POLITICAL – LEGAL STRUCTURAL CONSTRAINTS TO

POLITICAL INTEGRATION IN AFRICA:

(A CASE STUDY OF EAST AFRICAN COMMUNITY)

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DECLARATION

I the undersigned declare that this research project is my original work and it has not been submitted for any degree qualification in this or any other university or institution for academic research.

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Supervisor Declaration

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

Supervisor' Name: **PROF. MARIA NZOMO**

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DEDICATION

This research project is dedicated to my family, specifically my husband Stephen Njeru, for his time, moral and financial support. I also dedicate it to my Sons Francis, Edwin and Fred for their cooperation and understanding in sharing limited time with them, during the course the study.

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ABBREVIATIONS

AU	African Union
CET	Common External Tariff
COMESA	Common Market of Eastern and Southern Africa
EAC	East African Community
EACJ	East African Court of Justice
EALA	East African Legislative Assembly
ECOWAS	Economic Community of West African States
EC	European Commission
EU	European Union
IUCEA	Inter-University Council of East Africa
NTB	Non-tariff Barriers
IGAD	Inter Governmental Authority on Development

ABSTRACT

This study seeks to investigate structural political and legal constraints that undermine political integration in the East African Community. The study is guided by neo-functionalism theory. The centre-piece of neo-functionalism is the argument that the spillover functions that are performed by governments in one area result in cooperation in other areas leading eventually to integration.

The findings of the study indicate that the success of the political integration of the East African Community will be achieved through political goodwill, adherence to good governance, and market driven economic policies with the support of a strong private sector. This requires sustainable institutional development, the development of an efficient and effective compensatory mechanism and putting in place an effective system of raising resources for the community.

The study establishes that among the current crop of leaders of the region there is the political goodwill to establish the East African political federation. However, it will take more than political goodwill to bring the federation to fruition, as conditions in the region currently do not augur well for the project. Also, political leaders have not carried the people along with them on the integration journey.

The study notes that for the region to fully attain its stated political goal, Partner States are required to develop and implement a common foreign, and security policies as enshrined in the EAC Treaty. It may be noted that already the East African Community has established two institutions, which also serves as building blocks to a Political Federation and these are; the East African Court of Justice; and the East African Legislative Assembly.

The study concludes that the fear of losing national sovereignty and ability to make independent national decisions poses a serious challenge to the noble political integrative goal. Similarly lack of popular ownership by the populace undermines the East African political spirit.

CHAPTER ONE:

A CASE STUDY OF EAST AFRICAN COMMUNITY

1.0 Introduction

This chapter introduces the subject "regional integration" and gives an analysis of the various types of regional integration arrangements, such as economic integration, political integration and gives examples of regional integration blocks in Africa. This chapter notes that regional integration arrangements are mainly the outcomes of necessity felt by nation states to integrate their economies in order to achieve rapid economic development. It also looks at the definition of research problem noting that political and legal structural constraints are real and continue to be an area that requires concerted efforts to address to enable East Africa achieves its political goal. The research objectives, hypothesis, literature review and methodology have also been covered. The chapter concludes by giving chapter outline which is meant to give a snapshot of what is contained in the research project.

1.1 Background

A common definition of integration states that, it is a shifting of certain national activities towards a new centre.[1] This goal can be as grand as a political integration (in the case of EU) or economic integration in the form of a free trade area (in the case COMESA and EAC). Economic integration entails coming together of different countries for economic development and greater bargaining power within and beyond their boundaries. The

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[1] Haas,EB.,1958,*The Uniting Europe, Stanford:* Stanford University Press

principle of reciprocity plays a major role within the economic region as there is the need for mutual benefit from one another.

The ultimate economic goals of a common market include the adoption of common customs legislation, common financial legislation and a degree of coordinated economic planning.

Regional economic integration is an agreement among countries in a geographic region to reduce and ultimately remove tariff and non tariff barriers to allow the free flow of goods and or services and factors of production among each other. It can also refer to any type of arrangements, in which countries agree to coordinate their trade, fiscal and monetary policies. An economic union will typically maintain free trade in goods and services, set common effective tariffs among members, allow the free mobility of capital and labor and will also relegate some fiscal spending responsibilities to a supra-national agency e.g. create institutions to streamline economic cooperation.

Regional integration has been defined as an association of states based upon location in a given geographical area, for the safeguarding or promotion of the participants, an association whose terms are fixed by a treaty or other arrangements. [2]Philippe De Lombaerde and Luk Van Langenhove define regional integration as a worldwide phenomenon of territorial systems that increase the interactions between their components and create new forms of organization, co-existing with traditional forms of state-led organization at the national[3] level. According to Hans van Ginkel, regional integration refers to the process by which states within a particular region increase their

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[2]Philippe De Lombaerde and Luk Van Langenhove: *"Towards a Regional World order,* UN Chronicle, No.3, 2004, p.12.

[3] De Lombaerde P and Langenhove,L: *"Regional Integration , "Regional Poverty and Social Policy Global Social Policy,* 2007 p. 377-383.

level of interaction with regard to economic, security, political, and also social and cultural issues.[4]

In short, regional integration is the joining of individual states within a region into a larger whole. The degree of integration depends upon the willingness and commitment of independent sovereign states to share their sovereignty. Deep integration that focuses on regulating the business environment in a more general sense is faced with many difficulties.[5]

Regional integration initiatives, according to Van Lange hove, should fulfill at least eight important functions: the strengthening of trade integration in the region the creation of an appropriate enabling environment for private sector development the development of infrastructure programmes in support of economic growth and regional integration the development of strong public sector institutions and good governance; the reduction of social exclusion and the development of an inclusive civil society contribution to peace and security in the region the building of environment programmes at the regional level the strengthening of the region's interaction with other regions of the world. [6]

The crisis of the post-war order led to the emergence of a new global political structure. This new global political structure made obsolete the classical Westphalian concept of a system of sovereign states to conceptualize world politics. The concept of sovereignty becomes looser and the old legal definitions of an ultimate and fully autonomous power of a nation-state are no longer meaningful. Sovereignty, which gained

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[4] Van Ginkel, H. and Van Lanenhove, L: *"Introduction and Context"* in Hans van Ginkel, Julius Court and Luk van Langehove(eds),*Integration Africa: Perspectives on Regional Integration and Development, unu press*,1-9.2003.
[5]Claar, Simone and Noelke Andreas (2010), *Deep Integration.* In: D+C, 2010/03, 114-117.
[6]Lombaerde and Van Langenhove "*Towards a Regional World order,* UN Chronicle,2007, p 30-38.

meaning as an affirmation of cultural identity, has lost meaning as power over the economy. All regional integration projects during the Cold War were built on the Westphalian state system and were to serve economic growth as well as security motives in their assistance to state building goals. Regional integration and globalisation are the two phenomena challenging the existing global order based upon sovereign states at the beginning of the twenty-first century. The two processes deeply affect the stability of the Westphalian state system, thus contributing to both disorder and a new global order.

Closer integration of neighbouring economies is seen as a first step in creating a larger regional market for trade and investment. This works as a spur to greater efficiency, productivity gain and competitiveness, not just by lowering border barriers, but by reducing other costs and risks of trade and investment. Bilateral and sub-regional trading arrangements are advocated as development tools as they encourage a shift towards greater market openness. Such agreements can also reduce the risk of reversion towards protectionism, locking in reforms already made and encouraging further structural adjustment.

In broad terms, the desire for closer integration is usually related to a larger desire for opening to the outside world. Regional economic cooperation is being pursued as a means of promoting development through greater efficiency, rather than as a means of disadvantaging others. Most of the members of these arrangements are genuinely hoping that they will succeed as building blocks for progress with a growing range of partners and towards a generally freer and open global environment for trade and investment.

Integration is not an end in itself, but a process to support economic growth strategies, greater social equality and democratization.[7]

Regional integration arrangements are a part and parcel of the present global economic order and this trend is now an acknowledged future of the international scene. It has achieved a new meaning and new significance. Regional integration arrangements are mainly the outcome of necessity felt by nation-states to integrate their economies in order to achieve rapid economic development, decrease conflict, and build mutual trusts between the integrated units.[8]The nation-state system, which has been the predominant pattern of international relations since the Peace of Westphalia in 1648 is evolving towards a system in which regional groupings of states is becoming more important than sovereign states. There is a powerful perception that the idea of the state and its sovereignty has been made irrelevant by processes that are taking place at both the global and local level.

1.2 Statement of the Research Problem

The centrality of Regional Integration to the economies of developing countries cannot be overemphasized. However, it may be noted that despite the numerous efforts of advancing this noble initiative by states, success has been limited.

The post-colonial and economic political potential and economic structures of developing states have made Regional Integration in effective. The centralized political system has refused to give way or cede power. However, as the five East African states embark on Regional Integration with the ultimate goal of a political federation, it is

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[7] Erst Haas *"International Integration: The Europe and the universal process, "International Organisation* 5(1961) pp 366-367
[8] Sandholtz, W and Sweet, A (eds), *European Integration and Supranational Governance,* (Oxford University Press,)1998, USA, p. 98

imperative to ask what has fundamentally changed? There had not been any structural transformation of political economy in East Africa which would necessitate this grand objective. States are governed by constitutions which define how power and resources are shared. The political and legal structures embedded in these constitutions in themselves act as impediments towards ceding of authority which is a prerequisite for political integration. As East African States endeavour towards political federation, what has informed this decision? How will these states surmount political and legal structures that obstruct coalescing of states into a super monolithic state?

There exist already some explanations for the failure of the integration policy in Africa. Ninalowo, mentions as a reason that there is a lack, of political will in the member countries that is necessary to see integration succeed expressed in the chronic non–observance of commitments undertaken within the respective agreements and in the insufficient use of the instruments set up by these agreements[9].

It is in this regard that this study seeks to investigate the specific structural political and legal constraints impeding political integration in East Africa.

1.3 Objectives of the Study

This study seeks to achieve the following objectives: to:

i. Investigate political constraints working against regional integration in East Africa;

ii. Investigate legal constraints in the East African political integration process; and

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[9] Ninalowo, A, *Democratic Governance, Regional Integration and Development in Africa*, DPMF Occasional Paper No. 11, Addis Ababa, 2003, p.3

iii. Analyze measures taken by East African Community states to address the political and legal constraints.

1.4 Literature Review

Considerable literature has accumulated on the subject of regional integration. This study seeks to review literatures on regional integration, political constraints and legal constraints towards political integration.

1.4.1 Regional Integration

Lengenhove argues that regional integration in the modern interdependent world has become more pervasive and complex than ever before, a product of various permutations and outcome of many varied forces[10]. Invariably these forces are the result of multi-dimensional complex of historical, ideological, political, social economic and functional factors. No single approach or theory exist that can explain them and the dynamics they generate; "Integration is much more a process of becoming that it's a clear outcome or definite political end state".[11]

According to O 'Neil, "regional integration…is multifarious rather than un-dimensional process…its dynamic or momentum is neither teleological induced nor fixed, but infused with mixed motives and variable influences[12]An integrated multi-disciplinary analysis is required for a proper analysis at the same time as Schultz et al point out that there is no single universal criteria that define regions "geographical,

[10] Lengenhove, L, *Towards a Regional World Order*, UN, Chronical, No.3, 2004,pp 12-13, p.12.
[11] Groom, A and Heraclides, A, '*Integration and Disintegration inInternational Relations*, A Handbook of Current Thought, *Light, M*and Groom, A (eds), London, 1985, p.174.
[12] O'Neil, M, *The Politics of European Integration*, (Routledge), London 1996,p.5.

historical, cultural and economical valuable as well as pattern of conflicts/security and other criteria all create pattern of interaction and produce concept of regionness."[13]

This perspective is relevant in regard to analysis of Africa regional integration as no easy fit theoretical perspective exists for this purpose.[14]This is why regional current academic analysis of Africa integration seems to fall short. Particularly economic or trade related analyses of African integration tend to be too narrowly focused, positivistic and one-dimensional, failing not only to bridge the gap between politics and economics but also to encapsulate the *sui generis* nature of the African scene, being not really congruent with the subject of analysis. Economic analysis of African regionalization is singled out because it is currently highly fashionable and proliferating at a pace, mainly because of the high saliency of the New Partnership for Africa's Development (NEPAD), the UN Millennium Development Goals, various Group of Eight Industrialized Nations (G8) resolutions on development aid to Africa, the structuring of post-Cotonou trade and economic relations with the European Union (EU) (economic partnership agreements), as well as the current World Trade Organisation (WTO)-led Doha initiatives towards global trade reform in which Africa has a big stake. According to Mattli, the problem with economic analyses is that they "look primarily at market relationships between goods and factors of production within the region and assume away the relevance of institutional and political forces…Economic explanations are positive theories of welfare gains and losses associated with regional integration, not explanations of the political choices that

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[13] Shultz, M, et al (eds), *Regionalization in a Globalizing World, a Comparative Perspective on Forms, Actors and Processes*, (Zed Books),London,2001, p.185.

