependence on the indispensability of political leaders (Heads of State) for integration and exclusion of other actors. This, he observes, was one of the factors that led to the collapse of the Community in 1977. Consequently, political will is vital if the new undertaking is to yield results.

Jonyo (2005) pointed out that integration processes are inter-governmental and involve political and economic objectives. This implies that there are many organizations that are called upon to play a significant role in the process. As such, it is a process that includes politicians, academicians, businessmen, civil society activists and the citizens' involvement in political, economic, financial and development issues. Because it has socio-cultural dimensions, civil society acquires an important role in the process of integration. On the same note, Parliament acquires a crucial role to oversee the political and legislative matters in the integration process.

Although Parliament has a major role to play in promoting and facilitating regional and international cooperation, there are many other organisations that can ensure economic development, peace and stability, support democracy and human rights. These include regional organizations like the EALA, the South African development Community (SADC) Parliamentary Forum, the Economic Community of West African States (ECOWAS) Parliament and the Pan-African Parliament. These regional parliaments were still in their infant stages and thus far from attaining or implementing roles that full-fledged parliaments in a democratic set-up would be expected to undertake (Oloo, 2005). What emerges here is that these regional parliaments cannot stand on their own. They need to work together with other institutions and organizations, more so, with national parliaments.

1.6.4 Parliament as a Representative Institution in Integration

Wanyande (2005) discussed the expected contribution of the EALA to the revival and consolidation of the EAC and its eventual political federation. He argues that the contribution of EALA has been difficult as it lacks the necessary powers and resources to enable it perform the required roles. He further argues that parliaments are important institutions for political representation.

According to Wanyande, any political community would have diverse interests which have to be addressed. The modern society is too complex for every person to present their interests directly. Parliament performs the representation role through the elected representatives. Wanyande acknowledges the importance of this institution but does not clearly say whether the most important institution is the national or regional parliament. This study suggests that national parliaments are important institutions in the process of integration as they would be able to mobilize the people behind the integration initiative.

Hix (1999), a British political scientist and the key proponent of the intergovernmentalism theory argued that integration is driven by the interests and actions of nation states. (Rosamund, 2000) argues that, whilst sovereignty resides with individual member states within the EU, it might be in the states' interests to pool their sovereignty and delegate certain powers to certain institutions as a way of solving problems that they have in common. The two scholars argued that supranational institutions are established to facilitate efficient interstate bargaining.

Hoffmann (1966), observed the significance of domestic politics upon government preferences, highlighting the convergence of national interests and the will of states to cooperate. He acknowledged that national governments are the key decision-makers. Hofmann further asserted that integration would only advance as the governments wished. National governments control the level and speed of integration. Any increase in the process is as a result of a direct decision by governments. The study underscored that Parliament is one of the three arms of government.

Loewenberg (1971) observed that the role of Parliament is controversial, attracting criticisms from the opponents of change. For example, when the British middle class used Parliament in the seventeenth century to control government policy and expenditure on behalf of their own interests, royalists complained that Parliament had exceeded its traditional constitutional role and that effective representation had been compromised. When representatives of newly enfranchised groups entered European parliaments in the nineteenth century, the established ruling classes regretted the passing of the golden age of the "independent" member. When complex issues appeared on the agenda of parliaments and the burden of work moved to specialised committees, observers criticised the declining frequency and quality of debates on the floor of the House.

Loewenberg was more concerned with the criticisms that are labelled against parliaments without considering that in a debate one cannot escape criticisms. Legislations emerge after a long and protracted debate that aims at winning those with contrary opinions. This, therefore, should not cloud the role that Parliament, its committees and legislators in their individual capacity could play in the integration process.

The existence of Parliament as an institution of governance is particularly remarkable in states where it is a product of colonial rule (Hart, 1971). He examined the function of Parliament by comparing the role of Parliament in England in the mid-eighteenth century with that of India in the two decades after India's independence. In both cases, the Hart finds Parliament regulating the recruitment of executive leaders, unifying the nation, linking interest groups to government and incubating an opposition. Whilst Parliament can play many other roles apart from its traditional ones, it does so, on behalf of the electorates. According to Hart, the institution of Parliament can find a way of fast-tracking the East African integration process just like it integrates the separate territories.

Tandon (1971) examined the East African Common Market. He argued that the EAC had attracted keen attention from the outside world and had been hailed as the most promising experiment in regionalism in Africa. He also discussed the effect of the tense and volatile relations between Uganda and Tanzania after the military coup of January 1971 in the former.

The crisis between Uganda and Tanzania, after the 1971 coup by Idi Amin against Milton Obote, led Tandon to conclude that, without some degree of political integration which makes serious inroads into the sovereignties of the partner countries, the structure of the Community would remain vulnerable to political conflicts. The 1971 coup has been seen by scholars as evidence of not only the fragility of the EAC but also of its resilience.

To the researcher, Parliament as the people's representative would come in handy in moderating such tension. Despite the tensions, the EAC integration process could learn a lesson from Central America, where inter-state conflicts (involving Costa Rica and Nicaragua) and efforts at regional integration existed simultaneously. This would be important for the East African case as there are continuing conflicts that may appear to threaten the integration efforts. In 1950s, while Central America Ministers of economy laid the ground work for a common market, two of the countries, Costa Rica and Nicaragua were at the point of war (Nye, 1967).

Like East Africa, the long-standing rivalries in Latin America had their origins in the colonial period. However, strategies were put in place to enhance the process of integration. The creation of the Organization of Central American States (ODECA) by the foreign ministers modelled along the lines of the Organization of American States (OAS) was one such strategy.

Whilst the study noted that the organs of the Community such as EALA, EACJ and the Summit were crucially important in fast-tracking the EAC integration process, the inclusion of the national parliaments could not be gainsaid. National Parliaments are assumed to carry with them the interests of the East African people.

1.6.5 Conclusion

The study noted that a lot work has been written on integration. But there is a knowledge gap that is still void - a gap on the input of a national parliament in promoting integration.

The study sought to fill this knowledge gap. The study sought to provide well researched information on parliament *vis a vis* integration. It embarked on providing a literature that could be relied upon in understanding the role that the Kenyan Parliament played towards the integration of East Africa between 1963 and 2010.

1.7 Definition of Terms

Common Market: This is a Customs Union with free movement of the factors of production, wherein the free movement of goods under the customs union is extended to include free movement of capital, services and labour. It is also characterized by free movement of persons and the right to residence and establishment. It is regarded as the fourth level of integration.

Customs Union: This is a Free Trade Area using common tariffs on imports from non-members. On top of eliminating tariffs on goods between them, member countries go a step further by setting up a common external trade policy. The key element in this arrangement is a common external tariff whereby the designated groups of countries charge a uniform rate of duty on third-country imports, regardless of the port of entry. It is regarded as the third level of integration.

East African Court of Justice: This is the judicial arm of the EAC which ensures adherence to law in the interpretation and application of the treaty establishing the EAC.

East African Legislative Assembly: This is the legislative organ of the EAC. It consists of nine elected members from each Partner State plus seven ex-officio members consisting of ministers responsible for EAC Affairs from each partner state, the Secretary General of the EAC and the EAC's Counsel.

Among its functions, it debates and approves the EAC budget, enacts legislations, plays oversight role by debating and making recommendations on Annual Audit reports on the EAC by the EAC Audit Commission and considers EAC's annual reports.

Economic and Monetary Union: This level of integration encompasses all the characteristics of the common market but goes a step further in that member states cooperate in economic and monetary matters such as having a common currency and monetary authority, harmonized fiscal systems and deeper cooperation in other economic fields. It is regarded as the fifth level of integration.

Free Trade Area: This is a Preferential Trade Area without any tariffs on goods from members' states. In other words, such countries agree to eliminate tariffs on imports produced by fellow member countries. However, each partner country applies independent trade policy on imports from the rest of the world. This integration arrangement is regarded as the second level of integration.

Hansard: This is the name of the printed transcripts of parliamentary debates in the Kenyan parliament. The term is borrowed from the Westminster system of government. It is named after Thomas Curson Hansard, an early printer and publisher of these transcripts.

Oversight: For the purpose of this study, oversight is the act of parliament holding the government to account on behalf of the people, ensuring that government policies are efficiently and effectively implemented, due process is followed and the government's actions are commensurate with the needs of the public. It would also mean checking excesses on the part of the government.

Political Federation: This arrangement refers to a possibility that, at some point, a combination of the above five levels leads to the emergence of a cohesive and consolidated supranational political region. It is an arrangement marked by the member states giving up their political sovereignty and having common legislation and political structures. Lindberg (1963:6) defines political integration as “the process whereby nations forego the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision making process to new central organs; and the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new centre”.

Preferential Trade Area: This is an integration bloc that gives preferential access or lower tariffs to imports produced by fellow member countries than they do for non-members.

Regional Integration: Van Langenhove and Costea (2007:3) argue that the concept ‘regional integration’ acquired several meanings as there have been several successive waves of regionalism during the last century. The first wave of regionalization focused on trade and payments liberalization between neighbouring countries in order to spur inter-country transactions.

The second and current wave of regionalization is different because it is increasingly no longer about trade alone but presents itself as a “multidimensional” form of integration which includes economic, political, social and cultural aspects.

It goes far beyond the goal of creating region-based free trade regimes or security alliances. Therefore, Van Langenhove and Costea(2007:2), define regional integration as a process of deepening cooperation over areas that countries agree on as common interests shared by each one.

Soomer (2003:1) argues that regional integration can be described in two ways, as a process and as an outcome. As a process, it entails a country’s willingness to share or unify into a larger whole, the degree to which the unifying states share and what they share determines the level of integration. Suranovic (2005:1-3), points out that the preferential integration agreements are often based on one or more of the following successively more integrating cooperation arrangements.

The Sectoral Committees: These are established by the Council of Ministers on the basis of the recommendations of the Co-ordination Committee which spell out their composition and functions. It prepares comprehensive implementation programmes, setting out priorities with respect to the various EAC sectors and monitors their implementation.

The Secretariat: This is the executive organ of the Community. Among its key functions are administration of the implementation of the treaty which includes implementation of programmes for the most appropriate, expeditious and efficient ways of achieving the objectives of the EAC; the strategic planning, management and monitoring of programmes for the development of the EAC; the coordination and harmonization of the policies and strategies relating to the development of the Community and the implementation of decisions of the summit and the council (EAC Secretariat, 2002:17-48).

The Summit: It consists of the Heads of State or Government of the EAC Partner States. Its main function is to give general political direction and impetus to the development achievement of the EAC objectives. The decisions of the summit are based on consensus (Article 12 (3)).

Wako-Report: Report of the Committee on Fast Tracking East African Federation of 2005.

1.8 Theoretical Framework

1.8.1 Introduction

This study used the inter-governmentalism theory. It also recognized that there were other theories of integration. These included Functionalist, Federal and Neo-functionalist theories, Bela Balassa integration model and the Baregu's Imperatives to integration.

The Functionalist approach, by linking authority to a specific activity, seeks to break away from the traditional link between authority and a definite territory (Mitrany, 1966). It is probably the most influential theory in understanding regional integration.

This is because the functionalists ignore some of the main assumptions of realism, for instance the belief that states are largely driven by self-interest and instead emphasize the common interests of states and the needs shared by states in an interdependent world. Functionalism is rooted in the conviction that governance arrangements arise out of the basic, or functional, needs of people and states (Karns, 2005).

Functionalists conceptualize the world as made up of self-identifying and centred communities that may fall into conflicts. The cure for the conflicts is to create the elements of international community. Further to this theory, a clear perception of universal human welfare needs could be built upon gradually to eliminate unilateral illusion of nationalism. The functionalist approach is non-political since it avoids situations of conflict to concentrate upon common needs that are evident (Mitrany, 1966). It also concentrates upon making frontiers meaningless through the continuous development of common activities and interests across them.

According to Norman Angell, the international system of nation-states had blinded men to their real welfare needs. According to Mitrany, a peaceful international society is likely to grow through doing things together in workshops and market-places than by signing pacts in chancelleries. As much as functionalism provides a basis upon which the East African integration process can be understood, it has been criticized as a theory with inherent difficulties (Harrison, 1974). The first problem with this approach as alleged is that there are difficulties intrinsic in the different sizes and powers of states and their political and economic structures.

The five countries: Kenya, Uganda, Tanzania, Rwanda and Burundi face the difficulties of economic inequality. For an integration scheme to be born and to survive, every member has to be satisfied with the distribution of the benefits. The functionalist theory fails to recognize the “high politics” where the national interest asserts itself most strongly (Hoffman, 1965). It is too optimistic about its potential for the evolution of world society. It envisages a wide range of functional tasks being assumed by common authorities including security, thereby failing to recognize that, such factors, may be an inseparable barrier to the progress of functionalism.

In particular, the prospect that defence responsibilities would be surrendered to international control is very bleak. The functionalist theory is also weak because it has no tangible justification. Mitrany defines a community as the sum of the functions carried out by its members. Each individual in this conception is a master of functional loyalties and the building of a world community is just an extension of the range of such loyalties brought about through active organic involvement (Swell, 1966). On the account of the above weaknesses, it would not satisfactorily explain the East African integration process.

The Neo-functionalism theory of integration is an improvement of the functionalism theory. Its main argument is that when certain sectors of the life of sovereign states are integrated by being brought under joint control, a process can be set in motion in which organized interest groups and political parties tend to become involved (Harrison, 1974).

Another argument is the proposition that, the initiation of a deliberate scheme of political unification, to be accepted by the key groups (the main decision-making organs of the society) that make up a pluralistic society, does not require absolute majority support, nor need it rest on identical aims on the part of all participants. It is the key group in a pluralistic society whose acceptance is the key to community building.

Parliament in this case can be treated as one of the key groups in the Kenyan society. Nye (1971), the key proponent of Neo-functionalism analyses integration in seven processes. First, he cautions that imbalances created by functional interdependence motivate political actors into redefining their common tasks. A linkage of tasks can cause spill-overs but can also engender spill-back.

Second is the need to address the question of rising transactions because political actors opt to deal with these transactions on strict national basis if faced with heavy demands on common institutions. Third is the issue of coalition formation among elites involved in the integration process. This is because there could be negative effects where groups supporting political integration lose support. Public support is important in integration.

