

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

ASSESSMENT OF THE FACTORS AFFECTING ISSUANCE AND USAGE OF EAST AFRICA TRAVEL DOCUMENTS IN PROMOTION OF FREE MOVEMENT OF PERSONS.A
CASE STUDY OF KENYA(2008-2013)

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DECLARATION

Declaration by the student

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

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DEDICATION

To my spouse, Karume, for his support when I was undertaking my project, to my children Lisa, Anita and Gee Marwa for their understanding during the time I was doing this study. To my dear mother Mary who prayed for me when times were tough, to my late father George Monday, who did not live to witness this success, I have made you proud.

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ACRONYMS

AU	-	African Union
EAC	-	East Africa Community
ECOWAS	-	Economic Community of West Africa States
ETD	-	East Africa Travel Document
EU	-	European Union
FMP	-	Free Movement of People
IOM	-	International Organization of Migration
REC	-	Regional Economic Community
SADC	-	Southern Africa Development Community

ABSTRACT

The movement of persons within a region is an essential for regional integration. This is because free movement of people within a region aims to wide and deepen cooperation among the partner states in economic and social fields for the benefits of partner states.

One of the measures of implementing free movement of person within a regional community is by maintaining a common standard travel document for their citizens which is introduced to ease border crossing of regional citizens.

East African Community States introduced the East Africa passport and the East Africa Temporary permit to ease free movement for its regional citizens. The East Africa travel documents were introduced more than ten years ago, but there has been very little focus on how the documents have fared on in their promotion of free movement of people across the region. Very few people have applied for the document and have no idea of its existence.

Free movement of people within EAC has been challenging and complex. EAC states have not fully implemented at national level decisions on free movement of people made at sub-regional level. Political and economic reasons have affected issuance and usage of East African travel documents.

EAC member states are struggling with unemployment levels. States are reluctant to liberalize entry of regional citizens with the view that it will further unemployment situation in their states.

The study recommend the need to create awareness to the public and sensitize the citizens on the benefits of holding and using the East Africa travel document.

CHAPTER ONE

INTRODUCTION TO THE STUDY

This chapter introduces the study. It covers the background of the study, stating the problem and laying out the objectives of the study. The chapter will also address the justification and significance of the study, the methodology and scope within which the study will operate.

1.1 Introduction

Globalization has contributed greatly to the increase in movement of people from one place to another. A majority of people move within regions mainly for short and recurring visits therefore making the element of free movement of people within regions important in promoting regional integration.¹

The aim of free movement of persons within a region is to widen and deepen co-operation among the partner states economically and socially for the benefits of the partner states and its citizens. Economic growth of partner states within a region can be accelerated through free movement of persons and other factors of production.

Free Movement of persons is therefore necessary in promotion of regional integration and every effort should be put in place to ensure that the measures put in place to ease and promote free movement of persons are improved and conserved.

Regional organizations for instance the European Union(EU), Economic Community of West Africa State (ECOWAS), Southern African Development Community (SADC) and East Africa

¹IOM, International Dialogue on Migration Intercessional Workshop on Free Movement of Persons in Regional Integration processes 18-19 June 2007.

Community (EAC) have adopted concrete measures aimed at achieving the free movement of their citizens within their respective regions.

Regional organizations have come up with measures to ease and promote movement of citizens of the partners states across the borders. The measures taken are opening and keeping immigration border posts open for twenty four hours and maintaining common standard travel document for their citizens. Harmonizing and maintaining common employment labour policies, programmes and legislation aimed to promote free movement of people are some of the measures taken to promote free movement of people.²

Free movement of persons (FMP), goods and services among the Regional Economic Communities (RECs) is an important element of promoting regional integration .It is however challenging and complex. Many states are protective of their local industries and are keen to protect their national employment by not abiding by the Free Movement of Persons provisions. They also have inadequate mechanism to facilitate and manage labor mobility. States concern about their national security issues , un harmonized education systems and inadequate labour market information are some of the challenges faced by Regional Economic Communities in promotion of Free movement of persons. .³

The measure taken by European Union and COMESA to implement free movement of people is by removal of visa requirements for their regional citizens within their respective regions .

