STRATEGIES FOR REGIONAL INTEGRATION: A CASE STUDY OF THE EAST

AFRICAN COMMUNITY

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DECLARATION

This research project is my original work and has not been presented to any other university.

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R50/69333/2011

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Supervisor

This research project has been submitted for examination with my approval as the University of Nairobi supervisor.

Name...

Signature……………………………………. Date…………………………………

DEDICATION

I dedicate this work to my mother, Miss. Diana Ivati and my sister Karen Ndunge.

ACKNOWLEDGEMENT

My appreciation goes to God almighty, for his grace, gift of life and blessings.

To my mother and sister, who have always been encouraging and been there for me in my journey of life. I appreciate their financial and moral support, even in difficult time. I thank them for nurturing me, educating me and for the many ways in which they have supported me in my determination to find and realize my potential.

To my supervisor, Mr. Partrick Maluki for giving me guidance and direction in the carrying out of this study. I would not have done it without your direction. May God bless your future endeavors in leading and seeing many more go through your hands.

To my classmates and friends, you supported me with my short-comings and made me learn the importance of working in teams.

God bless you all.

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ACRONYMS & ABBREVIATIONS

ASEAN;   Association of South East Asia Nations

CET;   Common External Tariff

COMESA;   Common Market for Eastern and Southern Africa

EAC;   East African Community

EU;   European Union

FDLR;   Democratic Forces for the Liberation of Rwanda

GDP;   Gross Domestic Product

JKIA;   Jomo Kenyatta International Airport

LRA;   Lord's Resistance Army

NAFTA;   North Atlantic Free Trade Area

NTBs;   Non-Tariff Barriers

REC;   Regional Economic Community

RIA;   Regional Integration Arrangements

RTAs;   Regional Trade Agreements

SADC;   South African Development Community

SWOT: Strengths, Weaknesses, Opportunities, Threats.

ABSTRACT

Until today, African integration has proved to be a major challenge. Since 1967 when the Permanent Tripartite Commission for East African Co-operation was first formed East African integration has proved to be a major challenge. Why until today, the year 2013 have the involved member states not been able to establish integration? The East African Community operates on a five year development strategy that spells out the priority programmes, implementation schedules and policy guidelines. The establishment of an internationally competitive single market and investment area in East Africa is accorded priority alongside the development of regional infrastructure, human resource, science and technology. The main objective of the study was to examine the various strategies used for regional integration and their impact on enhancing the EAC integration agenda. The research focuses in particular at the East African Community as a case study. Specific objectives of the study were to discuss the democratization as a strategy for East African Community integration process; to establish the level of military integration as a strategy for East African Integration; and to examine economic diplomacy as a strategy for East African integration. The study looked into the theoretical integration arguments as argued in neofunctionalism and intergovernmentalism and Liberal Intergovernmentalism. The study adopted desk research design. The target population was Co-ordinating and Sectoral Committees, and the organs of the Ministry of East African Community, Kenya. Data was collected through available information in print or published on the internet materials. The study found out that democracy is critical in the achievement of sustainable economic growth and development and the community is working towards greater democratic environment. It found out that the greatest hindrance to democratic consolidation in EAC is the perennial conflicts within the horn of Africa and the great lakes region, terrorism and piracy threats including the proliferation of small arms and influx of refugees into the region. It further found out that Interest rates in the region have remained almost constant and above the inflation rates for the period 2006 to 2010, confirming that securing credit for investment is prohibitive in the region. The study found out that Kenya's, Tanzania's and Uganda's HD declined from Medium to low HD. Rwanda's and Burundi's HD although low throughout 2006 to 2010 have also been experiencing declining trends. It found out that Uganda and Tanzania remains the preferred destination of FDI attraction in the region. There is a decline in Kenya's trade as compared to other member countries where the countries trade declined by about US $109.2 million in the year 2006 while substantial declines were recorded in 2009 and 2010 indicating substantial imports. The study finally found out that poverty levels are very high, with close to half the population in the region living below the poverty line. The study recommended that there is need for developing a legislative framework (laws, policies and guidelines) for Community Development within partner states. It recommended for the harmonisation of democratization policies, processes and practices. It further recommended that there is need to identify institutional bottlenecks that infringe on the rights of the poor and marginalized to access social services and empower them to participate in Community Development. It finally recommended for the monitoring and observation of elections and support missions to National Electoral Commissions in the EAC Partner States.

CHAPTER ONE: INTRODUCTION

1.1 Study Background

Regional co-operation efforts within East Africa dates back to 100 years whereby a first Customs Union was formed by Uganda and Kenya in 1917 and later joined by Tanganyika, now Tanzania in 1927. In 1967 the first attempt at forming an East African Community by Kenya, Tanzania and Uganda started but later failed in 1977, the reason being a number of important political and economic issues could not be agreed on by three states[1].

As a result of the dissolution of the organization, a mediation agreement on division of various assets and liabilities was agreed upon. One of the provisions of the mediation agreement was, the three states had to agree to explore areas of future co-operation and further make concrete arrangements on such co-operation.

Meetings that followed involving the three Heads of States ensured the signing of the Agreement that established the Permanent Tripartite Commission for East African Co-operation in November 1993. In March 1996, full East African co-operation efforts begun when the commission was launched at the EAC Headquarters in Arusha, Tanzania.[2]

There was a need to consolidate regional co-operation, thus the Heads of States issued a directive for the Permanent Tripartite Commission to start the process of upgrading the Agreement establishing the commission for East African Co-operation into a Treaty. Later on, the three countries resolved to sign the Treaty re-establishing the EAC. The community was to take over

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[1] African Development Bank. October 2010. Eastern africa regional integration strategy paper 2011-2015 (Revised Draft for Regional Team Meeting) African Development bank publications.
[2] Ambasador Juma V. Mwapachu. EAC, Past, Present and Future. First Magazine (pp. 10-13) Retrieved 01/April 2013

from the Permanent Tripartite Commission for East African Co-operation. (MEAC-Ministry of East African Corporation) www.meac,go.ke

The EAC, an intergovernmental organization comprising of partner states as of July 1st 2011, the Republic of Kenya, the Republic of Burundi, Republic of Rwanda, the Republic of Uganda and the United Republic of Tanzania, was a community re-established through a treaty signed in the year 1999 then put into force in the year 2000. The republics of Rwanda and Burundi signed Treaties of Accession to the community in the year 2007. The other three member states, Kenya, Uganda and Tanzania were the original members[3].

The East African Community was formed with the aims of improving and strengthening co-operation within the bases of historical ties and understanding between the involved states. Thus in that regard the countries place emphasis on co-operation in various priority areas such as those of the transport sector, security, immigration, communication, trade, industry and the promotion of investments within the region[4].

With such a general objective, the Community's bid to create one East African market will entail various steps to be undertaken such as, easing travel restrictions, harmonising tariffs, increasing co-operation among security forces, improving communications and sharing electrical power. Concrete measures towards integration include freely exchangeable currencies (and ultimately a single currency), a common East African passport, a common flag and a double

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[3] Dr. Sallie Simba (2003) Democratization processes in Uganda and their implication on East African integration. Report of workshop on deepening integration in East African Community. University of Dar es Salaam, Department of Political Science and Public Administration
[4] Ambasador Juma V. Mwapachu. EAC, Past, Present and Future. First Magazine (pp. 10-13) Retrieved 01/April 2013

taxation accord. It also aims to abolish all tariffs with the aim of attaining economic and political integration[5].

Each member would, however, be allowed to extract a maximum 10% surcharge on some products in order to protect indigenous industries, especially in the smaller economies of Tanzania, Uganda and Burundi. The above will be achieved through the establishment of a Customs Union as the entry point of the Community, a Common Market, subsequently a Monetary Union and ultimately a Political Federation of the East African States[6].

The East African Community operates on a five year development strategy that spells out the priority programmes, implementation schedules and policy guidelines. The establishment of an internationally competitive single market and investment area in East Africa is accorded priority alongside the development of regional infrastructure, human resource, science and technology[7].

1.1 Problem Statement

Since 1967 when the Permanent Tripartite Commission for East African Co-operation was first formed East African integration has proved to be a major challenge. Why until today, the year 2013 have the involved member states not been able to establish integration?

A few of the strategies undertaken to ensure achievement of full integration like democratisation have taken root in all the partner states however have proved to be very

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[5] East African Community Portal, http://www.eac.int/
[6] Lijphart, Arend (1999). Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries. New Haven, CT: Yale University Press
[7]

inefficient. The East African Region has seen regular Multi-party elections held through transparent and open processes and are as well contested freely in cases of discontent.

A great obstacle to the democratization process however is the perennial conflicts within the Horn of Africa and the Great Lakes Region, piracy as well as terrorism that have seen the proliferation of small arms and influx of refugees into the region[8].

Frustration is growing among landlocked countries like Rwanda, which are paying heavy prices for the unnecessary and costly delays, caused by non-tariff barriers (NTBs) like weighbridges and port inefficiencies in Kenya.

Traders and truck drivers in the region complain of the numerous police roadblocks, longer Customs, differing transit procedures, administrative procedures and varying trade regulations within the region. On paper it is clear that the EAC partner states are interested on achieving deeper integration in the areas of economic, social, cultural and ultimately giving way to a political union. But to achieve a faster, people centred and balanced regional development; there is a need to avoid the repetition of the history that led to the dissolution of the East African Corporation Treaty in the year 1997. Thus, new developmental strategies need to be explored to ensure the various EAC integration aims and objectives are met. This research explores strategies such as democratization, military integration and economic diplomacy as possible vehicles to the achievement of regional integration in the EAC. There is a need to look at key issues on the areas of development; relationship with regional integration as well as the obstacles encountered along the EAC integration path in relation to the three strategies will be discussed.

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[8] East African Community Development Strategy 1997-2000; 2001-2005; 2006-2010.

1.3 Study Objectives

The general objective of the study is to examine the various strategies used for regional integration and their impact on enhancing the EAC integration agenda.

1.3.1 Specific Objectives

i.   To discuss the democratization as a strategy for East African Community integration process

ii.   To establish the level of military integration as a strategy for East African Integration

iii. To examine economic diplomacy as a strategy for East African integration.

1.4 Research Questions

i.   How has democratization been used as a strategy for regional integration in the EAC

ii.   What existing measures are in place to use military integration as a strategy for EAC integration?

iii. How has economic diplomacy been applied to speed up EAC integration?

1.5 Significance of the Study

The value of this study has both academic and policy functions when finalised. Policy functions in that, Heads of member states, private sector and civil society organisations involved with the integration process will be able to pull out some basic principles by which to be guided in their quest for EAC integration strategies. As well, this study will enable the involved partners identify the strengths, weaknesses, opportunities and threats of the previous development strategies employed to try and achieve integration. This will further help to steer the integration wheel in the right direction, towards the achievement of the EAC set objectives

and goals. From an academic perspective, students and scholars especially those undertaking International Relations courses will also benefit from the research as a source of information maybe for their assignments in related topics, as well as performing the function of being a good intellectual and informative read.

1.6 Scope and limitations of the study

The focus of the study is the readily available information from East African Ministry sites, governments of involved member states as well as articles and journals on the history of the EAC. With the Ministry of East African Community, Kenya located on the 16th floor of Cooperative House Building, Nairobi, the public library on the 19th floor served as great resource to this research. This research study covers a period of six months; March to August 2013.

Limitations of the study range within, the time frame taken to complete the research, in that, with a very demanding career, the research was halted for a while due to travel. Concrete content as pertains to the research specific objectives and co-operation from library staff involved with the East African Ministry public information management. The librarian in charge would take his sweet time to open and would report to his station four hours after the required hour of reporting. The cost of the research has also been a grave obstacle in that, a lot of monies was incorporated in the purchasing of data bundles to enable desk research. Unreliable information from various sites was also a limitation thus spending a lot of time researching on one topic.

1.7 Literature Review

1.7.1 Introduction

Since its establishment about eleven years ago significant impact on regional development and tremendous progress in regional co-operation has been experienced within the East African Community. In growth terms, the combined GDP has risen to over 80 billion dollars from 20 billion dollars in the year 1999[9].

The table below highlights some basic statistics as concerns the East African Region.

Total area (incl. water)	1.82 million sq. km
Population (2010)	135.4 million
GDP (at current prices)	$84.7 billion
Av. GDP per capita	$732

Source: EAC Facts & Figures Report (2012)

The first EAC development strategy for the year 1997-2000, covering four years, formed the basis for the establishment of the Treaty of the East African Community. The most notably and outstanding achievement of the strategy was the coming into force of the Treaty which steered the transformation of the East African Co-operation into a Community. Launched in April 1997, the first EAC development strategy was aimed at promoting the overall spirit of regional co-operation evidently rooted within the region. As well another of its aims was placing

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[9] Lijphart, Arend (1999). Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries. New Haven, CT: Yale University Press

emphasis on economic co-operation with the view of promoting enhanced political co-operation and integration in the long term and reinforcing institutional capacities for regional co-operation.

The support of existing forces with major interests in the strengthening of regional institutions and in the free movement of capital, goods, services and people as well as information within the region, was a vital aim in order to see the success of the integration plan, (1st EAC Development Strategy (1997)[10].

Some of the policy and programme areas outlined by the strategy for implementation by member states included, free movement of capital, harmonization of fiscal and monetary policies, sector policies to facilitate trade and investment within the EAC region, legal as well as a judicial framework to ensure support of economic integration, easing border crossing within member states and strengthening regional joint programmes to sustain agricultural and livestock development. (East African Community Development Strategy 2001- 2005) (2)

The overall status of the strategy implementation has enjoyed success in that; it established that all partner states are committed to integration. The integration process can now be guided by an official document further to the signing and the ratification of the EAC treaty.

Against the success backdrop, there existed a myriad of challenges and problems with the first EAC development strategy, (1st EAC Developmental Strategy (1997). These included some aspects like the cost management and distribution of benefits as it were, the member states were and still are up to date not equally developed. The member states had this perception of unequal distribution and sharing of integration benefits thus delaying negotiations processes. Privatization and restructuring overstretched institutional capacity thus making it very difficult

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[10] East African Community Development Strategy 1997-2000; 2001-2005; 2006-2010.

for them to role play in the dispensing of EAC obligations. Telecommunications and railway are some of the example institutions that were plagued with this exertion. During that period, large public institutions were stuck on privatization and restructuring, new actors like airlines, insurance and banking were evolving[11].

The EAC did not however adjust to these changes as was expected under the subsidiary principle that the EAC had endorsed. Delays in implementation of the strategy were also caused as a result of resource constraints. For implementation of certain programmes within the strategy, they required the general goodwill of the international community at large. With the lack of smooth flow of international resources at that required time, the various programmes were not implemented on time.