Fourth is elite socialization, regional group formation, ideological identity appeal among elite, and an involvement of external actors. Fifth is the existence of pluralism which sustains feedback mechanisms. Sixth is the capacity of members to adopt and respond.

Finally, is the question of perceived equity of the distribution of benefits, arguing that the higher the perceived distribution in all the states, the better the conditions for further integration.

Most of these precautions were ignored by functionalism, further discrediting that theory as a framework that can be used to understand and explain the integration process in East Africa. Neo-functionalism too, has some weaknesses that must be pointed out.

The functionalist theory is largely descriptive, focusing much more on the aims, structures, institutions and mechanisms of integration rather than the imperatives or driving forces that lie behind these schemes. It is also preoccupied with questions of sovereignty and the question of functional areas in which integration may move faster and the possible sequence in which this may occur for maximum spill-over beneficial effects (Baregu, 2005). Nye's view on the theory is equally suggestive. Another weakness is that this approach remains unsuccessful in dealing with internal state-centric conflicts. With respect to explaining the EAC, just like the functionalism, the Neo-functionalism theory is unlikely to offer satisfactory explanation on the integration process.

Baregu's imperatives to integration present factors that create the impetus and give rise to the drive and yearning for integration. These include: affection, gain, threat and power (Baregu, 2005). According to Baregu, these factors drive integration. The affection imperative is emotive. Countries integrate because they have a lot in common. The East African countries are tied together by a common language (Kiswahili), a common colonial heritage and cross border affinities among different ethnic groups.

But history has shown that, for integration to be initiated and sustained, gain and loss become the main principles. Individuals and states tend to behave in a manner that maximises their gains while minimising their losses. Most regional integration theories are concerned with the gains. But the preoccupation with material gain is the weakness of this approach.

The shared perception of threat and the quest for collective security is an important incentive toward integration. It arises from two situations; first is where two or more countries find themselves locked in a mutually threatening relationship and have to reach some compromise leading to peaceful co-existence.

The second situation is when there exists a perception of a common external threat, in which case countries come closer to enhance their capacity to defend themselves. Power is another imperative. It refers to a situation where a regional hegemony forces the neighbourhood into an integration arrangement. Hegemonic integration involves not only the existence of a relatively more powerful country in the region, but also the capacity and inclination on the part of that country to meet the cost of hegemony by offering incentives for members to stay and imposing sanctions on those that may want to break away.

The preoccupation with material gain of this theory reduces the dynamics of integration to economic motives alone and fails to distinguish between gain as a cause and a consequence of integration. These weaknesses render the theory as an unsuitable framework for explaining the East African integration process. Subsequently, the study settled on the Intergovernmentalism model.

1.8.2 Inter-governmentalism

It emerged during the 1960's as a critique of neo-functionalism and federalist predictions that the European Community was en route to becoming a state in its own right. It argues that integration is driven by the interests and actions of nation states (Hix, 1999). The theory is influenced by classical international relations theory with neo-realist perspectives on the role of the state and interstate bargaining.

Neo-realists accept that within the anarchic international system there is potential for order and international co-operation as a means of state survival and that the EU is an institution which could reduce anarchy.

Intergovernmentalists suggest that whilst sovereignty resides with individual member states within the EU, it may be in the states' interests to pool their sovereignty and delegate certain powers to European institutions. This is a result of the belief that governments seek integration as a way of solving problems that they have in common (Rosamund, 2000). Rather than a transfer of sovereignty, they regard European co-operation more as a delegation of power to facilitate the working of European institutions enabling them work to more effectively and give them greater credibility.

Drawing from intergovernmentalism, liberal intergovernmentalism, bases itself on the idea of two level games. Firstly, policy preferences within the domestic environment of the state and secondly, interstate bargaining in the international realm. National executives play games in two arenas more or less simultaneously. At the domestic level, power seeking office holders aim to build coalitions of support among domestic groups. At the international level, the same actors seek to bargain in ways that enhance their positions domestically by meeting the demands of key domestic constituents (Rosamund, 2000).

Moravcsik's theory of liberal intergovernmentalism perceives the EU as an intergovernmental regime designed to manage economic interdependence through negotiated policy co-ordination. The theory suggests that all decisions made by the EU are effectively the result of bargaining between states.

Intergovernmentalism argues that for regional integration institutions to be effective, governments should continue to exert their full sovereignty; meaning, regional institutions should only act as a secretariat that prepares and implements integration policies.

Liberal intergovernmentalism understands co-operation between states as a result of the demand for integration from the nation state being met by the supply of integration from interstate bargaining. Policy preferences at a national level are constrained by the interests of dominant, usually economic, groups within society and national governments represent their interests in international forums. Moravcsik (1998) believes therefore that national interests derive from the domestic politics of member states. The supply of integration focuses around governments bargaining with each other in an attempt to gain the upper hand.

Institutional delegation is the element within liberal intergovernmentalism which suggests that supranational institutions are established to facilitate efficient interstate bargaining to secure the substantive bargains they had made, governments delegated and pooled sovereignty in international institutions for the express purpose of committing one another to cooperate (Moravcsik, 1998). This shows their commitment to the bargaining process and discourages non-compliance.

Intergovernmentalism can explain the process of interstate bargaining and how domestic goals can accelerate the East African integration. Hoffmann (1966) put forward a counter argument in response to neo-functionalism. It drew heavily on the realist assumptions about the role of the states, or more specifically, the governments of states. This theory treats states and national governments as the primary actors in the integration process.

It recognizes the significance of domestic politics upon government preferences, highlighting the convergence of national interests and the will of states to cooperate. Hoffmann (1996) acknowledges that national governments are the key decision-makers due to two reasons.

Firstly, they have the legal sovereignty of their country and secondly, they have legitimacy in the form of being the only elected officials in the integration process. On this basis, national governments are uniquely powerful actors in the process of integration. They control its nature and pace guided by their concern to protect and promote the national interest.

Integration may only progress to the degree the governments wished. Any increase in the process is as a result of a direct decision by governments. This is why this theory rejects the neo-functional concept of spill over. It argues that if integration is driven by national governments, then it must be based on the domestic political and economic issues. It further notes that governments only accept integration where national interests coincide; the process would not spread to areas of high politics such as national security and defence.

1.8.3 Conclusion

Whilst much has been written about the effects of regional integration schemes on trade and economic development, most of the theoretical frameworks of integration have some inherent weaknesses in accounting for the evolution of the EAC.

This study proposed to apply intergovernmentalism to explain the integration of the East African Community (EAC), a theoretical model used mainly to explain the European Union. The study sought to demonstrate that preferences of elected representatives in the EAC partner states influenced the governments' policy positions regarding the regional integration of East Africa.

The Kenyan Parliament is expected through legislation to have her policy preferences reflected in final state policy. Furthermore, the outcomes of interstate bargaining and the institutional choice reflect the wishes of the member-states of ensuring that integration would maximize their welfare. Intergovernmentalism offered a more plausible explanation of the East African integration by focusing on influences of policy and bargaining outcomes, unlike other explanations such as neo-functionalism and Bregu's imperatives of integration.

Based on the above theoretical discussion, the study settles on the Intergovernmentalism as the theory for this study. This is based on the understanding that, integration may only progress to the degree the governments wished and any increase in the integration process is as a result of a direct decision by governments. Parliament is a key arm of government. The theory notes that governments only accept integration where national interests coincide. The process would not spread to areas of high politics such as national security and defence.

1.9 Research Hypotheses

1.9.1 Major Hypothesis

Effective role of the Kenyan Parliament in promoting the East Africa integration process would lead to faster integration of East Africa.

1.9.2 Specific Hypotheses

- (i) Timely domestication of regional protocols by the Kenyan Parliament leads to a quicker East African integration process;
- (ii) Parliamentary oversight over the East African integration processes determines the fate of the integration; and,

(iii) Participation by the Kenyan Parliament in the East African integration process is a manifestation of a representative process.

1.10 Methodology

The study relied on the following methods: Focus group discussions and document analysis of books, newspapers, journals, historical documents and speeches. This study was based in Nairobi and Arusha. This is because most of the literature and other relevant information on the performance of parliament were drawn from the parliamentary Hansards that are readily available in the Kenyan Parliament library and the EALA Secretariat in Arusha.

1.10.1 Data Collection and Analysis

The study used both primary and secondary data. Primary data was collected from interviewing member of the Departmental Committee on Defence and Foreign Relations in the Ninth Parliament (2003 to 2007) and Tenth Parliament (2008-2010). The Committee has eleven members and therefore the Committee interviewed twenty-two (22) interviewees who gave valuable information with regard to how the independent variable (Kenyan Parliament) has contributed to the dependent variable (EAC integration).

Secondary data was readily available from the literature review on EAC integration scheme, journals, parliamentary committee reports, government policy documents, newspapers and unpublished theses from the University library. Secondary data was also obtained online from the Parliamentary Bill Tracker that contains all the bills since 2004.

This study restricted itself to those bills that were introduced to the floor of the house after the revival of the EAC (Treaty for the Establishment of the EAC, 1999). All the bills contained in the Bill Tracker formed a sample. This information was used to measure the contribution of the Kenyan Parliament to the East African integration process. The assumption was that the higher the number of the Bills related to the EAC scheme, the greater the contribution of parliament to the integration process.

1.11 Chapter Outline

Chapter one presents the introduction to the study while chapter two presents the historical perspective of the East African Integration. Chapter three presents the findings and discussion on the role of the Kenyan parliament in promoting the East African integration process since Kenya attained her independence up to 2010. Chapter four presents the summary, conclusion and recommendations of the study.

CHAPTER TWO

2.0 EAST AFRICAN COMMUNITY IN HISTORICAL PERSPECTIVE

2.1 Introduction

The East African Community is a regional intergovernmental organization having its headquarters in Arusha, Tanzania with the Republics of Burundi, Kenya, Rwanda, Uganda and Tanzania as Partner States. The treaty for the establishment of the EAC was signed by the three founder Partner States: Kenya, Uganda and Tanzania on 30th November 1999. It entered into force on 7th July 2000 following its ratification by the three states. The Republics of Rwanda and Burundi were granted full membership of the EAC on 1st July 2007 after signing the treaty of accession thereby bringing the total number of partner states in the EAC to five. The EAC's mandate is to spearhead regional integration (East African Community, 2009:1).

This chapter begins by explaining the background of the East African integration scheme from the colonial times all the way to the year 2010. It analyses the issues which arose among the partner states during the life of the community and traces the path to its collapse. The chapter is divided into three parts: the first section discusses the colonial times (before 1963), the second part looks at the efforts made during the post-independence period to its collapse in 1977 (1963-1977), while the last part of the chapter concentrates on the post-1977 efforts. The objective of breaking it into these thematic areas is to systematically analyze and explore the historical efforts and use them as a premise of understanding the current activities geared towards the achievement of political community in East Africa.

2.2 East African Integration Efforts before Independence

East African integration process has its roots in the British colonial administration in the region. To them, the region's development depended on integration, most importantly, of the economies of the three countries (Adar, 1981). The East African Cooperation can be traced back to 1895 when construction of the Uganda Railway began. It is during this time that Kenya started enjoying the benefits of the white settlers unlike the other two partners, Tanganyika and Uganda.

In 1900, a common customs collection arrangement was put in place through which all goods bound for Uganda were charged customs levies in Mombasa and Dar es Salaam. In 1905, the East African Currency Board was created, followed by a Postal Union in 1911. However, because the arrangements did not proceed as expected, a customs union in which custom dues were pooled between Uganda and Kenya was forged in 1917. Tanganyika joined later (Hazelwood, 1975).

In the early 1920s, the Ormsby-Gore Commission was set up to consider the viability of establishing a unified policy in East Africa. This commission gave a report in 1924 and recommended, among other things, the establishment of a Governors' Conference which was established in 1926 (Korwa & Ngunyi, 1994). The commission was charged with the responsibility of policy and executive management of all common East African issues such as customs, common currency, court of appeal, posts and telegraph and the common market.

It recommended that for practical reasons of the expenses, the federation was undesirable. There was also a problem of opposition from Indians and citizens of the three countries. It also recommended that increased economic coordination was necessary and that territorial governors had to hold conferences to see that the federation was achieved.

Despite the integration arrangements, the feasibility of the federation remained a contentious issue. In Nairobi for example, the white settlers were ready to establish a federal capital in Nairobi so as to reduce the influence of the British Government in the area (Lineberry, 1964). Elsewhere, the idea of federation met some resistance from the *Kabaka* of the Buganda kingdom and his *Lukiko* or the parliament who feared that their special position would be endangered by Baganda joining up with Kenya and Tanganyika. In fact the Ugandans' major fear was that they would be subjected to the whims of the foreigners in Kenya (Lineberry, 1964).

After the challenges that met the Ormsby-Gore Commission, in 1928 the Hilton Young Commission was set to come up with new ideas about integration. It observed that time was not ripe for a federation in the region (Delupis, 1970). Like the Ormsby-Gore Commission, it gave a recommendation that common services such as tax collection should be institutionalized. This led to the formation of East African High Commission (EAHC) in 1948, with power to legislate upon the advice and consent of the Assembly. It also had the power to enact laws with the advice and consent of the three legislatures.

Some of the common services that were put in place included: a customs union with a common external tariff and free trade among the countries, customs and income tax administrations, transport and communications services (railways, harbours, posts, telecommunications and airways), a university, research services and currency (Hazelwood, 1985 and Korwa & Ngunyi, 1994).

The High Commission was the supreme organ then. In 1960, the Raisman Commission was appointed to study the activities of EAHC. Its main recommendations were that: EAHC should have its own budget independent of the partner territories and that there was need to have equitable distribution of benefits/profits within East Africa through a formula deliberately designed to favour Uganda and Tanganyika (Korwa & Ngunyi, 1994). During the same period, the EAHC was found to be losing relevance as the three territories were gearing up to achieve their independence.

Since the arrangements which had their origins in the early years of the 20th century could not continue unchanged from the colonial past into the independence era, EAHC was replaced by the East African Common Services Organization (EACSO). This is the organization that was seen as the forerunner of a federation. It was the overall body that oversaw the running of the common services and activities such as external trade, fiscal and monetary policy, transport and communications infrastructure and higher education (Segal, 1964). These efforts did not die even after the independence of the partner states.