²United Nations Economic Commission for Africa (UNECA) 2006. Economic report on Africa 2006; capital flows and development financing in Africa, Addis Ababa.

³United Nations and Economic Commission for Africa. Seventh session of the committee on trade, Regional co-operation and Integration. Addis Ababa. Ethiopia 2-3 June2011.Free movement of Persons, Goods and services.

One of the measures of implementing free movement of person within a regional community is by maintaining common standard travel document for the regional citizens.

The measure of maintaining a common standard travel document to promote freedom of movement within their regions is applied by Economic Community of West Africa State (ECOWAS) and East Africa Community (EAC). This travel documents were introduced to ease border crossing of their regional citizens.

The EAC member countries introduced the East African passport .It is a common passport of EAC and is valid for use within the East Africa community to facilitate and ease cross border movement of citizens of its member states.

1.2 Background to the Study

According to the protocol of EAC, the EAC citizens are allowed to enter the territory of any of the partner state without a visa and to move freely within that territory .They also have a right to stay in the territory of any partner state, to exit without restriction, and the right to full protection when in that territory.⁴ The right to Free Movement of person within EAC is also based on abolition of discrimination based on nationality of the person.

Most regional organizations in Africa encourage free movement of people across the African countries as freedom of movement of people enhances economic benefits for both the sending and receiving states⁵.

⁴ EAC Towards A Common Market

⁵Migration Without Borders :Essays on the Free Movement of people. Antoine and Paul de Guchteneire.UNESCO publishing 2007.

Progressive removal of obstacles to the free movement of person, goods, services and capital and the right of residence and establishment is an objective of Article 4 of the Abuja Treaty of 1991. Article 43 of the treaty encouraged the member states to be committed to pursue the removal of obstacles to Free Movement of persons at bi-lateral or regional levels.⁶

The Organization of African Union acknowledged that free movement of people within a region is essential and beneficial to states .OAU encouraged the African states to strengthen intra regional cooperation in matters relating to migration.

The African Regional Economic Community(RECs) find it difficult or are in a dilemma to amend their national immigration laws and investment laws that curb the number of foreigners including citizens of community states from engaging in certain kind of economic activities. Their domestic laws therefore do not comply with the regional provisions and the protocols on free movement of persons. Economic, political and social cultural factors may also affect the implementation provision of free movement of people.

Free movement of people within a region has great benefit to the partner states. The benefits of free movement of people within the East Africa Community region, can be maximized if the EAC partner state harmonize their immigration laws and regulation on free movement of people to ease free movement of people.

⁶Migration Without Borders :Essays on the Free Movement of people. Antoine and Paul de Guchteneire.UNESCO publishing 2007.

1.3 The Statement of the Problem

Regional Economic Community (RECs) recognize the importance of free movement of people across regions and have employed appropriate strategies in promotion of Free movement of people in their regions. The introduction of regional travel documents to ease free movement has cut across some regions for instance ECOWAS and EAC.

For instance the East Africa travel documents were introduced by the East Africa Community to ease Free movement of persons within the community. Despite the documents being introduced more than ten years ago there has been very little focus on how the documents have fared on in their promotion of free movement of people across the region.

Despite the EAC putting in effort to ensure there is ease in free movement of people within the EAC region, the situation is not yet as smooth as it is desired to be. Is it possible that there are factors hindering the issuance and usage of East Africa travel documents in promotion of free movement of people across the East Africa region. The factors inhibiting issuance and usage of ETD in promotion of free movement for persons include political and economic factors.

Developing appropriate strategy for improving use of East Africa Travel Documents is important in order to effectively maximize on gains of free movement of people within the East Africa Community region. There is limited literature on factors affecting the issuance and usage of East Africa documents. The literature available is mainly focusing on factors affecting free movement of people in other regions like ECOWAS, SADC and EU.

The limited literature available on E.A Travel document does not elaborate much on factors affecting issuance and usage of East Africa Travel Document and what can be done to improve

its performance in promotion of Free Movement of persons. The literature available does not elaborate much on the benefit of free movement of people and the challenges facing issuance and usage of ETD.