[14] Schirm, S, *Globalization and the New Regionalism-Global Markets, Domestic Political and Regional* Cooperation, Blackwell , Publishers,Oxford,UK,2002 p.4.

produce such areas." [15]. Although economic and political integration are part and parcel of the interactive integration syndrome, the primacy of the political dimension, the indisputable locus of authoritative decision-making, is self-explanatory. As correctly pointed out by Reginald Green and Ann Seidman, the case for "African Economic Union is a compelling one" but to attempt "economic union in isolation from political unification is utterly unrealistic". [16]

Of course, how voluntary regional integration is viewed in Africa, depends largely on its epistemology, the definition of the concept. The narrow definition, represented by the classical or traditionalist approach articulated, inter alia, by Karl W Deutsch, Ernst Haas, Wallace, and Lindberg, would include a teleological dimension and make a clear theoretical distinction between conventional foreign policy transactions and actions which are per definition integrationist. To start with, there must be the necessary and sufficient preconditions as well as a clear integrationist intention among role players to start with. A federal supra-nationalism is envisaged as ideal type resulting in a "new political community superimposed over previous ones" [17] Furthermore, this approach makes a clear theoretical distinction between integrative and non-integrative regional policies; all cross border interaction cannot be labeled as integrative as such[18], a distinction current trade and economic analysis of African integration do not always state clearly.

The recent emergence in the theoretical conceptualization of regionalization, the so-called New Regionalism Approach (NRA), represents the modern broader definition.

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[15] Ibid, p.11
[16] McCarthy, op cit, p 9.
[17] Haas E B, *Uniting of Europe: Political, Social and Economic Forces,* p.34
[18] Haas, E, *"Turbulent Fields and the Theory of Regional Integration"*, International Organization Journal, 1976, Vol 30, p.179.

It is "based upon the assumption that the multi-dimensionality of contemporary regionalization warrants a new type of analysis, one which transcends the dominant theories of regional integration. Under the NRA, integration is conceptualized as a multi-dimensional and socially constructed phenomenon, wherein cooperation occurs across economic, political, security, environment and other issues. It involves not only state actors but also private industry and civil society." [19]

Elaborating on the need for a more multi-focused point of departure, Schultz, M et al, concludes that "the multidimensionality of contemporary regionalism warrants a new type of analysis, which transcends the dominant theories of regional integration, such as neo-realism, functionalism, neo-functionalism, institutionalism, market and trade integration, structuralism, development integration, and so on[20]. The mainstream theories in the field may still provide valuable and sensible insights, but in our view they are neither designed for nor capable of capturing the multidimensionality, pluralism and comprehensiveness of contemporary regionalization processes, nor the way in which these are socially constructed. In contrast to the different versions of mainstream regional integration theory, we argue that the analysis should avoid fixed and one-dimensional definition of regions as well as a narrow and simplified focus on instrumental state strategies, regional organizations, security alliances and trading blocs; It is rather a genuine concern with the processes of regionalization in various fields of activity that should be our guide to analysis." [21]

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[19]Langenhove, L et al (Eds), *Integrating Africa, Perspectives on Regional Integration and Development,* UN University, Tokyo, 2000, p.4.

[20]Soderbaum, F, *Modes of Regional Governance in Africa*: *By Whom, for Whom and for What Purpose*, p. 69-88, 72

[21]Schultz, F et al, op cit, p.2.

Because integration is a variable condition rather than a fixed concept and as there is no generally accepted or essentialist definition of the concept, the various approaches to regionalization do not stand in a zero-sum relationship. By including a complexity of variables in its theoretical arsenal, the multi-dimensional focus of NRA adds to the better understanding of the complexities of integration phenomenon. But at the same time care must be taken to avoid a veritable theoretical flea-market approach where 'everything is related to everything else'. Relevance and congruency are important attributes of any political theory and the question is how these theoretical approaches, separately or combined, could be synthesized into a useful analytical instrument to explain the uniqueness of African integration. Theory should add to understanding, explaining, and prediction of reality. [22]As stated by Cox, "theory…follows reality in the sense that it is shaped by reality. But it also precedes the making of reality in the sense that it orients the minds of those who by their actions reproduce or change that reality." [23]

Unique factors to be considered in regard to African integration are, particularly, Africa's view of itself in the context of the rest of the world as well as its own mission; the overarching symbolic role of African Unity; the realities of Africa's geography; the largely underdeveloped state of most African nations; the state and evolution of Africa's institutions; international trade practices; the divisive as well as unifying factors giving rise to conflict as well as cooperation; the concentration of power and the dominant role of the state in all spheres of action and the top-down nature of decision-making; Africa's

[22] Söderbaum, M et al, op cit p.36.

[23] Robert W Cox, 'Critical Political Economy', in BjörnHettne (ed) International Political Economy. Understanding Global Disorder ,Zed Books, London, 1995, p.31

high level of dependence vulnerability vis-à-vis the outside world; the limited role of nongovernmental agencies and the subdued role of civil society on the continent.

1.4.2 Political Integration

Political borders are fluid. Since the end of WorldWar II, we have observed an impressive incidence of political disintegration. Indeed, the number of independent countries is now almost three times greater than it was in 1945. On the other hand, there are also examples of the opposite process. International political (along with economic) integration has occurred in Europe, where nation states have imposed limits on their sovereign use of certain policies (such as fiscal policy), have delegated control over some relevant competencies, such as trade policy and antitrust, to the European Union and are debating further political integration.

While economists have generally devoted their attention to the growth effects of economic integration, the consequences of political integration on economic growth have received surprisingly little attention. Does political integration affect economic growth and if so, through what channels? Perhaps more importantly, is political integration beneficial for growth economic markets globalize? When firms participate in both the economic and political markets, political integration prevents economic integration from skewing firms' incentives away from productive activity and toward rent seeking.

I argue that, other things equal, political integration changes the level of competition within the political market and has consequences for innovation and growth. Consider political disintegration: when a country breaks up, some regions become newly independent political entities. Political integration makes the competition for transfers more intense. Firms must increase their rent seeking effort in order to maintain their share

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of government transfers. As profits fromthe political market fall, each firm must rely more on the economic market for profits. This makes competition in the economic market more intense and increases the incentive to innovate[24].

The issue of political integration has attracted the attention of political scientists, philosophers and historians for a long time. The idea that political integration creates competition between different rent seekers has a rich intellectual history. In Idea of a Perfect Commonwealth, Hume writes that falsehood of the common opinion, that no larger state, such as France or Great Britain, could ever be modeled into a commonwealth, but that such a form of government can only take place in a city or small territory. The contrary seems probable. Though it is more difficult to form a republican government in an extensive country than in a city; there is more facility, when once it is formed, of preserving it steady and uniform, without tumult and faction. . . In a larger government, which is modeled with masterly skill, there is compass and room enough to refine the democracy . . . it is very difficult, either by intrigue, prejudice, or passion, to hurry them [e.g. different parts] into any measures against the public interest."[25]

In the Federalist Paper 10, James Madison suggests that an advantage of political integration over political separation exists in the larger variety of special interests confronting each other. Madison observes that the same advantage in controlling the effects of function is enjoyed by a large republic over a small republic.[26]

Island as an independent state rather than a member of the Union. He writes: "In the extended republic of the United States, and among the great variety of interests,

[24]Alesina, A and Wacziarg, R, *Is Europe Going Too Far*? NBER Working Paper Series 6883, National Bureau of Economic Research, Cambridge, 1999. p.2
[25]Humes, *Neo-functionalism and Supranational Governance*,p.58.
[26] Madison, J, *Federalist Paper 10*, p.5

parties, and sects which we thank Frances Rosenbluth for bringing this passage to our attention. Madison refers to these groups as factions and defines them as, [a] number of citizens, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community." it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good[27]. Taken together, the passages from Hume and Madison suggest that the multiplicity of rent seeking groups under political integration makes each one of them less able to distort policy to their advantage (and to the disadvantage of the general interest). Few economists have focused on this aspect of political integration. Relevant exceptions include Mancur Olson and James Buchanan. In The Rise and Decline of Nations, Olson observes that jurisdictional integration - "the shift to a new institution of the right to take at least some important decisions in economic policy" - reduces the power of organized interest groups. Buchanan (1990) goes even further. Analyzing the process of political integration in Europe he writes that the European difference here lies in the juxtaposition of the historically familiar exercise of rent seeking pressures within nation-states and the prospect for a constitution of federal union that will insure competition among producers and consumers of goods and resources across the territory that encompasses the several nation-states.

The present work is related to several strands of recent economic research. Unproductive activities have been investigated in many different areas of economic theory. Several authors have studied the effect of unproductive activity on economic

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[27] Madison, J, *Federalist Paper 11*, p.4

performance. Krueger (1974) finds that rent seeking is socially costly because it leads an economy to operate inside its transformation curve. Baumol (1990) argues that growth depends on the allocation of resources between productive activities, such as innovation, and unproductive ones, such as rent seeking and organized crime, and provides several historical examples of this mechanism dating from the Roman Empire to Mandarin China to recent times. A similar argument is developed within an endogenous growth model by Murphy, Shleifer and Vishnywho also find some empirical support in a cross country analysis Barelli and Pessoa study the effects of rent seeking on capital accumulation, while Krusell and Rios-Rull Prescott and Parente and Bellettini and Ottaviano (2005) focus on the role of vested interests in preventing the adoption of efficient technologies. In a companion paper Brou and Ruta, , we look at the effects of rent seeking on the structure of markets and growth. Differently from the previous literature, we study how political and economic integration influence firms' incentives to engage in research and development relative to rent seeking.

A recent, but growing, literature studies the economic determinants and the effects on welfare. Political thinkers proposing integration in Europe after the end of World War II were also well aware of the effects of political integration on rent seeking. Spinelli, whose writing inspired the creation of the European Union, wrote in 1957 that the power of national states to decide economic policy only benefits national special interests and argued that, for precisely this reason, these groups were opposing the European integration process. The historical account of Ginsborg finds in fact that in Italy a lobby of steel producers pressured the government to stay out of the European Coal and Steel Community in the early 1950s. Moreover, the leading business association

(Confindustria) opposed the project of the European Economic Community in 1957. One branch of this literature deals with mostly static concerns and frames the political integration decision as a trade-off faced by voters and governments.

On the one hand, there are benefits arising from economies of scale in public good provision and the internalization of cross-border externalities. On the other hand, costs arise from a loss of sovereignty or a change in the political equilibrium. Contributions to this branch of the literature include Milanovic,Alesina and Spolaore, Bolton and Roland, Casella and Feinstein, and Alesina, Angeloni and Etro, We abstract from these considerations and focus on the effect of political integration on the behavior of firms. A more recent approach, found in Alesina, Spolaore and Wacziarg, focuses on the relationship between political integration, the size of the economic market and economic growth. More specifically they argue that, in a world with important trade restrictions, political integration has a positive effect on economic growth, because it increases the size of the economic market. On the other hand, in a regime of free trade, political integration should not matter for economic growth, the size of the economic market being independent of political borders. Their empirical analysis confirms that the effects of country size on growth are less important as economies become more open. Spolaore and Wacziarg study the endogenous determination of trade policy and political integration.

Similarly to the literature on customs unions, they argue that political integration has a positive market size effect, but a negative effect on trade openness. The total effect of political integration on economic growth is in general ambiguous. The main channel through which political integration affects economic growth is through its effect on the

size of the economic market. As a result, political integration and economic integration may be seen as substitutes.

Political integration affects economic growth by changing firms' incentive to innovate. We find that economic and political integration can work as complements. The literature on the effects of economic integration on growth is extensive and we do not attempt to summarize the main findings. Our work is most closely related to the literature on how economic integration affects the level of competition in a market, which in turn affects firms' incentive to innovate. However, our approach is highly indebted to the work of Peretto who builds on Grossman and Helpman and studies the effects of economic integration on market structure and economic growth. Similarly to other work in this area (e.g. Aghion and Howitt, 1998), economic integration has a positive effect on growth by increasing competition in economic. This literature typically suggests that the size of countries has little to do with economic growth, but fails to take into account the fact that openness can substitute for a large domestic market. Path-breaking work on economic integration and endogenous growth is Rivera-Batiz and Romer.

The centrality of the regional integration to the African countries socio-economic transformation cannot be underestimated. However despite the numerous efforts towards this stated goal of regional integration, success has been limited. Essentially, there are two approaches to regional integration. One is associated with the late president of Ghana, Kwame Nkrumah, who considered paramount political institutions as useful vehicles for bringing about integration in other spheres. At the other extreme is the functionalist approach whereby regional integration is promoted piecemeal through gradual steps to building a web of functional relations in trade, investment, infrastructure

and culture etc. In this building-block approach the political superstructure, such as a political federation, would be considered the logical culmination of the integration process from below[28]. Both of these differing strands of thinking appear to be alive in East Africa today, although the faith in building blocks takes the upper hand.