2.3 East African Integration Efforts after Kenya's Independence (1963–1977)

2.3.1 The Building-up of Integration after Independence

The three East African countries of Tanganyika, Uganda and Kenya, received their independence in 1960, 1962 and 1963 respectively. In June 1963, the three East African states leaders: Presidents Julius Nyerere of Tanganyika, Milton Obote of Uganda and Prime Minister Jomo Kenyatta of Kenya made a declaration in which they pledged their commitments to the political federation of East Africa (Hughes, 1963).

This declaration did not quicken the pace of integration. Instead it created heated debates in the countries causing the process to lose track momentarily.

In Uganda, it noted that the Government's support to the idea of federation was dealt a blow by the opposition from the Kabaka and his Lukiiko. Earlier on the kingdom had even opposed the idea of Uganda's independence as a unified state. It was the self-interest of the Buganda kingdom, whose autonomous position was enshrined in Uganda's federal constitution that made her oppose the idea of East African integration. This can be seen as the reason for Uganda's shift of her position on the Nairobi declaration (Nye, 1965).

Tanganyika (which became Tanzania in 1964 after the merger with Zanzibar) was fully supportive of the idea of federation. This was basically because it believed that the federation would alter the economic disparities that had taken root during the colonial administration and lead to economic equality. This belief underlined Nyerere's strong support for the federation in the 1960s when he declared that "if Kenya said yes to federation, Tanzania would go ahead and federate the next day" (Kenya Weekly News, 25 June, 1965).

After the aforesaid declaration the three leaders constituted an East African Federation Working Party made up of senior politicians and public servants to prepare a framework of a draft constitution for the federation. However, there were issues which some of the leaders thought must be settled before and not after federation is formed (EAC Report, 2004). The emerging scenario was that the three countries could not federate as easily as had been envisaged.

For Kenya, true federation could be said to exist if there was control over foreign policy and relations of the countries. For Tanzania, federation was desirable at any time with either of the partner states, a position that was opposed by Kenya (Hazlewood, 1985). The failure to federate could be attributed to the changing policy positions of the countries. Of the three countries, only Tanganyika remained steadfast about federation. Kenya and Uganda had diverse interests which acted against the spirit of federation.

Despite the challenges, the leaders managed to establish the EAC in 1967 by the Treaty for East African Cooperation. The Community of the three partner states formally came into existence on 1st December, 1967. The Treaty was intended to put cooperation between the partner states on a firm footing of mutual advantage and fill the cracks in the old structure of colonial relationships. It set up a formal structure for administering community institutions and provided measures to achieve an acceptable distribution of the benefits of cooperation among the states.

The main features were: the introduction of a device known as the transfer tax to give limited protection for industries in Uganda and Tanzania against competition from Kenya; the establishment of the East African Development Bank, EADB, which was to allocate its investments disproportionately in favour of Tanzania and Uganda; the relocation of the headquarters of some of the common services, including the Community secretariat, so that they were not concentrated in Kenya. The Community was widely regarded as an instrument for achieving economic development and progress through cooperation.

However, only a decade after its establishment, the scheme collapsed leaving the former partner states in an atmosphere of hostility and recrimination against each other. Two years later, the border between Kenya and Tanzania was closed. Uganda and Tanzania were embroiled in a conflict that generated into war.

2.3.2 The Collapse of the EAC in 1977

The collapse of EAC was gradual rather than abrupt. Scholars on East African integration (Kibua & Tostensen, 2005; Mugenyi & Zeija, 2006) widely attribute the collapse of the Community in 1977 to three main factors:

- (i) The inequitable distribution of costs and benefits among the Partner States. Kenya, as a result of her strategic location, was more industrialized than the rest. She therefore continued to export to other economies of the community more than Uganda and Tanzania. She dominated the export sector by 90%. Uganda and Tanzania were sharing a meagre 10% of the inter country trade. It is a result of this inequitable distribution of benefits that made Tanzania and Uganda to continue viewing the East African Community project as a project by Kenya to “employ” Uganda and Tanzania as her trade “agents” for a small “commission” (Mugenyi & Zeija, 2006: 4);

- (ii) The ideological differences between the Partner States. Tanzania adopted socialism as a strategy for economic development. Uganda attempted a mixed ideology of socialism and capitalism. Kenya, because of the influence of white settlers and European entrepreneurial influence, adopted capitalism as its development ideology. It has to be appreciated that this was the period of the cold war and thus the ideological conflict was a key factor in the relations of the three states (Kibua & Tostensen, 2005:2); and,

(iii) The personality clashes between the Heads of State of the Partner States after Idi Amin's 1971 military coup in Uganda. President Nyerere refused to recognize Amin as the President of Uganda. He refused to sit at the same table with Idi Amin whom he regarded as a 'treacherous army leader' (Kibua & Tostensen, 2005:2). In retaliation, Amin chased away all Tanzanians that were employed in Uganda under the EAC. From then onwards, the EAC Authority, consisting of the three Heads of State, never met. This was disastrous for the Community, since under the EAC Treaty of that time, all authority was vested in the Summit in contrast to the current Treaty where exclusive authority is largely vested with the Council of Ministers. This incapacitation of the EAC's decision making authority eventually led to its collapse.

From the mid-1960s and early 1970s, Kenya and Tanzania treated each other suspiciously due to ideological rift, Kenya being pro-capitalist and leaning towards the West while Tanzania was pro-communist (Okoth, 1990). The treaty could not do anything about the growing ideological division between Kenya and Tanzania. Kenya feared a socialist circuit in East Africa which could only be checked by her continued dominance in the region (Ibid). The fundamental assumption on which the treaty was based was that integration was a 'positive-sum game' from which all could benefit. But as time went on, the partner states increasingly behaved as if they believed that it was in fact a 'zero-sum game' or even a 'negative-sum game' (Hazlewood, 1985).

The rise to power of Idi Amin in Uganda in January 1971 upset the situation in East Africa. As much as it broke the socialist circuit to Kenya's advantage, it also increased animosity. First, it was between Uganda and Tanzania after Tanzania refused to recognize Amin's Government and went ahead to give political asylum to Milton Obote.

Secondly, it was between Kenya and Tanzania because Kenya failed to condemn Amin's take-over in Uganda to the chagrin of Tanzania (Korwa & Ngunyi, 1994). The leadership of the Community did not meet after Amin came to power in Uganda. Business was conducted by obtaining the agreement of the leaders individually. Uganda gradually ceased to be an effective participant in the community affairs, interfering with the balance of the community's tripartite structure.

There was a problem caused by the misgivings of intra-regional trade in EAC. Kenya had earlier on emphasized the role of foreign investment in the Sessional Paper No. 10 of 1965 on "African Socialism and its Application to Planning in Kenya". Tanzania's Arusha Declaration of 1967 de-emphasized the role of foreign capital in her economy's development. This situation meant that regional trade benefited the foreign investors operating in Kenya. Tanzania's and Uganda's economies were converted into "captive markets" (Korwa & Ngunyi, 1994).

Trade among the states was also affected by the construction of the TAZARA (Tanzania-Zambia Railway) as a separate entity from East African Railways. This was a sign of less than wholehearted commitment on the part of Tanzania whose focus of political interest moved towards the south. At the same time, there was an increase in imports from China to Tanzania under the agreement for financing the costs of the railway. Tanzania had failed to attract support from Western donors or/and international institutions, adversely affecting the interstate trade.

The perception of the partner states about the costs and benefits of the scheme also led to the collapse of the Community. It was believed that the development gap between Kenya and the other states was not narrowing.

The growth of the Kenyan economy was to a significant extent the consequence of the open door policy it extended to the investors, a path that was rejected by Tanzania. Because of the increase in inequality, interest in cooperation was lost and the Community's future was doomed.

The aforesaid problems culminated in the decentralization of the common services. The EAC effectively ended in 1977 after the member states failed to approve the 1977-1978 budget for the Community (Hazlewood, 1985). It is a combination of these factors that were found to have contributed to the collapse of the community rather than one single factor.

2.4 East African Integration Efforts after 1977

Following the collapse of the community in 1977, the three East African countries travelled different ways but all arrived at the same destination: that regional integration would benefit all the countries.

Therefore, after a several year hiatus, moves were made to revive the erstwhile cooperative venture. The United Nations (through its Commission for Africa) and Organization for African Unity (OAU), led new initiatives of regional economic co-operation, rather than political integration. This led to the Lagos Plan of Action of 1981.

This blue-print envisaged the creation of several regional economic schemes with a hope that they would eventually merge into one African economic state. This led to the formation of the Preferential Trade Area (PTA) and Southern African Development Community, (SADC). Unfortunately, these two regional bodies became new avenues for Kenya and Tanzania to continue their rivalry (Korwa & Ngunyi, 1994).

In 1984, the three countries negotiated and signed a Mediation Agreement. Through the agreement, the countries divided among themselves the assets and liabilities of the collapsed community, marking the end of formal cooperation among them. However, the agreement was instrumental in the revival of the community as it provided for the possibility of future pursuit of cooperation (EAC Report, 2005).

The revival of EAC was mooted by the leaders of the three states at a side-line meeting of the Commonwealth Heads of State in Harare, Zimbabwe in October 1991 (EAC Report, 2005). The same heads met again in Nairobi in November 1991 where they issued a formal communiqué to revive the Community. They set up a Committee of Ministers of Foreign Affairs to work out the details. A series of actions were set in motion by this step.

One such action was the signing of the Agreement for East African Co-operation on 30th November, 1993 in Arusha. It established the Permanent Tripartite Commission to steer the process (Ibid). On 14th March 1996, a secretariat was established in Arusha, Tanzania. The secretariat was unique in that, it was small and lean in nature, which meant that most activities were going to be concentrated in the partner states.

It came up with a 'Development Strategy for the Community' covering the 1997-2000 periods. According to the provisions of the strategy, the three countries (Kenya, Uganda and Tanzania) negotiated the Treaty for the Establishment of the EAC, which was signed by the three Heads of State on 30th November, 1999. The treaty entered into force on July 2000. In the spirit of the 1984 Mediation Agreement, the (New) EAC was inaugurated in January 2001 (Ibid).

The revival of the community did not occur in a vacuum. A number of factors: global and regional provided the impetus for the revival. The first is the post-Cold War political environment which created a renewed interest in regionalism as a strategy of countering global competitiveness and threats. Secondly, the ideological convergence in the East African region implies that the disparate political positions that were taken by the state leaders no longer divide them.

The third factor is the end of one-party authoritarianism and the introduction of pluralism in the region, leading to political convergence especially on the part of the state leaders and the engendering of neo-liberal economic policies in the region.

Apart from these factors, it is important to note that East Africa has an advantage over other regions that seek to integrate because of possession of a language, Swahili, which is spoken in all the partner countries. These factors fostered a co-operative atmosphere and space in which revival was possible. The revived East African Community has various objectives; deepening co-operation in the political, economic, social and cultural realms; research and technology, defence and legal affairs.

Integration was to follow a definite path from a Customs Union, a Common Market, a Monetary Union and a Political Federation. In realization of the benefits that come with integration, partner states began to explore possibilities of fast-tracking the process. During the 5th Summit of the Heads of State and Government held in Arusha, Tanzania on 2nd March 2004 (Daily Nation, 3rd March, 2004), President Benjamin Mkapa of Tanzania, Yoweri Museveni of Uganda and Mwai Kibaki of Kenya signed a protocol establishing the East African Customs Union.

This was done so as to create a common market of over 90 million people, with an estimated market potential of over US \$ 30 billion. The treaty was a more serious commitment to the integration process and laid the basis for negotiation of a complete trade regime through a protocol for establishment of a Customs Union. It also spelt out the vision and process for deeper integration through the establishment of a Common Market, a Monetary Union and a Political Federation (EAC Report, 2005).

Article 5(3) of the Treaty outlines the objectives of the EAC and stipulates that the Community shall ensure:

- a) the attainment of sustainable growth and development of the Partner States by promoting a more balanced and harmonious development of the Partner States;
- b) the strengthening and consolidation of co-operation in agreed fields that would lead to equitable economic development within and between the Partner States and which would in turn, raise the standard of living and improve the quality of life of their populations;
- c) the promotion of sustainable utilization of the natural resource base in the region while taking measures that would effectively protect the natural environment of the Partner States;
- d) the strengthening and consolidation of the long standing political, economic, social, cultural and traditional ties and associations between the peoples of the Partner States so as to promote a people-centered mutual development of these ties and associations;
- e) the mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic and technological development;

- f) the promotion of peace, security and stability within, and good neighbourliness among the Partner States;**
- g) the enhancement and strengthening of partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development; and**
- h) the undertaking of such other activities calculated to further the objectives of the Community, as the Partner States may from time to time decide to undertake in common (EAC Secretariat, 2002:13).**

Areas of cooperation earmarked by the EAC Treaty include: Trade Liberalization and Development; Investment and Industrial Development; Standardization, Quality Assurance, Meteorology and Testing; Monetary and Financial Co-operation; Infrastructure and Services; Development of Human Resources, Science and Technology; Free Movement of Persons, Labour, Services, Right of Establishment and Residence; Agriculture and Food Security; Environment and Natural Resource Management; Tourism and Wildlife Management; Health, Social and Cultural Activities; Enhancing the Role of Women in Socio-economic Development; Political Matters; Legal and Judicial Affairs; the Private Sector and Civil Society and Relations with other Regional and International Institutions and Development Partners (EAC Secretariat, 2002:50-99).

Closely related to the objectives of the EAC are the fundamental and operational principles that are meant to guide their achievement. Article Six of the Treaty establishing the EAC stipulates that the fundamental principles that shall govern the achievement of the objectives of the EAC by the Partner States shall include: mutual trust, political will and sovereign equality; peaceful co-existence and good neighbourliness, peaceful settlement of disputes; good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality and the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights (1981); equitable distribution of benefits and cooperation for mutual benefit (EAC Secretariat, 2002:14).