This study aims to fill the gap of literature by identifying the factors that affect the issuance and usage of the East Africa travel documents. The role of East Africa Travel Document as a major contributor in enhancing Free Movement of People is key and it is for this reason that this study attempts to explore the same with special focus on the East Africa Travel Documents issued in Kenya.

The study also aims to find out how the issuance and usage of the East Africa travel documents can be improved so that it can promote free movement of people in the region and maximize on the benefits of free movement of people.

1.4 Scope of the Study

Kenya is one of the East Africa Community State. The Department of Immigration in Kenya issues various travel documents including East Africa travel documents to Kenyans. The department also regulates entry and exit of persons including the East African citizens and is therefore a major implementer of the Free movement of persons provisions.

The study focuses on the Department of Immigration and the Kenyans applying for travel documents at selected immigration stations. The department of immigration is charged with issuance of travel documents in Kenya. The Citizenship and Immigration Act, 2011 mandates the department of immigration to designate ports and points of entry and exit. The department also manages borders; controls and regulates residency, advises on declaration and removal of

prohibited immigrants and undesirable; persons. The department provides consular services at missions abroad; advises on citizenship and immigration matters; and conducts research, collection and analysis of data and management of records.

To achieve the aim of identifying factors affecting issuance and usage of East Africa Travel Document the study will need to relate to factors affecting free movement of people in some regions.

1.5 Objective of the Study

The study is set out to find out how the East Africa Travel document have fared in their objective of promoting free movement of people. With this in mind the study analyses the factors affecting the issuance and usage of East Africa Travel Documents in promotion of free movement of people in the region.

1.5.1 Specific Objectives of the Study

- a. To analyze how economic and political factors have an impact on issuance and usage of East Africa travel documents in Kenya.
- b. To examine the benefits of Free movement of people in a region and the role of East Africa Travel Document in promotion of free movement of people.
- c. Suggest possible ways or policies through which issuance and usage of East Africa Travel Document can be enhanced to improve its performance in promotion of Free movement of people.

1.6 Literature Review

This section reviews various literature on Free Movement of persons within European Union (EU), Economic Community of West Africa States (ECOWAS) and East African Community (EAC). It also views works of scholars in Free movement of persons such as “Hein de Haas, Alistar Bootton and Kristina Touzenis.

There is scarcity of information on factors affecting the issuance and usage of regional travel documents and particularly the East Africa travel documents in promotion of Free Movement of people within the region. Therefore in order to navigate the subject, it is important to explore the broader perspective of factors affecting Free movement of persons in region. The perspective will give a guide to the expected factors affecting the issuance and usage of the East Africa travel documents in Kenya.

Review of Free Movement of people within ECOWAS, EU and SADC seeks to provide a comprehensive look at the state of affairs of factors affecting free movement of people in the various regions. It is important to review Free Movement of people in these regional communities to identify the factors affecting or hindering free movement of people within the EAC region.

The study seeks to explore if the factors affecting FMP in the various regions are similar to the factors affecting free movement of people in East Africa region.

Review of Free movement of people in ECOWAS is key to the study. This is because ECOWAS and EAC have each introduced their regional travel documents or common passports in their respective regions which allows their community citizens to move freely within their respective regions.

Definition of Term Free Movement of people

The term free movement can be interpreted to have different meanings which can create a hindrance for acceptance and implementation of mobility provisions. The public can have negative sentiments towards mobility provisions as a result of misrepresentation of the term leading to political pressure not to accept or implement them fully.⁷

1.6.1 Economic Community of West Africa State (ECOWAS)

According to Economic Community of West African States Treaty, ECOWAS introduced a harmonized travel document other than national passports for use within ECOWAS .ECOWAS had no doubt that the ECOWAS travel certificate would facilitate and simplify and formalities governing movement of persons across the borders of member states enabling the ECOWAS countries citizens to travel easily.

Several authors have explored the factors affecting free movement of people across the ECOWAS region. According to Hein de Haas the implementation of the protocol of free movement is faced by some challenges. According to him a major obstacle to free movement of people within ECOWAS is the frequent corruption of police, and immigration officials in all ECOWAS countries .