A federation is defined as a compound polity combining constituent units, currently Kenya, Tanzania, Uganda, Rwanda and Burundi in the case of East Africa and a general government, each possessing powers delegated to it by its people through a constitution, each empowered to deal directly with the citizens in the exercise of a significant portion of its legislative, administrative, and taxing powers, and each directly elected by its citizens

The East African Community (EAC) is the only regional economic community whose treaty explicitly states that it aspires to establish a political federation as its ultimate goal[29]. Article 2 of the EAC treaty establishes a customs union and a common market as transitional stages towards political federation, but it does not do the same for the monetary union and political federation.

In designing federations the challenge of asymmetry between the constituent units is a recurring phenomenon. In the case of East Africa the colonial borders introduced cleavages which subsequently evolved into economic structures that currently appear to be difficult hurdles to overcome. Similarly, cultural differences between countries and within countries may also be seen as cleavages that impede progress towards integration.

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[28]Elbadawi, I. A. and Mwega F.M. (1998), *Regional Integration, Trade and Foreign Direct Investment in Sub-Sahara Africa",* in Z.IQBAL and M.S KHAN(ed), p.38
[29]Article 2 of the EAC Treaty pp11

Nevertheless, it remains true that the Commonalities between the East African partner states outweigh the differences and cleavages.

It is on the basis of that acknowledgement that further integration can be built. It should be noted however, that the EAC is not unique in terms of asymmetries. It is rather a common feature of most regional organizations, both in Africa and elsewhere. Correspondingly, the stronger partners may feel that they are carrying a disproportional burden, for example by subsidizing the weaker ones. Thus, weaker and stronger partners might want to opt out, but for differing reasons. Either way, the collaborative venture might collapse. If the issue of distribution of costs and benefits is not addressed in a manner that is considered legitimate and fair by all parties concerned, the likelihood of a breakdown is high. Even perceptions at variance with reality must be taken into account because people think and act on the basis of perceptions whether they are based on facts or not.

There is no escaping the fact that asymmetries do exist between the East African partner states, and from them stem challenges related to the distribution of cost and benefits. Most analysts and observers agree that the failure to deal adequately with these issues was the main reason along with others, why the erstwhile EAC collapsed in 1977.

Lest the same happen yet again, it is imperative that mechanisms of redistribution be integral parts of the design of all integration measures. The fact that the principle of asymmetry has already been built into the customs union protocol is indicative of a capability for learning from history, which augurs well for the design of other initiatives. Apart from addressing the vexing question of distribution of costs and benefits among partners, it is also challenging to allocate tasks and responsibilities in a federal set-up.

In Europe, the principle of subsidiary has been propounded. Although difficult to operationalise, it simply means that responsibilities should be assigned to the lowest tier of a federal structure that can adequately perform them. The underlying rationale is avoidance of top-heavy bureaucracies overburdened with multiple tasks that can be more efficiently and more responsively geared towards the needs of the citizens if handled at lower tiers of government. All five East African partners are currently evolving policies of devolution or implementing such policies. They differ in design and operation.

Whatever their nature and multiple tiers, the existing structures of local government and sub national governance could probably be retained within an East African federation. The real challenge is to allocate responsibilities between the envisaged federal level and those best performed at the national level and down the hierarchy. This is the design task assigned to the drafters of a constitution for the contemplated political integration[30].

Experiences elsewhere suggest that whatever constitution is adopted eventually, struggles over administrative competence between levels are likely to persist. For example, ever since the American constitution was adopted in the 18th century legal and political bickering between state and federal levels has permeated American politics in the East African legal context, once the constitution of an East African federation is crafted and eventually adopted, the East African Court of Justice would presumably be given powers to adjudicate in matters regarding the respective jurisdictions of the national and federal levels further, there are the challenges of sovereignty and

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30 Kaskende, L. and Ng'eno N.K. (2000), *"Regional Integration and Economic Integration in Eastern Africa and Southern Africa",* p. 42

nationalism. One of the fundamental principles of EAC is sovereign equality; the issue of sovereignty has generally handicapped the integration processes in Africa.

It handicapped the Organization of African Unity (OAU) and now the African Union[31]. Noli has aptly noted that, "sovereignty of the African states hampers the formation of supranational political authorities capable of generating lasting economic and political cooperation."How the partner states are going to overcome this issue, no one knows[32]. In fact, it was one of the concerns raised by some stakeholders, according to the Wako Committee.

According to the Committee, the fear is that as a federation, the nation states would cease to have any meaningful powers and would be relegated to mere provinces within the federation. The fear is manifested in a number of ways including; loss of power at political level, loss of decision making, and loss of flexibility in exercising powers at the national level[33].

As Kayunga has observed, one factor that has often undermined the process of regional integration has been nationalism.[34] The two processes are antagonistic to one another on three counts.[35]First, whilst nationalism aims at creating boundaries with each nation occupying a native home or territory, regional integration seeks to both undermine the territorial basis of a nation and facilitate the free movement of people. Secondly, whilst nationalism seeks to enhance cultural and other forms of identity of particularism, integration is a universalizing process, seeking to create new forms of identity or forms of

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[31] Article 6(a) Treaty of EAC.
[32] Noli, O, "*Economic Constraints of Pan-African Economic Integration," in Economic Cooperation and Integration in Africa*, W.A. Ndongko (ed.), Dakar: CODESRIA Book Series, 1985, p. 127.
[33] Wako Committee Report, op.cit, para p. 233
[34] Kayungaop.cit, p. 210
[35] Ibid. p. 211

citizenship not based on the nation state. Thirdly, whilst nationalism seeks to enhance the sovereignty of the nation state, regionalism seeks to undermine it.

In Uganda mention has to be made of Buganda's continued search for autonomy. According to Kayunga, this has previously undermined any efforts towards regional integration. Attempts by the colonial administration to establish a political federation in East Africa was vociferously opposed by Buganda Kingdom in the mid 1950's. Even today, the Kingdom of Buganda has been demanding for federal. No one knows how this federal will fit in the East Africa Political Federation enterprise.[36]

There is the issue of land, which is tied in with the issue of nationalism. Nationalist forces have been opposed to harmonization projects that significantly undermine forms of particularism. According to Kayunga, in the case of Uganda and Buganda in particular, "any form of integration that would undermine the unique form of land tenure system in Uganda that privileged a few "mailo" land owners was vehemently opposed."[37]The Wako Committee highlighted this issue too.[38] The common market protocol has addressed the   Tanzanians' fears on the issue of land as envisaged in the common market and eventual federation, particularly provisions relating to right of property and residence, will not open the floodgates to Kenyans who might be more advantaged to migrate to Tanzania and take up legal rights. Unresolved and unforeseeable issues that militate against the speedy implementation of the various protocols. In addition, they identify the key obstacles to the speedy implementation of the

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[36] Kisiang'ani, E, *Obstacles to Regional Integration and the Politics of Power in East Africa*, paper presented at the 30th CORDESRIA Anniversary celebrations, Addis Ababa, Ethiopia, 2003, p. 13 (has observed that in Uganda, some groups are still nursing dreams of resurrecting kingdoms and empowering those kingdoms to pre-colonial levels of influence. Buganda Kingdom for instance, continues to operate even

[37]Kayunga, *op. cit.*, p. 212.

[38]Wako Committee Report, *op. cit.*, paras. 244-245.

various protocols and the crafting of the remaining protocols as including conflicts between various institutions responsible for community affairs and parent national ministries, a multiplicity of country-specific organizational and technical drawbacks, lack of a central authority to ensure quick decisions and timely implementation of the same and the existence of national technocrats who are die-hard "nationalists". They would wish to push for deeper integration in the areas of legal and constitutional framework, an enhanced role for the private sector, and mechanisms for rapid resolution of trade issues, co-ordinate infrastructural development, a common foreign policy and clear rules.

1.5 Theoretical Frame work

This study will be guided by neo- functionalism theory to evaluate the underpinnings of regional integration. Neo-functionalism is rooted on four process mechanisms that follow the creation of a common market. One of the proponents of this theory Haas submits that neo-functional theorizing is consistently phenomenological; it avoids normative assertions and systematic generalization. Neo-functionalism rely on the primacy of incremental decision-making over grand designs, arguing that most political actors are incapable of long range purposive behaviour. The main argument of neo-functionalism is summed by Harrison. He submits that when certain sectors of the life of sovereign states are integrated by being brought under joint control, a process can be set in motion in which organized interest groups and political partied tend to become involved. To involve groups and parties, the sector chosen must be important and controversial, but not so controversial that vital interests of the states are immediately affected nor so that political elites feel that their power and vested interests are seriously threatened. The integrative step itself should be inherently expansive. It should involve some sacrifice

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and some disruption of the existing activities. Strains and distortions may well be felt in other sectors. These effects will give rise to a need, and consequently a demand for remedies. The remedies could well be measures of further integration which extended the scope of central decision making[39]. Similarly another proponent Claude states that neo-functionalism stresses the utility of the cooperative pursuit of common interests in non-political fields as elements in a programme of political engineering, as contributions to the realization of political designs. As integration progresses, neo-functionalists expects a shift in loyalties to the new centre which is called spillover effects. Thus, gradually, integration will spill over into politically sensitive areas leading finally to the creation of a political community.

That undergirds integration processes on itself a product of successful supranational Institutions. This forms the basis of avoiding conflict. Second is the concept of spill over functions successfully performed by governments in one area result in cooperation in other areas leading eventually integration?[40]

The East African leaders are not effectively checked in their countries by the legislature and judiciary; the same tendencies are reflected in the EAC Treaty where ultimate authority rests with the summit or removal of EAC court judges.

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[39]Beehive Digital Concepts Cochin for Mahatma Gandhi University, Kottayam, *Liberal Theories of Regional Integration,* p.33

[40] Senghor, *"Theoretical foundations in Africa: An overview in P –A Nyongo (ed) regional Integration in Africa:* unfinished Agenda: academy science publishers, 1990 P.20.

In Africa "Mazzeo argues the political climate determines the participating units. Commitment to regional goals at any given point in time as well as institution that embody these goals.[41]

Early Neo-functionalist theory assumed a decline in importance of nationalism and the nation-state. It predicted that, gradually, elected officials, interest groups and large commercial interests within states would see it in their interests to pursue welfares objectives best satisfied by the political and market integration at a higher, supranational level. Haas theorized three mechanisms that he thought would drive the integration forward: positive spillover, the transfer of domestic allegiances and technocratic automaticity[42]

Positive spillover effect is the notion that integration between states in one economic sector will create strong incentives for integration in further sectors, in order to fully capture the perks of integration in the sector in which it started. Increased number of transactions and intensity of negotiations then takes place hand in hand with increasing regional integration. This leads to a creation of institutions that work without reference to "local" governments.

The mechanism of a transfer in domestic allegiances can be best understood by first noting that an important assumption within neo-functionalist thinking is of a pluralistic society within the relevant nation states. [43]Neo-functionalists claim that, as the process of integration gathers pace, interest groups and associations within the pluralistic societies of the individual nation states will transfer their allegiance away from national

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[41]. Mazzeo D. *"The experience of EAC implications for theory and practice of regional cooperation."* Mazzeo (ed) p.152.

[42]Haas E, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957* (republished by University of Notre Dame Press, 2004)

[43] Wayne S. and Alec S. S., *Neo-Functionalism and Supranational Governance*, p.23

institutions towards the supranational European institutions. They will do this because they will in theory, come to realize that these newly formed institutions are a better conduit through which to pursue their material interests than the pre-existing national institutions.

Ever since independence, in the early 1960s African states have constantly pursued policies of regional integration to promote socio – economic transformation and reduce external dependence.[44]

Bach contends the inherited colonial structures have bogged down a commitment to regional integration in Africa. A majority of African states lacks political and financial internalization of regional integration, however, this has not been acknowledged and indeed most of them are confronted with severe: domestic integration problem. According to Nyong'o[45]Flawed conception, defective policy formation and haphazard execution of such policies explains the failure of regional integration schemes in Africa. Nyong'o underscores the importance of the structure re-orientation to change the mutual interdependence among African States.

On the political front the typical African political system is generally underdeveloped, weak and fragile[46] characterized by low level of institutionalism lack of congruence between political structures and political culture, effective internal governments, proven institutional values and able leadership.

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[44].Guy, "*African Regional Integration and Cooperation; Achievements, problems and prospects*" in seidman Ann(ed) 21st Century Africa: towards a New vision of self sustainable development studies Association, 1992) p. 69.