A time lag was evident between the changes made and the attitudes and modalities on the operation on selected operational staff on the ground. As well, decision making at national level being rather slow raised concerns. Several statutory procedures were often involved and specific operation modes of countries were not put into consideration. The decision making processes and prioritization at national level had yet to adopt the new situation which was the existence of the EAC, (East African Community Development Strategy 2001-2005.[12]

Some important lessons were learnt during this development strategy implementation process. Lessons like conducting awareness campaigns and public education to reduce or rather curb the challenge of time lag and attitudes with the ground operational staff. As relates the challenge of privatization and restructuring of institutions, the EAC in the future needed to take a much fuller account of actors outside governments for Programme implementation.

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[11] Meredith A. McIntyre (2005) Trade Integration in the East African Community: An Assessment for Kenya.
[12] Makame, A. Volume 1, Issue 6. August 2012. The East African integration: Achievement and challenges. Great Insights.

The need to develop institutional and human capacity arose with the problem of managing distribution costs and benefits. This would help to manage regional cooperation in the context of unequal levels of development within partner states, (East African Community Development Strategy 2001-2005(4)

The second EAC development strategy (2001 to 2005) identified various programmes to be implemented within the 2001 – 2005 window, in line with the broad goal of deepening and widening cooperation in all areas for the mutual benefit of partner states. It took into consideration the experiences learnt during the first development strategy (1999 – 2007). That is aspects like the provisions of the treaty, implications of globalisation and the EAC's influence in the world market[13].

Through a detailed policy action, the strategy sought to chart the implementation of those goals and aims with implementing agencies identified and a time frame specified. The main components of the second development strategy included specific objectives:

Promoting the convergence of macroeconomic indicators and harmonization of financial and fiscal policies, deepening the regional integration efforts in a more liberalised environment while concluding the Customs Union protocol, enhancing the EAC Development agenda through infrastructure development and supportive services; cooperation in productive sectors, environment and natural resources; joint promotion of human resource development (HRD), science and technology; wider stakeholder participation to embrace women, youth, private sector, civil society and the citizenry of the Partner States; joint promotion of peace and security

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[13] Victor Ogalo. July - October 2012. Achievements and Challenges of Implementation of the EAC Common Market Protocol in Kenya: Case of Free Movement of Labour.

in the region; and harmonisation of regional efforts with the on-going continental and global efforts. (EAC Development Strategy 2006-2010 (14)

The overall assessment of the 2001-2007 EAC development strategy concludes that it was a bit too ambitious incorporating a broad area of activities to be covered. Implementation of various elements in the strategy's action matrix lagged behind the set out time frame. However achievements of the second development strategy are commendable, this evident in the level of cooperation and political good will enjoyed currently within the EAC region[14].

Some of the challenges experienced at the implementation level of the strategy include; governance and institutional constraints, inadequacy of sanctions mechanisms and enforcement machinery, budgetary constraints, legal and administrative handicaps, lengthy decision making processes, shortfalls in statistics, information as well as capacity constraints. Some strategic issues and challenges were considered in formulating the third EAC development strategy. They also identified areas for priority intervention.

These include;

Link between regional and national plans and long term visions and their implication of the strategy, realism in terms of mapping priority objectives/ interventions, setting the timeframe for various activities and proper sequencing of activities and the emergence of other regional economic blocs such as EU, NAFTA, ASEAN, SADC, COMESA as a response to the challenges posed by globalisation.

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[14] State of East Africa Report (2012): Deepening Integration, Intensifying Challenges. Society for International Development (SID).

Globalisation and the intensification of competition in the global markets and the need to use regional integration as a means to ensure inclusion in the globalisation process and achieve strategic positioning in the global economy[15].

These priority areas of intervention identified above were in line with the broad goal of completing and consolidating the EAC Customs Union, laying the foundation for a Monetary Union, establishment of the Common Market and as well as the East African Political Federation; thus enhancing infrastructural development, productive capacities, institutional development and a wider stakeholder involvement and empowerment[16].

Overall challenges experienced towards the achievements of the set objectives of the third strategy include; (3rd EAC Developmental Strategy (2005) mismatch between regional and partner states development planning, inadequate national level capacities to domesticate regional policies, weak legal, regulatory and dispute settlement mechanisms, weak institutional infrastructure, limited supply capacities to take advantage of available regional preferential market access, as well, lack timely and reliable regional statistics and a weak information sharing culture among the partner states.

1.7.2 International Regional Integration

Regional integration by common definition begins with an understanding of the term' region', most often described as; 'a territorially based subsystem'. For further understanding, when regions develop pacts or alliances with each other to accomplish what each region could not accomplish on its own, regional integration has occurred. Examples of international regional

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[15] EAC Development Strategy 2006 -2010 (15)
[16] The World Bank. Regional Integration: Concepts, Advantages, Disadvantages and Lessons of Experience. Retrieved 6th April 2013.

integration alliances include the European Union (EU), the North Atlantic Free Trade Area (NAFTA), and the Association of Southeast Asia Nations (ASEAN). A most primary purpose of regional integration alliances it to stimulate a more transparent and liberal trading arrangement. Most often, it is through these alliances that most nation states can become involved with global issues. One of the most successive regional alliances is the European Union.

Indirectly, the success of the EU's integration process has tempted many developing countries to follow its integration project of establishing a common market and an economic union. The result was the formation of several regional integration schemes, in Africa and Latin America that aimed at similar objectives, with varying degrees of success.

Already more than 50 per cent of the agreements notified follow the EU model, with the agreements being in much veneration similar to the agreements between the EU and its associate countries. Though the EU experience has been central to the issue of regionalism, it is not the only example to draw upon. South American states were early promoters of regionalism following their independence in the nineteenth century; by the latter part of the century South American regionalism was merged with a wider pan-Americanism; the twentieth century saw the emergence of the flagship regionalism of the European Community, later the European Union and the North Atlantic Treaty Organisation – representations which were widely imitated elsewhere.

Recently, organisations within the Middle East, their sovereignty-loving charters notwithstanding, seem to have followed suit, taking up interventionist policies in response to the events termed as the Arab Spring. Worldwide, leading states are active in the advancement of

regional integration and most states in most parts of the world are members of multiple organisations.

Most conceptual models on regional integration tend to be in agreement that, regionalism progresses along three proportions; economic interaction, political interaction and regional identity. Regionalization levels along these three proportions can vary between two scopes; one signifying fragmentation and conflict, the second one integration and cooperation.

As regards prospects for regional integration, projects in East Asia and South America have developed intricacies of their own; Africa and even more the Middle East have seen a much slower and less undeviating progression.

The prospects for a political union in Europe however are seen to be fading as the continent drifts towards a more fluid and wider multipolar European order and power is being budged away from the supranational institutions.

Regional Integration in Africa

Virtually all sections parts of Sub-Saharan Africa (SSA) have had a fairly long history as far as integration comes. Soon after independence, some leaders within the continent called for African integration but it is only until the 1960's and 1980's those efforts of establishing integration were visible in all sub-regions. First integration calls were motivated by the political vision of African Unity[17].

Promotion of regional integration remains a vital political and economic African goal. Successful integration within the region is premised on a pool of pre-existing conditions such as;

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[17] Leonard Wanyama (2013) The economic diplomacy of Kenya's regional interests. SAIIA Occasional Paper No 137.

peace and security, good financial management and a minimum threshold of macro-economic stability, that is; price stability, realistic real exchange rates, etc. As well as sufficiently broad national reforms to open markets.

Some gains from the continents' integration efforts have been achieved. These include; increased trade returns and competition, investments, domestic reforms, coordination and bargaining power as well as increased security.

The membership of any regional integration arrangement remains a political choice of any sovereign state. A key characteristic of the African countries is the overlapping membership in various RIA's.

Several problems and challenges plague the African continent with its integration efforts. These range from, wide spread poverty depriving markets the needed fuel that has served as an instrumental driver elsewhere, lack of apposite infrastructure, non-participation of the private sector as an integration motor, geographical difficulties to small country economies that have further contributed to complicated development of regional division of labour. As well, the continent lacks one powerful country with the influence and economic resources to steer regional integration.

1.7.3 East African Regional Integration

Sub-regional integration in sub-Saharan Africa especially in the case for East Africa, the prospects seem to be much better. This is so because the EAC has showed significant progress in strides since its revival in the year 2000. (First Magazine (p10-13)) Ambassador Juma V. Mwapachu, Secretary General of the East African Community, in an article published in the First Magazine pointed out, the EAC at the time of its collapse in 1977 had an institutional framework

so elaborate and powerful in decision making such that not even the current European Union could match that.

He outlines the various challenges that the community faced; as a result of top political East African leaders constituting the dominant decision makers in the EAC affairs, it rendered the community vulnerable to the politics of nation-state power and differences in economic ideology.

This was at a time when the cold war was threatening to rear its wrath on the newly independent African countries. He argues that at that point it was reasonable to assume it was now difficult to envision how the EAC member states could sustain for a long period of time, the collective ownership of strategic economic and social services. Critical matters that automatically fell under the various states agency control such as revenue and taxation, economic infrastructure development and trade policy had been ceded to the EAC. With a Customs Union protocol and Community law already in force, certain challenges were notably met during the implementation process as Makame A. (2012) points out. One major challenge has been the implementation of the CET (Common External Tariffs) by the EAC member states.

Different computed values for taxation have emerged as a result of varying customs valuation procedures with countries such as Rwanda, Burundi and Uganda tabling lists of industrial products exempted from the CET.

With the remaining countries also taking up integration commitments with other REC (Regional Economic Communities) such as SADC (Southern African Development Community) and COMESA (Common Market for Eastern and Southern Africa), they have had to implement two CET thus proving a challenge in terms of multiple commitments to complete integration. As

well, rules of origin implementation have been a challenge in that various disputes have arisen thus constituting verification missions to address the issues. For example, Makame points out protectionist tendencies have been witnessed in the wheat industry whereby the same had been justified using rules of origin-related arguments.

The implementation of the EAC Common Market Protocol in 2010 provided for four freedoms of movement for member states people, labour, goods and services and capital as well as two rights to reside or establish oneself or business venture anywhere within the boundaries of the Community.

However, various challenges arose as (Victor Ogalo, (July-October 2012) Achievements and challenges of implementation of the EAC Common Market Protocol, Kenya) points out, several cases of denial of work permits and delays in the processing of work permits have been cited which could have negative implications on the integration agenda. As well it is pointed out in his work that age restrictions within the Common Market protocol have been a hindrance to integration in that, for example in Kenya only foreign workers over 35 years of age and earn a value of US$ 2000 monthly are permitted residence and work permits.

It is clear and evident that most individuals within the community who do business and would wish to move to another country to set up shop are below that age bracket hence are restricted.

The rules have further also locked out expatriates from employment in the medical, real estate, engineering, accountancy and legal professions, with Kenya being among the African countries with the least number of lawyers, engineers as well as accountants. The restrictions prove to be a big challenge to integration processes.

(The World Bank, Regional Integration; Concepts, advantages, disadvantages & lessons.) From the Worlds Bank knowledge and work on integration, various observational issues have well been noted as challenges to the integration process.

Three critical aspects presenting themselves here are the HIV/AIDS pandemic, political instability and water instability. Although indirectly connected to integration, the three factors are sufficiently serious as relates to geographical scope and developmental impact to be ipso facto major obstacles to the integration process.

Internal political insecurity serves both as a driving force and a threat to cooperation and integration within the region. An example is the 2007/2008 post-election violence in Kenya which saw the entire region suffer with landlocked countries, like Rwanda, Uganda and Burundi were in dire straits as their main trade arteries with Mombasa port were closed off. Tanzania's Dar es Salaam port was overwhelmed with the diverted traffic.

The HIV/AIDS pandemic threatens the development gains achieved till now and posing severe challenges to the ability of the region to meet its future economic growth and poverty reduction goals. Water vulnerability, as a result of wide climatic variability and limited storage as well as water management infrastructure, has major macroeconomic and development impacts and exacerbates the perennial food insecurity situation experienced in the region. The risk of polarization has also been outlined as an observational challenge to East Africa's integration with continued threats of rise in industrial protests, civil unrest, tensions and violent conflicts. These factors are fuelled by marginalization, domination and the exclusion of citizens from key decisions.

The African Development Bank (Eastern Africa regional integration strategy paper 2011-2015) also outlines various issues such as weak institutions and human capacity, diversity across the economies and divergent country attitudes towards regional integration, as well as widespread and onerous food safety, technical and other standards that have had a chilling effect on the agricultural exports of countries in the community.

1.7.4 Theoretical framework

Although heavily criticised, amended and even abandoned, both neo-functionalism and intergovernmentalism contain two strong theoretical integration arguments. Neo-functionalism, a concept by Ernst B. Haas and Leon Lindberg both American political scientists, was developed in the 1950's as the first grand narrative of the European integration. The centre stage of neo-functionalism is the 'spill-over' effect approach to integration matters. The 'spill-over' effect refers to a situation where a government's decision to place a specific sector under a central authority exerts pressure to extend the institutions authority into other neighbouring policy areas. Examples being areas like taxation and currency exchange rates.

This core claim meant that the 'spill-over' effect triggers the economic and political undercurrents driving further cooperation, thus terming integration as self-sustaining. Neo-functionalism suggested the concept of 'spill-over' integration within a certain sector will tend to bring about its own incentives and spread to the other sectors.

The concept was later declared obsolete by Haas after the European integration process started stalling in the 1960's. As applies to the case of the East African Community, on the realisation that a political federation objective was not achievable, the three original East African political and ruling elites under the leadership of, Kenyatta, Nyerere and Obote reconceptualised

their tactics by selecting an economic-driven neo-functionalist-cum-functionalist regional integration process. However, the envisioned impact of an economic co-operation on the EAC integration process with inherent 'spill-over' effect did not withstand the intra-and inter-national intricacies and differences, climaxing into the disintegration of the regional bloc in 1977.

Intergovernmentalism lays focus on the concept of the roles of nation states in the integration process. It argues that the national governments of member states are the primary actors in any integration process and become strengthened by the same. This is as a result of some policy areas; it is in the member states' interest to pool sovereignty. A theoretical account on the intricacies of regionalism around Africa has been limited with so much having been published on regional integration. In the case of the EAC, Liberal Intergovernmentalism can apply; a theoretical concept used in the 1990's as a model for European Integration.

Liberal Intergovernmentalism incorporates a mode of preference formation in which national governments have strong ideas of what their preferences are and pursue them through bargaining with other member states.

The notion argues that the bargaining power of member states is vital for regional integration and that deals and side payments also happen in the deal making process. In the EAC during the initial stages of a customs union, preferences of prominent business groups in the three original member states; Kenya, Tanzania and Uganda, influenced the governments' policy position as regards integration.

Through rigorous lobbying and seeking audience with the respective governments, the groups achieved to have their policy preferences reflected in the final state policy of integration.

As well, the outcomes of interstate bargaining activity and the institutional choice echoed the wishes of the three member-states of ensuring that integration would maximize their welfare.

Born of years of exploitation, oppression, humiliation and indignity by European imperialists, Pan Africanism was developed; a conceptual idea of a political alliance or union of all African states. It is based on the belief that unity is vital to economic, social and political progress and aims to "unify and uplift" people of African descent.