However corruption of police and immigration officials in ECOWAS cannot be a major obstacle to FMP. If the public or citizen are educated on their right of Free movement across the region they will not be intimidated as they cross the border. He however concludes that it was also reported that it is very difficult if not impossible for ECOWAS citizens to obtain residence

⁷.IOM,EAC Capacity Building in Migration Management Project 2011.

permit due to widespread corruption, bureaucracy and a general lack of awareness among citizens of their rights of free movement.

Alistar Bootton asserts that the main shortcoming of these high favourable provisions in the free movement of person in ECOWAS is that they are not known or not implemented. He concludes that for ECOWAS, free movement protocols to fully serve their purpose, they need to be known by the citizens and more fully implemented and harmonized with the community's states national laws.⁸ According to him it was reported that it is very difficult if not impossible for ECOWAS citizens to obtain residence permits due to lack of awareness about their rights.

According to Kristina Touzenis much has been accomplished by ECOWAS in the area of free movement of persons but it is still faced with the challenge of the actual implementation of the provisions. The elements which have a negative impact on the right of free movement of ECOWAS citizens need to be looked into and addressed.⁹

A very unique element identified by the author which can hinder free movement of people in the ECOWAS region is that immigration officials and citizens of the community are not well informed on free movement provisions and its management. ECOWAS citizens who are unaware of ECOWAS provision may probably leave their country to other partner states without valid travel documents although they are entitled to valid travel document which allows them to enjoy the right of freedom of movement within the community.

⁸Sub- saharan Africa, View point and policy initiatives in the countries of origin. International Migration and National Development in sub Saharan Africa. viewpoints and policy initiatives in the countries of origin.

⁹Kristina Touzenis (2010)Free Movement of Persons in the European Union and Economic Community of West African Studies. A Comparison of Law and Practice

This is a very important element that hinders free movement of people. This is because lack of awareness on existence of the travel document and ECOWAS provisions means that the citizen will not apply for the travel document. The citizens will also not be able to move freely because of unawareness of the benefits of free movement of people.

Marie Tre 'Molieres makes a similar contribution. She asserts that many West African citizen are unaware of the existence of the ECOWAS Green Card and do not have access to national passports. She suggests that each ECOWAS member state should create public awareness on existence of the ECOWAS passport which is expected to gradually replace the national passport. ECOWAS member states should decentralize the issuance of the ECOWAS passport and ensure that passports are not only issued at the national capital but also at provincial and district headquarters. This will ensure that majority of the ECOWAS citizens including those living in the rural areas are able to acquire the passport.¹⁰

Marie Tre'Molieres argument raises an important issue that affects Free Movement of Persons and gives suggestions on what should be done. The authors states that decentralizing the issuance of the passport from national capital to provincial and district headquarter will ensure that majority of the EAC citizens , especially the rural dwellers have access to the ECOWAS passport.

¹⁰Marie Tre Molieres. West African Studies. Regional Challenges of West African Migration. African and European perspectives.

I.6.2 Literature on European Union (EU)

The free movement of people in the EU means that EU citizen is allowed to travel freely around the states of the Union and settle anywhere within its territory. No special formalities are required for a EU citizen to enter an EU Country.

No one explains the factors affecting free movement of people within EU as Kristina Touzenis. According to the Touzenis, what may create the greatest obstacles to free movement are the regulations governing aspects that influence mobility such as recognition of professional qualifications and pension which differ from each community state. The complexity of social rights of the people across EU may also hinder mobility of persons within EU.¹¹

There are many obstacles which have been identified to hinder mobility within the EU. Some of the main obstacles are differences in tax systems between member states, language barrier, difference in benefits system between member states and immigration issues. The difference in pension systems between member states, inadequate information on employment opportunities offered in different EU states and can also hinder mobility provision of EU.¹²

The author concludes that these practical difficulties show the need to facilitate the practical aspect of mobility. Immigration issues have been identified by Kristina Touzenis as one of the obstacle to free movement of people within the union. Immigration issues can be a major hindrance to mobility within a region.