[45] Nyong'o P.A, (ed) *Regional Integration in Africa* : *an unfinished Agenda* (Nairobi: Academy scheme published 1990 age 7

[46] Arnorld M.W, *"African in 1990"* the Flecher forum 1991,1881, page 16

The East African leaders are not effectively checked in their countries by the legislature and the judiciary the same tenderness are reflected in the EAC Treaty where ultimate authority rests with the summit, for example removal of EAC court of judges. Mazzeo argues "The political climate determines the participating units" commitment to regional goals at any given point in time as well as institution that embody these goals.

While the EAC treaty gives a political federation as its ultimate goal, objectives of political cooperation evidently work against the realization of the East African federation. Instead of enhancing the steps towards a political federation they enhance consolidation of the nations state for instance the provision for non interference in internal affairs, respect for each others in sovereignty.

Nyong'o[47] reinforces the futility of non interference in internal matters; this cannot serve as a viable principle in international relations of Africa where construction of the state has itself created conflicts which by their very nature cannot be settled within borders of states.

Takirambudde[48]highlights the centrality of political will in the process of integration. The ambitions and aims embodied in the founding documents have not been metered by determination and capacity at the nation level to implement joint decisions. The lack of political will has been reinforced by non – emergence of a regional identity.

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[47] Takirambudde *"the Rival strategies of SADC and COMESA in Southern Africa*" in CD Bach(ed) 1 bid p. 155.

Kimenyi,[49] points out the unwillingness of governments to cede authority to regional bodies due to the fact that many African countries are still dealing with sovereignty issues, and are still unwilling to reduce powers of state.

Empirical literature highlights how the process has been evolving in Africa. It brings out what the process has achieved and impediments it has faced. Based on these empirical experiences the study can be able to offer policy prescriptions on how to take the process forward in East Africa.

From the empirical literature it is evident that political structural and regional constraints have made integration ineffective in East Africa. The various scholars seem not to put great emphasis on political impediments at the same time few have offered alternative options on how to surmount these political and legal structural impediments. This study seeks to bridge this gap by considering both political and legal constraints to political integration in East Africa. The study will give some alternative options for political integration.

1.6 Hypothesis

This study is based on the following two working hypothesis:

   I.   Political structural constraints hinder regional integration in East Africa

   II. Legal Structural constraints impede regional integration in East Africa.

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[49] Kimenyi, S..M. *Expectation of East African Regional Integration in "Dialogue on Regional Integration in East Africa*. (Proceedings of an EAC Seminar in Arusha, March 19 -20. 2001 p.10 – 15.

1.7 Research methodology

1.7.1 Research Design

This study is an Ex. Post. Facto research according to Kothari (2000), an ex-post facto research is descriptive. It involves the description of the state of affairs, as it exists at present. The main characteristics of this method are that the research has no control over the valuables; it can only report what has happened or what is happening. Hence this study will be based on the premise that structural economic and political constrains hinder regional integration in the East African Community.

1.7.2 Target Population

According to Peter (2003), target population falls under two broad categories. It might be a specified population or unspecified population.

Specified population means all the members of the population to be involved in research and are recorded in some register, for example, delegates from the five partner states attending an EAC meeting, employees or the EAC Secretariat, Diplomats, etc with unspecified meaning members of the population who are not necessarily recorded in any register.

This study will involve the specified population. These include, members of the EAC Secretariat (Arusha, Tanzania), Delegates attending various EAC Sectoral council meetings. Delegates are usually drawn from the five partner states; hence it will be possible to get a representative fraction of the target group. The delegates comprise of Government representatives (civil servants), public servants, civil society representatives, Non Governmental Organizations and other interested parties depending on the specific meeting Agenda.

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1.7.3 Sample and sampling procedure

Peter (2003) defines a sample as a representative, part of a population. Thus by studying the sample, one can know about the population without having to study the entire population. The section process of the sample is the sampling procedure on sampling techniques (Kothari, 2000.)

1.7.4 Data analysis

The data will be coded and classified in terms of qualitative and quantitative data. Data will be descriptive form; however, measures will be taken to safeguard the reliability and validity of data.

1.8 Justification of the Study

Political integration is a deeper form of integration which requires deliberate policies and instruments as well as substantive transformation of institutions and mandates. For political integration to succeed, partner states should be prepared to cede some of their powers to the EAC community. This will be facilitated by harmonization of the legal or institutional framework to bring convergence of partner state practices. This study seeks to establish the political and legal constraints to political federation. The findings of this study will therefore inform the policy makers on measures to take to inform the publics on the advantages of political federation and design appropriate programmes for the public to own the process.

1.9 Chapter outline

Chapter One: This chapter introduces the study, it defines regional integration and analyses various types of regional integration arrangements; Such as economic integration, political integration.

The statement of the problem is analyzed in detail noting that despite the African Community countries sharing a common history, in terms of inter marriage, trade, sharing borders and this date as back as 19th century when the construction of Uganda railway was done, there are still serious concerns which negate process of political federation. The objectives of the study are outlined, literature review on political integration is also discussed.

Chapter two: This chapter discusses Political integration globally. Political integration in Europe, India and Africa issues on global integration welfare consequences of political integration and political integration paradigms are discussed.

Chapter three: This chapter discusses political integration of the East African Community. The historical background, the integration process and the impact of legal structural constraints to the process of political integration in the EAC is also discussed.

Chapter four: This chapter discusses e an analysis of the data collected on the political and legal constraints to the political federation in the East African Community.

Chapter five: This chapter covers the recommendations on the political- legal constraints and measures that need to be taken for a successful EAC political integration.

CHAPTER TWO

GLOBAL ISSUES ON POLITICAL INTEGRATION

2.0 Introduction

This chapter discusses Political integration globally. Specifically, it discusses political integration in Europe, India and Africa. Issues on global integration welfare consequences of political integration and political integration paradigms are discussed.

2.1 Political integration of Europe

The natural tendency of mankind is to gather together in groups. When primordial man realized that individual effort alone could not adequately meet all of a family's individual human needs, these primitive humans integrated into communities or tribes with social and economic obligations shared throughout the commune. Gradually throughout the two most recent millennia, the rise of the nation-state compelled these small clans of people to unite to form political and social organizations able to provide economic security and homeland defense. As economic superpowers extended their reach, smaller, less competitive nation-states felt extreme pressure to band together, yielding a measure of national sovereignty in favor of international.

2.2.1 Political Integration and Homogeneity

Deutsch contends that "political integration cannot occur until after a process of social assimilation creates a homogenous transnational population and to describe the levels of political integration in Western Europe or, rationally, any integrating polity he need only examine data relating to the levels of social homogeneity which characterize that region."

Although Deutsch's argument has merit, Fisher later critiques Deutsch's version of the social causal paradigm, citing that it completely undermines that role that political elites and heads of government—as well as general public opinion play in the integration process. [50]While agreeing with Fisher by recognizing that Deutsch's approach overlooks some important external variables such as economic partnerships, political identity, and other variables, this study seeks to build upon Deutsch's work to discover whether social homogeneity between multiple integrating political entities, as measured through available demographic data such as racial heritage, urban-rural breakdown, and age hierarchy (dependent upon the most politically relevant demographic data in a specific polity[51], has a significant impact upon the resulting level of political integration.

2.2.2 Economic Interconnectedness

Neo functionalist theory dictates that when nations and peoples engage in economic partnerships (or any bipartite partnerships, for that matter) and long-term trade relationships, a closer connection will develop.

Therefore, a major contributor to political integration could be economic interconnectedness and thus, it will be quantified and analyzed in this study. To measure the extent to which specific economies are connected, the most obvious manner is to examine trade flows (imports and exports) between political entities. For some cases of political integration, these trade flows can be measured through available data detailing exports to and imports from entity X to entity Y and vice versa. However, national macroeconomic data exists only in very basic forms for years before the turn of the

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[50] William F., *"An Analysis of the Deutsch Sociocausal Paradigm of Political Integration"*. 1969. P. 290.

twentieth century, so creative approaches to measuring economic interconnectedness are necessary. Since both gross domestic product estimates and trade flow figures with selected important trading partners exist for nearly all examples dating back to 1790, the development and strength of an internal marketplace (within the supranational entity) can be interpreted as the proportion of an economy (GDP) included in foreign trading markets (net exports) and domestic markets (GDP—net exports).

2.3 Political Integration of India

At the time of Indian independence, India was divided into two sets of territories; the first being the territories of "British India", which were under the direct control of the India Office in London and the Governor-General of India, and the second being the "Princely states", the territories over which the Crown had suzerainty, but which were under the control of their hereditary rulers. In addition, there were several colonial enclaves controlled by France and Portugal. The political integration of these territories into India was a declared objective of the Indian National Congress, which the Government of India pursued over the next decade. Through a combination of factors, Vallabhbhai Patel and V. P. Menon convinced the rulers of almost all of the hundreds of princely states to accede to India. Having secured their accession, they then proceeded to, in a step-by-step process, secure and extend the central government's authority over these states and transform their administrations until, by 1956, there was little difference between the territories that had formerly been part of British India and those that had been part of princely states. Simultaneously, the Government of India, through a combination of

diplomatic and military means, acquired *de facto* and *de jure* control over the remaining colonial enclaves, which too were integrated into India.[52]

2.3.1 Political Integration in Africa

Voluntary political and economic regional integration have been a high priority on the Africa agenda ever since the demise of colonialism more than half a century ago, However, this aspiration still remains largely unfulfilled as progress has never really moved beyond the level of minimalist inter-governmental co-operation with obvious negative consequences for the future of the marginalized continent. Regional integration of the continent is being hamstrung by many deficiencies, particularly the lack of clear leadership, the iron law of impenetrable national sovereignty and Africa Unity being used as ideological slogan instead of a rallying call for a concerted effort towards sustained growth and stability. This may fortify the pessimistic conclusion that the prospect of real change for the better in Africa remaining a remote aspiration.

Over the past 50 years, there have been consecutive cycle of optimism and pessimism about Africa's future and predicting direction of future change remaining as problem as ever. Yet, what seems to emerge after all the trial and attribution of the past decades is a new sense of African realism, underscored by changes in the political mood in some(albeit still a minority)Africa countries, among the emerging Africa middle class the intellectual elites and civil society in general. Hopefully this mood change might be the harbinger of better things to come. Positive signs are that the noble idea Africa Unity is being transformed from largely dysfunctional ideological slogan into a more

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[52] Sumit G. (1996), *"Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay",* International Security

instrument of cooperation and change, that the iron law of non-intervention is gradually making a way for non-indifference. On moral issue in particular; that as witnessed by the Africa Peer Review Mechanism (APRM),good governance, respect for human right and the rule of law are the sine qua non of any qualitative and sustainable improvement in the lives of the Africa people, sub-regional economic communities (REC's)are to play a critical longer be used as an impenetrable shield against outside intervention by dictators, abusers of human right and warmongers.

The general consensus in Africa, as a matter of fact ever since decolonization, is that given the continent economic and geo-political realities is the *sine que non* for meaningful progress. Unfortunately this consensus was never followed by clear and decisive action and Africa problem persisted. At this stage it is clear that the traditional paradigm of Africa integration based on minimalist inter-govermentalism and holistic top-down regional engineering, its only part of solution. Learning from the past experience the evidence is that effective and sustainable regionalization can only happen in an economic, political and social environment that can sustain the effort. This environment does not yet exist in most Africa state. Apart from the symbolism of unity derived from geographical, historical and ideological consideration, the necessary cohesions transcending national boundaries is largely lacking, particularly in the social economic, political and cultural domain of co-existence. This leads to the conclusion that the present largely Africa union led bureaucratically engineer top-down integration will remain an artificial exercise with little substance or longevity if not reinforced by simultaneous inter-disciplinary, bottom-up "organic" processes involving single society and the nation states and REC's micro or sub regional formation and the market, it seems

clear that without the participating steps and the society prepare to leave the imperative and the demand of regionalization, without the cement of compatible cross-national economic and security interest, social political and natural cohesion as well as effective transport and communication linkages, integration effort will at best remain un artificial bureaucratic exercise of limited lasting quality of effect[53]

2.4 The Elusive Goal of African Political Integration

When the African Union (AU) was established in 2002 to replace the largely dysfunctional Organization of African Unity (OAU) and the amalgamated African Economic Community (AEC), some leaders, notably Libyan Leader Muammar Gaddafi, suggested that its structure should be loosely modeled on that of the EU. As a benchmark of successful integration, the EU is obviously the best example that does exist, but while the AU and the EU do share various structural similarities, both organizations are *sui generis* in their own way. Even so, an interesting conversion is to be found the in philosophical roots of both organizations. As is the case with the intellectual underpinnings of European integration and the evolvement of 'the idea of Europe' as a remedy against nationalistic wars, African integration demonstrates a similar motivation, proclaiming and promoting the 'idea of Africa' as statement against colonial exploitation and as rallying call for African states to stand together and unite to overcome the ravages of the past and to become developed and prosperous. A second convergence is to be found in role perception. Europeans realized after the war that as individual nations they would not be able to stand up against the might of the United States of America and the

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[53] McCarthy, C, *Is Africa Economic Integration in Need of Paradigm Change: Monitoring Regional Integration in Southern Africa, Year book, Trade Law Centre for southern Africa, African Konrad Adenauer Stiftung and Namibian Economic Policy Research Unit,*Vol7 2007, p. 38- 40.