Further, Article Seven (7) highlights the following operational principles as those that shall govern the practical achievement of the objectives of the EAC:

- a) People-centered and market-driven cooperation;
- b) Provision by the Partner States of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;
- c) Establishment of an export oriented economy for the Partner States in which there shall be free movement of goods, persons, labour, services, capital, information and technology;
- d) The principle of subsidiarity with emphasis on multi-level participation and the involvement of a wide range of stake-holders in the process of integration;
- e) The principle of variable geometry which allows for progression in cooperation among groups within the Community for wider integration schemes in various fields and at different speeds;

- f) Equitable distribution of benefits accruing to be derived from the operations of the Community and measures to address economic imbalances that may arise from such operations;
- g) The principle of complementarity; and
- h) The principle of asymmetry (EAC Secretariat, 2002:14).

In order to enable it achieve its objectives, Article 9 establishes seven main organs through which it operates. These are:

- (i) **The Summit of Heads of State:** This consists of the Heads of State or Government of the EAC Partner States. The Summit's main function is to give general political direction and impetus to the development and achievement of the EAC objectives. The decisions of the Summit are based on consensus (Article 12 (3)).
- (ii) **The Council of Ministers:** This is the policy organ of the community and thus the key decision making body of the EAC. Its decisions are arrived at on the basis of consensus (Article 15 (4)). What remains unclear is where the Council fails to reach consensus, do the gridlocked issues get referred to the Summit? It consists of the Ministers responsible for EAC Affairs of each Partner State and such other Ministers of the Partner States as each Partner State shall determine. Among its functions, the Council promotes monitors and keeps under constant review the implementation of the programmes of the EAC and ensures the proper functioning of the regional organization in accordance with the treaty.
- (iii) **The Co-ordination Committee:** This consists of the Permanent Secretaries responsible for East African Community Affairs in each Partner States and such other Permanent Secretaries of the Partner States as each Partner State may determine.

Its main function is to submit reports and recommendations on the implementation of the Treaty to the Council of Ministers.

- (iv) **Sectoral Committees:** They are established by the Council of Ministers on the basis of the recommendations of the Co-ordination Committee which spell out their composition and functions. The Sectoral Committee prepares comprehensive implementation programmes, setting out priorities with respect to the various EAC sectors and monitors their implementation. It reports to the Coordination Committee.
- (v) **The East African Court of Justice:** This is the judicial arm of the EAC which ensures the adherence to law in the interpretation and application of the treaty establishing the EAC.
- (vi) **The East African Legislative Assembly:** This is the legislative organ of the EAC. It consists of nine elected members from each Partner State plus seven ex-officio members consisting of Ministers responsible for EAC Affairs from each Partner State, the Secretary General of the EAC and the EAC's Counsel. Among its functions, it debates and approves the EAC budget, enacts legislations, plays an oversight role by debating and making recommendations on Annual Audit reports on the EAC by the EAC Audit Commission . It considers its annual reports.
- (vii) **The Secretariat:** This is the executive organ of the Community. It is headed by a Secretary General who is assisted by three Deputy Secretaries General (all of them appointed by the Summit); a Director General of Customs and Trade and includes such other officers as may be deemed necessary and appointed by the Council.

Among its key functions are administration of the implementation of the treaty which includes implementation of programmes for the most appropriate, expeditious and efficient ways of achieving the objectives of the EAC; the strategic planning, management and monitoring of programmes for the development of the EAC; the coordination and harmonization of the policies and strategies relating to the development of the Community and the implementation of decisions of the Summit and the Council (EAC Secretariat, 2002:17-48).

It is also important to note the existing institutions within the EAC framework. Article 9 (1) (h) and 9 (2) of the treaty empower the Summit to establish other organs and institutions of the Community.

Institutions of the Community that have so far been established are: the Lake Victoria Basin Commission, the East African Science and Technology Commission, the East African Civil Aviation Safety and Oversight Agency, the East African Kiswahili Commission and the East African Health Research Commission. The East African Development Bank, the Lake Victoria Fisheries Organizations and the Inter University Council for East Africa are also, by virtue of Article 9 (3), deemed to be institutions of the EAC though their functioning is guided by separate charters and conventions.

However, legislation is in the offing to bring the Inter University Council for East Africa directly under the EAC realm. From the foregoing information it can be deduced that the EAC organs which have been given the most important roles in as far as advancing the regional integration process are the Summit of Heads of State and the Council of Ministers, since they have a decision making role. The Coordination Committee also plays a crucial role since it is the one which submits recommendations on the regional integration process. These three organs ideally represent national interests as they are made up of representatives of the EAC's Partner States.

Incidentally, the EAC Secretariat, which is the executive organ and represents regional interests has no decision making power nor can it submit recommendations on the regional integration process. Its role is subordinated to implementing regional integration projects and programmes and implementing decisions of the Summit of Heads of State and the Council of Ministers. Such a structure may not be very ideal for enabling effective achievement of the EAC's goals as it places greater importance on national rather than regional interests.

2.5 Conclusion

In concluding this chapter, the study noted that the History of the East African Federation is not only a colonial legacy but a post-independence venture driven by nationalist and a Pan-Africanist vision. The evolution of the integration can be summarised under the following notable landmarks:

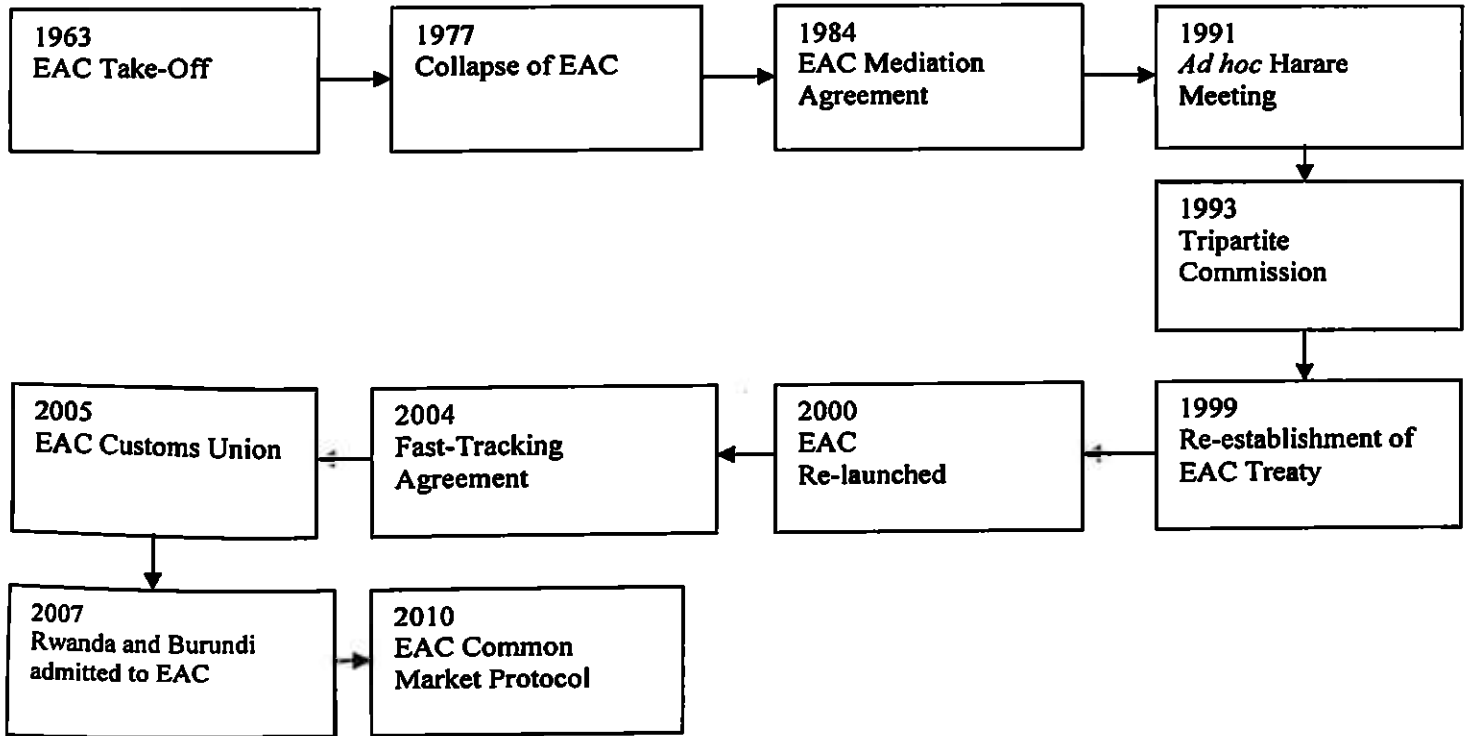
- (i) The idea of an East African Federation uniting Kenya Colony and Uganda Protectorate was originally mooted by the British in 1899 and then was expanded in 1919 to include Tanganyika Territory after it ceased to be a German colony and passed into British administration;

- (ii) On 5th June 1963, the three East African leaders (of Kenya, Uganda and Tanganyika) committed themselves to form a Federation within one year (Friedrich, G.,1963);
- (iii) the three countries established the East African Community through the treaty for East African Co-operation, signed on 6th June 1967;
- (iv) the Community collapsed in 1977 though the possibility of future cooperation was left open (Article 14 of the East African Mediation Agreement, 1984);
- (v) A meeting of the East African Heads of State was held in Harare in 1991 that culminated into the signing of an Agreement to revive cooperation on the 30th November 1993 and the establishment of the Tripartite Commission;
- (vi) the Treaty for the Establishment of the East African Community was signed on the 30th November, 1999 by the Heads of States of Kenya, Uganda and the United Republic of Tanzania;
- (vii) at a special summit held in Nairobi in May 2004, the heads of state expressed concern about the slow pace of the integration process and agreed to explore ways of expediting the process towards an EA Political federation;
- (viii) a committee (Wako Committee) was established on 28th August 2004 to examine ways and means to expedite and compress the process of integration, so that the ultimate goal of a Political Federation is achieved through a fast tracking mechanism;
- (ix) the report of the Wako Committee presented in November 2004 led to a decision by the Extra-Ordinary Summit of the Heads of Partner States in Dar es Salaam in May 2005, to carry out comprehensive national sensitization and consultations to inform the people about the integration process and seek their views about fast tracking the political federation;

- (x) in 2005, the Heads of States of Kenya, Uganda and the United Republic of Tanzania signed the EAC Customs Union protocol;
- (xi) the Community was expanded by the admission of Burundi and Rwanda on the 1st of July 2007;
- (xii) the national consultative committees on fast tracking East African Political Federation presented their reports in 2007 (Kenya, Uganda and The United Republic of Tanzania) and in 2008 (Burundi and Rwanda) which contained sections enumerating and analyzing fears, concerns, and challenges towards Political Federation of East Africa; ,
- (xiii) the 11th Summit of EAC Heads of State that took place on 20th November, 2009, after considering the reports, directed the Council of Ministers (hereinafter “the Council”) to constitute a Team of Experts (herein after “the team”) to undertake an in-depth study on the fears/concerns raised and challenges identified on the EAC Political Federation, with a view to proposing ways and means of addressing them; and report within six months; and,
- (xiv) in 2010, the Heads of States of the five partner states signed the EAC Common Market Protocol.

These notable landmarks can be summarized as follows:

TABLE I: THE STEPS TOWARDS EAST AFRICA POLITICAL FEDERATION



Data Source: As explained in the notable landmarks above (Author, 2010)

This chapter has attempted to debate the historical journey of the EAC to the present. It has shown that the idea of integration in East Africa is not new. However, the long history of the scheme has not come with a corresponding success. Many failures have been attributed to factors that could be mitigated; including political will and involvement of non-state actors. To the extent that it has identified the reasons for the past failures, it serves as a premise for the next chapter that presents the findings of the study.

CHAPTER THREE

3.0 THE ROLE OF KENYAN PARLIAMENT IN PROMOTING E INTEGRATION

3.1 Introduction

This chapter presents the study findings and discussions on the role of the Kenyan Parliament in the East African integration between 1963 and 2010. Parliament, as one of the three arms of government performs very critical functions in governance. All over the world, parliaments have been known to perform three main roles namely: legislative, oversight and representative. The study notes that the integration process is a product of the three main roles aforementioned. It would therefore be impossible to discuss the role of any national parliament in the integration process in isolation from its legislative, oversight or representative roles.

In discussing the study findings on the role of the Kenyan parliament in promoting East African integration, their presentation is broken down into three, namely: the role of the Kenyan parliament in domesticating the integration process, the role of the Kenyan parliament in providing oversight over East African integration process and the role of the Kenyan parliament in ensuring that the integration process is participatory. This is in tandem with the three research questions and three specific hypotheses that the study sought to test.

3.2 The Role of the Kenyan Parliament in Domesticating the EAC

Before discussing the findings under this subsection, the study sought to understand the fundamentals and constitutional foundations of the Kenyan parliament with regard to its legislative role. The Kenyan parliament plays a legislative role in accordance with Article 94 (1) of the Constitution of Kenya, 2010 which provides that the legislative authority of the Republic of Kenya is vested in and exercised by Parliament. Article 94 (5) further provides that, no person or body, other than parliament, has power to make provision having the force of law in Kenya except under authority conferred by the constitution or legislation. This implies that it is only Parliament with the statutory mandate of not only making laws but also of domesticating international agreements.

Legislations originate from Bills (legislative proposals) introduced by the Government, committees of parliament or individual legislators through private members' bills. The Kenyan Parliament considers four types of legislation: Government Bills, Private Members' Bills (Public Bills) and Subsidiary Legislation or Regulations (commonly known in the UK as Statutory Instruments) through the Committee on Delegated Legislation (See Standing Order 197). The Committee ensures that statutory instruments are laid before the House. It also scrutinizes such instruments to ensure that they are consistent with respective parent statutes.

Unless otherwise provided for, either expressly or by necessary implication under any written law, all subsidiary legislation are ordinarily supposed to be tabled before the House upon publication in the Kenya Gazette.

Most of the bills with a bearing on East African integration or any other international agreement are generally expected to be tabled by the member of the Executive (Kipkemoi, 2003). The study found out that EALA has legislative functions and oversight over all EAC matters.

The enactment of EAC legislations is effected by bills passed by the EALA and assented to by the Heads of State. Every bill that has been duly passed and assented to become an Act of the Community and takes precedence over similar legislations in the Partner States (EAC Treaty, Article 49). However, it should be noted that it is the mandate of the national parliaments to domesticate such statutes so that the Community and the partner states are able to move together in the integration process.