¹¹Kristina Touzenis(2010)Free Movement of Persons in the European Union and Economic Community of West African Studies.A Comparison of Law and Practice

¹²Kristina Touzenis (2010) Free Movement of Persons in the European Union and Economic Community of West African Studies. A Comparison of Law and Practice

According to a number of authors (Brucker et. al 2001; Dustmann and Proston 2000), the three factors that can explain attitudes toward immigration are welfare take-up , xenophobic prejudice and labour market effect of migration.

1.6.3 East Africa Community (EAC)

According to International Organization of Migration (IOM) EAC capacity building in Migration Management Training Module (2011),the main challenge of promoting Free Movement of people is that the National migration laws of EAC member states are not aligned to the Common Market protocol and the member states are not expediting the alignment. The other challenges are lack or low levels of public awareness of EAC integration issues, inadequate documentation and database for EAC activities. EAC is also faced with a challenge of weak implementation mechanisms of EAC agreements, council decisions and directives. EAC member states perception of loss of sovereignty by abiding to FMP provisions is also a major challenge in promotion of free movement of persons.¹³

According to the East Africa Handbook, the East Africa passports are to be processed by the immigration department of each of the member state. The East Africa passport is much cheaper than the ordinary passport. However very few people in East Africa apply and have this passport. This is mainly attributed to lack of consistent marketing of the passport to the East Africa citizens.¹⁴

¹³Kristina Touzenis(2010)Free Movement of Persons in the European Union and Economic Community of West African Studies.A Comparison of Law and Practice

¹⁴East African Handbook 2010.The East Africa Common Market by EAC secretariat Arusha Tanzania

The author acknowledges that the E.A passport has some advantages, for instance it cost less than the ordinary passport. Despite this he concludes that very few people in East Africa have got this passport and this because it has not been consistently marketed among member countries. The author's point adequately explains that marketing of the E.A passport is important for the regional citizen to be aware of its existence and benefits.

Conclusion

Scholars and scholarly reports have discussed various issues affecting free movement of people across the regions. These issues range from lack of awareness of the protocol of Free Movement of persons, lack of political will, immigration issues, lack of adequate data, lack of harmonization of immigration laws and economic factors.

The challenges identified by scholars as affecting free movement of people in the various regions is almost similar to all the regions. For instance lack of public awareness of existence of regional travel documents and their requirements and the Free Movement of people protocol is identified as one of main challenges affecting Free movement of people in the regions.

Indeed the scholars bring out the dilemma of states where they are caught in a situation of choosing between promoting Free Movement of and protecting their economic status and sovereignty.

Most scholars acknowledge the importance of free movement of people in the regions. They discuss the aim of introduction of regional travel documents as and removal of visas as a means of promoting free movement of people.

The scholars have suggested ways of promoting issuance and usage of regional travel documents and how free movement of people can be enhanced.

1.7 Justification of the Study

Free movement of people within East Africa Region widens and deepens co-operation among partner states in economic and social fields for the benefit of partner ‘states’ free movement of East Africa Community Citizens to and from Kenya is a major contributor to the Kenya economy. The East Africa travel documents were introduced to promote free movement of people within East Africa.

However despite its importance in promotion of Free Movement there is limited study to address the factors affecting the issuance and usage of the document in promoting Free movement of people within the region. This study will provoke other research scholars especially in Africa to research on this.

Once the constraint factors affecting issuance and usage of East Africa Travel Documents are identified and analyzed, the next step will be to provide some policy suggestions as to what could the region and member countries do to facilitate the movement of regional citizens across member countries. Lack of enhanced free movement of people effective may be a barrier to attainment of common market, and this will be at the peril of the region’s integration agenda.

The study is important because it will identify the challenges facing the issuance and usage of ETD .The result of the study will be important because it will provide information or basis for strengthening or introducing policies which promote the issuance and usage of East Africa documents.

Developing appropriate strategies for improving use of East Africa Travel Document is important in order to effectively maximize on gains of free movement of East Africa citizens across the region.

The EAC need to assess the strength and weakness of the East Africa Travel Documents in promotion of Free Movement of persons. They also need to know what can be done to promote issuance and usage of ETD.