Regionalism in the African continent has always had a strong political cause. Pan-Africanism, as an expression of continental identity and lucidity, distinguishes regional integration in Africa from other regions in the developing world. Pan Africanism in the initial years of developing an East African Federation was seen to have contributed significantly though only in the fields of economic and social unity. It is in the political field that unity proved to be a challenge thus leading to the collapse of the integration process.

1.2 Research Methodology

1.2.1 Introduction

This section entails the research design, target population, sample design, sample size and the data collection method used in the research.

1.2.2 Research Design

A research design is an outline of how an investigation will take place. It will encompass how data is to be collected, the instruments to be used as well as the intended means of data analysis to be used. The design to be adopted in this research is Desk Research design as it basically involves collecting data from existing resources. This is a type of secondary research as

it involves the collection of pre-existing information as opposed to primary research which encompasses raw data through experiments and research subjects.

1.2.3 Target Population

The target population for this research is the Co-ordinating and Sectoral Committees, organs of the Ministry of East African Community, Kenya. The Co-ordinating Committees of the Community consists of the Permanent Secretaries charged with the responsibility for regional co-operation in each partner state. It recommends the composition and functions of the Sectoral Committees as may be deemed necessary for achievement of the Treaty objectives.

1.2.4 Data Collection Instruments

Desk research can be described as; the process of gathering and analysing information already available in print or published on the internet. (online business dictionary)

One type of desk research technique has been used in the structuring of this paper;

External desk research - this involves enlisting outside resources as data collection instruments. Outside resources such as; online desk research which consists of two approaches when digging out the relevant information from the internet.

The researcher could directly browse the specific information from industrial, business or marketing sites and extract information from these sites.

Second approach constitutes various search engines like www.google.com, www.yahoo.com among others for controlled searching of information. The most vital issue in the above research design is to ensure refined searching techniques in a way that the results found are promising and relevant. Government published data- Governments usually post a great extent of information

online. The government websites are mostly free to access thus proving to be the cheapest means of gathering the information.

This research design was applied because it is very effective and can be conducted in phases according to the intended structure of the research paper. It is quite quick and cheap thus most of the basic information could be easily fetched which can in turn be used as a benchmark in the research. Desk research is considered a low cost research technique as compared to field research. The main costs here are involved in the researchers' time and internet charges.

The downside to the desk research is that it could however be a complete time and money waster to the researcher if he/she doesn't have the proper knowledge of how the research is carried out.

Definition of Terms

Rules of origin implementation: Rules of origin are the criteria needed to determine the national source of a product. Their importance is derived from the fact that duties and restrictions in several cases depend upon the source of import.

Ipsos facto: Translated as; by the fact itself. This means that a certain phenomenon is a direct consequence, or as a resultant effect of the action in question.

CHAPTER TWO: DEMOCRACY AS A SRATEGY FOR REGIONAL INTERGRATION IN EAST AFRICA COMMUNITY

2.1 Introduction

The East African Community (EAC) is a regional inter-governmental organization established under Article 2 of the Treaty for the Establishment of the East African Community that entered into force in July 2000. Membership of the Community comprises the Republics of Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. Pursuant to the provisions of paragraph 1 of Article 5, the Partner States undertake to establish among themselves, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social and political relations. This is meant to enhance accelerated harmonious, balanced development and sustained expansion of economic activities.

The EAC operationalizes the treaty incrementally. The first Development Strategy covered the period 1997-2000 and was basically about re-launching the EAC. The second Development Strategy was from 2001-2005 and covered the establishment of the EAC Customs Union. The third Development Strategy 2006- 2010 focused on the establishment of Common Market and the fourth Development Strategy from July 2011 to June 2016 mainly aims at the implementation of the EAC Common Market and the creation of EAC Monetary Union. The fourth Development Strategy 2011-2016 emphasizes the consolidation of gains from the Customs Union, functioning Common Market and putting a firm foundation for the next stages of the integration process. Also taken into cognizance was the full inclusion of the Burundi and Rwanda as members of the EAC. Other critical aspects of the fourth Development Strategy

include: Guidelines of cooperation between EAC and other blocks like EU, USA; Developing frameworks for relating with emerging economies like China, India, Brazil among others; Participating in AU integration and governance frameworks; Institutionalization of functions; EAC, COMESA and SADC tripartite arrangements; The socio-economic, political and environmental situation within the African region and finally, harmonization of common trade policies within the EAC.

The EAC reiterated adherence to universally acceptable principles in democracy, the rule of law, observance of human rights and social justice as preconditions for admission of new members. The Community declared its objective in Articles 2 and 4 as, 'the development of policies and programmes aimed at widening and deepening cooperation among partner states in various fields such as political, economic, social, cultural, defense, security, legal and judicial affairs for their collective gains. The operating principles were based on mutual trust, political goodwill, equitable distribution of benefits, and peaceful settlement of disputes, peaceful coexistence and good neighborliness. The Community was to be people-centered and market driven. This implies that the Community adopted a neo-liberal agenda of the Washington Consensus whereby people centered cooperation was organized around the institution of the market.

2.2 Interrelationship between integration and democracy

RIAs can also be useful tools to improve political institutions. Trade blocs with strong "club rules" can help anchor democratic reforms in member countries. Membership in an RIA can increase the likelihood of achieving or upholding democracy, especially if the bloc includes large and developed democratic countries. Newer or less politically developed countries may

gain from joining an RIA that includes a large developed country or countries if accession is part of a strategy to pursue political, economic or social reforms (or prevent backsliding) that would not be feasible without the conditionality embodied in the RIA's "club rules." Those rules often include democracy and human rights. Mercosur put its—then informal—democracy rule into practice in April 1996 when the commander of Paraguay's armed forces was said to be contemplating a military coup. The bloc's four presidents reportedly quelled the rumored coup with a strong joint statement that democracy was a condition of membership in the bloc. Two months later Mercosur amended its charter to formally exclude any country that abandons the full exercise of republican institutions.[18]

The EEC had no formal democracy requirement, although by convention and practice it was understood from the mid-1960s that such a condition existed, at least for new members. Bhalla and Bhalla[19] argue that it was generally understood that the acceptance of the poorer economies of Greece, Spain and Portugal was motivated largely by the desire to help these restored democracies remain democratic by bolstering them politically and economically. Similarly, the Europe Agreements with accession candidates in Central and Eastern Europe and the Baltics are designed to "facilitate" their "full integration into the community of democratic nations" (Title 1, Article 2). Latvia, one of the candidates for EU accession, is reviewing its citizenship policies for its Russian minority to meet EU concerns about human rights. The EU agreements with Mediterranean countries also include respect for human rights and the rule of law, as does the Continuum Agreement between the EU and the ACP countries. In the 1992

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[18] Amir, A. (2001), Review: How to Democratize the European Union and Why Bother? in Philippe C. Schmitter Lanham, Rowman and Littlefield, 2000. Canadian Journal of Political Science, Vol. 34, No. 1 (Mar., 2001)
[19] Bhalla, A.S. and Bhalla P. 1997. Regional Blocs. Macmillan Press Ltd., London.

Treaty on European Union, explicit reference was made to democracy, although not in any operational form.[20]

Conditions for democracy and human rights will be truly effective only if the penalties for violating them are severe and their enforcement credible. it is difficult to pin down exactly what inspires credibility, but for developing countries an explicit statement of the club rule seems necessary, and an explicit and plausible plan for its enforcement highly desirable. In the absence of such conditions it is difficult to see how the result will be achieved, and, in particular, how it will be achieved without the need to resort to the sort of explicit political pressure described in the last paragraph but one.[21]

The enforceability of such club rules depends on both the value of belonging to the bloc and the credibility of the threat of action. Regarding the value of belonging to the bloc, new members who obtain significant benefits when joining a large bloc, including access to a large market and greater bargaining power with the rest of the world, are unlikely to break the rules (or backslide) and risk losing the benefits of membership. It is true that parties threatening democracy may not be moved by such considerations, but ordinary economic agents will be and so the condition will make it more difficult to build support for insurrection. Second, the credibility of the threat of action is likely to be greater if breaking club rules by new members entails a large cost to the other members. That cost may be direct and economic, or perhaps more likely, indirect and political, such as a demonstration effect.[22]

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[20] Whalley, John. (1998). "Why Do Countries Seek Regional Trade Agreements?" Chapter Nine, Article 152(2).
3 in Frankel, J. (ed.) (2009)The Regionalization of the World Economy, Chicago, Chicago University Press.
[21] Sewastynowicz, James 1986. "Two-step" Migration and Upward Mobility on the Frontier: the Safety Valve Effect in Pejibaye, Costa Rica", Ec. Dev. Cul. Change 34: 731-53 (July).
[22] Ricupero, Rubens. 1998. "What Policy Makers Should Know about Regionalism," keynote address presented at the World Bank Conference on What Policy Makers Should Know about Regionalism, Geneva (May).

The effectiveness of such "democracy only" rules is likely to vary with the nature of the membership. RIAs between small low-income countries, which typically trade very little with each other, are less able to impose major costs on recalcitrant by ejecting them. Hence choosing large important partners improves the chances of club rules being enforced. Because a country is likely to be more concerned with a nearby than with a distant country's social and political institutions, enforcement of club rules is also likely to be more effective in RIAs between neighbors than one between distant partners.

Two other conditions will affect the credibility of enforcement. First, it seems unlikely that non-democracies, or even countries where democracy is very fragile, will prove stern disciplinarians even if a democracy rule exists. Second, the enforcer has to see enforcement as an important issue for itself. We have noted the importance of proximity in this, and it is also important that there be no other issues of greater importance. While the Cold War was in progress, western powers were far more concerned to ensure that client countries were securely anti-communist than with the details of their governance structures. Thus imposing democracy rules was just not an element of policy.

The question of distance is relevant to one current debate. The EU's Contonou Agreement with the ACP states intends eventually to replace the Lomé Convention by a series of Regional Economic Partnership Agreements (REPAs) with groups of ACP countries[23]. It includes, as an 'essential element', the developing partners' respect for human rights and democracy, as well as injunctions to manage their economies properly[24]. Some commentators

[23] McQueen, M. (1998) "Lomé Versus Free Trade Agreements: The Dilemma Facing the ACP Countries," The World Economy, vol.21, no.4, pp. 421-44.

[24] Council of the European Union (1998) "Negotiating Directives for the Negotiation of a Development Partnership Aagreement with the ACP Countries", Information Note, 10017/98, European Union, Brussels.

like Winters[25] argue that the EU's interest in enforcing good economic policy on the ACP countries, let alone 'good' political practice, is very doubtful. The ACP countries are too small and distant to affect any EU interest materially and different EU members frequently feel differently about any particular case. In addition, disciplining former colonies for pursuing economic or political policies that are not approved in European capitals looks like an international public relations nightmare. On this view, REPAs will generate no additional credibility for the ACP countries.

A contrary view at least on economic credibility is given by Collier[26]. They see the EU as the stern external agent of restraint that developing countries require in order to convince the world that they are reliable and will succeed economically. Their argument is essentially that the EU is so important to the ACP countries, that they would never flout it, so that the EU can do a little good to its partners at almost no cost to itself. One of the interesting features of the club-rules/democracy argument for RIAs is that it is one case where there is clearly no multilateral substitute. Multilateral trade arrangements can not propose and enforce these sorts of rules, because they are simply not part of the mandate of organizations such as the WTO. Other international organizations, such as the UN or regional and multilateral development institutions may be able to convince member countries to abide by some rules, but so far, these rules do not include democracy or other constraints on political regimes. It would appear that positive spillover effects in the political arena are only possible in large regional arrangements that include club rules.

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[25] Winters L Alan (2001) "Post-Lomé Trading Arrangements: the Multilateral Alternative", in von Hagen J and Widgren M (ed.s), Regionalism in Europe, Kluwer.
[26] Collier, P., Guillaumont, P., Guillaumont, S., and Gunning, J.W. (1997) "The Future of Lomé: Europe's Role", The World Economy, vol. 20, no.3, pp.285-306.

2.3 Democratization in EAC

The Treaty establishing the EAC mentions key institutions that will further the cause of political cooperation. These are the Summit, the Council, the Coordination Committee, Sectoral committees, the EAC court, the EA legislative assembly, and the Secretariat. Similarly, in the EAC development strategy (1997 - 2000), levels at which political cooperation would be realized are identified as: Heads of State Summit, Ministries responsible for foreign affairs, ambassadors and high commissioners, provincial/district authorities and national parliaments (EAC Treaty Ch. 3, Article. 9 (1))[27]. The objectives of the EAC are: to develop policies and programmes aimed at widening and deepening cooperation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs, for their mutual benefit; to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States; and to sustainable growth and development of the Partner States by the promotion of a more balanced and harmonious development, co-operation in agreed fields, sustainable utilization of the natural resources, consolidation of the long standing ties and associations between the EAC peoples, mainstreaming of gender in all its endeavours, peace and security and private sector and civil society partnerships (Article 5, EAC Treaty).[28]

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[27] Nabudere, D. (2004), The Fast-tracking of Federation and Constitutionalism in East Africa, Dar es Salaam
[28] Ibid

Yet, according to Baregu[29] the objectives outlined in the Treaty are in no way innovative except for the goals of establishing a political federation, the objective are contradictory to those of the larger African Economic Community and the African Union and, lastly, there is no provision of a time-scale against which progress may be evaluated. Several comments can be made on the possibility of democratizing the Community. The first concerns the centralization of powers around the institution of the Summit. Notable is that the Summit is made up of the Heads of State of the member states. In essence the powers accorded the Presidents seems to imply that they hold veto powers over any decision they may object to. The decisions in question may include, for example, those perceived to go against national interests. Thus Chapter Four Article 10(8) states that any member of the Summit may record his objection to a proposal submitted for the decision of the Summit and, if any such objection is recorded, the Summit shall not proceed with the proposal unless the objection is withdrawn. According to Joseph[30] a simple majority rule would be more useful unless the issue concerned involved extreme national survival. Indeed, the significance of the powers given to the Summit is much more meaningful if it is considered that members of the East African Legislative Assembly are appointees of the respective national parliaments rather than directly elected by the wider East African electorate. Yet, the importance of grounding ownership of the community's processes within the population of East Africa, and bestowing a sense of legitimacy to the Assembly's decisions seems to have been neglected. The

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[29] Baregu, M. (2010), The African Economic Community and the East African Community: Any Lessons from the European Community/Union? Kampala, Uganda
[30] Joseph, R. (1997), Democratization in Africa after 1989': Comparative and Theoretical Perspectives, Comparative Politics, April, Vol.29, No.3

Assembly is one critical link between the community and the population. The Summit is relegated to procedural issues[31].

Furthermore, he argues that because the Assembly's members do not reflect the makeup of the East African population, let alone the small number of the representatives, they will not have a constituency in the wider population to whom they will feel obliged to report back to, and to reflect their views in the Assembly. Also, since their election is a caucus process, it will not involve wide ranging campaigns that will educate arid even excite people on the Community[32].