The study established that from the various laws enacted by EALA, the respective ministries in Kenya under which the legislations fall have come up with miscellaneous amendments bills to the respective national legislations to accommodate and domesticate these laws passed by EALA. EALA legislations have been domesticated by the Kenyan Parliament after being tabled by the respective government ministry.

Firstly, the Ministry of Tourism came up with the Tourism (Amendment) Bill of 2010 to synchronize the EAC Tourism Act of 2010. The enactment of the bill led to following legislations dealing with tourism matters being repealed to conform to the EAC Tourism Act of 2010: The Tourism Industry Licensing Act, Cap 381, The Kenya Tourist Development Corporation Act, Cap 382, The Hotel Accommodation Act, Cap 478, The Hotels and Restaurants Act, Cap 494.

The Act further repealed Legal Notices No. 317 of 24th November, 1987 and No. 147 of 31st July 2002 on Kenya Utalii College, Legal Notice No. 9 of 7th February 1997 on Kenya Tourist Board, Legal Notice No. 77 of 9th July 2004 on Kenyatta International Conference Centre and Legal Notice No. 68 of 17th May 2002 on the mandate of the catering and Tourism Development Levy Trustees (CTDLT).

Secondly, the Ministry of Finance reviewed more than once the Customs and Excise Act (CAP 472) through the Finance Bill of each Fiscal year. In the Fiscal year 2005, the Kenya Treasury through the parliament reviewed laws relating to customs and excise duties to factor in the provisions of the EAC Customs Management Act of 2004 and the EAC Joint Trade Negotiations Act of 2007. Members of the EALA enacted the Lake Victoria Transport Act of 2007 that provided for the Lake Victoria Transport Commission which would regulate maritime safety and security.

The Act further made provisions for the construction, survey, registration and licensing of all vessels used on the Lake, safety of passengers and cargo. The implementation of these policies only took effect after deliberations in the national parliaments. This implies that the Kenyan parliament role in domesticating protocols related to matters integration cannot be gainsaid.

Thirdly, the Kenyan parliament domesticated the Inter-University Council for East Africa Act of 2008. By doing this, it ratified the move by Kenya to be party to a supra-national institution that would coordinate and regulate the activities of member universities and other registered institutions of higher learning within the region. The Act established the Inter University Council for East Africa as an institution of the EAC.

It recognised the role played by the former Inter-University Council for East Africa in the defunct EAC. Hence, it sought the revival and enhancement of its activities within the new cooperation arrangement. Within the framework of its current existence, the IUCEA is to become an effective regional advocate and catalyst for the strategic development and management of higher education. Without the parliament domestication role, any Kenyan can challenge the legality of our contribution towards the IUCEA.

Fourthly, the Kenyan parliament domesticated the East African Community Civil Aviation Safety and Security Oversight Agency Act of 2008. The Act makes provisions of consolidating the provisions of the protocol on East African Community Civil Aviation Safety and Security Oversight Agency which was signed by the three founding member states (Uganda, Kenya and Tanzania) on 18th April 2007. The Act makes provisions to establish and empower a regional body that will streamline and ensure that the highest international standards are maintained in the aviation industry.

Article 92 of the Treaty for the establishment of the East African Community, requires the EAC partner states to harmonize their policies on civil aviation in order to promote the development of safe, reliable, efficient and economically viable Civil Aviation with a view to developing appropriate infrastructure, aeronautical skills and technology, as well as the role of civil aviation in support of other economic activities (EAC Treaty, 2000).

Despite the above findings, the study also found out that the Kenyan parliament has at times left the Summit and the Council of Ministers through, EALA, enact legislations that undermine EAC.

For instance, there have been amendments to the EAC Customs Management Act and the Common External Tariff Law by the Ministers responsible for Finance in total disregard of the national parliaments.

For example, during the Ministers of Finance meeting held at Hotel Impala, Arusha on May 14, 2005, amendments were proposed to the EAC Customs Management Act (CMA) and the Common External Tariff (CET) on the Armed Forces Canteen Organization (AFCO) where Kenya and Tanzania would provide for exemption on goods belonging to the Armed Forces Canteen Organizations (AFCOs) but Uganda does not grant such exemption.

The Ministers, however, agreed that Kenya and Tanzania continue giving the exemption to each other for one year but the exemption shall cease during the Financial Year 2006/7 when each country shall make budgetary allocations to enable AFCOs pay duties. The study noted that this was in total disregard of the provisions of Article 94 (5) of the Constitution of Kenya, 2010.

The study further found out that the Kenyan Parliament has over the years debated the annual official Reports of the proceedings of the EALA since 2000 (up to 2010) and adopted the same for domestication and implementation by the Ministry in charge of EAC matters. On 3rd May, 2005, the Report of the Committee on Fast Tracking of the East African Federation was moved in the Kenyan parliament by the then Minister for East African Cooperation, John Koech (Hansard, 16th May, 2007). The House debated on the Report and unanimously approved it. This was an expression on an institution that was eager to see a speedy integration process.

In conclusion, the study notes that the Kenyan Parliament has had not only a close working relationship with EALA but has played a role in ensuring that most of the international laws enacted by EALA were domesticated except for the EAC Customs Union which has not been tabled before parliament to date. Legally, without the domestication role by the Kenyan parliament, the EALA laws remain limbo.

3.3 The Role of the Kenyan Parliament in Providing Oversight over EACC.

3.3 The Role of the Kenyan Parliament in providing Oversight over the EAC

3.3.1 Understanding the Oversight Role

Parliament's oversight function aims to ensure that the government and its agents use their powers and available resources appropriately and with probity, in ways that respond to the needs and interests of all members of the society.

Oversight by parliaments can help guarantee that the decisions and actions of the government stay within the bounds of the law, thereby strengthening an open and transparent democracy. It enhances public confidence in the integrity of the government's activities and encourages all groups in the community to accept the policies of the executive branch.

As stated elsewhere in this study, one of the three main roles of the Kenyan parliament is oversight over other institutions such as the executive and the judiciary. Parliament probes the Executive and checks its excesses. The oversight role, also commonly referred to as the watchdog role, ensures accountability and transparency of the other two arms of government (Wanyande, 2005).

Accountability is a key ingredient of good governance in that it ensures that governments are answerable to their people for the way they run the country. Oversight is also key in building strong institutions. In this study, the role of parliament is ensuring that due process is followed in the integration process and strong EAC institutions emerge. This role was evaluated by examining the how the Kenyan parliament scrutinized, probed and questioned the executive and enhanced the coming up of strong EAC institutions.

3.3.2 Parliament's Oversight in Safeguarding National Interests

In more than one instances, the study found out that Kenyan parliament has played an oversight role either by questioning the executive on issues regarding accountability of the process or commitment towards implementing its resolution on EAC integration for the sake of safeguarding the national interests. It also played an oversight role on in fast tracking the EAC process.

On 4th April, 2004, Mutahi Kagwe, then a Member of Parliament for Mukurwe-ini Constituency, asked a parliamentary Question by Private Notice (Questions by Private Notice are urgent in nature) to the Minister for Trade and Industry that:

- a) What are the financial implications to Kenya on the signing of the East Africa Customs Union Protocol?
- b) What is the significance of the protocol vis-à-vis COMESA trading bloc?" (Kenya National Assembly Official Record, April 4, 2004).

In responding to the questions, the then Assistant Minister, Petkay Miriti gave an unsatisfactory answer and was ordered by the Presiding Speaker, Kivutha Kibwana to bring a Ministerial Statement on the matter. According to Kagwe, the Assistant Minister's answer was deemed unsatisfactory as it only alluded to the fact that that the EAC and COMESA were key markets to Kenya products. In essence, the EAC was considered a fast track to COMESA integration process and was therefore very vital to the COMESA trading bloc (Ibid).

Kagwe emphasized that the Executive should note that the Kenya Government was surrendering the tax system by signing the Customs Union protocol and should therefore be at the forefront in educating its citizenry on the implication of the ratification. The Speaker ordered that the Minister ensured a Ministerial Statement sought was brought before the House. It was brought before the House, eight months later (on 9th December, 2004) by the then Minister for EAC, John Koech.

While replying to the statement, the Minister stated that the Protocol for the establishment of the EAC Customs Union was signed on 2nd March, 2004 and officially launched on December, 2004. Its implementation started on 1st January, 2005 in line with provisions of Article 75 (7) of the EAC Treaty which provides that:

“For purposes of this Article, the Partner States shall, within a period of four years, conclude the Protocol on the Establishment of a Customs Union”.

This was concluded in 2010. The Minister added that throughout the negotiation of the protocol and in the spirit of a people-driven East African integration process as enshrined in the treaty, all the stakeholders were involved in coming up with the protocol. Parliament was consulted through the Departmental Committee on Finance, Trade and Planning. The protocol was then submitted to the Cabinet for consideration and approval for signing and ratification by the sponsorship of the Ministry for Foreign Affairs, which consequently gave its approval for signing and ratification.

The Ministry of Foreign Affairs prepared the necessary ratification instruments which were deposited with the EAC Secretariat with a view to completing the ratification process. The study noted that, the main instruments of the EAC Customs Union were contained in the EAC Customs Management Act (CMA) and the EAC Customs Management Regulations.

Together, these provided for the implementation of a number of measures including, but not limited, to transitional ones and gradual elimination of internal tariffs, establishment of a common external tariff (CET), introduction of EAC Rules of Origin (RoO), other trade-related aspects, legal and institutional arrangements, a customs valuation system and harmonized customs laws, procedures and documentation.

Further, the Minister stated that the next step after ratification was the domestication of the Customs Union protocol which called for the preparation of a bill by the Ministry of Finance to be taken to the National Assembly for enactment (Hansard, December 9, 2004). The study appreciates that even the Executive knew that parliament was a key actor in the process. This would see the facilitation of full domestication of the Customs Union in the national laws of Kenya (Ibid). No bill on the East African Common Market Protocol was brought to parliament for ratification of the same. This was however cured by the promulgation of Constitution of Kenya of 2010 under Article 2(5) that stipulates that:

“The general rules of international law shall form part of the law of Kenya.”
(Constitution of Kenya, 2010).

The performance of Parliament in this role can also be measured by analyzing the papers laid, parliamentary questions, motions presented, committee activities and reports and bills with a bearing on the EAC. Because of the obvious apathy with the Community affairs in the first two decades after independence and the continued preponderance of politicians in the decision-making structures after its revival as captured under chapter two of this study, few bills that have a direct relationship to the EAC were ever discussed.

A cursory look at the bills (See Appendix 2) from 2004 to 2010, a period selected on the basis of the availability of electronic data, reveals that the EAC integration process was a rather important subject for the Kenyan parliament. Despite this scenario, a few legislative and administrative measures to provide for the harmonization of external and internal tariffs and bringing into force the Customs Union Protocols entered into by the partner states were taken up and discussed by the House.

3.3.3 Parliament's Oversight in Ensuring Due Process of EAC

As a measure of oversight, the study also inquired on the role of the Kenyan parliament in ensuring that due process was followed in the East African integration. As earlier alluded to in Chapter One of this study, the integration process was envisaged to roll out from the East Africa Free Trade Area, then the East Africa Customs Union, then the East Africa Common Market and to the East Africa Monetary Union and lastly the East African Federation.

This study further found out that whilst Parliament expressed support to the Executive in ensuring the integration agenda was realized, it maintained that this was to be done following the due process. For example, one week after the Presidents of Uganda, Tanzania and Kenya signed the Treaty for the Establishment of the East Africa Community in 1995, Anyang' Nyong'o, a Member of Parliament demanded a motion of adjournment of the House under Standing Order No. 23 (provides for discussing matters that are urgent, definite and of national importance) to discuss the East African Cooperation to give the three Presidents the political backing required to bring around the East African integration and cooperation.

Nyong'o moved:

"Now that there is political goodwill at the highest level, it is the responsibility of this House to ensure that we move expeditiously towards meaningful and complete integration of the three East African countries which are tied together by sinews of culture, of common services, of aspirations and of economic interest that need to be cemented with a more meaningful political union as a goal" (Parliamentary Debates, November 29, 1995).

Nyong'o and many other members who contributed to the debate asked the Executive to involve Parliament and ensure that the correct legislative procedure was followed so that what the country commits itself to was also in accordance with the Laws of the Republic of Kenya (Hansard, November, 1995). Motion of this nature does not require any vote. However, from the debate, it was supported by the government and the opposition. However, the motion did not have any meaningful impact on the integration process.

On 4th November 1998, Nyong'o raised a similar matter under Question No. 476 to the Ministry of East African Cooperation and asked:

- a) What steps the Government is taking to enhance East African Cooperation?**
 - b) Could the Minister give the specific programmes which are being proposed to enhance political, economic, social and cultural linkages for the East African Cooperation, and**
 - c) When the EALA will be established and who will sit in the Assembly?**
- (Hansard, November 4th 1998).**

In replying to the parliamentary question above, the government stated that it was playing a leading role in the formulation and timely implementation of the policies and programmes within the framework of the East African Development Strategy of 1997 to the year 2000. It also gave an assurance that it would continue fulfilling its financial obligation to the Agreement. This response notwithstanding,, the fact that Nyong'o had to raise the matter again, the government was not keenly committed to integration agenda. He was not about to relent in ensuring that the integration process executed in the right manner.

In December 2006, he went to the East African Court of Justice (EACJ) to challenge the election of Kenyan Members to the EALA on the basis that the Kenyan Government did not follow the procedure laid down under the Treaty (*Anyang' Nyong'o & 10 Others v. Attorney General & Others*, EACJ, Ref. No. 1 of 2006 case). The Court found that the Election Rules (2001) used, infringed Article 50 to the extent of their inconsistency with it.

The Court declared that the Kenyan Parliament did not undertake an election within the meaning of Article 50 of the Treaty and that the Election Rules in contention infringed the same Article. The EACJ nullified the election of Kenyan Members to the EALA and ruled that the process be repeated in accordance with the Treaty. The government (Executive) had used its numbers in the House to muzzle its preferred nominees for the EALA membership.

Following the '*Anyang' Nyong'o Ruling*' at the East African Court of Justice, the Government attempted to amend the Treaty to allow for the withdrawal of the Kenyan Bench of the Court causing an uproar in the House. Moses Cheboi, a Member of Parliament introduced a motion seeking to resolve that any amendment to the existing Treaty must be submitted to the National Assembly for ratification.