Soviet-Union and that cooperation was absolutely necessary against the prospect of being marginalized. Emerging from colonialism in a world dominated by the Cold War as well as Western economic dominance, newly independent African nations similarly realized that standing together and cooperating as one fraternity of nations offered the chance to survive in the brave new world of post colonialism. Even so, while some similarities prevail, Africa and Europe chose different integration paths with different outcomes.

From the start of the process in 1958, European leaders shunned any idea of an all-inclusive grand design in favour of a step-by-step process; African leaders, on the other hand, while embracing the ideology of 'African Unity' or 'pan-Africanism' failed to live up to the challenges, demands and opportunities of unity.[54] Paradoxically, at the formation of the OAU, in spite of the rhetoric and singing the praises of unity, the state-centric (confederal) Westphalian model of sovereignty was accepted and institutionalized as the ruling paradigm and political lode star. It could be argued that because the 'idea of Africa' or being 'African' manifests so prominently and naturally in the sense of identity among Sub-Saharan Africans, continental integration would have happened much easier, than say, as bringing about a 'United States of Europe'. However, for the post-colonial leadership driven by the expediency and power-political considerations, the imperative of nation building and consolidating national identity weighed heavier than institutionalizing a pan- African identity. What made it easier for them, it seems, was the fact that these two identities exist symbiotically, interchangeable, side-by-side, to be used by politicians the way it suited them. For this reason, African governments could

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[54]Olivier G., *South Africa and the European Union—Self-interest, altruism and ideology*, Pretoria Book House, Pretoria,2007, p. 27- 30

politically afford to pay lip service to the imperative of African integration while actually being nationalistic standpatters.

A 'United States of Africa', therefore, remains beyond the realm of African real politics. The notions of 'Africa Unity' and 'African Fraternity' are being paid lip-service to, not as a instrument of integration, but as a myth randomly exploited by leaders and regimes to perpetuate and legitimize the post-colonial continental geo-political status quo; to render inviolable status and legitimacy to national leaders of whatever ilk, and to proclaim sovereign national states a sperrgebiet in respect of foreign influences or prescriptions. The largely dysfunctional OAU institutionalized this mindset, proclaiming state-centric inter-governmentalism as Africa's paradigm for the future.[55]African integration has not yet succeeded to transcend Westphalian barrier, [56]it remains essentially state-centric, a linear but not a deepening exercise.

The rationale behind African integration is quite obvious: acting on their own, most African states are destined to remain vulnerable marginalized and beggar nations. Today, more than six decades since decolonization, Africa remains the most backward continent on the globe as attested by the alarming levels of economic under development, abject poverty, political instability, as well as the perennial armed conflicts in and among various states. "Between the 1960s and 2000 sub-Saharan Africa registered absolute declines on virtually all indices of socioeconomic development".[57]Integration, regional or sub-regional, offers the only way out of this dilemma. What needs to be overcome is the

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[55]Mattli, op cit, p.29

[56]Langenhove, L, *Integrating Africa, Perspectives on Regional Integration and Development*, United Nations University, Shibuya-ku Tokyo, 2003, pp36-65.

[57] Nguendi Ikome F*., From the Lagos Plan of Action to the New Partnership for Africa's Development— The political economy of African regional initiatives,* Institute for Global Dialogue, Midrand, 2007, p 14.

incapacity, particularly of Sub-Saharan African (SSA) states, to escape from their own backwardness and marginalization, and to become integrated in the mainstream of globalization.

The SSA region is populated by 628 million inhabitants; of the 49 countries in this vast area, 34 or 71 per cent, are defined by UNCTAD as least developed countries (LDC's) and 15 are landlocked. Collectively, the GDP of the SSA is about the same as that of Switzerland. Most of these countries are too small, both in area and population, to develop and sustain viable economies. This is indeed a colonial legacy, the outcome of the 19th century scramble for Africa and the resultant artificial borders and balkanization of the subcontinent; designed without consideration of the realities of geography, ethnicity or economic viability[58]. As stated by Ikome: "States spawned by the process of colonialism were by no means nations; rather they represented shells of territorial independence in which the kernel of national identity had been planted by the independence movements" [59]However, in spite of their utter condemnation of colonialism, African states, to this day, absolutely refuse to redraw the continent's colonial map or to introduce supra-national structures to overcome the phenomenon of failing (or failed) states. Regional integration is being embraced as an antidote to these deficiencies, but in a hesitant and feeble way while the *status quo, is* perpetuated: the collective courage and will among African leaders to change it are simply lacking.

Since Ghana's independence in 1957 to the present, institution building supported by elaborate bureaucratic structures, summits, conferences and talk-shops have indeed

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[58] McCarthy C., *Is African economic integration in need of a paradigm change, Monitoring Regional Integration in Southern Africa Yearbook, Trade Law Centre for Southern Africa,* Konrad Adenauer Stiftung and Namibian.

[59]Ikome, op cit, p44,

proliferated under the umbrella notion of African integration. While these may be the harbingers of more authentic and deeper integration in future, it cannot camouflage the reality that there is still a long way to go.

CHAPTER THREE

POLITICAL AND LEGAL STRUCTURAL CONSTRAINTS TO POLITICAL INTEGRATION IN EAST AFRICA COMMUNITY

3.0   Introduction

This chapter discusses political integration in the East African community, the historical background, the integration process and the impact of legal structural constraints to the process of political integration.

3.1 Political Integration

According to Elbadawi and Mwega, political integration is a process by which a supra-national state is created out of smaller states. The individual states share a common government and the supranational state is recognized internationally as a single political entity.[60]

Successful political – economic regional integration initiative should fulfill at least eight important functions: The strengthening of trade integration in the region; the creation of an appropriate enabling environmental for private sector development; development of infrastructure programmed in support of economic growth and regional integration; development of strong public sector institutions and good governance; reduction of social exclusion and the development of an inclusive civil society; contribution of peace and security in the region; building of environmental programmed

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[60] Elbadawi, I.A. and Mwega F.M. (1998), *Regional Integration, Trade, and Foreign Direct Investment in Sub-Saharan Africa, p.70*

at the regional level; and strengthening of the region interactions with other region of the world[61].

3.1.1 Political integration in the EAC

3.1.2 Background Information

The East African Community (EAC) is an intergovernmental organization comprising five countries in East Africa: Burundi, Kenya, Rwanda, Tanzania and Uganda.[62]

The Organization was originally founded in 1967,collapsed in 1977,and was officially revived on July 7,2000[63]In 2008,after negotiation with the southern Africa Development Community(SADC) and the Common Market for Eastern and Southern Africa (COMESA),The EAC agreed to an expanded free trade area including the member states of all three. The EAC is an integral part of the Africa Economic Community.

The East Africa Community is a potential precursor to the establishment of the East Africa Federation, a proposed federation of its five members into a single state. In 2010,the EAC launched its own common market for good, labour and capital within the region, with the goal of a common currency by 2012 and full political federation in 2015[64]

The geographical region encompassed by the EAC covers an area of 1.8 million square kilometers, with a combined population of about 132 million(July 2009 est)[65]

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[61]Langenhove, L, op cit, p.12

[62] Joint Communique of the eigth Summit of EAC Heads of State (2006).

[63] "East Africa Community-Quick Facts".Eac.int.http://www.eac.int/about-eac/quick-fasts.html.Retrieved 2012-07-01.

[64] "FACTBOX-East Africa common market begins" Reuters. July 2012.http://af.reuters.com/article/KenyaNews/idAFDE65T2AJ20100701 ?sp=true. Retrieved 1 July 2012

[65] ^East Africa Community Fact and Figures-2009

Kenya, Tanzania and Uganda have had a history of co-operation dating back to the early 20[th]century.The customs union between Kenya and Uganda in 1917, which the then Tanganyika joined in 1927,was followed by the East Africa High Commission from 1948 to 1967, and then the 1967 to 1977 East Africa Community[66]Burundi and Rwanda joint the EAC on 6 July 2009.

Inter-territorial co-operation between the Kenya Colony, the Uganda Protectorate and the Tanganyika Territory was first formalized in 1948 by the East African High Commission. This Provided a customs union, a common external tariff, currency and postage and also dealt with common services in transport and communications, research and education. Following independence, these integrated activities were reconstituted and the High Commission was replaced by the East Africa Common Services Organization, which may observes thought would lead to a political federation between the three territories. The new organization ran into difficulties because of lack of joint planning and fiscal policy, separate political policies and Kenya's dominant economic position. In 1967 the East African Common Service Organization was superseded by the East Africa Community. This body aimed to strengthen the ties between the members through a common market, a common customs tariff and a range of public services so as to achieve balanced economic growth within the region[67]

In 1977, the East African Community collapsed after ten years. Causes for the collapse included demands by Kenya for more seats than Uganda and Tanzania in decision-making organ, [68]disagreements with Uganda dictator Idi Amin and the disparate

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[66] Jumuyia Newsletter, *From Co-operation to Community.*

[67]*East African Economic Community"*.Crwflags.com.http://www.crwflags.com/fotw/flags/eaf-co.html.Retrieved 2012-07-01.

[68] Born in anonymity". Ms.dk.http://www.ms.dk/sw22171.asp.Retrieved 2012-07-01

economic systems of socialism in Tanzania and capitalism in Kenya. The three member's state lost over sixty years of co-operation and the benefits of economies of scale, though some Kenya government officials celebrated the collapse with champagne. Each of the former member states had to embark, at great expense and at lower efficiency, upon the establishment of services and industries that had previously been provided at the community level.

Later, President Moi of Kenya, Mwinyi of Tanzania and Museveni of Uganda signed the treaty for East Africa Co-operation in Arusha, Tanzania, on 30 November 1993 and established a Tri-partite Commission for Co-operation. A process of re-integration was embarked on involving tripartite programmes of co-operation in political, economic, social and cultural fields, research and technology, defense, security, legal and judicial affairs.

The East Africa Community was finally revived on November 30,199, when the treaty for its re-establishment was signed. It comes into force on July 7, 2000, twenty – three years after the total collapse of the defunct erstwhile Community and its organs. A customs union was signed in March 2004 which commenced on January 1, 2005; Kenya, the region's largest exporter, continued to pay duties on goods entering the other four countries on a declining scale until 2010.Acommon system of tariffs will apply to good imported from third party countries.

Formal East African co-operation dates as far back as the end of the 19th century when construction commenced on the 'Uganda Railway' from the coastal town of Mombasa to its completion in 1901 when it reached Kisumu on the shores of Lake Victoria. Through the years the spheres of cooperation were expanded to include customs

arrangements, culminating in the formation of the East African High Commission in 1948, which lasted until the independence of Tanzania in 1961. At that point in time the High Commission was superseded by the East African Common Services Organization and the East African Community (EAC) in 1967. Ten years thereafter the EAC collapsed. After much bickering over the assets and liabilities, a Mediation Agreement was arrived at in 1984.[69]The collapse of the Community in 1977 is widely attributed to three main factors:

3.2 The East African Community –Administrative Structure

The main organs of the EAC are Summit of Heads of State and Government; the Council of ministers; the Co-ordination Committee; Sectoral Committees; the East Africa Court of Justice, the East African Legislative Assembly and the Secretariat.

The summit consists of the heads of state and government of the partner states. Its function is to give general direction and impetus to the achievement of the objectives of the community. The Summit meets at least once a year to consider the annual progress reports and such other reports submitted to it by the council of Ministers. It may also hold extraordinary meetings as necessary.

The Council of Ministers is the policy organ of the community. It consists of the Ministers responsible for regional co-operation of each partner State and such other Ministries of the partner States shall determine. Among it functions, the Council promotes, monitor and keeps under constant review the implementations of the

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[69]Korwa G. Adar and Ngunyi, M. '*The Politics of Integration in East Africa Since Independence'*, in Walter O. Oyugi (ed.), *Politics and Administration in East Africa*, Nairobi: Konrad Adenauer Foundation, 1992.

programmes of the Community and ensures the proper functioning of the regional organization. The Council meets in regular session twice a year, one of which is held immediately preceding a meeting of the summit and may hold extraordinary meetings as necessary. The Council may establish Sectoral Council to deal with such matters as arise under the treaty and the decisions of such councils will have the same effects as those of the Council of Ministers.

The co-ordination Committee consists of the permanent Secretary responsible for regional co-operation in each partner States and such other Permanent Secretaries of the partner States as each Partner States may determine. The Committee reports to the Council of Ministers and co-ordinates the activities of the Sectoral Committees.