His conclusion is that trading off cost factors for democratic legitimacy is unhelpful in the long term. The Wako committee on Fast-Tracking the EAC integration in fact suggested that in the envisaged political federation, the Federal Parliament should be elected along the lines of the method used in electing the current East African Legislative Assembly or as may be recommended by the Constitutional Commission. It also suggested that from 2010 to 2012 the Electoral Commission and other institutions provided for under the Federal Constitution should be put in place. Federal Constituencies should also be delineated and between January and March 2013, elections for the President and the Federal Parliament should be held[33].

While such suggestions are welcome, the possibility that acrimony between the Heads of States, which precipitated the collapse of the EAC in 1977 may yet occur again if the legislative assembly is not strengthened to step in the event of ideological and other disputes between the Summit members. This is because as currently constituted the Assembly lacks a popular base

[31] Kiondo, A, (2002), Political Cooperation as the basis for a sustainable East Africa, A Critical Look at the Draft Treaty for the Establishment of the East African Community' in Yahya-Othman

[32] Ibid

[33] Kamanyi, J, (2006), The East African Political Federation, Progress, Challenges and Prospects for Constitutional Development,' Paper presented at the 10th Annual Sir Udo Udoma Symposium Makerere Law Society Makerere University, Kampala, April

from which it can claim to represent the wishes and aspirations of the larger East African electorate and the absence of its constitution by political parties standing for various ideological and/or policy platforms. These ideological and/or policy differences are a sine qua non for the pluralization of the Community's processes and hence the legitimation of its institutions. Other concerns and worries over the different democratic traditions of the political systems in the three founding East African countries. While Kenya and Tanzania have multiparty political systems, Uganda runs a movement political system.

Yet, the Treaty explicitly acknowledges among the fundamental principles guiding its workings as "good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and Peoples' Rights (Article 6 (d)." For example, the constitutional making process continues to be at the center of the democratization process in Kenya. In August, 2010, Kenyans successfully voted for a new constitution in a referendum widely hailed as free and fair. Despite the threats to implementation by the elements of the old order, progress on key constitutional bills is remarkable. In Tanzania, the hegemony of Chama Cha Mapinduzi (CCM) as a political party both on Tanzania mainland and Zanzibar, was in the last elections challenged in presidential elections with accusations from Opposition candidates of government sanctioned rigging. Indeed, in Dar es Salaam and Arusha, street protests occurred that clearly evidenced the awakening for the fight for democracy. Tensions with Zanzibar on the other hand continue to remain a thorn in the flesh for the ruling party over claims by the latter for

independence. In Uganda, the stranglehold of NRM and its dislike for opposition has meant that elections are clearly a farce.[34]

Government structures within the member states are also at odds. For example the national parliaments have differing sizes. Whereas the Ugandan has 375 members of Parliament, the largest in the nation's history, and the biggest in the East African region, Kenya has 216 MPs, Rwanda 105, Burundi 155 including senators, and Tanzania, 356. According to estimates, on average, one MP represents about 70,000 people in Uganda, 130,000 people in Tanzania, and 185,000 in Kenya. Yet, given resource scarcities in the region, some commentators have argued that the constitutional roles of the legislature: representation, legislation and oversight can be performed effectively with small numbers of MPs. Ndebesa of Makerere University argues that parliament is exploited by the President to secure regime legitimization and expansion of the patronage network. And "As a result, parliament has undermined democracy instead of promoting it and thereby hindered development."

The problem of the delays in remittances to the Secretariat by member states is also crucial in fast-tracking the integration processes. Yet, according to Richard Sindinga, the director of Economic Affairs, Ministry of East African Community, "Delays in member states remitting their contributions is mainly due to the fact that the EAC contributions are not prioritized by member states." In the last fiscal budget, partner states pledged $30,748,369 but failed to fulfill their quota remittances hence a supplementary budget was presented for approval an additional $18.7 million for projects and another $1.7 million for activities of the East African Legislative Assembly. The director also mentions the differences in exchange rates among member

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[34] Nabudere, D. (2004), The Fast-tracking of Federation and Constitutionalism in East Africa, Dar es Salaam

countries. According to him, the Kenyan shilling has lost value to the dollar within a short period which means the value of the country's contribution to EAC has altered[35].

Thus there will be a deficit both on the side of the contributing country and the overall budget, which interferes with planning according to Sindiga. "Steps are underway to implement a new mode of payment — pegged on individual country's Gross Domestic Product (GDP). Yet the policy implication of this latter move may be that the country with the largest GDP in the region, and therefore the economic disparities in the region, will influence the nature of policies of the region. This latter prospect may yet rekindle the historical differences s over the role of the state in the economies of the region[36].

The compositions of national parliaments in the region are also a critical factor in facilitating rapid decisions concerning the evolution of the EAC. The Kenyan Parliament has had the most active experience with an organized opposition. Since the first multi-party elections in 1992, the ruling party KANU was basically a minority government elected by less than 40 percent of the popular vote. By contrast the Kibaki regime came to power with over 60 per cent of the vote establishing a strong for mandate policy formulation and implementation. Yet recent contested elections in 2007 and the ensuing violence have pointed to the fragility of Kenya's political institutions. In Tanzania, the legislature has continued to enjoy the solid presence of CCM members of parliament albeit the fact that is has recently been experiencing loss of support in some parts of the country. Yet it can be argued that the Tanzanian Parliament currently enjoys a high level of political consensus as demonstrated by the overwhelming acceptance. In Uganda the movement system of government provides little room for organized opposition to

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[35] Amuwo, A. et al (eds) (2009), Civil Society, Governance and Regional Integration in Africa, Nairobi: DPMF
[36] Ibid

government policies. This has tended to restrict the range of policies formulated especially due to the government's antipathy towards opposition.

The EAC Treaty also recognizes a people-centered approach to consolidation the regional integration process. Indeed, Article 4 Section 3 states that one of its objectives includes "strengthening and consolidation of associations between the people of the Partner States so as to promote-a people centered mutual development. 'Yet, in practice, the Treaty leaves little room for the operationalization of people-oriented approaches. The top down nature of decision-making and the lack of public consultation in the Summit could potentially alienate the populations of East African from internalizing the integration process precisely because of the tendency to portray the integration process as an intergovernmental activity rather than a popular process.

More critically is the fact that civil society participation has almost been non-existent. In chapter 28 where the civil society is mentioned alongside the private sector institutions and mechanism would be established to strengthen the EAC-public links in order to canvass as widely as possible the views of most East Africans. Instead, as alluded to earlier, the chapter is much more focused on the private sector - through the East African Business Council - than the civil society. In fact the Treaty has no clear understanding of the concept of civil society. "Rather, it seems to be market-oriented, pro-government and personality driven[37]." Indeed, while The East African Business Council is to be accorded observer status in the meetings of the Commission and its subsidiary organs, civil society groups have not been equally treated when it comes to consultation over public policy issues.

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[37] Kiondo, A, (2002), Political Cooperation as the basis for a sustainable East Africa, A Critical Look at the Draft Treaty for the Establishment of the East African Community' in Yahya-Othman, S. ed (2002). Politics, Governance and Cooperation in East Africa, Dar es Sallam: REDET

There exist attempts to incorporate women and youth groups but the process has been slow to recognize the importance of the critical inputs of civil society, although a draft mobilization strategy for civil society to ensure sustainable and equitable development has been developed. The draft defines civil society as A realm of organized social life that is voluntary, self-generating, self-supporting, and autonomous from the state, and bound by a legal set of shared rules. This was however modified in workshop of EAC civil society experts as 'A realm of organized social life that is voluntary, self-generating and autonomous from the state, and bound by a set of shared values for the common good of the people.' Before this initiative no mechanism existed to integrate the roles of civil society in to the Community's functions.

It is however unclear how the operationalization of the mobilization strategy will impact on civil society participation. To date, only CSOs that transcend national boundaries can qualify for observer status. Such organizations include the Kituo Cha Katiba, and the EA Business Council. Applications for the same have been made by the EA Youth Council, the EA Magistrates and Judges Association and International Council for Social Welfare EA Trade Union Council.

To be sure, one notable improvement on the East African Community arrangement is the role given to the private sector. The role of the private sector in the development of the single market and investment area is based on the neo-liberal logic of the integration process in which intraregional trade expansion is driven by private capital while the role of the state is relegated to the maintenance of law and order and the guarantee of contracts. A regional apex body for women organizations is to be formed to champion women's issues, which are seen as important. Finally, regional based organizations will also be encouraged for youth and professional organizations in order to mobilize civil society in support of enhanced cooperation. Yet even if

these bodies are formed at regional level, it is not clearly spelt out how they will be involved in policy making. There is also no mechanism to cause the formation of these organizations at a regional level.[38]

Finally, the existence of a variety of conflicts in the EAC may derail the peace and unity that is necessary to consolidate democratic structures. Hence the Partner States are currently in the process of harmonizing their policies in order to "establish common foreign and security policies" (Article 131 Section 1). Yet security policies are highly controversial. This becomes much more important given the continued cooperation with members states with the USA on the war on terror in the region especially given that the region has experienced such terrorist attacks before. Other than Tanzania, all the other countries in the EAC are experiencing major conflicts (directly or indirectly) that pose a violent threat to many of their citizens. If the current efforts to establish region wide Standby Forces (e.g. EASBRIG) are fully implemented then, the recent expansion of the East African Community to include Rwanda and Burundi is one avenue that has opened up for enhancing regional security governance.[39]

2.3.1 Civil Society and Democratization

Since the introduction of the civil society discourse in the context of the 1980s crisis of the state in Africa, disagreement still exists on the concept. Many academic contributors tend to argue that civil society is an ideologically-loaded concept. Traditional conceptions of civil society define it as all those institutions that play out in the political space between the family and the state. On the contrary, conventional definitions favoured by institutions of global

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[38] Sabine, S. (2007), Democratic 'Misfit'? Conceptions of Civil Society Participation in France and the European Union', Political Studies, Vol. 55 No. 3

[39] Fossum, J. and Eriksen, E. (2002), Democracy through Strong Publics in the EU? Journal of Common Market Studies, 2002, 40 (3)

governance embrace de Tocqueville's definition of civil society as encompassing civil and political associations organized in a competitive market place. Such associations include but are not limited to social clubs, churches, political parties, NGOs, private businesses and trade unions[40]. On the other hand, democracy is also contested analytically and ideologically[41]. Similarly, Joseph[42] contends that traditional approaches to democratization have been ethnocentric and thus are unable to illuminate political processes in Africa. Joseph[43] minimalist concept of democracy characterizes a democratic polity as featured by elected officials, free and fair elections, inclusive suffrage and the right to run for office. Furthermore, a democracy enjoys freedom of expression, alternative information, and assembly or associational rights, which are supported or protected by the government.

Moreover, the existence of such pillars of democracy in society presupposes the respect for basic human right and the strict observance of the due process of the law and participation in the governance of society. Schmitter[44] argues that a democracy is based on three dimensions: citizenship, representation, and decision making. Thus democratization essentially entails transitions from authoritarian to liberal democratic systems.

Three categories/dimensions of democracy may be useful in measuring the extent of democratization: structural, functional and concrete indicators[45]. The structural indicators refer to inequalities of fact or law. Functional indicators are defined as the amount of freedom of

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[40] Amir, A. (2001), Review: How to Democratize the European Union and Why Bother? in Philippe C. Schmitter Lanham, Rowman and Littlefield, 2000. Canadian Journal of Political Science, Vol. 34, No. 1 (Mar., 2001)

[41] Ibid

[42] Joseph, R. (1997), Democratization in Africa after 1989': Comparative and Theoretical Perspectives, Comparative Politics, April, Vol.29, No.3

[43] Ibid

[44] Schmitter, P. (2003), Democracy in Europe and Europe's Democratization, Journal of Democracy,Vol.14,No.4 http://muse.jhu.edu/journals/jod/summary /v014/14.4schmitter.html

[45] Deirdre, C. (2003), Private Interest Representation or Civil Society Deliberation? A Contemporary Dilemma for European Union Governance', Social Legal Studies, March, Vol. 12 no. 1

expression and the variety of alternatives that people can choose from when making decisions. The ability of people to hire and fire their agents, whether elected representatives are able to exercise effective control over their own subordinates, especially executive agents, public bureaucracy, and representation by the peoples agents are referred to as concrete indicators.

2.3.2 The European Union

Anwar [46] investigated the operations and democratic legitimacy of the EU committee system. He found that they are increasingly coming under attack for their lack of democratic credentials. This lack of democratic legitimacy is attributed to the poor balance struck between system effectiveness and democracy. Arad, et al[47] disagrees with such arguments regarding the EU. He observes that there is little evidence that the EU suffers from a democratic deficit. According to him, therefore, judged by existing nation-states' practices and in the context of the multilayered EU system, rather than an ideal plebiscitary or parliamentary democracy, the EU enjoys support across the member states' publics. Strong public is the institutionalized body of deliberation and decision-making – vary in their status and performance as strong publics yet they all inject the logic of impartial justification in to the EU system.

Yet other scholars like Nabudere [48] disagree with such sanguine assessments of the EU's democratic performance. He states that the democratization project of the EU is still remote. To him, the EU is akin to a consociational democracy for four reasons. Small states are still overrepresented in the voting formula of its council of ministers; in the distribution of seats in Parliament; in the assignment of high officials in its Commission and unanimity is still a

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[46] Anwar, Dewi F. 1994. Foreign Policy and Regionalism in East Africa. Nairobi publishers
[47] Arad, Ruth and Arye L. Hillman 1979. "Embargo Threat, Learning and Departure from Comparative Advantage," Journal of International Economics 9 (May): 265-75.
[48] Nabudere, D. (2004), The Fast-tracking of Federation and Constitutionalism in East Africa, Dar es Salaam

requirement on a wide range of important issues[49]. Furthermore, the absence of statutory guarantees specifying the powers attributed to supranational, national or subnational governments has meant that not even a quasi-federal consensus on the distribution of those powers has been achieved. Instead, only the principle of subsidiarity has been accepted as enshrined in the Amsterdam Treaty in which functional tasks are devolved to the lowest feasible level of aggregation.

The EU, according to proponents of this view is not a federation/ confederation/state, but a system of multilayered and polycentric governance. Such a system is characterized by three key properties: A governance mechanism exists for dealing with a broad range of problems in which actors arrive at mutually satisfactory and binding decisions by negotiation and deliberation; a multilayered arrangement exists for making binding decisions involving politically independent and but interdependent actors – private and public - at different levels of territorial aggregation but doesn't assign exclusive policy competence to any level; and Polycentric delegation of authority over functional tasks to a set of dispersed and relatively autonomous agencies. Hence any effort to democratize the EU must take into account the peculiarities of the emerging governance structures.