The motion read:

“AWARE that the EAC Treaty was ratified by the parliaments of the three partner states before it came into force; cognizant that Article 150 of the Treaty provides that amendments to the Treaty be ratified by all partner states; further cognizant that parliament is the sole legislative arm of the Government of Kenya; this House resolves that any amendments to the existing Treaty be submitted to the National Assembly for ratification.”(Hansard, May 3, 2006).

The Motion was carried without a division (vote). Following further pressure from legislators, the Government abandoned the pursuit to remove the judges.

The principle of the above motion was to ensure that any attempt by the Executive to derail the integration process was curtailed. This implies that by all standards, parliament's role in the integration process cannot be gainsaid.

The Kenyan Parliament debated matters related to the process and pace at which it was being rolled out. On 18th June 1964, it passed a resolution urging the Executive to accelerate the integration process. The Executive was averse in effecting this resolution. On 1st October, 1964, Masinde Muliro, a Member of the First Parliament in Kenya, moved a No-Confidence motion in the Prime Minister, Jomo Kenyatta that:

“In view of the fact that the PM has failed to effect the resolution passed by this House on the 18th June 1964, to that effect, in view of the fact that the people in Kenya were promised East African federation immediately after independence, this House calls upon the Government to accelerate the machinery for this purpose to such effect that instruments of federation may be ratified by the Kenya National Assembly not later than 15th August 1964-this House has no confidence in the PM.”(Hansard Report of the House of Representatives, 1st October, 1964).

Muliro had stood on a point of order to seek the Speaker's direction on the whether the house should sit and watch as the Executive failed to effect its resolution of 18th June 1964 that called for speedy integration process.

The Speaker granted the point of order and the motion was seconded by Ronald Ngala. Tom Mboya, the then Minister for Justice and Constitutional Affairs, Jaramogi Odinga, the then Minister for Home Affairs opposed the motion on the basis that the motion passed by the House on 18th June, 1964, only called on the Government to accelerate the machinery of federations but not to implement and thus believed the mover of the motion had ulterior motive. Martin Shikuku and Robert Matano supported the motion and urged the House to vote for it. They blamed the Prime Minister for failing to implement the earlier resolution.

After protracted debate, the Speaker put the question and the motion was negatived. This demonstrates that some MPs were enthusiastic in seeing that federation of the EAC was realized. Nevertheless, the government rallied its troop in defeating the motion raising a lot of questions on the political will on its part towards integration of the region. The above debate displayed a parliament that allocated time to discuss EAC matters. However, debating EAC matters is one thing, but arriving at resolutions that bolster EAC is another. This debate was futile.

During the House sitting on 13th July, 1999, George Anyona, a Member of Parliament then (now deceased) asked for the East Africa Treaty to be brought to the House for ratification. He asked:

“... if we are going to commit the people of this nation and the people of this region to this process, it is only fair that the Treaty is brought here and ratified, so that it is only this parliament that can undo it.”(Parliamentary Debates, July 13th, 1999).

In response, Nicholas Biwott, the then Minister in charge of integration matters gave an assurance that Parliament would be involved. In 2000, the Minister published the Treaty for the Establishment of the EAC Bill (2000), following a Motion passed by the House seeking the endorsement of the Draft Treaty.

On 8th June, 2005 the Kenyan parliament enacted the Finance Act of 2005 which brought wider markets for goods produced within the East African region. This was immediately before the signing of the Customs Union protocol and the implementation of the Common External Tariffs (CETs) (Hansard, 1st December, 2004). Parliament further resolved to support the full implementation of the East African Customs Union Management Act of 2004 which would have a direct impact on Kenya's revenues.

3.4 The Role of Kenyan Parliament in Facilitating Representation in EAC

Parliament plays the role of representation. Unlike in the platonic city-state, the modern state is complex and makes it impossible to have personal representation or direct democracy. Through elected representatives, parliament offers the alternative representative democracy where citizens channel their interests to the governing authority through elected leaders - the MPs.

In Kenya, political parties represented in parliament nominate Members to the East African Legislative Assembly (EALA) in respect to the political strength in Parliament. This is a representative role played on behalf of the Kenyan people. Parliament thus plays the role of interest aggregation and articulation on behalf of the electorate. It processes the interests and converts them into government policy. Subsequently, the Executive is bound to implement these policies.

The Treaty for the establishment of the EAC provides for a people-centred approach. One of its objectives includes strengthening and consolidation of associations among the people of the partner states so as to promote a people-controlled mutual development (Article Four Section 3d of the Treaty). In addition, one of its operational principles includes people-centred and market-driven co-operation (Article Six of the Treaty).

The question therefore begs, how would the East African people participate at the regional level? The study observed that, it is the national parliament that can perform this role by linking the local people in the grassroots to their counterparts in the East Africa region. How, would be another question.

With regard to parliament facilitating a participatory and representative integration process, the study came up with the following findings:

The Kenyan Parliament like any other, as the people's representative, has a prominent role in the EAC integration process because the Community cannot be separated from the people. If the ultimate political federation would be attained, it should enjoy the good-will of the citizens of the five countries. The Kenyan Parliament has played a very minimal role of linking the people with the EAC by teaching them the pros and cons of the East African integration so that they may own the process and ultimate federation.

Most Members of Parliament do not know what is going on at the Community level. Nalo (a former Permanent Secretary in the Ministry of the East African Community), holds the view that involvement of MPs as the people's representative in regional integration processes is important to the democratization of the processes. He also holds that, MPs are the institutional prerequisites for participatory democracy. They enjoy the unique ability to mobilize wide mass participation in political processes and regional integration initiatives.

Nalo said, MPs can aggregate and articulate the interests of broad groups of citizens in the policy making processes, thereby ensuring that such interests are taken on board. They can be able to make sure that the Governments comply with the spirit of the EAC Treaty. They are the principal avenue through which the political voice of citizens and their choices can be expressed.

He further stated that the various regional protocols, declarations, treaties and commitments must draw their legitimacy not from the heads of states and conclave ministers but from the citizens of participating countries. According to Nalo, there has been a very weak linkage between EALA's work and that of the National Parliament. On May 24, 2010, President Kibaki called on the EALA members to come up with programs that will take the spirit of East Africa from the boardrooms to the furthest points of the region adding that it is the people who must see and feel the benefits of integration. For EALA to take up this challenge, it must be facilitated and supported by the national parliaments. The remarks by the President were supported by Nalo (2010) when he asserted that:

“since regional integrations have emerged as an important force for political, social and economic change in the increasingly globalising world, East Africa cannot be left behind and there was, therefore, need for MPs to be fully involved from the onset and in the entire process..... experience has shown that integration efforts in EAC requires the partnership with the various stakeholders and one such key stakeholder was MPs as well as political parties which are key to the successful implementation of the key pillars of the EAC Treaty. Political parties are the grassroots movements that have broad-based outreach to citizens and can play a major role in integration. This is the philosophy of the Treaty, that is, EAC is people-centred and private sector driven”.

Belatedly, the Government of Kenya has turned to the MPs in an effort to boost the regional integration agenda. The study observed that, the then Vice President of Kenya, Hon. Kalonzo Musyoka (2008-2013) and the then Minister for EAC, Professor Hellen Sambili, led the Government team in asking the Kenyan MPs and the EALA to ensure that laws dealing with the integration process were given priority.

The Minister stated:

“It is our conviction that MPs must never be seen to be passive participants in the integration process”. (Daily Nation, 28th September, 2010).

The Vice-President and the Minister emphasized on parliament being a key pillar in regional unity.

As such, it should help citizens understand the benefits and opportunities arising from the integration process. At the time, twenty-eight laws were to be taken to the house to help roll out the Common Market Protocol which came to effect on 1st July, 2010. The Executive knows that parliament is the voice of the people in integration of East Africa.

However, despite this recognition and the strategic position held by the Kenyan parliament in the integration process, there is a sense of apathy among the lawmakers and policy makers in pushing the integration agenda (Ibid). According to the Speaker of the Kenya National Assembly, Kenneth Marende:

“Most MPs don’t even understand what the EAC Treaty is all about; many more have not even seen a copy of the Treaty. Less than 20% of the MPs are aware of it.”
(Parliamentary debates: September 9, 2010).

According to Marende, the Kenyan parliament could enhance integration by expediting the passing of laws relating to the integration. Unfortunately, some members were reluctant or even ignorant on integration matters. This was another setback for parliament’s role in this process. Marende’s comments correspond to the remarks by Nalo when he posited that most MPs do not know what happens at the EAC level.

The Kenyan Parliament, while discussing issues of the Community, discussions have at times been limited and sporadic. A majority of respondents from the Departmental Committee on Justice and Foreign Relations identified the reasons for this as the conflict between state and regional interests; that members prioritize individual state interests over Community affairs.

The second issue that emerged to explain this situation was the existence of EALA and the excessive power vested in the Summit.

In the face of a domineering Summit, the Kenyan parliament role to represent her people in the integration process is undermined.

The Parliamentary Committee on Defence and Foreign Relations held a retreat with the members of EALA-Kenya Chapter hosted by the Ministry of East African Community (Kenya), in May 2010, to sensitise themselves on the EAC Treaty and regional integration four pillars of Customs Union, Common Market, Monetary Union and Political Federation. The participants agreed that MPs should play a bigger role in deepening the understanding of the regional integration process and creating awareness among Kenyans.

The Kenyan Parliament has not fairly played the intermediary role of bridging the gap between the EALA and the constituencies/representatives (Oloo, 1995). This is because the representatives to EALA are not directly elected by constituents but rather appointed by political parties represented in Parliament. The presence of EALA, however, shows the expansion of national political space, exposing domestic political practice to a regional forum (Oloo, 1995). This allows for observation and scrutiny, cross-border comparison and the setting of democratic standards in a wide variety of ways, all of which can contribute to empowering national assemblies (Ibid).

The main actors in the East African integration process were the three Heads of State, who made the decisions about the Community's policies and foresaw their implementation. The study hypothesized that Parliament, being the people's representative, ought to have been involved for any participation to be recorded in the integration process. This explains Masinde Muliro's assertions when he stated that:

“Sir (referring to Speaker Humphrey Slade) Kenya today has been reduced to such a status that we will join the East African Federation on terms as a *fait accompli*, the terms which will be of our own making. We want an East African Federation.

We do not want to remain outside".(Hansard, Op. Cit).

Upon revival of the EAC in 1999, the Executive appeared, though reluctantly, to start engaging the political class owing to the delicate nature and steps required to achieve integration. With the revival of the Community, one would have expected an expanded role for the national parliaments. The emergence of cross-border issues, terrorism and globalization, meant that the partner states in an integration scheme stand to benefit more by working closely together than working apart. These issues could better be handled by parliaments.

One opportunity that has presented itself to Kenya's national parliament is the election of members to the EALA. In Kenya, the members of the EALA are elected indirectly by the House, from proposals/lists presented by the political parties represented according to party strength. This is a function that may be seen as a good-will by the Kenyan parliament towards the integration of the region. However, the EALA members end up viewing themselves as representatives of political parties that nominated them to the Assembly.

In their home countries, the EALA members engage more in domestic politics than in regional matters. Party loyalty has also been given more priority than the EAC integration process in nominating these representatives. This has compromised the quality of the members and ultimately the objective of EALA. But the question begs, why could the EALA members be elected directly by the citizens of the partner states? According to Andrew Kiondo (2000), there is need for the people of East Africa to own the community. Just as the EALA is marginalized, so is the national parliament. The only role that the national parliaments play is to nominate members of the EALA, who are not representatives of the people. This means that the EALA members do not carry out wide-ranging campaigns that can excite feelings about the integration process.

The study however notes that, Parliaments do play a role even though the nominees do not originate from a process based on universal suffrage. Nevertheless, the role is important to the democratization of the integration processes since Members of Parliament are the institutional prerequisites for participatory democracy.

As the people's representative, the study also observed that, the Kenyan parliament facilitated the coordination of the Inter-Parliamentary Committee for East Africa to a Bureau of Speakers and the establishment of a liaison office for EALA at the national parliaments have enhanced the functional relations between EALA and the national parliaments. The move was monumental in terms of creating a strong institution for the East Africa speakers of parliaments. Indeed, in Kenya, the bureau can be credited for the setting up of national liaison offices for Kenyan EALA legislators at Parliament Buildings.

In addition to the creation of the East Africa to a Bureau of Speakers since April 2006, EALA and the national parliaments have been spearheading the establishment of the East African Parliamentary Institute (EAPI). The institute is intended to serve as a resource centre for legislatures in East Africa and to provide a forum for training members and staff in matters of parliamentary practice. It is envisaged that this would go a long way in strengthening the EALA and national parliaments.

The Kenyan Parliament was also found to be extending a lot of support and goodwill to EALA through provisions of meeting venues to discuss integration matters. For instance, EALA held its sessions at the Kenya National Assembly Old Chambers on 24th and 25th May 2010.

During these sessions, EALA discussed amongst other issues, the need to build the capacity of the MPs to translate opportunities and benefits of regional integration. These initiatives by the Kenyan parliament would translate to a more empowered parliament and subsequently a more robust execution of its mandate.

3.5 Conclusion

The study found out that the Kenyan parliament has played a role in the process of integration by harmonizing regional legislations with Kenya national laws. It has also facilitated the operations of the Ministry in charge of the EAC matters and the activities of EALA. The Kenyan Parliament has facilitated the workings of EALA by vetting EALA MPs and providing meeting places for EALA while in Kenya.

With regard to oversight of the EAC integration by the Kenyan Parliament, the national parliament has been very watchful in ensuring due process was followed on EALA matters. The process was fast tracked and implementation of its resolutions regarding EAC was executed by the Executive.

The Kenyan parliament has been representative in ensuring the views of the people were brought on board, for example, electing EALA MPs and considering the EALA reports on behalf of the East African people. However, the study noted that the representation role was compromised by the fact that some MPs were ill-equipped in understanding EAC matters. The Kenyan Parliament has suffered other challenges in its pursuit to promote EAC integration which were occasioned by a domineering executive.

It also emerged that the partner states are still divided on the issue of sovereignty. Domestic political dynamics such as party politics in Kenya have also interfered. Other challenges could be attributed to the conflict between regional goals and the Kenya national goals. Further, the study noted that the Kenyan Parliament members tend to lean more on ethnic support and thus regional unity suffers.