Sectoral Committees report to the Co-ordination Committee. They are established by the Council on the basis of the recommendations of the Co-ordination Committee that spell out their composition and functions. The sectoral Committees prepare comprehensive implementation programmes, setting out priorities with respect to the various sectors as well as monitor their implementation.

3.2.1East Africa Court of Justice

The East Africa Court of Justice is the judicial arm of the Community. The court has original jurisdiction over the interpretation of the 1999 Treaty[70] that re-established the EAC and in the future may have other original, appellate, human rights or other jurisdiction upon conclusion of a protocol to realize such extended jurisdiction. It is temporarily based in Arusha, Tanzania.

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[70]East Africa Community Treaty p.26

3.2.2East Africa Legislation Assembly

The East Africa Legislation Assembly (EALA) is the legislative arm of the Community. [71]The EALA has 27 members who are all elected by the National Assemblies of the member states of the Community. The EALA has oversight functions on all matters that fall within the Community's work and its functions include debating and approving the budget of the Community, Discussing all matters East Africa Community-Wikipedia, the free encyclopedia.

Pertaining to the Community and making recommendations to the Council as it may deem necessary for the implementation of the treaty, liaising with Nationally Assemblies on matters pertaining to the Community and establishing committees for such purposes as it deems necessary. Since being inaugurated in 2001, the EALA has had several sitting as a plenum in Arusha, Kampala and Nairobi.

3.3 Political Integration in EAC

Political integration is a much deeper form of integration which will require deliberate policies and instruments as well as substantive transformation of institutions and mandates. This has to happen at regional and Partner State levels; it involves a substantial entrenchment of the supranationality principle. [72]In essence, the Partner States will need to understand that for political integration to succeed, they should be prepared to cede some of their powers to the Community. It is essential that the EAC harnesses the existing political will at the highest level to support this transformation. While each country continues to have their own national priorities, the reality is that as integration

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[71] East Africa Community Treaty p.38
[72] Elbadawi, I.A. and Mwega F.M (1998) *Regional Integration Trade and investment in sub -saharan Africa,* p.65

deepens Partner States will have to re-align some of their national interests to the regional agenda so as to avoid constraining progress. [73]

There is need to continue with efforts around convergence in the various sectors and building regional standards for the pillars of political federation. On good governance, there is need for development of regional benchmarks, including adopting best practices from within the region. This will be facilitated by harmonization of the legal or institutional frameworks to bring convergence of Partner State practices. In doing this, there is need for multi-stakeholder engagement by establishing regional fora for key players and facilitate special teams to champion and monitor good governance in the various components: constitutionalism and rule of law; human rights and access to justice; anti-corruption; democracy and democratization, including harmonization of electoral calendars.

3.3.1 Political dimensions

It's argued that key drivers for Kenya, Tanzania and Uganda are that Kenya wishes to export surplus capital, Uganda seeks an outlet for its surplus labour and Tanzania want to realize a Pan-Africa vision.[74]

However, it's argued the commonalities go far deeper. Many of the nation elites old enough to remember the former Community often share memories and a sharp sense of loss at its eventual dissolution.[75]More cynically, others argue this historical ambition provides the potential for politicians to present themselves as statements of a higher

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[73] Nzioki K T. and TOSTENSEN A. *Fast tracking East Africa Integration* p-99
[74]Booth, D et al, *East Africa Integration*: *How Can It Contribute to East African Development*, Overseas Development Institute p.33.
[75]Booth, D et al, op cit, p.12.

order, as representatives of a greater regional interest. Furthermore, EAC institutions bring significant new powers to dispose and depose to those who serve in them.[76]

Some question the extent to which the vision of a political union are shared outside the elite and the relatively elderly, further arguing the youthful mass of the population is not well informed about the process in any of the countries,[77]while others point to an enhanced sense of East African identity developing from modern communications.[78]Commitment to the formal EAC idea is relatively narrow, in both social and generational terms, and thus many question the timetable drawn up for the project. Fast-tracking political union was first discussed in 2004 and enjoyed a consensus on the subject among the three presidents of Kenya, Tanzania and Uganda. Thus the high level committee headed by Amos Wako of Kenya was commissioned to investigate the possibility of the speeding up the process of interrogation so as to achieve political federation sooner than previously visualized.

Yet there are concerns rapid changes would allow popular reactionary politics against the project. There is an argument however, that there are high costs that would be required at the beginning and that fast tracking the project would allow the benefits to be seen earlier.

There remain significant political differences between the states. Museveni's success in obtaining his third term amendment raised doubts in the other countries. The single-party dominance in Tanzania and Uganda parliament is unattractive to Kenyans while Kenya's

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[76] Booth, D et al, ,op cit, p. 18

[77]Booth, D et al, ,op cit, pp23-40

[78]Booth, D et al, ,op cit, p.70

ethnic-politics is not apparent in Tanzania. Rwanda has distinctive political culture with a political elite committed to building a developmental state, partly in order to safeguard the Tutsi group against a return to ethnic violence.

Other problems involves states being reluctant involvement in other regional groups, e.g. Tanzania's withdrawal from COMESA but staying within the SADC bloc for the economic partnership Agreement negotiations with the European Union. Many Tanzanians are also concerned, because creating a common market means removing obstacles to the free movement of both labour and capital. Free movement of labour may be perceived as highly desirable in Uganda and Kenya and have important developmental benefits in Tanzania there is widespread resistance to the idea of ceding land rights to foreigners, including citizens of Kenya and Uganda. Tanzania has more all the other EAC nation combined and Tanzania fear land grabs by the current residents of the other EAC member nations. Land scarcity is a recurring issue in East Africa, particularly in Kenya, where clashes on the Kenya side of Mount Elgon in 2007 Left more than 150 dead and forced at least 60,000 away from their homes.

While generally the member states are largely in favor of the East Africa Federation, Informational polls indicate that most Tanzania (80% of its population) have an unfavorable view.[79]

The Philip Commission that set the stage for the formation of the EAC in 1967 was cognizant of the equity issue. Great care was taken to allocate the Community's common services institutions so as to redress existing disparities.

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[79] All Africa.com: Tanzania: Fast –tracking Political federation p.36.

Thus, Kenya hosted the headquarters of the East African Railways and the East African Airways, while Tanzania was allocated the Harbours Corporation and the headquarters of the Community itself in Arusha. The East African Development Bank and the East African Post and Telecommunications Corporation were located in Uganda. Furthermore, the 1967 Treaty [80]provided for a transfer tax system designed to protect industries in Tanzania and Uganda against their Kenyan competitors. The three partner states appeared to part ideological ways in the late 1960s. In 1967 Tanzania adopted the Arusha Declaration, which ushered in a socialist era, emphasizing self-reliance and eschewing foreign investment. Much in the same vein, under President Milton Obote, Uganda opted for the Common Man's Charter, which, in effect, established an ideological axis between Tanzania and Uganda. Kenya, on the other hand, had laid down its ideological precepts [81]which, despite the term socialism, set the stage for an open, liberal economy welcoming foreign investment. The skeptical view of foreign investment taken by Tanzania and Uganda caused potential investors in the region to cast their eyes on Kenya. The relatively better infrastructure and industrial base in Kenya, inherited from colonial times, also favoured an inflow of investment. Thus, old disparities and new ideological dispositions combined to reinforce inequalities.

However this integration scheme collapsed in 1977 in the face of ideological differences un equal levels of developments, political instability un Uganda and lack of political commitment and institutional weaknesses.[82]

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[80]Treaty for the establishment of the East Africa Community p.78.

[81] Sessional Paper No. 10 of 1965 on *African Socialism and Its Application to Planning in Kenya*.

[82] Korwar G.A. and Ngugi XM: *The Policies Integration in East Africa since Independence*, in Ogugi, O, (ed) Policies and Administration in East Africa (Nairobi: Masaki publishers, 1994) p. 410.

The ideological axis between Tanzania and Uganda was broken when Idi Amin deposed Milton Obote in the January 1971 military coup. President Nyerere of Tanzania refused to sit at the same table as Idi Amin, whom he regarded as a 'treacherous army leader'. From then onwards the EAC Authority, consisting of the three heads of state, never met. This was disastrous for the Community, whose Authority was to take decisions by consensus and eventually led to its collapse. Following a seven-year hiatus after the Community's collapse in 1977, moves were made to revive the erstwhile co-operative venture, leading at first to the Nairobi Communiqué of 1991 and two years later, to an agreement re-establishing the EAC Secretariat in 1996. These events were all precursors to the resuscitation of East African co-operation in a new guise and with a new vision when in November 1999 a Treaty formally re-launched the East African Community. With its subsequent ratification by the three partner states the Treaty entered into force in July 2000. The long history of collaboration between the three East African states with its ups and downs has left a legacy – for good and bad. This legacy has a bearing on the contemporary dynamics of collaboration in several respects. The processes and experiences leading up to the collapse of the Community in 1977 still linger in the minds of politicians and civil servants. On the negative side a certain amount of skepticism remains on the part of Tanzania and Uganda vis-à-vis Kenya on account of the widespread perception that Kenya benefited disproportionately from regional cooperation at the expense of the other partners. It does not matter much whether these perceptions reflect reality or whether they are a figment of the imagination of the individuals holding them.

Perceptions take on a reality of their own, on the basis of which people continue to think and act. To the extent that the perceptions are unfounded they need to be dispelled through new experiences. To a much lesser extent the previous ideological differences between 'socialist' Tanzania and Uganda and 'capitalist' Kenya also remain a reality. At the same time, the 'statist' mode of thinking is still pervasive in much of the civil service of the partner countries, particularly in those of Tanzania and Uganda, but also in Kenya's to some degree.

The pertinent question is often being asked whether the new EAC stands a better chance of success than its predecessor. After all, it is claimed with a cynical slant, most of the problems remain the same and many of the personalities involved have only been recycled. [83]It is asserted, furthermore, that the 'statist' or 'interventionist' mode of thinking is so ingrained in at least some of the civil services of the partner countries that the ostensible policy reorientation is merely superficial. The post-colonial and economic structures of these countries have made regional integration ineffective. The centralized political power has refused to give way or cede some authority to supranational institutes. The degree of integration depends on the willingness and commitment of independent sovereign states to share sovereignty.

As Kayunga has observed, one factor that has often undermined the process of regional integration has been nationalism.[84] The two processes are antagonistic to one another on three counts.[85]First, whilst nationalism aims at creating boundaries with each nation occupying a native home or territory, regional integration seeks to both undermine the territorial basis of a nation and facilitate the free movement of people. Secondly,

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[83] Nyong'o A. (1990) *Regional Integration In Africa:* Unfinished Agenda,pp121
[84] Kayunga, *op. cit*., p. 210.
[85]*Ibid*., p. 211.

whilst nationalism seeks to enhance cultural and other forms of identity of particularism, integration is a universalizing process, seeking to create new forms of identity or forms of citizenship not based on the nation state. Thirdly, whilst nationalism seeks to enhance the sovereignty of the nation state, regionalism seeks to undermine it. In Uganda mention has to be made of Buganda's continued search for autonomy. According to Kayunga, this has previously undermined any efforts towards regional integration.[86] Attempts by the colonial administration to establish a political federation in East Africa was vociferously opposed by Buganda Kingdom in the mid 1950's. Even today, the Kingdom of Buganda has been demanding for Federal. No one knows how this federal will fit in the East Africa Political federation enterprise. There is the issue of land, which is tied in with the issue of nationalism. Nationalist forces have been opposed to harmonization projects that significantly undermine forms of particularism. According to Kayunga, in the case of Uganda and Buganda in particular, "any form of integration that would undermine the unique form of land tenure system in Uganda that privileged a few "mailo" land owners was vehemently opposed."[87] The Wako Committee highlighted this issue too.[88] The Committee noted that there is need to put Tanzanians' fears that the envisaged Common Market and eventual Federation, particularly provisions relating to Right of Property and Residence, will not open the floodgates to Kenyans who might be more advantaged to migrate to Tanzania and take up legal rights. In the internet debate that I alluded to above, many Tanzanians were of the view that Kenya and Uganda should first reform their land

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[86]Ibid. p. 220
[87]Kayunga, op. cit., p. 212.
[88] Wako Committee Report, op. cit., paras. 244-245.

laws to enable people in lower income bracket to acquire land before they join the regional federation.[89]

There is the issue of multiple memberships to different regional integration groups. Whilst Uganda and Kenya belong to the Common Market of East and Southern Africa (COMESA), Tanzania is not a member she pulled out of COMESA in 2000. Uganda and Kenya are not members of the Southern Africa Development Community (SADC) while Tanzania is a member.