Yet disinterest from the public and the press implies there is not yet a European active population of democrats concerned with its supranational governance. Furthermore, the Convention disproportionately involved partisan European and national parliamentarians at the expense of interest group representatives, national civil servants, and the Commission's functionaries who earlier dominated EU policy making. The normal practice by earlier national governments was to enhance the visibility of their own delegates drawn from the executive at the level of Ministers –

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[49] Ibid

in order to diminish the importance of Civil Society representatives. Perhaps this asserts the inter-governmental nature of the integration process.

Hence concerns about the EU's democratic deficit led the 15 member states to convene a convention on the future of Europe. The convention was charged with redesigning the institutions and decision rules of the EU (2001) - its mandate set in the Laeken declaration chaired by Valery Giscard d'Estaing. In 2003, they approved a consensual draft of a constitutional treaty to be considered by an intergovernmental conference (IGC) for revision and approval. According to Nabudere[50], this is evidence of the existence of overlapping consensus on certain basic norms and institutions of contemporary democracy, especially the myriad of civil society groups that participated.

The convention was meant to deal with three issues: The anticipated decline in effectiveness of EU policy making due to the impending Eastern enlargement; the gradual decline in relative voting strength of large states due to overrepresentation of past and future small states; the decline in EU legitimacy among European publics due to excessively complex, remote and technocratic decision making rules. Because the Convention dealt more effectively with the first two, it can be concluded it did not contribute much to the democratization of the EU. The EU has only thus entered into its political adolescence, the beginning rather than the end of its democratic evolution. Additionally, the EU project of federation is unlikely for the following reasons: Constitutionalization the EU does not yet have a singular set of overarching rules but a set of treaties considered by the public as inviolable except through formal and elaborate amendment procedures; Multilateralism arrangements for making binding decisions involve politically independent but interdependent actors private and public at different levels of

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[50] Ibid

territorial aggregation but doesn't assign exclusive policy competence to any level; and Polycentricism: the EU delegates authority over functional tasks to a set of dispersed and relatively autonomous agencies.

Convention highlighted the cleavages within the EU between member states of different orientation. These states correspond to real interest cleavages – countries with different levels of development, differential commitment to social welfare, government composition (left/right), balance between agricultural producers and consumers. In addition, with enlargement, threats exist to the French–German alliance and even control by the six founding members over their historical role in the creation of the EEC.

The widely held view is that the EU can fully democratize and eventually evolve into a federal system. To the extent that this is possible, it can come about through incremental changes. EU's democratic deficit to lack of political will and functional need to democratize the EU. His discussion is embedded in the extension of new functionalism to the political context. According to this theory cooperation in functional tasks in one area will create pressures for cooperation in new tasks through spillover effects. In the event such spillovers occur, key institutions of democracy will have to be reinvented to take account of the three pillars around which a democracy revolves i.e. citizenship, representation and decision making procedures. Indeed, he assesses the EU along these dimensions.

The key issue that remains is how the funding of the regional bloc will continue to be met in face one of the potential strain that enlargement by incorporating Eastern European countries is likely to bring to existing institutions and therefore, widen the democratic deficit. Nabudere[51]

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[51] Ibid

further contend that attempts to democratize the EU are likely to come up against divergent democratic traditions in a number of member states. Focusing on the comparison of the democratic traditions in France and the EU at the level of constitutional and institutional arrangements that influence inclusion of civil society participation in decision making structures, she concludes that in both France and the EU, participatory mechanism are mere extensions of existing practices, and are still undergirded by an elitist and functional tradition. Thus, in both cases, there is a tendency towards convergence in practices, although at first sight France's statist's tradition is at odds with the emergent pluralist system of the EU. The EU project of democratization is still remote. It is in fact a form of consociation democracy. Small states are still overrepresented in the voting formula of its Council of Ministers, distribution of seats in its parliament and the assignment of high officials in its commission. Unanimity is still required among member states on a wide range of important issues.

The absence of statutory guarantees specifying the powers attributed to supranational, national or sub-national governments has meant that not even a quasi-federal consensus on the distribution of these powers has been achieved. What has been achieved is only acceptance of the principle of subsidiary enshrined in the treaty of Amsterdam. The Treaty stipulates that tasks are devolved to the lowest feasible level of political organization.

CHAPTER THREE: MILITARY COOPERATION AS A STRATEGY FOR REGIONAL INTEGRATION IN EAST AFRICA COMMUNITY

3.0 Introduction

This chapter discusses the strategy of military cooperation as a strategy for regional integration in EAC. It looks at the East African Community memorandum of understanding (MOU) on military cooperation in defence matter, military activities in East Africa Community, military and the process of integration and finally military integration challenges in East Africa Community.

3.1 East African Community Memorandum of Understanding (MOU) on Military Cooperation in Defence Matter

The EAC Memorandum of Understanding on Co-operation in Defence Matters was signed in 1998 and revised in 2001. The MOU is currently under the process of being upgraded into a Protocol. Under the Memorandum of Understanding for Co-operation in Defence Matters, the EAC Partner States pursue an elaborate programme of activities, largely of confidence building among the defence forces. These activities include exchange of visits and regular meetings of defence chiefs and other cadre of the defence forces; joint training; joint exercises and promotion of various joint sports and cultural activities and seminars; and mutual assistance in disaster management, and technical co-operation[52].

The implementation of this Memorandum has been successful and exemplary in the EAC integration process. So far, three major joint military exercises have been held, namely the EX ONGOZA NJIA, held in Tanzania in February 2005 on peace support operations, the EX

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[52] AMB. DR. SEZIBERA RICHARD (2011). *Rwanda Military Academy, Nyakimana, Musanze District*, Rwanda, 21 October 2011.

TREND MARKER, held in Kenya, in September 2005 on counterterrorism; and the EX HOT SPRINGS, held in Uganda in September 2006 on disaster management. Also, Kenya and Uganda have held joint maneuver exercises at bilateral levels in addressing the problem of cattle rustling in West Pokot and Karamojong[53].

These initial exercises, mainly command post exercises, are now set to move to a higher level of more elaborate field exercises and near real battle simulations involving larger numbers of forces personnel and military hardware. At another level, the defence co-operation has involved military training exchange programmes for Directing Staff and Students at Staff Colleges in Kimaka-Jinja, Karen-Nairobi and Monduli- Arusha as well as exchange of cadet training courses at the prestigious Monduli Military Academy in Tanzania. Of equal importance in confidence building among the armed forces is the annual East African Military Sports and Cultural Week which are held in rotation in the EAC Partner States[54].

3.2 Military Activities in East Africa Community

Since the mid-1990s, a number of loosely affiliated extremist groups operating from Somalia have carried out or facilitated terrorist attacks in the region.[55] The first was al- Ittihaad al-Islami (AIAI), a Somali Islamist and nationalist political grouping with some longstanding links to al- Qaeda that aimed to establish an Islamic emirate in the Somali-inhabited territories of

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[53] Ibid
[54] Ibid
[55] For more on terrorism and radical Islamist movements in Somalia, see Crisis Group Africa Reports N°95, Counter-Terrorism in Somalia: Losing Hearts and Minds?, 11 July 2005; and N°100, Somalia's Islamists, 12 December 2005; and Briefing N°74, Somalia's Divided Islamists, 18 May 2010; see also Briefing N°85, Kenyan Somali Islamist Radicalisation, 25 January 2012.

the Horn of Africa.[56] Its strategy relied upon regional and wider international networks linked to the Somali diaspora. Members travelled freely between Kenya and Somalia and elsewhere in the region and built considerable infrastructure for recruitment, fundraising and communication among the Somali populations in Nairobi, Mombasa and North Eastern Province.[57] In the mid-1990s, it claimed several terrorist attacks in Ethiopia.

Following Ethiopian retaliatory raids on its Somali bases in early 1997, however, AIAI's military and political command structure was dismantled, and the movement formally disbanded. Some leaders remained active and may have played a supporting role in the 1998 bombing of the U.S. Nairobi embassy. That 7 August 1998 attack, as well as one the same day against the U.S. Dar es Salaam embassy, were carried out by al-Qaeda in East Africa, also based in Somalia. Its Somali connections were instrumental in planning and executing the twin attacks, which together killed 225 and wounded over 4,000. Twelve of the dead were U.S. citizens; the vast majority was Kenyans or Tanzanians. Increased international attention led to the capture or killing of a number of the group's leaders, but it remained a serious threat, and on 28 December 2002, it attacked the Paradise Hotel, a beachfront lodge in Kikambala, Kenya, owned by Israelis and frequented by Israeli tourists, killing fifteen and injuring about 80.[58]

A joint military training exercise involving officers from the East African Community (EAC) states was launched in Zanzibar in 2011[59]. This comes in the wake of complex threats facing the region, including terrorism, piracy and natural disasters. The EAC may have a

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[56] On 23 September 2001, less than two weeks after the 11 September terror attacks in the U.S., President George W. Bush signed Executive Order 13224, blocking the assets of 27 organisations and individuals linked to terrorism, including al-Ittihaad.

[57] For more, see Crisis Group Report, Counter-Terrorism in Somalia, op. cit., pp. 1-5.

[58] Crisis Group Report, (2006). Counter-Terrorism in Somalia, op. cit., pp. 8.

[59] Zephania Ubwani, (2011). EAC launches joint military exercise in Zanzibar to boost security. Sunday, September 18 2011 at 13:24

fundamentally developmental vision. It is a fact, however, that peace and security are the prerequisites for social and economic development. With various threats facing East Africa, the partner states have a collective responsibility to ensure the region is secure. Also involved in the joint military exercise, which brought together more than 300 military personnel from the region, are officers from the United States Africa Command (USAFRICOM), whose head of contingent, Brigadier General James Owens, emphasized the need to have a more stable and secure East Africa[60].

This collaboration between the EAC defence forces and the US is another positive step towards a more stable and secure region. The region ensured that what was gained will have a lasting impact on the ability of the militaries to respond to complex challenges the community faces today and in the future. According to Zephania[61], Peace, security and stability are the lynchpins for accelerating socio-economic development. It is in this regard that the EAC partner states recognised that collective defence enhance regional peace and security. In the exercise, natural Fire II aims to enhance cooperation between the Defence Forces, civil authorities and international organisations. The Zanzibar exercise focused on peace support operations, humanitarian assistance, disaster response, counter terrorism and counter piracy.

The region's heads of state endorsed a defence protocol, according to the East African Community's Secretary, General Dr Sezibera[62]. Speaking in Kigali at a ceremony for a joint field military exercises by the defence forces of member states which was attended by senior military and government officials from across the region as well as members of the East African Legislative Assembly, Dr Sezibera said this will replace the EAC Memorandum of

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[60] Ibid pp 2
[61] Ibid pp4
[62] Dr Sezibera Richard, (2012). EAC states endorse defence pact as part of integration.

Understanding on Co-operation in Defence Matters under which the joint exercises have been held over the years. The current joint exercises involving armed forces from across the region were held at Gako and Lake Kivu in Rwanda. Code-named "Ushirikiano Imara 2012," the exercises were being held as part of the defence co-operation between EAC partner states.

The role played by the region's forces in Somalia and Sudan was proof of the importance of the careful planning, drawing and combat tactics that were their hallmark. The trainings were designed for the East African setting and had customised for practice by participants, both military and civilian, to help them in the planning and conduct of peace support operations, disaster management, counter-terrorism and counter-piracy activities with the purpose of improving the capabilities of the partner states' armed forces to combat complex security challenges[63]. Other joint military exercises have been held in Kenya, Uganda and Tanzania.

Lauding the participation of regional armies in the African Union Mission in Somalia (Amisom) Dr Sezibera said that Kenyan troops were instrumental in liberating the port city of Kismayu from the Al Shabaab militia, which has links to the global terror group Al Qaeda[64]. This, he said, was in addition to counter-piracy operations by naval forces of the EAC partner states, whose efforts have dealt a blow to pirates and drastically reduced the number of pirate attacks in the first half of the year 2012. The International Maritime Bureau's global piracy report shows that incidents of piracy off the coast of Somalia dropped to 69 in 2012, from 163 in the first six months of 2011. The training exercises seek to harmonise the working relationships among the EAC partner states' armed forces, foster improved co-operation and enhance co-operation between the civil authorities in the Community and international organisations.

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[63] Ibid
[64] Ibid

Specific objectives of the exercises included to evaluate inter-operability between the partner states' armed forces; to enhance the readiness of regional forces to respond to complex security challenges; to strengthen co-operation among partner states' armed forces and other non-military agencies; and to revalidate the Community's standing operating procedures for peace support operations, disaster management and counter terrorism as well as test the standing procedures on counter-piracy activities. Other objectives were to validate the multinational logistic support concept; to exercise participants on the application of international humanitarian law; to allow participants to practice on command, control, computer and communication in a combined joint task force setting; and to plan the conduct of public affairs in support of such operations[65].

Another military activity was held in the year 2009. The Defence Forces of the five EAC Partner States held a Field Training Exercise codenamed "EX - MLIMA KILIMANJARO 2009" within the general areas of Arusha and Tanga regions in the United Republic of Tanzania from 3rd to 26th September 2009[66]. The exercise was the first-ever Field Training Exercise that was conducted by the EAC Armed Forces and was fully funded by the Partner States, pursuant to the EAC Treaty, the MoU on Co-operation in Defence and the Council decisions. The exercise was meant to practice a Combined Joint Task Force of 1,556 personnel including key stakeholders from all the five EAC Partner States in three themes of peace support operations, counter terrorism and disaster management in order to enhance mutual understanding on how to handle such problems in a typical East African situation[67].

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[65] Ibid
[66] Florian Mutabazi, (2009). *EAC Defence Forces To Hold First-Ever Joint Field Training Exercise in Arusha and Tanga*. East African Community Peace & Security.
[67] Ibid

The exercise also involved provision of medical and veterinary services as well as some humanitarian activities at Arkatani and Musuberi villages in Monduli District, and Pangani District in Tanga Region. The Partner States' Forces undertook renovation and re-construction of various public infrastructures in both Arusha and Tanga regions. The purpose of the exercise was to develop the capacity of the East African Community Armed Forces as well as other stakeholders in peace support and anti/counter terrorism operations, as well as disaster management and crisis response capability. The exercise was also expected to enhance mutual understanding within the forces of the region[68].

3.3 Military and the Process of Integration

In Burundi, the wind of democratization found Kenya right in the middle of the experiment in unity and reconciliation. Because of that climate of rediscovered unity-and perhaps illusion that ethnocentrism was a thing of the past-pursuing the process of democratization did not cause problems, including among the military. Army officers participated heavily in the popular debates that preceded and followed the proposed constitution. A discussion and training campaign was organized so that the members of the armed forces would understand their place and their role in the democratic framework.This was the context of the seminar organized jointly by the African-American Institute and the government of Burundi in February 1993.

The forces of order, in particular the military police, handled the public meetings of the political parties with a great deal of coolness and discipline, despite the Hutu extremists' violent discourse regardmg the military. Although surprised-as many were-by the results of the

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[68] Ibid

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elections, the military commander spontaneously accepted the verdict of the ballot box and declared his loyalty to the new authority. A real rapprochement between the new President and the officer corps was under way when the events of October 1993 occurred.