Despite the fact the Kenyan parliament has been found to have numerous and visible efforts to seeing that the East African integration agenda was realized, the study found out that it has not been given ample space and recognition, has not been accorded substantial political will from the executive. While parliament may not have had ample space to take an active role in the EAC integration process in the first two decades after independence, the same cannot be said of the period after the revival of the Community. It emerged that the Kenyan parliament harbours some enthusiasm for the EAC integration process. It parliament has a major responsibility in ensuring that the integration process was realized.

Since independence, parliamentarians have shown interest in the unity of the whole region. Parliament has discussed several motions of direct importance to regional integration, it has approved the financial estimates that support EAC activities and through its debates it has played a role in authorizing the executive to spend money on EAC activities. It also played a crucial role in the establishment of the East African Parliamentary Institute (EAPI).

These engagements, amongst others, are indications that the Kenyan parliament has played a key role in promoting the East Africa integration agenda.

However, the study observed that there is much more that the Kenyan Parliament can do in the integration process and its strategic position in the process can never be ignored.

CHAPTER FOUR

4.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

4.1 SUMMARY

The East African Community integration process seeks to bring together a population of over 120 million with an annual GDP of over 30 Billion US Dollars. The original East African Community (Kenya, Uganda and Tanzania) collapsed in 1977 mainly due to economic, political and ideological challenges. Nevertheless, new efforts to revive the community were instituted as per the mediation Treaty of 1984. The pace, however, has been rather slow. Many reasons have been advanced to explain this. The study began by retracing the evolution of the East African integration process from the colonial period to independence of the three core states: Tanzania, Uganda and Kenya.

This study sought to examine the role of the Kenyan parliament in: domesticating the East African integration process, providing oversight over the East African integration process and ensuring that the East African integration process is participatory.

The study sought to approve or disapprove hypotheses on whether timely domestication of regional protocols by the Kenyan parliament would lead to a quicker East African integration process; whether parliamentary oversight over the East African integration processes would affect the success or failure of the integration process and whether participation by the Kenyan parliament in the East African integration process would translate to representation of the citizen in the process.

The study found out that the Kenyan Parliament has played a role as the panacea to the process of the integration process yet their presence has acted as a balance against the excesses of the Summit. It has performed fairly well by domesticating various regional legislations and facilitating the operations of the Ministry in charge of the EAC matters and the EALA activities.

Despite the fact that parliament is the true institution that represent the people and citizens could either accept or reject the community on the basis of the information received from their representatives, the Kenyan Parliament has taken a back sit in educating the electorate on the pros and cons of the integration process. This could be attributed to the fact that, the MPs are not aware of what is going on at the EAC level or are more enthusiastic with the domestic issues than integration or regional matters. If the citizens were sufficiently and properly informed, probably the integration process could not have been realized faster.

The Kenyan parliament has been responsive in timely domesticating the EAC Treaty and other related protocols could have led to the achievement of the East African economic integration.

On this basis, the research confirms the first hypothesis that timely domestication of regional protocols by Kenyan parliament leads to a quicker East African integration process.

The Kenyan parliament has been facilitating the operations of the Ministry in charge of the EAC matters by ensuring sufficient budgetary allocations to the Ministry and providing oversight over its utilization.

It has also been facilitating the EALA activities, vetting and approving its members, ensuring due process is followed in the transaction of EAC matters, for example, when Kenya wanted to withdraw its membership from EACJ and flouted the EALA elections rules. This oversight has continued to shape the integration process. On this basis, the research confirms the second hypothesis that parliamentary oversight over the East African integration processes determines the fate of the integration.

The study also observed that uniting the citizens of the East African states is a difficult task that requires full participation of all the key stakeholders (Political leaders, Parliament, CSOs and the Private Sector). The consultative and Heads of State meetings have displaced the main objective of attaining political federation. From 1996 when the secretariat of Permanent Tripartite Commission was launched in Arusha, many summits have been held but their resolution not been implemented.

While the customs union and tariffs structure is registering some progress, the free movement of people, labour, capital and services from and into the five countries is still a problem. The challenges faced by EAC far much outweigh the prospects of its realization. This explains the reason why the process has been moving at a very slow pace since 1984 when new efforts of re-establishing the Community started.

The study further found out that the institution has played some role but could do more if certain measures are taken to strengthen it. The study concludes that parliament has played a role through a show of goodwill to other actors like East African Legislative Assembly, material and financial support and timely domestication of treaties and protocols relating to EAC matters.

The institution has provided constant oversight over the integration process. In conclusion, cognizant to the fact that regional integrations have emerged as important forces for political, social and economic change in the increasingly globalizing world, East Africa cannot be left behind. There is therefore a need for the parliamentarians to be fully involved from the onset and in the entire process.

4.2 Conclusion

The Kenyan parliament has played a role in the integration process by harmonizing regional legislations with Kenya national laws. It has also facilitated the operations of the Ministry in charge of the EAC matters and the EALA activities. The Parliament has acted as the link between the Community and the East African people. However, most of the MPs have no knowledge on EAC matters.

They are therefore ill informed to convince the people to support policies of regional integration, to participate meaningfully and effectively in the promotion and deepening of political integration. Probably, if they were, the integration process could have been faster. This explains Hoffman's theory of Intergovernmentalism when he asserts that integration may only progress to the degree the governments wished and any increase in the process of integration is as a result of a direct decision by governments.

The role played by Parliament has had limitations though. It emerged that the partner states are still divided on the issue of sovereignty. Domestic political dynamics such as party politics in Kenya have also interfered. Other limitations emerged because of the conflict between regional and individual states' goals.

Difference in terms of economic development especially with the entry of Rwanda and Burundi, bureaucratic hurdles inherent in the operations of the Governments and the structure of decision-making, are some of the hurdles that parliament may have to surmount in order to enhance its role in the EAC integration process.

Political Union depends on the political will of the concerned parties. For this reason, the East African Economic integration has been easier to achieve than the East African Federation. The difficulty in attaining political federation can be traced to the idea of the (nation) state. Each state is autonomous and sovereign yet the process of political integration goes against the phenomenon of sovereignty. The Heads of State are called upon to directly surrender certain powers. Thomas Hobbes, in his work, *The Leviathan*, argues that, it is human nature to be selfish and always desiring more power for the sake of the same. This explains why the Summit attempts to dominate the process.

In addition, the study concluded that political integration requires a great deal of negotiations on common interest and that can be handled well by an institution like a national parliament. Although the inclusion of the National Parliament would be a qualitative improvement to the process, several hurdles have been identified. The first problem is that the five parliaments, just like the Summit, may not be compatible. The five countries have different political systems.

For example, Kenya has many political parties and with a strong ethnic diversity, Uganda has since 1986 adopted a no-party system but is cautiously embracing multi-parties. Rwanda and Burundi are just emerging from a protracted conflict between the Hutu and Tutsis.

They are more preoccupied with reconciliation and national unity than instituting divisive political parties. Tanzania for a long time has not had a competitive political system since the ruling party has continued to dominate politics since independence. The Kenyan Parliament members tend to lean and rely more on ethnic support. For this reason, it may be difficult for them to come together for the sake of regional unity.

The study also concluded that since parliament is the legitimate institution that represent the people and some members of the Kenyan Parliament appear either uninformed and or unenthusiastic about the agenda, their participation would not automatically translate to effective representation of the citizens. Even if they were to participate at the EAC regional meetings and conferences, they are either ill-equipped to contributed or dis-interested in the subject. Towards this end, the research disapproves the third hypothesis that participation by the Kenyan parliament in the East African integration process is a manifestation of a representative process.

Overall, the Kenyan parliament has shown commitment to the integration process. This has been done through a show of goodwill and support to the EAC organs like EALA and other actors, legislations by way of domestication of treaties and miscellaneous amendments to parent statutes and representation. The Kenyan parliament like any other is a more permanent organ than the Presidents who have to seek a new mandate after every five years.

Again, the Presidents are in most cases more engaged with national interests or issues and may lack time for regional issues. Personal rivalry among the state leaders, national interest and the fear of losing political clout are all intervening variables which work against the Summit thereby making the National parliament a more appropriate institution that can enhance and fast track regional integration.

It must be noted that national parliaments too have their own weaknesses. The Summit has been blamed for having excessive powers when it comes to decision-making about the community. The powers could be shared out with the national assemblies. But, how sure can we be that the national assemblies of the partner states will harmonize their operations? The partner states have different government structures and sizes of the National Assembly .The composition of these parliaments also differs.

Since the integration pillars started to be implemented in 2000, experience has shown that integration efforts in EAC require partnership with the various stakeholders. One such key stakeholder is Members of Parliament and political parties which are key to the successful implementation of the key pillars of the EAC Treaty.

Political parties are the grass root movements that have broad based outreach to all citizens and can play a major role in the integration. This is the philosophy of the Treaty, that is, EAC is a people centred private sector driven. Towards this end, parliamentarians must be well informed on the subject matter, EAC, for them to effectively domesticate the regional agreements related to it, represent their electorates and ensure the process follows the due course.

As one of the key actors in the integration process, the Kenyan parliament is key in the regional integration programme. Its role in providing the linkages between the East African Legislative Assembly and the public cannot be gainsaid. It has the potential to highlight the value MPs can in the domestication of the EAC issues both within the floor of parliament and also their constituents especially in line with the regional integration issues.

Similarly, the Kenyan parliament and through it, the East African Legislative Assembly (EALA) members can articulate the needs and concerns of the people to the community. The institution's participation in the regional integration processes is important to the democratization of the integration processes. Members of Parliament are the institutional prerequisites for participatory democracy.

They enjoy the unique ability to mobilize wide mass participation in political processes and regional integration initiatives are no exception. MPs can aggregate and articulate the interests of broad groups of citizens in the policy making processes, thereby ensuring that such interests are taken on board. They can be able to make sure that the Governments comply with the spirit of the EAC Treaty. They are the principal avenue through which the political voice of citizens and their choices can be expressed.

The researcher holds the view that the various regional protocols, declarations, treaties and commitments must draw their legitimacy not from the heads of states and conclave ministers but from the citizens of participating countries. The confluence of the Ministry in charge of East African Community matters, the National Parliament, East African Legislative Assembly (Kenya Chapter) and the Private Sector opens a new chapter of entrenching the integration in Kenya and strengthening the role of Kenya in the East African Community.

4.3 Recommendations

From the foregoing conclusions, there are certain factors that have impeded the EAC integration process. First, political will is lacking on the part of the state leaders. Therefore, it follows that political federation, the ultimate goal of integration, may not be attained without the input of parliament amongst other actors.

It is therefore the recommendation of this study that:

The Kenyan Parliament should be given more space in the integration process. The study noted that the Customs Union and Common Market protocols were never domesticated by parliament through an Act of Parliament. This raises doubt on the motive behind the Executive failure to table bills on the two protocols despite the Minister for EAC having promised to do so. It would be paramount to accord Parliament more space in the process because it is the institution charged with law-making and the EAC will require in unifying laws.

The EALA may not be in a position to pass such laws as it has insufficient membership whose popular support is in doubt. It is the national parliamentarians who have the capacity, opportunity and clear mandate to inform their electorates about the benefits of living in an expanded community. The study also recommends that partner parliaments be involved in discussions, consultations and deliberations about EAC, a role that has been played in the past by the Summit.

The Kenyan Parliament, as the people's representative, should be accorded a lead role in the integration process, but should not take over the role of the Summit, because, then, there shall be replacement of one evil with another.

This study notes that a greater benefit could be achieved if a people-based institution like the National Parliament is given a leading role in mobilizing citizens to offer their support to integration efforts.

The study notes that the Summit had dominated the process and only gets the other actors to rubber-stamp decisions without being given the requisite space to ventilate on the matters at hand. The study recommends that the Kenyan Parliament should work side by side with the Summit, the civil society and the Private Sector to offer the much needed balance in the process of political integration.

In conclusion, the study strongly recommends that the process needs to be more inclusive. This study therefore strongly suggests that more recognition of national parliaments and other actors at the treaty-making level is vital in eradicating the excesses of the Summit from the onset. This does not imply the elimination or replacement of EALA but to play a complementary role.