According to the Wako Committee, before the establishment of the Federation, a referendum was to be held in the Partner States in September 2009. Whilst this was an opportunity for the people to express their stand on the issue, it was also a challenge. The question that needed to be asked is: what if the people rejected the Federation project, what next? The Wako Committee did not answer this question. The rejection of the European Constitution[90] by the people of France and Netherlands was an eye opener. The rejection resulted in the death of the Treaty of Nice despite the fact that 15 countries of the EU had already ratified it. Are the East African leaders ready to be defeated in the mooted referendum? Or will they manipulate the referendum results (just as they do in their national elections) in favor of the Federation? What will this manipulation portend for the yet to be established Federation? Fortunately for the East African Community the results of the referendum indicated that all countries needed more time and the integration process needed not to be interrupted.

The fear is that with such a deficit of goodwill and capacity at the customs union level, there may not be sufficient will and capacity to honor and manage obligations

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[89]The Sunday Standard, 5 November 2006, p. 25.
[90] Treaty for the establishment of the East Africa Community, p.123

under the more demanding political federation. One of the areas of increased concern in recent times has been the security challenge. The massive arrival into, and transit through East Africa by nationals of Somalia and Ethiopia has raised new alarms over the security management and monitoring capacity.

There is rise in small arms-related crimes in the region associated with the porous borders with neighboring countries with serious security challenges such as Somalia, DRC and South Sudan. Fears abound that greater integration may spread the problems originating from these countries to other countries in the EAC.

Poor management of electoral competitions in the recent past has dampened the optimism about regional stability and democratic consolidation that had started to gain root. [91]The impasse among political parties in the run up to the 2010 elections in Burundi, and worse, the post-election violence following the disputed 2007 Kenya election caused some doubt as whether management of internal electoral competition has reached the level of maturity to allow for region-wide competition.

The emergence of politically-connected gangs as a social force also worries people from the region about the direction of change being experienced. The gangs reported to be active in Kenya such as Mungiki and Baghdad boys if not addressed pose a threat to a federation which is projected to be founded on the rule of law. In addition to the general emerging concerns captured in the main report there were specific concerns expressed by Tanzanians during the recent country consultations.

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[91] Fast –tracking Political federation-Tanzania, p.67

Broadly, the set of fears that have been identified fall into institutional incoherence, varied levels of commitment to implement regional decisions and different levels of development of the Partner States, especially in matters of human resources and industrial productivity. Other fears derive from uncertainty about the unknown about regional integration generally or political federation in particular.

With respect to EA Political Federation, the FCCs[92] revolve around fear of the unknown and about the implications of a political federation as well as the anticipated challenges in implementation.

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[92]All Africa.com:Tanzania:Fast –tracking Political federation pp125

CHAPTER FOUR

ANALYSIS OF DATA ON POLITICAL AND LEGAL CONSTRAINTS TO POLITICAL FEDERATION IN EAC

4.0 Introduction

This chapter analyses political and legal constraints that impede realization of East Africa's political federation. The arguments advanced in this chapter proves the fact that whereas it is possible meet key milestones of EAC, however the ultimate pillar which is political federation might not be achieved after all. The chapter analyses critical constraints that must be surmounted to realize the much-sought-after political union. The chapter outlines areas of concern and advances the argument that no integration scheme anywhere in the world has attained a political federation. The study is informed by the by both primary and secondary data. The measures taken by East African community countries to address the political legal constraints have also been comprehensively analyzed to give a complete picture of the study.

4.1 Political legal Structural Constraint Hindering Political Integration in East Africa.

The study establishes with certainty that majority of East Africans are not ready for political integration. This observation is contained in the Wako Report.. Additionally, the EAC partner states governments seem not to ready to cede part of their sovereignty to help actualize the political integration. This is again reiterated in the Wako Report in which partner states government are not willing surrender some of their powers to the centre to be exercised from Arusha. The resistance to East African federation agenda

could be partly blamed on the fact majority of East Africans is not well aware of the benefits of political integration. This coupled with insufficient political good will among the partners state towards actualizing the political integration have acted against the stated goal of EAC attaining a unique status of combining both political and economic goals to create a super political structure in East Africa. However, although the future for a federating unit in East Africa might not be bright, this study agrees that the creation of the ministry responsible for East African affairs in each of the EAC partner states has helped to advance the integration agenda.

Commenting on political structural constraints that impede political integration in East Africa Kayunga argues that one factor that has often undermined the process of political integration has been nationalism.[93] The two processes are antagonistic to one another on three counts.[94]First, whilst nationalism aims at creating boundaries with each nation occupying a native home or territory, regional integration seeks to both undermine the territorial basis of a nation and facilitate the free movement of people. Secondly, whilst nationalism seeks to enhance cultural and other forms of identity of particularism, integration is a universalizing process, seeking to create new forms of identity or forms of citizenship not based on the nation state. Thirdly, whilst nationalism seeks to enhance the sovereignty of the nation state, regionalism seeks to undermine it. He therefore asserts that there is a fear among member states on losing power and independence of decision making this is because many people fear what kind of sovereignty will emerge out of the political federation. Therefore ceding international personality is a major challenge and

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[93] Kayunga, op. cit., p. 210.
[94]Ibid., p. 211.

poses the difficult question of state succession affecting matters like debts, properties acquired and agreement already entered with international organizations and countries. The study establishes that another critical challenge regarding political integration is to be found in the management of common resources. Management of the commons encompasses matters such as budget of resources, resources allocation, budget, taxation, and disbursement of development aid and shared resources. This is where the jig-zaw puzzle must be overcome. For the management of commons to be seen to be transparent, the citizenry will need to be enlightened on the benefits of political federation which accrue because of having a stronger and more enhanced bargaining power in the international trade and foreign relations.

Based on the foregoing argument, the study concludes that many East Africa are hesitant about political integration because they are of the opinion that poor governance practices like corruption, human right abuse and failure to obey constitutionalism as well as rule of law may entrenched in such super structure.

4.2 Dominant Fears for Political Integration

This study establishes that the major individual determinant of political participation are both education level of the partner states as well as the social background level accounting for 44% of the determinant while gender accounted for only 11.11%. From the empirical literature it is evident that political structural and legal constraints have made integration ineffective in East Africa. The various scholars seem not to put great emphasis on political impediments at the same time few have offered alternative options on how to surmount these political and legal structural impediments.

The issue of East African Federation has firmly been put on the agenda of East African countries. In fact, this in itself is a silver lining. Whilst the Treaty of EAC had broadly spelt out the desire of the Partner States to politically federate, the process to bring the federation about had not been spelled out. The study sought to find out the fears and concerns that are specific to each partner state that could undermine the federation process. The concerns ought to be addressed at either national or regional level depending on the context, to strengthen the integration process. Cite your empirical sources regarding this assertion.

It is established that the different infrastructures for justice and difference in court systems in the partner states poses a challenge to political integration. The administration of justice is critical in advancing the integration dream, however different justice infrastructures in partner states is not strength rather an impediment. Experiences of the five partner states in administration of justice will be brought to bear on the justice system for the federation. This can be a recipe for confusion and uncertainty. This would require that before partner states establish justice system for the region, they must harmonize their operations to be in synch with each other for clarity, certainty and effectiveness.

The political fear is compounded by lack of adequate risk management strategy to deal with emergencies and unplanned for risks. For example, lack of a formula for dividing assets and obligating in the event of failure is a concern for the partner state governments. This is further reinforced by concern that there is no flexibility in exercising power at national level is a major concern for East Africa governments. On this argument, the study concurs with several studies by different scholars. The fear is

that with such a deficit of goodwill and capacity at the customs union level, there may not be sufficient will and capacity to honor and manage obligations under the more demanding political federation. One of the areas of increased concern in recent times has been the security challenge. The massive arrival into, and transit through East Africa by nationals of Somalia and Ethiopia has raised new alarms over the security management and monitoring capacity. A. Nyong'o notes that Regional integration has to embrace good neighborliness without comprising the security of the citizenry.[95]

The issue of small proliferation of small arms incase borders are collapsed in the super structure is of great concern. Generally, there is rise in small arms-related crimes in the region associated with the porous borders with neighboring countries with serious security challenges such as Somalia, DRC and South Sudan. Fears abound that greater integration may spread the problems originating from these countries to other countries in the EAC.

The issue of management of elections has to be addressed first. Poor management of electoral competitions in the recent past has dampened the optimism about regional stability and democratic consolidation that had started to gain root. The impasse among political parties in the run up to the 2010 elections in Burundi, and worse, the post-election violence following the disputed 2007 Kenya election caused some doubt as whether management of internal electoral competition has reached the level of maturity to allow for region-wide competition. The emergence of politically-connected gangs as a social force also worries people from the region about the direction of change being experienced. The gangs reported to be active in Kenya such as Mungiki and Baghdad

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[95] Nyong'o A., (1990) *Regional Integration in Africa- unfinished Agenda*.p.216

boys if not addressed pose a threat to a federation which is projected to be founded on the rule of law. In addition to the general emerging concerns captured in the Main Report there were specific concerns expressed by Tanzanians during the recent country consultations are annexed hereto.

When the same vehicles reach the Burundi border which is still operating a daytime crossing regime. Broadly, the set of fears that have been identified fall into institutional incoherence, varied levels of commitment to implement regional decisions and different levels of development of the Partner States, especially in matters of human resources and industrial productivity. Cite Your Sources please.

Other fears derive from uncertainty about the unknown regarding regional integration generally or political federation in particular. With respect to EA Political Federation, the FCCs revolve around fear of the unknown and about the implications of a political federation as well as the anticipated challenges in implementation. For political federation to be realized adequate planning and strategies must be mooted, tested and adopted to serve as guiding principles. Adequate resources should be deployed to attain this vital phase. The Report of the permanent Tripartite Commission for East Africa noted that E.A Cooperation needed to be guided by the tenets of the E.A.C treaty.[96]

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[96] East African Cooperation (2005); *A Report of the Permanent Tripartite Commission for East African Co-operation*, p.16.

CHAPTER FIVE:

CONCLUSIONS AND RECOMMENDATIONS

5.0   Introduction and Observations

This study sought to examine the political and legal structural constraints that undermine East African political integration. The following objectives were identified and they guided the way the study was approached. They include investigating political constraints working against regional integration in East Africa; investigating legal constraints in the East African political integration process; and analyze measures taken by East African Community states to address the political and legal constraints. The study also set out to test some hypothesis to ascertain whether commonly held assumptions are true. They are as follows; political structural constraints hinder regional integration in East Africa; legal Structural constraints impede regional integration in East Africa; and that the East African Community political federation integration process is achievable once the structural and legal constraints are addressed. These hypothesis were necessary in order to situate the study. The study used both primary and secondary sources and where secondary sources were used, appropriate citations have been given. The study summarized the qualitative data into main themes and used a scale to establish facts. It concludes that EAC institutions are not fully prepared to carry their mandate. This chapter therefore endeavors to provide a snapshot of the arguments made and makes certain conclusions and recommendations.

5.1 How well are the EAC Institutions prepared to handle the political integration of EAC

EAC institutions are expected to play a leading role in institutionalizing the East African federation. However one wonders whether they have the capacity to midwife political integration. A close scrutiny of the EAC secretariat will show that it is not prepared to handle far more challenging tasks that will come with political federation. Indeed the secretariat will be expected to act as the executive wing of the East African government. Going by the current capacity and authority of the secretariat, it can be concluded that it is not able to handle added responsibility. It has no expertise to act as EAC government executive arm. With such infant secretariat it is the opinion of this study that EAC cannot win spillover effects which translates into loyalty to the centre as propounded by neo-functionalism theory.

This argument is just an example of how inadequacies in EAC cannot advance the political integration, unless these institutions are retooled, expanded and their capacity enhanced. The institutions that should anchor the expected super structure are not yet in place. Take an example of the EACJ. Its jurisdiction is so limited that it suffers from suffocation and to be blunt EACJ is a mere "legal talking shop" with no powers to enforce its decisions. Partner States have not given it the teeth to bite properly. It may be noted that one of the tenets of neo-functionalism theory as propounded by Harrison is the need for sacrifice. He argues that integration involves sacrifices. Integrating states must sacrifice some of their sovereignty to realize the grand super scheme. This is where EAC has scored badly. Partner States are not willing to make real sacrifices.

They are not ready to cede some of their legal powers to the EACJ. EACJ is toothless hence qualifies as a legal ornament. To resuscitate justice in East African Community, EACJ should be given wider jurisdiction both original and referral in certain matters. National courts should be subordinate to the EACJ and should work to complement it. This is the action that is needed as East Africa ponders on the next course of action in its political integration journey.