When the political parties began to hold public meetings, the Army became the target of the Hutu-controlled parties. Its composition and its history were used to crystallize ethnic consciousness. The military was literally demonized. Reforms ranging from elimination pure and simple to a deep and rapid transformation were announced. Attacks on members of the forces of order by the militants of the parties with an ethnic Hutu coloration took place, although on a relatively limited scale.

3.4 A Comparative Look at Civil-Military Relations

It is increasingly common for the humanitarian and military communities to occupy the same working space. Whether either side sees this as desirable is not necessarily the question. What are significant are the institutional and individual approaches to this reality. In theory, it is clear that some degree of cooperative involvement in training, planning, and information exchange is critical as a means of avoiding misunderstandings and dealing with institutional prejudices. In practice, accomplishing this requires that the respective communities have a clear sense of each other's operating assumptions and cultures.

Humanitarian and military institutional concerns will often differ significantly, even when these two groups are working in the same environment. These differences acquire special significance when they lead to hostile attitudes and behavior and erroneous assumptions. Where the military is present as part of a peacekeeping initiative (and thereby ostensibly a neutral entity), its presence is seen in a different light than in the case of a humanitarian intervention

responding to a man-made crisis, as in Somalia. In East Africa, the military, initially there for humanitarian reasons, came to be seen as a belligerent, taking sides and therefore becoming a political actor. On the other hand, during the response to a natural disaster, the reaction to military involvement is generally highly favorable.

The military's special advantage in logistics, for example, is heavily relied on to assist in the rapid delivery of aid over potentially long distances and into otherwise inaccessible areas. In this case, humanitarian organizations have fewer concerns about the role of the military in providing immediate relief. Natural disasters play no favorites and non-governmental organizations, local structures, and the military often function as a team.

3.4.1 Leadership during Conflict or Civil Strife

From the NGO perspective, leadership, to the extent it is seen as required or desirable by the community on the ground, may reflect the lead agency sectoral approach and not a command-and-control relationship. This approach is increasingly taken by the United Nations as well. Leadership may also be a function of presence, resources, and accommodations resulting from a concern with security. In some circumstances, the determination on which NGO takes a leading role may be connected to variables such as experience in the area, staffing levels, and relations with the local community.

Who is in charge is a fundamental concern for the military. Overall responsibility (in terms of the area of responsibility) is essentially the result of institutional imperatives based on the primary mission objectives. Effectiveness is very much related to a chain of command, which is imbued in military culture, but can also be personality driven. However, clear delineations of roles, responsibilities, and unity of command are viewed as necessary in order to ensure mission

success. In those cases where the military objective is either planned to or results in a need to include humanitarian assistance, decision-making need not necessarily take into account considerations of civilian expertise or previous arrangements with the local community.

3.4.2 Public Expectations

For NGOs, public expectations take more than one form and are closely related to the source of their funding. In the minds of the public, the role of relief organizations is pretty straightforward. They exist to save lives, assist the needy, and demonstrate the humanitarian values of the communities from which they come. The public generally looks at relief agencies as an extension of their need to ameliorate the suffering of others. This support takes many forms, from cash donations to direct provision of material aid. NGOs, however, may require the support of a variety of donors.

The larger the crisis, the more dependent they may become on a broad base of donor support. Donors will follow different approaches. Ideally, NGOs would prefer funds that have no strings attached. That way they can make decisions based solely on their own professional judgments. Many donors, including governments, will place tight controls on expenditures primarily for purposes of accountability, however. Thus, although NGOs' actions are based on their mission statements, the same NGO may act differently in various humanitarian missions, depending on the funding available for a particular operation.

The military also has a mixed constituency. This constituency does not, however, see the military as primarily concerned with providing humanitarian assistance. A recent Department of Defense directive requires that the armed services include stability operations, which can include peacekeeping, as a core mission. That said, the mantra that the military exists primarily to "fight

and win our nation's wars" permeates the military as well as the minds of the public. On the other hand, in times of large-scale disasters, there is frequently an expectation that the array of resources available to the military will and should be tasked to respond. A difficulty lies in how much preparation is possible by the military for humanitarian missions. Military training objectives are clearly different from those of humanitarian agencies. Public expectations may therefore put the military in what can seem like a contradictory position.

3.4.3 Information or Intelligence

NGOs see information as a tool for improving program implementation and planning. In this sense, it is clearly distinct from intelligence, with its connotation of military application. Information is also related to training objectives in the establishing of standards and communities of practice. Its value, in these terms, is its objective character and the expectation that information should be of value to any service provider. Its application must be consistent with the tenets of the various codes of conduct governing the provision of humanitarian assistance. Standardization of terms is necessary for the effective exchange of information between the humanitarian and military communities.

In military parlance, information and intelligence are seen as virtually synonymous. Both terms are applied to the tools for tactical and strategic decision-making and action. Information, therefore, is deemed essential to providing an advantage over an opposing group. This position leads to an incentive for the military to see humanitarians working in their area of operations as an appendage to military objectives. The different ways that the military and NGOs use information and intelligence frequently creates difficulties in even discussing this issue. NGOs,

therefore, should be willing to share the information resulting from their unique access to populations and areas.

3.4.4 Security in the Field: Responsibilities and Concerns

The concept of security is closely tied to staff protection, protection of beneficiaries and the concept of "humanitarian space." This last is defined in different ways, but a fundamental statement turns upon the need to have a safe and secure environment in which to do humanitarian work. Further, the word "protection" has more than one understanding. It applies to physical protection in the sense described above, and also to legal protection defined by humanitarian norms and international law.

Many NGOs rely upon a strategy of their acceptance by the local community to significantly contribute to security. Their awareness of the perceptions of the local community will often lead NGOs to avoid contact with the military. Taken to an extreme, this can often be the reason NGOs will leave formal humanitarian meetings if attended by the military. The best contact with NGOs is often away from their compounds and out of the public view.

Here again, the military view includes a focus on the means by which security is established and control of the requirements for maintaining security. NGOs rarely establish security procedures beyond maintaining the tools of self-protection, such as warden networks, secure housing, staff training, and issues of safe access. The military does not take this--what may be described as a--neutral approach. For the military, operational plans assume the imposition of security as part of mission objectives.

3.4.5 Guidelines for Action

NGOs prefer to respond to situations in terms of established assessment methodologies, looking primarily at humanitarian needs. This also reflects a need to achieve the most effective outcome with limited resources. Relying on information derived from assessments has often created the impression that humanitarian organizations are simply dragging their feet. On the other hand, NGOs recognize that there are occasions when immediate response is the only option, such as in the case of the tsunami. As equally important aspect of humanitarian missions is the aim of "doing no harm." This concept states that NGO activities should be designed and implemented so that beneficiaries are not, in the long term, disadvantaged by these activities.

Military missions are usually—but not exclusively--initiated by threats to national security or interests. The mission and its objectives are paramount. Factors going into shaping and planning are necessarily focused on success. The military, therefore, is more task-oriented than NGOs. The military's view of its role is deliberately limited by rules of engagement, which are based on clear-cut victory when possible. Traditional training is designed to achieve the above aims and is, therefore, of limited value for any informed response to circumstances not obtaining in the same environment.

The overarching legal role of the Geneva conventions suggests comparisons with the similar NGO criteria establishing rules of behavior. A distinction exists in the nature of reaction to the constraints affecting application of these standards. For the military, rules influencing behavior are generally seen in relation to conflict situations whose outcome is defined in terms of victory or defeat. The rules affecting NGOs relate to an impartial and neutral response to need.

3.5 Military Integration Challenges in East Africa Community

3.5.1 Counter-Insurgency

Although Al-Shabaab has been weakened, it remains a formidable adversary that understands local dynamics better than its foreign foes and can maximise its asymmetric advantage. One tactical change has already become clear. Rather than fight in the open, it has melted into the background, allowing Kenyan mechanised infantry to move deeper into its heartland. Its fighters blend into the civilian population and distribute weapons. This is a result of lessons learned during the December 2006 Ethiopian intervention, when the Union of Islamic Courts deployed many of its combatants, including Al-Shabaab, conventionally in the vast arid plains of south-western Somalia, and they were decimated by ground and air fire. That almost finished Al-Shabaab, but it adapted, becoming an efficient guerrilla force.

During the Ethiopian occupation, it grew and gained increasing support from Somalis, at home and abroad, not because of its extremist orientation but because it was seen as the most effective force fighting a foreign and "Christian" occupation. It bled Addis's resolve over three years and wants to fight on its own terms again. It will seek to draw the KDF into a guerrilla war, principally in the jungles of southern Somalia and urban areas where technical superiority is minimised, and it can use civilians as human shields.

Al-Shabaab's policy in Jubaland has been to promote commanders from groups that were supportive in the past, thus putting pressure on the fragile coalition of interests among the Kenya-sponsored militias. At the same time, it has launched a recruitment drive among Harti (mostly Majerteen but also Awrmale), Hawiye (Shekhal, Galjeel) and Dir (Gatsan and Bimal) to

fight against the "Ogaden and Christian invasion".[69] This may work, if Kenya's proxies fail to respect non-Ogaden clans. Reportedly Ras Kambooni's Madobe has recruited a Marehan and an Ogaden/ Anlihan (from Middle Juba) for deputies to counter Al-Shabaab's policy.[70]

Although Al-Shabaab is unpopular, because of its poor handling of the famine and harsh enforcement of Sharia (Islamic law), inter-clan fighting has driven many into its arms, especially in rural areas.[71] The Kenyan intervention is also increasingly questioned in parts of Somalia untouched by the fighting, including Puntland. Resentment of foreign occupation has always been an effective rallying tool. That, together with the perception that Somali refugees in Kenya are badly treated, is stirring up nationalism, on which both Al-Shabaab and TFG President Sheikh Sharif are trying to capitalise.[72]

3.5.2 Protecting Supply Lines and Winning Hearts and Minds

A big challenge for the KDF has been supplying its forward- deployed forces, and this will become more difficult the farther they are from the border. This is not only because Kenya lacks logistical capabilities, but also because of the threat of ambush to supply convoys.64 Kismayo is only 120km from Afmadow, but the KDF will have increasing problems in protecting its supply lines if it makes a push for the port city.[73]

To date, the KDF has not succeeded in the critical task of winning hearts and minds in Somalia. The window for possibly being viewed as liberators and before it can expect to be considered invaders is very narrow and closing fast. Al-Shabaab has begun a campaign of

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[69] Confused war aims cause alarm", Africa Confidential, op. cit.
[70] Crisis Group interview, Somalia analyst, Washington, D.C., January 2012.
[71] Many rural Somalis were grateful for the relative peace and stability Al-Shabaab brought to their region.
[72] Kenya: Security Forces Abusing Civilians Near Somalia Border", Human Rights Watch, 12 January 2012.
[73] The terrain in the Juba Valley, and especially along the river, is heavily forested and ideal for guerrilla warfare.

painting the Kenyans as an occupying force. Even if Kenya captures all, or large chunks, of southern Somalia, it will have to provide a credible alternative political leadership in a region where Al-Shabaab has been relatively successful. The allied Somali militias are unlikely to achieve the necessary unity and will be hard pressed to provide security. Something similar happened in 2006, when Ethiopian troops were sucked into an unpopular "occupation" that turned local Somalis against them and the TFG of President Abdullahi Yusuf that they were propping up.

3.5.3 Urban Conflict

If Al-Shabaab decides to fight in Afmadow and Kismayo, Kenya and its allies will have to engage in grinding urban warfare, in which the KDF has no experience, and its technical superiority will be minimised.[74] It has taken AMISOM's thousands of Burundian and Ugandan troops almost two years and some 500 casualties to capture most of Mogadishu, and only after receiving extensive urban warfare training from their Western allies.[75] Much of the AU's success was also due to painstaking political work to gain the support of district leaders and militias.[76]

It makes military sense for the KDF to aim at gaining control of Kismayo port, which is so important to Al-Shabaab,[77] but this should be attempted deliberately. Indirect measures, such as a blockade (with exceptions for humanitarian aid) and patience until attrition resulting from its enemy's need to fight on multiple fronts has taken a toll, are likely to be more effective than a

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[74] Somalia", The New York Times, Topics (online), 25 January 2012.
[75] Crisis Group interviews, AMISOM officers, diplomats, security experts, Mogadishu, Nairobi, July 2010, October 2011. The training was provided by contractors.
[76] Crisis Group email communication, Somalia expert, 10 February 2012.
[77] "Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010)", op. cit., p. 28.

precipitous assault.[78] Such a strategy would not only deny Al-Shabaab revenue to pay and resupply its forces, but would also force the Kismayo clans to reassess whether it is in their interest to side with the radical Islamist movement. Moreover, all indications are that urban combat would be extremely costly. The likely massive loss of civilian life would damage the goal of countering terrorism and radicalization and undermine any political outreach strategy designed to weaken Al-Shabaab's support base.

3.5.4 Guerrilla and Terrorist Threat in Kenya

Kenya itself is rapidly emerging as a theatre of conflict.[79] Since the intervention was launched in October, it has experienced more than twenty attacks linked to Al-Shabaab. In the first few weeks, these mainly targeted bars and nightclubs, including a Nairobi nightclub bombing on 24 October, but also churches. With the build-up of security across the country, particularly in Nairobi, the majority of subsequent attacks have been in North Eastern Province, along the Somalia border. These increasingly target military and other security forces.[80] In the most recent major one, on 9 January 2012, insurgents raided a police post, killing at least six and taking two hostages. The founder of the Muslim Youth Centre (MYC), based at the Pumwani mosque, Sheikh Ahmed Iman Ali (not a Somali), was recently named Al-Shabaab's leader and coordinator in Kenya, and there are indications a major terrorist attack is imminent.[81] The UK foreign office recently said "that terrorists may be in the final stages of planning attacks" and warned British citizens in Kenya to be "extra vigilant".[82]

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[78] Charcoal Trade Booming Despite Ban", IRIN, 20 January 2011.
[79] Al-Shabaab attacks Kenya's security forces", The Standard, 13 December 2011.
[80] Somalia Report, 10 January 2012. MYC is not a Kenyan Somali organisation.
[81] Gunmen attack bars in northeast Kenya, 5 dead", Reuters, 1 January 2012;
[82] Al Shabaab and Al Qaeda co-produce video", Global Post, 10 February 2012

The Dadaab refugee camps have become increasingly insecure. The surge of kidnappings, grenade attacks and violence within them has hampered aid efforts. Humanitarian agencies, UN officials and Somali refugees appear to be the key targets. The overcrowded and vulnerable population is particularly at risk. Recent reports also accuse security forces of harassing innocent Kenyans and Somalis in the area.[83] While Al-Shabaab sympathisers within Kenya pose a major threat, reckless police action has become a deepening concern and could radicalise Kenyan Somalis, as well as Muslims in general.[84] Kenya urgently needs to reform its internal security services; what is presently on display is an incoherent system that weakens national security.[85]

Al-Shabaab counts on its operations in North Eastern Province and elsewhere triggering heavy-handed security responses that inflame passions and help it to radicalize and recruit affected Kenyans. At the same time, it has been disappointed by the mostly laid-back attitude of the province and the active collusion of the region's top leadership in the intervention – in fact, it accuses ethnic Somali leaders of instigating it.