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APPENDIX I: TABLE I

TABLE I: THE BILLS INTRODUCED INTO THE KENYAN PARLIAMENT, 2004-2010

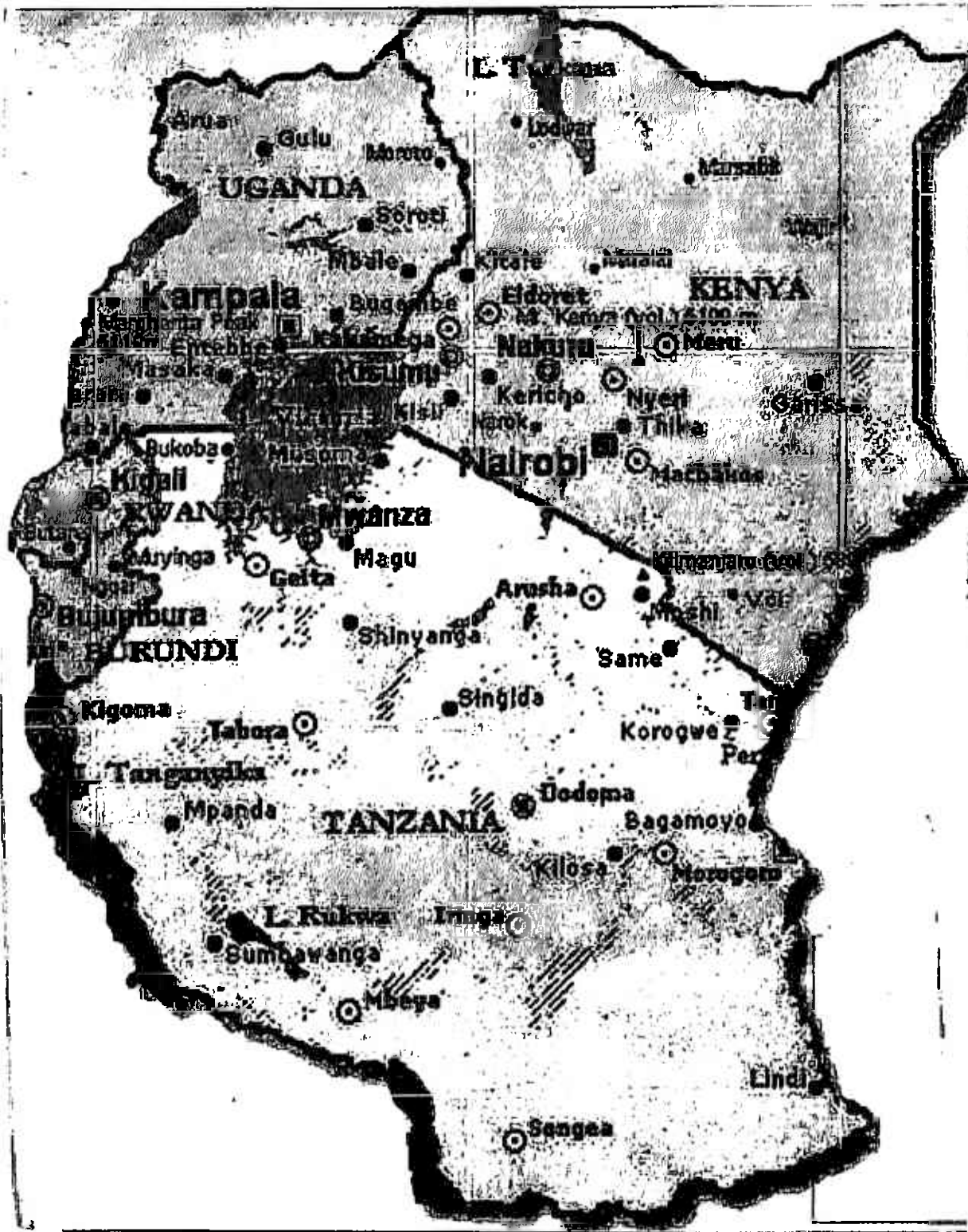
	TITLE OF THE BILL	SPONSOR	BEARING ON EAC
1.....	The National Cereals & Produce Board (Amend) Bill, 2005	Private Member	Indirect
2.....	The Witness Protection Bill, 2005	Government	Indirect
3.....	The International Crimes Bill, 2005	Government	Indirect
4.....	The National Museums and Heritage (Amend) Bill, 2005	Government	Indirect
5.....	Statute Law (Misc. Amendment) Bill, 2005	Government	Indirect
6.....	Constitution of Kenya (Amendment) Bill, 2005	Government	Indirect
7.....	The Cotton (Amendment) Bill, 2005	Private Member	Indirect
8.....	The National Social Security Pensions Trust Bill, 2005	Government	Indirect
9.....	Supplementary Appropriation Bill, 2005	Government	Indirect
10....	The Kenya Maritime Authority Bill, 2005	Government	Indirect
11....	The Finance Bill, 2005	Government	Indirect
12....	The Retirement Benefits (Amendment) Bill, 2005	Government	Indirect
13....	Statute Law (Misc. Amendments) Bill (No. 2), 2005	Government	Indirect
14....	The Forests Bill, 2005	Government	Indirect
15....	The Privatization Bill, 2005	Government	Indirect
16....	The Sexual Offences Bill, 2005	Private Member	Indirect
17....	The HIV and AIDS Prevention and Control Bill, 2005	Government	Indirect
18....	The Kenya Railways Corporation (Amendment) Bill, 2005	Government	Indirect
19....	The Appropriation Bill, 2005	Government	Indirect
20....	The Statistics Bill, 2005	Government	Indirect
21....	The Cotton (Amendment) Bill, 2006	Private Member	Indirect
22....	The National Museums & Heritage Bill, 2006	Government	Indirect
23....	The Kenya Maritime Authority Bill, 2006	Government	Indirect
24....	The HIV and AIDS Prevention and Control Bill, 2006	Government	Indirect
25....	The Tobacco Control Bill, 2006	Government	Indirect
26....	The Retirement Benefits(Amendment) Bill, 2006	Government	Indirect
27....	The Constitution of Kenya (Amendment) Bill, 2006	Private Member	Indirect
28....	Tobacco Control (No. 2) Bill, 2006	Private Member	Indirect
29....	The Sexual Offences Bill, 2006	Private Member	Indirect
30....	The Statistics Bill, 2006 Planning	Government	Indirect
31....	The Fiscal Management Bill, 2006	Private Member	Indirect
32....	Statute Law (Misc. Amend) Bill, 2006	Government	Indirect
33....	The Supplementary Appropriations Bill, 2006	Government	Indirect
34....	The Banking(Amendment) Bill, 2004	Government	Indirect
35....	The Wildlife (Conservation & Management) Bill, 2004	Private Member	Indirect
36....	The National Social Health Insurance Fund Bill, 2004	Government	Indirect
37....	The Witness Protection Bill, 2006	Government	Indirect
38....	The Kenya Institute for Public Policy Research & Analysis Bill, 2006	Government	Indirect
39....	The International Crimes Bill, 2006	Government	Indirect
40....	The Refugees Bill, 2006	Government	Indirect
41....	The Finance Bill, 2006	Government	Indirect
42....	The Licensing (Repeals and Amendments) Bill, 2006	Government	Indirect
43....	The Nutritionists and Dieticians Bill, 2006	Private Member	Indirect
44....	The Microfinance Bill, 2006	Government	Indirect
45....	The Supplies Practitioners Management Bill, 2006	Private Member	Indirect
46....	The Masinde Muliro University of Science & Technology Bill, 2006	Government	Indirect
47....	The Insurance (Amendment) Bill, 2006	Government	Indirect
48....	The Energy Bill, 2006	Government	Indirect

49...	The Proceeds of Crime and Anti- Money Laundering Bill, 2006	Government	Indirect
50...	The Appropriations Bill, 2006	Government	Indirect
51...	The Constituencies Development Fund (Amendment) Bill, 2006	Private Member	Indirect
52...	The Political Parties Bill, 2006	Government	Direct
53...	The Constitution of Kenya Review Bill, 2007	Government	Indirect
54...	The Constitution of Kenya (Amendment) Bill, 2007	Government	Indirect
55...	The Political Parties Bill, 2007	Government	Indirect
56...	The Supplies Practitioners Management Bill, 2007	Private Member	Indirect
57...	The Nutritionists and Dieticians Bill, 2007	Private Member	Indirect
58...	The Fiscal Management Bill, 2007	Private Member	Indirect
59...	The Employment Bill, 2007	Government	Indirect
60...	The Labour Relations Bill, 2007	Government	Indirect
61...	The Labour Institutions Bill, 2007	Government	Indirect
62...	The Occupational Safety and Health Bill, 2007	Government	Indirect
63...	The Work Injury Benefits Bill, 2007	Government	Indirect
64...	The Proceeds of Crime and Anti-Money Laundering Bill, 2007	Government	Indirect
65...	The Media Bill, 2007	Government	Indirect
66...	The Squatters Settlement Bill, 2007	Private Member	Indirect
67...	The Community & Social Enterprises Capital Development Fund Bill, 2007	Private Member	Indirect
68...	The Tobacco Control Bill, 2007	Government	Indirect
69...	The Freedom of Information Bill, 2007	Private Member	Indirect
70...	The Supplementary Appropriations Bill, 2007	Government	Indirect
71...	The Kenya Roads Bill, 2007	Government	Indirect
72...	The Statute Law (Miscellaneous Amendments) Bill, 2007	Private Member	Indirect
73...	Finance Bill, 2007	Government	Indirect
74...	Kenya Communication (Amendments) Bill, 2007	Government	Indirect
75...	The Internal Loans (Amendment) Bill, 2007	Government	Indirect
76...	The Licensing Laws (Repeal and Amendment) Bill, 2007	Government	Indirect
77...	The Constituencies Development Fund (Amendment) Bill, 2007	Private Member	Indirect
78...	The Bio Safety Bill, 2007	Government	Indirect
79...	The Anti-Counterfeit Bill, 2007	Government	Indirect
80...	The Constitution of Kenya (Amendment) Bill, 2007	Government	Indirect
81...	The Prevention of Organized Crime Bill, 2007	Government	Indirect
82...	The Counsellors, Psychologists and Psychotherapists Bill, 2007	Private Member	Indirect
83...	The Consumer Protection Bill, 2007	Private Member	Indirect
84...	The Appropriations Bill, 2007	Government	Indirect
85...	The Constitution of Kenya (Amendment) Bill, 2008	Government	Indirect
86...	The National Accord and Reconciliation Bill, 2008	Government	Indirect
87...	The Accountants Bill 2008	Government	Indirect
88...	The Proceeds of Crime and Anti- Money Laundering Bill, 2008	Government	Indirect
89...	Criminal Procedure Code (Amendment) Bill, 2008	Government	Indirect
90...	The International Crimes Bill, 2008	Government	Direct
91...	The Supplementary Appropriation Bill, 2008	Government	Indirect
92...	The Sacco Societies Bill, 2008	Government	Indirect
93...	The Competition Bill, 2009	Government	Indirect
94...	The Mutual Legal Assistance Bill, 2009	Government	Indirect
95...	The Price Control (Essential Goods), 2009	Private Member	Indirect
96...	The Chiefs' (Amendment) Bill, 2009 Hon. Eugene	Private Member	Indirect
97...	The Constitution of Kenya(Amendment)(N0.3) Bill,2009	Private Member	Indirect
98...	The Pensions (Amendment) Bill, 2009	Private Member	Indirect
99...	The Commissions of Inquiry (Amendment), Bill,2009	Private Member	Indirect
100..	The Anti-Corruption and Economic Crimes (Repeal) Bill, 2009	Private Member	Indirect
101..	The Alcoholic Drinks Control Bill, 2009	Private Member	Indirect
102..	The Animal Technicians Bill, 2009	Private Member	Indirect
103..	The Local Government (Amendment) Bill, 2009	Government	Indirect

104.	The Indemnity (Repeal) Bill, 2010	Private Member	Indirect
105.	The Witness Protection (Amendment) Bill, 2010	Government	Indirect
106.	The Counter-Trafficking in Persons Bill, 2010	Private Member	Direct
107.	The Prevention of Organized Crime Bill, 2010	Government	Direct
108.	The Wildlife (Conservation & Management) (Amendment) Bill, 2010	Private Member	Direct
109.	The Supplementary Appropriation Bill, 2010	Government	Direct
110.	The Tea (Amendment) Bill, 2010	Private Member	Indirect
111.	The Malaria Prevention Bill, 2010	Private Member	Indirect
112.	The Finance Bill, 2010	Government	Indirect
113.	The Insurance (Motor Vehicle Third Party Risks)(Amendment) Bill, 2010	Government	Indirect
114.	The Constitution of Kenya (Amendment Bill) 2010	Private Member	Indirect
115.	The Tea (Amendment) (No. 2) Bill, 2010	Government	Indirect
116.	The Retirement Benefits(Amendment) Bill, 2010	Private Member	Indirect
117.	The Appropriation Bill, 2010	Government	Indirect
118.	The Commission for the Implementation of the Constitution Bill, 2010	Government	Indirect
119.	The Vetting of Judges and Magistrates Bill, 2010	Government	Indirect
120.	The Judicial Service Bill, 2010	Government	Indirect
121.	The Traffic (Amendment) Bill, 2010	Private Member	Indirect
122.	The Tourism Bill 2010 Tourism	Government	Indirect
123.	The Veterinary Surgeons and Para-Professionals Bill, 2010	Government	Indirect
124.	The Limited Liability Partnership Bill, 2010	Government	Indirect
125.	The Insolvency Bill, 2010	Government	Indirect
126.	The Companies Bill, 2010	Government	Indirect
127.	The Prohibition of Female Genital Mutilation Bill, 2010	Private Member	Indirect
128.	The Nurses (Amendment) Bill, 2010	Private Member	Indirect

APPENDIX II: THE EAST AFRICAN MAP

Figure 1: Map of East African Community Partner States



Source: <http://www.unocha.org/eastern-africa/maps-graphics/ocha-maps>

APPENDIX III: RESEARCH CLEARANCE PERMIT

CONDITIONS

1. You must report to the District Commissioner and the District Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit.
2. Government Officers will not be interviewed without prior appointment.
3. No questionnaire will be used unless it has been approved.
4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.
5. You are required to submit at least two(2)/four(4) bound copies of your final report for Kenyans and non-Kenyans respectively.
6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice



REPUBLIC OF KENYA

RESEARCH CLEARANCE PERMIT

GPK 6055—3m—10/2003

(CONDITIONS—see back page)

PAGE 2

PAGE 3

THIS IS TO CERTIFY THAT:

Prof./Dr./Mr./Mrs./Miss
JOHN N.

MUTEGA

(Address) UNIVERSITY OF NAIROBI
P.O. BOX 30197 NAIROBI

has been permitted to conduct research in

Location

NAIROBI

District

NAIROBI

Province

on the topic THE ROLE OF THE KENYAN
PARLIAMENT IN PROMOTING EAST
AFRICAN INTEGRATION SINCE
INDEPENDENCE



M. GONDIEKI

Applicant Signature FOR PERMANENT SECRETARY
FOR PERMANENT SECRETARY
MINISTRY OF SCIENCE AND TECHNOLOGY

for a period ending 30TH MAY 20 09



REPUBLIC OF KENYA

**MINISTRY OF HIGHER EDUCATION SCIENCE
& TECHNOLOGY**

Telegrams: "SCIENCE TEC", Nairobi
Telephone: 02-318581
E-Mail: ps@scienceandtechnology.go.ke

JOGOO HOUSE "B"
HARAMBEE AVENUE,
P.O. Box 9583-00200
NAIROBI

When Replying please quote

Ref: MOHEST 13/001/ 38C 241/2

28th May 2008

John Njoroge
University of University
P.O. Box 30197
NAIROBI

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *'The Role of the Kenyan Parliament in Promoting East African Integration since Independence'*

I am pleased to inform you that you have been authorized to carry out research in various institutions in Nairobi for a period ending 30th May 2009.

You are advised to report to the Clerk of the National Assembly and other Chief Executive Officers of the Organizations you will visit before embarking on your research.

On completion of your research, you are expected to submit two copies of your research report to this office.


M. O. ONDIEKI
FOR: PERMANENT SECRETARY

105

Copy to:

The Clerk
National Assembly
NAIROBI