The EALA is the legislative arm of the Community; however its laws are restrictive and only refer to specific matters that do not threaten the sovereignty and the independence of national assemblies. EALA does not operate on full time basis and has no fixed base from where to legislate on issues that affect the Community. This among others limits its powers and operations. As Harrison one of the proponents of neo-functionalism states, in an integrative scheme where political elites feel that their power and vested interests are seriously threatened, they can prove to be an impediment to grand and noble project. This argument helps to explain the fate of EALA. Political elites in EAC Partner States, feel threatened by EALA that is why it has limited space to maneuver. It can only legislate in matters that do not threaten the sovereignty of member states. This why Harrison cautions that integrative step itself should be inherently expansive, but not so expansive that it is perceived to threaten vested interests of political elites. For the Community to realize its political objective, EALA must be expanded and given powers that conform to its status. In fact national assemblies should act as lower houses of EALA. As the situation is, EALA can also be regarded as a talking shop where members come to pass time talking about the region. EALA's authority is weakened by the fact that its members are not elected through universal suffrage, rather are selected by political parties and endorsed by

national assemblies. It is in this regard that Mukandala questions the election of the members of the East African Legislative Assembly (EALA), which he considers a lost opportunity for community to be known, its problems and prospects to be debated appreciated an understood[97]. It is important to note that the national assembly's rarely debate EALA reports or other regional affairs for that matter, largely because domestic politics is inward-looking.

Partner States will need to understand that for political integration to succeed, they should be prepared to cede some of their powers to the Community. It is essential that the EAC harnesses the existing political will at the highest level to support this transformation. While each country continues to have their own national priorities, the reality is that as integration deepens Partner States will have to re-align some of their national interests to the regional agenda so as to avoid constraining progress. However borrowing from neo-functionalism theory, it is expected that as EAC integration grand scheme turns its wheels, there will be a shift in loyalties to the new centre which is referred to as spillover effects. It is the hope of right-thinking people that gradually, EAC integration will spillover into politically sensitive areas leading finally to the creation of a political community that speaks with one definite voice on matters affecting the Community. This will be the ripe moment to usher in a new political dispensation.

This study submits that there is need to continue with efforts around convergence in the various sectors and building regional standards for the pillars of political federation. On good governance, there is need for development of regional benchmarks, including

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[97] Mukandala, op cit, p.38

adopting best practices from within the region. This will be facilitated by harmonization of the legal or institutional frameworks to bring convergence of Partner State practices. In doing this, there is need for multi-stakeholder engagement by establishing regional forums for key players and facilitate special teams to champion and monitor good governance in the various components: constitutionalism and rule of law; human rights and access to justice; anti-corruption; democracy and democratization, including harmonization of electoral calendars.

As earlier noted, there is a fear among member states on losing power and independence of decision making, is a major concern. The issue of sovereignty with political integration and ceding of international personality is a major challenge and poses the difficult question of state succession affecting matters like debts, properties acquired and agreement already entered with international organizations and countries. The other critical challenge is the management of common resources. The above fears points to the argument that Hass advances in the neo-functionalism theory that most political actors are incapable of long range purposive behaviour. As Hass submits, integration faces real threats from political establishment. Indeed, it is the politicians who have a lot to lose incase states cede some their sovereignty to the centre. This is evident in the European Union where Britain has been fighting to repatriate some of the powers it ceded to Brussels.

Based on the above observations, the study concludes that many East Africans are hesitant about political integration, due to states having diverse socio-economic and political background as well as the skills gaps which has led to imbalances in entrepreneurship, competitiveness in industries and service sector. Issues of fear of

skewed labour mobility are catalysts against regional political integration. This coupled with fear of loss of land which arises out of varied population densities and within countries weak land management systems continue to disadvantage some sections of the population. Equally increased competition and unfair accessibility of land poses a human security issue for those livelihood depends on land and yet they do not have security of tenure, these various land tenure systems in partner states have led to poor land management and with increasing population pressure on the land has led to disputes.

5.2 Institutional Arrangements

In order to give the requisite capacities to steer the qualitative shift from one level of integration to another, there is need to strengthen the East African Community organs and institutions by reviewing their mandates accordingly with a view to making them more responsive to the demands for an effective political integration. Particular focus should be given to the East African Community Secretariat, East African Legislative Assembly, East African Court of Justice and to the Ministries responsible for East African Community Affairs in Partner States.

5.3 East African Advisory Body

The East African integration has been scaled up through various measures. This study proposes that an East African advisory body composed of eminent persons could play a prominent role to champion and popularize EAC; and recommend solutions to identified challenges to regional cohesion on a continuous basis.

5.4 Strengthening Institutions Supporting Regional Convergence of Political Systems and Political Integration

Political integration has a number of key players that have a stake in shaping the governance processes that reinforce accountability and democracy in any region. These include political parties, electoral bodies, civil society organizations, media, research institutions and think tanks. There is need to strengthen functional networks and alliances of such actors beyond national borders and limit in their influence on the integration process largely because of lack of institutional arrangements for doing so. The ongoing efforts to create a political federation in East Africa may thus encounter difficulties if these actors do not take centre stage in the process. In this regard, it is recommended that regional mechanisms be established to nurture the participation, ownership and cross linkages in the region. This will promote convergence and standardization of political systems and political culture in East African Community.

This study has not looked at all aspects that undermine political integration in the region and it cannot be assumed with the results of this study the issues ailing political integration have been comprehensively unearthed. There is still more to be done in order to enable EAC be on the right track towards realizing its most prized integration pillar, the political federation. More research should be conducted in areas such socio-economic underpinnings that are critical to the East African political integration. It is the recommendation of this study that the impact of the EAC integration process must be studied and be weighed against the gains obtained by the citizens of each partner state.

REFERENCES:

Oyejide, A, I. et al (eds.) *Regional Integration and Trade* Oxford University Press Ltd (1994).

Ashton, S, *British Policy Towards the Indian States, 1905–1938*, London Studies on South Asia no. 2, London: Curzon Press (1982).

Brown, J, "The Mountbatten Viceroyalty. Announcement and Reception of the 3 June Plan, 31 May-7 July 1947", *the English Historical Review* 99 (1984) pp.667–668.

CARR. E, *Regional Integration in West Africa, the Evolving role of the   Economic Community of West African States, in* Iqbal, Z and Khan, M (eds.),*International Affairs* Journal, pp. 29-34.

Collier, P. and. Gunning J. (1995), *"Trade Policy and Regional Integration: Implications for the Relations between Europe and Africa",* World Economy, 1995, Vol 18, Issue 3, pp 387-410.

Copland, I "*Congress Paternalism: The "High Command" and the Struggle for Freedom in Princely India"*, in Masselos, Jim, *Struggling and Ruling: The Indian National Congress 1885–1985*(1987), New Delhi: Sterling Publishers, pp. 121–140.

Copland, Ian "Lord Mountbatten and the Integration of the Indian States: A Reappraisal", *the Journal of Imperial and Commonwealth History* 21 (2) (1993): pp.385–408.

Copland, Ian (1997), *the Princes of India in the Endgame of Empire, 1917–1947*, Cambridge, England: Cambridge University Press.

Eagleton, Clyde (1950), "*The Case of Hyderabad before the Security Council*", The American Journal of International Law (American Society of International Law) 44 (2): 277–302.

East African Community Facts and Figures, Arusha, (2009).

East African Co-operation (various years), *Report of the Permanent Tripartite Commission for East African Co-operation.*

East African Co-operation, *East African Co-operation Development Strategy* (1997-2000).

Haji, S, East African Economic Integration, Base case Economic Analyses: African Integration review, Vol. 3, No. 2, October, 2009.

Elbadawi, I and Mwega, F "*Regional Integration, Trade, and Foreign Direct Investment in Sub-Saharan Africa"* (1998).

Fifield, R ,"*The Future of French India*", *Far Eastern Review* 19 (6) (1950): pp.62–64.

Fifield, R ,"*New States in the Indian Realm*", The American Journal of International Law (American Society of International Law) 46 (3):Framework, Issues and Methodological Perspectives, Macmillan Press Ltd (1952), London.

Ganguly, Sumit, "Explaining the Kashmir Insurgency: *Political Mobilization and Institutional Decay*", *International Security* The MIT Press, (1996) 21 (2): pp.76–107.

Goldstein S and Peverhouse J *International Relations*, Brief 5th Edition, Longman Pearson, New York (2010).

Kasekende, L. and Ng'eno, K "*Regional Integration and Economic Integration in Eastern and Southern Africa"* (2000).

Lancaster .C, *Africa in World Politics,* in Haberson, J and Rothchild .D, *Post-Cold War Challenges* 2nd, Edition Westview Press Inc, (1995), Colorado,

Elbadawi, I. and Mwega, F, *"Regional Integration, Trade, and Foreign Direct Investment in Sub-Saharan Africa",* (1998).

Ministry of East African Community, July-September, 2010 Jumuiya Magazine, Issue 18,

Ndongko.W, *Economic Cooperation and Integration in Africa*, CODESRIA, Dakar, Senegal (1985).

Nyong'o, Anyang', *Regional Integration In Africa: Unfinished Agenda*, The Regal Press Kenya Ltd (1990), Nairobi.

Raharan, A et al *"Putting the Horse Before the Cart; On the Appropriate Transition to an East African Customs Union*", A Report prepared for the East African Co-operation Secretariat, (1999).

Saasa, S, *Joining the Future Economic Integration and Co-operation In Africa*, African Centre for Technology Studies (1991), Nairobi.

The Treaty for the Establishment of the East African Community, Arusha, (2003)

Venables, A. "*Winners and Losers from Regional Integration Agreements"*, London School of Economics, (2001).

I am a student at University of Nairobi, undertaking a master degree international studies, am working on my master project on political legal structure constraints of political integration in Africa (A case of East Africa Community). Your responses will only be used in the purpose of testing. All the impanation received from the responded will be held confidentially. Kindly respond sincerely to the issue in the questionnaire where required write brief   answers in the space provided.

SECTION A: PERSONAL DETAILS

1. (a)   Gender (Tick as appropriate)

Male

Female

(b)   Age (Tick as appropriate)

18-23

24-29

30-35

36-40

41-45

46-50

51-55

56-60

SECTION B: JOB INFORMATION

2. State your:

   (a) Country…………………………………………………………………………..

   ……………………………………………………………………………………

   (b) Ministry / Institution

   …………………………………………………………………………………..

   …………………………………………………………………………………

   (c) Department / Division/Section/Unit

   …………………………………………………………………………………

   ………………………………………………………………………………….

   (d) Designation

   …………………………………………………………………………………

   …………………………………………………………………………………..

   (e) Highest Academic Qualification

   Phd   ☐

   Masters   ☐

   Bachelor's degree   ☐

   Diploma   ☐

   A-Level   ☐

   O-Level   ☐

   Primary   ☐

(f) Area of specialization

…………………………………………………………………………………………

…………………………………………………………………………………………

3. How long have your worked in your current ministry/ institution?

0-2yrs

3-5yrs

6-9yrs

9-10yrs

4. Briefly describe what your job/ duties entails?

…………………………………………………………………………………………………

……………………………………………………………………………………..

a) How frequent do you travel outside your work station?

1-3

4-6

7-9

10-12

Others

SECTION C: CONSTRAINTS/ CHALLENGES

5. The section below accesses the various constraints to political integration in East Africa.

Please tick one in each row as appropriate

1)Strongly Disagree 2) Disagree   3)Neutral   4)Agree   5) Strongly Agree

		1	2	3	4	5
i	Majority of the East Africa are ready for political integration					
ii	The Partner States Governments are ready to cede part of their sovereignty to help actualize the political integration					
iii	East Africa are well aware of the benefits of political integration					
iv	There is political good will among the partner states towards actualizing the political integration					
v	Do you think the creation of the ministries of EAC in the partner states has helped to advance the integration Process?					
vi	Many of the East Africa are aware of the effects of political integration on existing national and foreign defense policies					
vii	Lack of clarity on the model of political integration					
viii	Disparate in governors, national constitution and practices of democracy cause a challenge to political integration					

6) In order of priorities, List the legal challenges toward political integration in East Africa.

………………………………………………………………………………………

……………………………………………………………………………………….

7) What is the most challenging aspect that may hinder successful implementation of political integration in East Africa?

…………………………………………………………………………………………….

…………………………………………………………………………………………….

8) What are the individual determinations of political participation in the integration block?

Education level ☐

Social background level ☐

Gender ☐

Other specify ☐

9) To what extent are the following statements true?

Indicate your response in the scale of 1-3 where:

1= True   2 = Neutral   3=False

		1	2	3	4	5
i	Partner state government are afraid of losing political power in case of political integration					
ii	Africans are afraid of political integration due to loss of nationalism					
iii	Flexibility in exercising power in national level is a major concern for East Africa Governments					
iv	Lack of a formula for dividing assets and obligatings in the event of failure is a concern for the partner state governments					
v	The different infrastructure for justice and difference in court system in the partner states poses a challenge to political integration					

10. Briefly discuss how well the following EAC organs are prepared to handle the political integration in the EAC?

(i)   EAC Secretariats
         ………………………………………………………………………………………
         ……………………………………………………………………………………….

(ii)   East Africa Legislative Assembly (EALA MPs)
         ………………………………………………………………………………………
         ……………………………………………………………………………………….

(iii)   East Africa Court to Trustee (Judicial wing)
         ……………………………………………………………………………………….
         ……………………………………………………………………………………….