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[83] Kenya: Security Forces Arbitrarily Detaining People", Human Rights Watch, 28 November 2011.
[84] Crisis Group Briefing, Kenyan Somali Islamic Radicalisation, op. cit.
[85] Crisis Group email correspondence, Somalia analyst, 1 February 2012.

CHAPTER FOUR: ECONOMIC DIPOLMACY AS A STRATEGY FOR REGIONAL INTERGRATION IN EAST AFRICA COMMUNITY

4.1 Introduction

This chapter discusses the strategy of economic diplomacy in EAC regional integration. Data for this section was found from the information already available in print or published on the internet. More information for this chapter was found from Government published data.

4.2 Economic diplomacy in East Africa

From 2000, East Africa has increasingly become an attractive economic prospect. Despite persistent high levels of poverty in the region the EAC has been rated as including some of the world's fastest growing economies. It is regarded by the Economic Commission for Africa as the only regional bloc to have recorded positive steps towards integrating the three pillars necessary for the creation of wealth for its member states: respectively economic development, social inclusion and environmental protection[86]. The EAC's current standing may be attributed mainly to economic integration initiatives that have led to the formation of the East African Customs Union (EACU) and more recently brought about a common market that aims to strengthen a region that already contains an estimated middle class consumer base of 30 million people[87]. Secondly, the region is experiencing a peace dividend due to relative calm following an end to most civil wars or at least the lessening of hostilities, which in turn has encouraged substantial investment in the region from a range of international actors. Lastly, EAC

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[86] Ligami C, (2012). 'EAC fastest growing economic bloc in the world report', The East African, 2–8 July 2012.
[87] By opening up Kenya's northern frontier the Lamu Corridor will create an internal market of 240 million people, above the 150 million needed to become a major power. See Were E & C Ligami, 'Nairobi, Africa's new HQ for Multinationals', The East African, 25–31 July, 2011.

governments have invested heavily in infrastructure and telecommunications in order to boost the service industry and to make the region more attractive to multinational corporations[88].

The next, immediate step for the EAC is to achieve full implementation of the common market protocol[89]. East African central banks are already working on modalities for an integrated economic policy to establish a monetary union, as the EAC moves towards its goal of an East African political federation under fast-track mechanisms already in place[90]. Regional interactions in Africa are peculiarly complex due to memberships in a multiplicity of RECs with varied obligations and time frames. EAC members are no exception and such multiple commitments are bound to slow progress towards the broader objective. Kwame Owino, chief executive of Kenya's Institute of Economic Affairs, points out that the pooling of economic sovereignty is an inevitable adjunct to the development of regional economic, investment, trade and monetary policy[91].

This is especially true of relations between Comesa, the EAC and the Southern African Development Community (SADC). These RECs constitute building blocks in the formation of an African Economic Community and are intricately tangled into a 'spaghetti bowl' because of the multiple memberships of their constituent states. A co-ordination mechanism led to the formation in 2005 of Comesa-EAC-SADC Tripartite Free Trade Area (TFTA), an umbrella organisation comprising the three RECs[92]. The aim of the TFTA is to contribute to the broader objective of the African Union (AU): that is, accelerating economic integration and achieving

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[88] Ibid

[89] Personal interview, MFA , Nairobi, 2013.

[90] Ibid

[91] Owino K, 'Multilateral Relations and The East African Community', in East African Scenarios Project Research Compendium, 2007. Nairobi: SID, pp. 277–298.

[92] The 26 members of the Tripartite make up 57% of the population of the AU and just over 58% of its GDP. See Comesa (Common Market for Eastern and Southern Africa), 'Background', http://www.comesa-eac-sadc-ripartite.org/about/background, accessed 24 August 2012.

sustainable economic development, thereby alleviating poverty and improving the quality of life for the people of eastern and southern Africa. As such, the TFTA works toward integrating various programmes of the REC. Its focus is on expanding trade by establishing FTAs, customs unions, monetary unions and common markets, as well as by developing infrastructure projects in transport, ICT and energy sectors.

Despite the strides made in pursuing regional integration, Makerere University's Professor Mahmood Mamdani has questioned East Africa's adoption of the European integration model[93]. It seems likely that the introduction of an East African currency without first creating a common political framework and solving the question of sovereignty would invite difficulties on the lines of those now facing the EU. This is especially so in the African context of a weak political class overly preoccupied with its political survival, which has resulted in an inclination to borrow solutions from the West. While the jury is still out as the TFTA goes through the motions of setting itself up, a move from reactive responses to more aggressively addressing the challenges of changing world events would do much to help secure the economic wellbeing of East Africa.

4.3 East Africa Community Diplomatic Rumblings

The Republic of Kenya is the regional hub for trade and finance in East Africa. Its economy, however, is constrained by effects of corruption and an overdependence on low-priced primary agricultural goods in world markets[94]. The regions foreign policy is actively directed toward the region through economic diplomacy in pursuit of its domestic development goals.

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[93] Mamdani M, (2012). 'The State, private Sector and Market Failures', Pambazuka, 595, (Nairobi), 5 July 2012, http://pambazuka.org/en/category/features/83875e.
[94] CIA (Central Intelligence Agency), 'Kenya', in The World Factbook. Washington: CIA, 2011. https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html.

Through a comprehensive analysis of its global competitiveness, Kenya has identified six important sectors to deliver the 10% annual economic growth rate regarded as a central to its economic development policy. This has necessitated co-operation with EAC member states to mould regional organisations into more viable economic blocs in an increasingly liberal economic environment[95]. The regions susceptibility to political shocks is its main challenge.

The East African Community member states signed the Protocol of Foreign Policy Coordination that provides for the coordination in economic diplomacy. The protocol binds the EAC partner states to collaborate in multilateral diplomacy. It was found that the blueprint also provides for EAC member states to collaborate in economic and social activities as well as capacity building. Deputy Secretary General in charge of political federation, Ms. Kiraso was quoted widely by the EASTAFRICAN weekly as saying the common foreign policy will safeguard the common values for EAC fundamental interests and independence of the region. It is also intended to strengthen the security of the community and its partner states in all ways[96]. The EAC Secretary General, Ambassador Mwapachu, said the protocol is legally binding against all partner states to act collectively and operate together on issues of foreign policy. He stated that EAC partner states will be acting collectively against the regional terrorism, and piracy, which is eroding the economic performance and policy, raising the cost of doing business in the region. Chapter 23 of the Treaty establishing the EAC provides for co-operation on political matters and the partner states committed themselves to establish common foreign and security policy[97].

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[95] Kenya, Ministry for Information and Communication, Kenya Year Book 2010: A New Dawn for Kenya. Nairobi: Kenya Year Book Editorial Board, 2010.

[96] Leo Odera Omolo, (2010). Africa Community Ministers Sign The Protocol On Foreign Policy Coordination Through Diplomacy And Consular Matters.

[97] Ibid

The East African Community is hailed as the most advanced Regional Economic Communities recognized by the African Union. This is because of its level of integration at common market level. One of the reasons the community has moved so fast is that founding member states were able to learn from the mistakes which led to the collapse of the old community. Based on past experience, it was resolved that the development of the community be based on policy coordination by partner states rather than political pronouncements as had been the case previously.

The treaty for the establishment of the community signed in 2000 went further. It incorporated four milestones as targets of the integration process, namely, customs union, common market, monetary union and ultimately political federation. Though the community is the youngest of the RECs, it is the most advanced having already achieved the first two milestones.

When one casts the mind back to the cause of the collapse of the old community, there were two main problems. The first was the ideological differences. Kenya adopted a capitalist economic model while Tanzania adopted a socialist one. The second was the inability of the community's authority to meet after Idi Amin overthrew Milton Obote in 1971. Such was the hatred and spite Nyerere developed towards Amin that he could not sit around the same table with the dictator, let alone shake hands. This state of affairs paralysed the operations of the community and subsequently led to its collapse in 1977.

The recent Summit held in Kampala, involving Uganda, Kenya, Rwanda and South Sudan raised some questions about why Burundi and Tanzania were not invited. Ostensibly convened to discuss recent oil discoveries in Uganda and Kenya, the meeting dealt a host of

infrastructural problems including export hurdles facing South Sudan due to its poisonous relations with Sudan since the two went their separate ways little more than two years ago.

In focusing on strategic initiatives in oil pipeline infrastructure by South Sudan, Uganda, Rwanda and Kenya, the stage seems set to fast track certain development agenda for those countries which regard themselves as being ready for such a move. Although this has been agreed in principle by the EAC policy organs, it could lead to perception of alienation by those partner states not included.

It would fit the bill for Kenya, Uganda and South Sudan because the latter is an oil producer and exporter while Kenya and Uganda will be in a short while. Where does Rwanda fit in the equation? It should not surprise any keen observer to find Burundi and Tanzania grumbling about it especially because South Sudan is not yet a member of the community.

The diplomatic spat simmering between Tanzania and Rwanda over President Kikwete's recommendation that Rwanda should reach out to the interharamwe and the remnants of Forces Armee Rwandaise (FARs) is, particularly, worrying. In his mind, President Kikwete was referring to the need for a holistic approach as part of addressing the conflict in eastern Democratic Republic of Congo and the Great Lakes Region including Rwanda's own internal situation. There is no denying the cost of genocide in Rwanda in 1994. The genesis of this human tragedy was not the immediate political troubles in Rwanda then, but the 1959 inter-ethnic clashes which got rid of the Tutsi dynasty forcing the King into exile. Majority Hutu assumed the reins of power until 1994 when the Rwanda Patriotic Front threw them out after the

air crash which took the lives of President Habyarimana together with his Burundian counterpart as they approached Kigali Airport from peace talks in Tanzania.

When the Habyarimana army was defeated, majority fled into the Democratic Republic of Congo where they remain to date. These are the groups Jakaya Kikwete had in mind when he recommended dialogue with the government of Rwanda. It appears that Rwanda does not like being reminded of their presence and squarely lays blame for the genocide on the Hutu extremists. Unfortunately, this approach leaves no room for dialogue with the so called renegade soldiers of the Habyarimana government. The authorities in Kigali may continue to hope that their continued banishment into the Congo forest will be forever. This will not work. They are still Rwandese who cannot be wished away. If anything, the policy of exclusion will only serve to harden their feeling and entrench their grievances more. It is true that the government of President Kagame has made tremendous strides in the development of the country in the post genocide era. The zeal with which transformation of the country has been undertaken is breath taking. It is this inner strength that will be needed to confront those nationals, however, misplaced they may appear, to finally address the question of national healing.

4.4 Economic Diplomacy as a Pillar for East Africa Community Foreign Engagement

The thrust of the EAC (member states) international politics has changed substantially, from the survival of the state and its leadership towards greater attention to trade and investment issues. A process of greater democratization helped shift the priorities of foreign engagement towards economic diplomacy, which became an important instrument in pursuing growth; hence its description by government officials as a principal pillar on which the country's foreign policy

is grounded in pursuit of its development objective of becoming a middle-income and industrialised economy by 2030.20[98].

Economic diplomacy in EAC is not a notion that describes distinctions of policy and practice, but rather a reaction to changes in the global environment[99]. The main motivation for conducting foreign policy in this way is the search for increased capital flows into the region given the commitment to integration initiatives through exploring alternative sources of development assistance and by promoting itself as a favourable destination for foreign direct investment (FDI), tourism and conferencing. Secondly, the necessity to support investment within the region and beyond is motivated by a need to expand access to established markets worldwide. Economic diplomacy is therefore an avenue through which to promote impartial rules of international trade while strengthening RECs, especially the EAC and Comesa, to serve as competitive springboards to emerging and global markets. Lastly, it is a mechanism that supports the search for traditional and renewable sources of energy through enhanced technology, and by seeking sources of finance for associated projects such as the extraction of geo-thermal resources[100].

Sound economic policies and a record of pragmatism in foreign policy and regional affairs have brought EAC to a position of relative leadership that makes it highly adaptable to global changes. Initially, this was seen as a means to safeguard the regions national integrity in a world where great power domination of weaker states was the main characteristic of international affairs. Subsequently, it became a position through which EAC seeks to preserve that character in an environment in which global events have significant national and regional

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[98] Amolo T, (2009). Some Thoughts on Economic Diplomacy and Its impact on Economic Relations, 27 May 2009.
[99] Personal interview, (2013). MFA (Ministry of EAC), Nairobi, 9th September 2013.
[100] Ibid

repercussions[101]. In following this policy the region has eschewed ideological and geopolitical alliances; pursuing peaceful non-aligned co-operation without regard for other nations' political or economic inclinations, while avoiding open military confrontation.

4.4.1 Sound economic policy in East Africa Community

Since inception of EAC, the region has achieved regional leadership. Its success facilitated rapid growth in manufactured exports from Kenya to Tanzania and Uganda reflecting industrial imbalances stemming from the first REC initiative[102] and unlike neighbouring states that went through more serious economic trials as well as periods of political instability, enabled Kenya to survive the oil crisis of 1973 and the collapse of the first EAC.

In the 1980s and 1990s, the emphasis in economic policy moved from import substitution to export promotion, on the realization that a more interdependent world of increasing trade barriers would require more diversity in its export products and markets. Under structural adjustment programmes from 1986 to the early 1990s EAC embarked on liberalizing trade and expanding its markets in Africa[103]. A 2005 economic survey in EAC noted that by 1995 more than 50% of the regions exports were within the region from member countries. In addition, the second half of the 1980s was characterised by the development of export incentives such as manufacturing under bond in 1988, export processing zones in 1990, and value added tax

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[101] Mboya T, (1970). Some Reflections on the Development of a Foreign Policy for an African State', The Challenges of Nationhood: A Collection of Speeches and Writings, Westport (Connecticut): Praeger Publishers, 1970, pp. 234–236. Mboya expresses the sentiments of President Modibo Keita of Mali, on positive neutrality as the foundation for developing countries' foreign policy as did President Julius Nyerere of Tanzania, who warned poor African countries against becoming tools of rich countries.

[102] Kenyoru A, (2010). Trade Policy in Kenya, Kenya Policies for Prosperity. Oxford: Oxford University Press, 2010.

[103] Rono JK, (2009). 'The impact of the structural adjustment programmes on Kenyan society', Journal of Social Development in Africa, 17, 1, pp. 81–98, http://archive.lib.msu.edu/DMC/African%20

exemptions. Furthermore, institutions such as the Export Promotion Council (EPC) facilitated support for manufactured exports[104].

Comprehensive trade reforms followed rapidly in the early 1990s, but Jeffrey and Warner[105] point out that it was only in 1994 that EAC opened itself up in earnest. By 1996 economic growth had restarted but progress towards a more liberal and outwardly orientated economic regime was inconsistent[106]. With the advent of a new government in 2003 the economy began to recover, its outward orientation exemplified by the adoption of the EAC common external tariff (CET) in 2005 that harmonized the tariff structure and reduced its dispersion. EAC implemented the ERS from 2003 to 2007. Its main aim was to develop an investment strategy in which the private sector became the main channel for generating employment and wealth, putting the country on a firm development path. The success of the ERS led to the formulation of Vision 2030, the first goal of which is economic prosperity. It seeks to revitalise the stagnant levels of private investment that are the principal cause of EAC disappointing economic performance.

Collectively, economic policies since independence have positioned Kenya as a prosperous regional economy. It has the largest economy in the region and the most important stock market (the Nairobi Stock Exchange); Table 4.1 illustrates real gross domestic product (GDP) in 2012 and real GDP growth projections for EAC member states for 2013 and 2014.

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[104] Ibid
[105] Jeffrey Sachs and Warner Andrew (2011). EAC Foreign Service and Export Trade Promotion. Milton Keynes: AuthorHouse,
2009, p. 20.
[106] Ibid. pp. 22

Table 4.1: The East African, Gross Domestic Product for 2010 to 2012.

Country	Real GDP 2012 ($ million)	Estimated annual real GDP (%)Growth rate (2023)	Estimated annual real GDP (%) growth rate (2014)
Burundi	866	3.9	4.5
Kenya	17970	5	5.3
Uganda	9809	5.1	5.6
Rwanda	3852	6.5	6.4
Tanzania	11907	6.8	6.9

Source: a = EAC (East African Community), Facts and Figures 2012, http://www.eac.int/,

Kenya is also widely considered to be the most efficient entry point to East Africa. This is in part due to its early orientation towards free market policies, but in addition, the existence of facilities such as the port of Mombasa is of strategic significance because a number of countries in the region are landlocked. Kenya has developed relatively efficient communications and is regarded as the financial and investment capital due to the availability of skilled and competent indigenous staff, and fairly good transportation links through Nairobi's international airport and the Kilindini deep water harbour, which are the busiest and largest of their kind in the region.

4.5 Co-operation for Regional Prosperity

High expectations have been placed on the formation of a common market to open up the region. The key institutions for its establishment are already in place; including the East African Legislative Assembly (EALA) and the East African Court of Justice. There is continued co-operation over a wide field and progression into a monetary union is under way involving private

sector participants, especially the banking sector. In addition, the threat of terror and the rise of regional crime rings have led to increased co-operation in defence and security matters[107]. The transition towards a common market is expected to be relatively smooth given that most of the required institutions are already in place. The challenge is to strengthen them sufficiently to effectively support market integration.

For Kenya and its EAC counterparts, regional prosperity involves proper implementation of the common market protocol. This is a major challenge, bearing in mind the problematic decision-making that arises from sensitive social issues tied to the protocol. These issues may lead to restrictive interpretations of some of the principles of free trade nominally espoused; for example, there are fears of Kenyan domination in the region through skills displacement effects on other members, such as Tanzania. Secondly, different national laws may hinder the harmonisation of policies between states that fear a loss of sovereignty to partner countries in the process of regional integration.

Nevertheless, using their observer status within the EAC, business groups such as Apsea and EABC are nurturing political goodwill. These two organisations have developed strong partnerships with government and non-governmental institutions. Their status at the EAC enables them to attend and participate in all relevant EAC activities and deliberations, not only at the secretariat but also in other organs and institutions. This provides a much-needed link between government and professionals especially in cross cutting issues through the public-private sector partnership programmes and in promoting the case for professionalism in the region. The private sector, comprising multinationals, local companies and organisations that

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[107] Among other threats, a thriving black market, threat of terror, reported cross border bank robberies and car-jackings.

operate within the EAC, is increasing its crossborder ventures. Although most of them are engaged solely in the pursuit of business, a few have become involved in policy advocacy. They provide technical knowledge in sectoral councils relating to business interests and development; in the process becoming legitimate participants in governance.

Notably, under the EAC, member states have developed and are articulating shared policy objectives in order to make the region attractive for investment. This is demonstrated by the enactment in 2006 of the Competition Policy and Law; and the Standardisation,

Quality Assurance, Metrology and Testing Act Law. Initiatives to formulate and implement a policy to curb infringement of intellectual property rights and production of counterfeit goods in the region are under way, given that those two issues have proved major investment disincentives. A further significant step is the formulation of an investment code to guide member states in developing their national investment law. Unfortunately, as Odhiambo highlights in his study, in its current form the investment code is not binding and the development of an EAC investment policy and strategy is continuing. Despite efforts to harmonise investment policies, EAC members at the moment retain their own institutions and regulatory mechanisms to deal with foreign investments, including responsibility for investment legislation, entry and exit requirements, investment protection and incentives. This autonomy has resulted in disparate national investment environments: hence the need for a uniform investment code.

Implementation of gains such as the management of established institutions; and co-operation in the development of a monetary union, and in defence and security, may be slowed because of funding challenges facing the EAC in consequence of current global economic

difficulties. To make its treaty fully operational the EAC needs about $70 million a year. Member states provide $25 million of this and the rest comes from donors. Countries such as Burundi have had trouble paying their subscriptions. Against the backdrop of inflation, currency fluctuations and reduced aid it is difficult to mobilise resources for regional integration and it is therefore unlikely that members will increase funding for EAC activities. Kenya had contemplated increasing its contribution in return for greater influence in the REC, but other members are willing to accept such assistance only on the basis that it is unconditional, because they already perceive Kenya as the biggest beneficiary of the integration initiative. In any case, currently such an initiative is impossible because Kenya has a particular need to finance new governance structures under its revised constitution. An 'equality of burden' is therefore preferred, to obviate one country's carrying the bulk of the funding[108].

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[108] Braude W, (2008). Regional Integration in Africa: Lessons from The East African Community. Johannesburg: South African Institute of International Affairs, 2008.

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

4.1 Summary

On the political stability, the study found out that democracy is critical in the achievement of sustainable economic growth and development and the community is working towards greater democratic environment. The greatest hindrance to democratic consolidation in EAC is the perennial conflicts within the horn of Africa and the great lakes region, terrorism and piracy threats including the proliferation of small arms and influx of refugees into the region. The macroeconomic performance in EAC found that for EAC Partner States to achieve middle income status, the 3rd Development Strategy (2006-2010) envisaged that the EAC Partner States had to achieve sustained economic growth rates in excess of 7%. Other benchmarks include budget deficits of less than 5%, 4-months import cover, maximum budget deficits of 5%, sustainable public debt and single digit inflation rates. The expanded trade and investment among the EAC Partner States has increased economic growth and development prospects in the region, with regional GDP (at constant 2000 levels) increasing from US$42.4 billion in 2006 to 74.5 billion in 2009 and is expected to reach $ 80 billion in 2012. Uganda, Rwanda and Tanzania sustained incremental growth trends between 2006 and 2008.

The decline in 2009 was in part caused by the effects of the global financial crisis, high fuel prices, draught among others. The Kenyan economy in addition suffered from the effects of the 2007 post-election crisis. Burundi despite her political challenges continues to experience positive growth rates. The projections for 2010 generally indicate the economies are on re-bound. Kenya's economy remains relatively large at about 35.7% compared to that of the other EAC partner states. The prospects are high for all partner states to achieve an economic growth

rates averaging over 7 per cent that can ensure realization of economic and human development in the long term. The per capita incomes, though generally low, depict steady increase over time but way below the benchmark of US$ 3,000 of a middle income status. The per capita levels of the EAC partner states are consistent with low income countries.

Looking at the inflation, the results show that Interest rates in the region have remained almost constant and above the inflation rates for the period 2006 to 2010, confirming that securing credit for investment is prohibitive in the region. Further, none of the Partner States had achieved a single digit interest rate as envisaged by the 3rd Development Strategy. Increased domestic savings can accelerate the pace of economic growth and development. Except for Tanzania in 2009 and 2010, the EAC partner states saving rates on average are below 20 per cent of GDP, the benchmark to sustain accelerated pace of economic growth. Most Partner States saving rates are on the decline except for Burundi which experienced an increased in 2010. . The EAC Partner States need to create a savings culture among her people to mobilize funds for investment. All the Partner States except for Burundi have by and large met the four months import cover requirements in 2009 and 2010. This implies the Partner States have adequate reserves to sustain international transactions.

Rwanda budget deficits have generally remained at a two digit level while the budget deficit in Burundi declined to a single digit starting in 2009. The remaining partner states sustained single digit budget deficits during the plan period though above the benchmark of 6%. Uganda, Kenya and Tanzania budget deficits have maintained downward trends up to 2009 but declined in 2010. With the deepening of trade integration within EAC and between other regional economic communities, the budget account deficit can be lowered below 6 per cent. This can spur high economic growth performance. Uganda and Rwanda sustained the lowest

levels of debt in the region. In Uganda debt declined from 14.7 to 11 per cent between 2006 and 2008 but edged upwards in 2009 and 2010; while in Tanzania it declined from 69.6 percent in 2006 to 21.3 percent in 2008 but edged upwards in 2009 and is projected at 20.6% in 2010. Kenya's debt declined from 43.2 in 2006 to 35.6 per cent in 2008 and is projected to increase to 53.3 per cent in 2010. Burundi which sustained the highest debt during the period 2006-2008 dramatically reduced its debt dependence in 2009 to 45.5 per cent and remains at the same level in 2010. The reduction on reliance on debt is remarkable and is indicative of the improvement in revenue generation among the EAC member states.

Unemployment and poverty data in the region remains scanty. This shows the need for data development especially on social indicators. On the basis of available data, poverty levels are very high, with close to half the population in the region living below the poverty line. Unemployment among the youth in particular remains very high. In this regard therefore, the regional programmes should to the extent possible generate wealth and employment opportunities to reduce poverty.

The trend in exports and imports as a share of GDP shows that the region imports more than it exports to the rest of the world. The export share of Uganda averaged 15-23 percent between 2006 and 2009 compared to 25-32 per cent import share. Kenya's export share averaged 26 percent in comparison to import share average of 35 percent during 2006-2009. The corresponding ratios for Rwanda and Tanzania are 9-15, 27-31 and 11-18, 21-34 per cent respectively. The surge in imports, in part, is attributed to importation of raw materials and capital equipment for domestic production. According to the World Bank data (2010), importation of agricultural raw materials as a percentage of total imports remained constant at 1.4 per cent while that of ICT goods increased from 6.2 per cent in 2006 to 7 per cent of total

imports in 2009. The amount of valued added imports increased from 16 per cent in 2006 to 23.4 per cent of total imports in 2008.

Kenya: In 2006, Kenya's trade declined by about US $109.2 million. Exports declined by US $238.5 million in 2006. Kenya's trade with EAC partner states has been significant recording a surplus throughout 2006 to 2008. The surplus however recorded a decline of US $261.1 million but later expanded by respectively US $107.9 and US $270.5 in 2007 and 2008. Substantial declines were recorded in 2009 and 2010 indicating substantial imports.

Uganda and Tanzania remains the preferred destination of FDI. FDI attraction and retention is therefore one of priority areas identified for development by the EAC. The overall inflow of FDI to EAC increased from a total of US $1,323 million in 2006 to US $1,714 million in 2009. In terms of stocks, the region accumulated FDI from US $9,330 in 2006 to US $14,866 million in 2009 with each partner state recording increases, except for Kenya where both FDI and stocks have maintained. In Uganda the investment inflows were concentrated in manufacturing (22%) construction (18%), wholesale and retail trade, catering and accommodation services (17%), electricity, gas and water (16%) and transport, communication and storage (9%). In Tanzania the investment inflows concentrated in tourism (31%), manufacturing (29%), transportation (15%), commercial building (14%) and agriculture (4%). The other sectors recorded 7%. Tanzania scored the first position worldwide in the investors after care service category awarded by WAIPA in 2007.

Kenya's, Tanzania's and Uganda's HD declined from Medium to low HD. Rwanda's and Burundi's HD although low throughout 2006 to 2010 have also been experiencing declining

trends. The HD trend shows that the quality of life in EAC has been deteriorating over the focus period, though positive indications are beginning to appear stating 2009.

The rating for the quality and cost of transport within the region ranged from 24% for Kenya to 46% for Tanzania with the average of 32%. On the whole transport was rated the lowest with an average of 32% followed by energy (35%), water (51%) and ICT (56%).

5.2 Conclusions

The study concluded that The EAC Partner States are working towards greater democratic environment. The study also concluded that the EAC is participating in initiatives to improve peace and stability in the region with a view to increasing economic development prospects. It also concluded that in spite of the positive developments, the challenge of macro-economic convergence in the major macroeconomic indicators for all Partner States persisted in the 3rd EAC Development Strategy. The study further concluded that the socio-economic performance among the East African Partner States has shown remarkable improvement as the region seeks to integrate further. It was concluded that Kenya's economy remains relatively large at about 35.7% compared to that of the other EAC partner states.

On the inflation part, the study concluded that Interest rates in the region have remained almost constant and above the inflation rates for the period 2006 to 2010. This confirmed that securing credit for investment is prohibitive in the region. It concluded that none of the Partner States had achieved a single digit interest rate as envisaged by the 3rd Development Strategy. The study also concluded that increased domestic savings can accelerate the pace of economic growth and development. The study further concluded that Rwanda budget deficits have generally remained at a two digit level while the budget deficit in Burundi declined to a single

digit starting in 2009. The study concluded that unemployment and poverty data in the region remains scanty where poverty levels are very high, with close to half the population in the region living below the poverty line and unemployment among the youth in particular remains very high. On the issue of trade, the study concluded that the trade share of GDP for all the Partner States is significant and increasing. The region imports more than it exports to the rest of the world.

Uganda and Tanzania remains the preferred destination of FDI. The FDI comes in through transfer of new technologies, managerial skills, stimulation in the establishment of micro, small and medium enterprises and employment opportunities. FDI can also expand the variety of goods and services available in the region expanding consumption range. The study further concluded that the EAC Partner States have identified the needed joint infrastructure investments aimed at overcoming the supply constraints which increases the transaction costs and thus induces profitability and productivity of investments. It finally concluded that the quality and logistics competence of infrastructure and ICT is likely to influence the patterns of trade and economic development.

5.3 Recommendations

The study recommends the development of a legislative framework (laws, policies and guidelines) for Community Development within partner states.

Harmonisation of democratization policies, processes and practices

Identify institutional bottlenecks that infringe on the rights of the poor and marginalized to access social services and empower them to participate in Community Development

Strengthening of the EAC structures and processes to enhance efficiency and effectiveness

Development of policy frameworks and institutional structures for establishment of the EAC political federation

Monitoring and observation of elections and support missions to National Electoral Commissions in the EAC Partner States

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