The study sensitizes the relevant government ministries on the importance of co-operation in order to achieve the common goal of the community of fast tracking integration through promotion of free movement of persons.

This study encourages other scholars especially in Africa to research further on the issues of regional migration and factors affect issuance and usage of East Africa Travel Document. This is so because Free Movement of people is essential for regional integration. The East Africa travel document promotes free movement of people by easing Free Movement of persons.

1.8 Study Hypotheses

The study is guided by the following hypothesis

- (i) Economic and political factors have an impact on issuance and usage of East Africa travel document in Kenya.
- (ii) Introduction of East Africa Travel Document in promotion of Free Movement Persons can be of great benefit to the people but there are challenges faced in its issuance and usage.

1.9 Research Questions.

- (i) How has economic and political factor affected the issuance and usage of the East Africa travel documents?
- (ii) What are the benefits of introduction of East Africa Travel Document ?
- (iii) What are the challenges facing the issuance and usage of the East Africa Travel Documents?

1.10 Theoretical Framework

The study makes use of the Integration theory. The theory of international integration attempts to explain why states choose to form regional blocs or supra nationalism which may challenge the sovereignty of a state .

Maurice W. Schiff reviews the many factors why states choose regionalism. One of the reasons states form regional blocs is because they want to bind themselves to better policies offered at the regional level so as to benefit their states.

There is competition for market access worldwide therefore states have to penetrate into large markets in order to benefit economically and to access new investment and foreign technology. States have come to a realization that to benefit economically they may need to pool together with their neighboring countries to achieve what they cannot achieve alone.

According to Haas national state which no longer feels capable of maximizing their economic and welfare aims by themselves without collaborating with the other states.

Quite clear that the East Africa Community states established the East Africa Community in order to widen and deepen co-operation among partner states in economic and social field ;realize accelerate economic growth and development through the free movement of goods, person, labour, the right of establishment and residence, the free movement of services and capital to improve the standards of living and conditions in the community.

States join regional organizations so as to benefit, economically and socially. Despite the benefits they intend to achieve from the regional organization, states are still unwilling to give their exclusive claim to sovereignty.

States demand more say over their own affairs to preserve their own culture, languages and national institutions. According to J. Goldstein ,the main challenge to regional integration is that nationalism supersedes regionalism..

There are setbacks to integration as in attempts for states to comply with regional laws for instance open borders among states, may cause problems For example , in early 1990s Venezuela found that its open border with Colombia brought in large transshipments of cocaine bound for United States. As transnational terrorism attacks increase, states have become increasingly fearful therefore hindering the prospect of open borders to some degree.

Introduction of East Africa Document to promote Free Movement of people within the region is aimed at promoting cooperation among the EAC countries. Despite that there are factors affecting issuance and usage of East Africa Travel Documents in promotion of free movement of persons within the region.

Some of the factors affecting issuance and usage of East Africa Travel Documents is that states have been unwilling to give up their claim to sovereignty by not allowing fully to the free movement of people as it might interfere with their national interest.

1.11 Research Methodology

This section describes the methodology that is used in conducting the study. This includes research design, selection of the study area, target population and sampling techniques. The section also highlights reliability and validity of research instrument techniques of data collection and data analysis.

1.11.1 Research Design

The study utilizes the evaluating research design. It is complimented by the use of the mixed research methods. This involves the combination of both quantitative and qualitative research methods. Quantitative research is based in terms of numbers or is countable¹⁵ The study also uses qualitative research which is based on how people react and what makes them react in a certain way.¹⁶

1.11.2 Selection of Study Area

The main objective of this study is to investigate the factors that affect the usage and issuance of the East Africa passport issued in Kenya. Therefore the unit of analysis was the factors affecting issuance and usage of the East Africa travel document in Kenya. The unit of observation were the Kenya citizens applying for the travel documents at the various immigration stations in the country. The immigration stations selected were Nyayo House (immigration headquarters). Jomo

¹⁵.ManoharanP.K.ResearchMethodology.S.BNangia publishing Co-operation New Delhi 2009.

¹⁶ManoharanP.K.ResearchMethodology.S.BNangia publishing Co-operation New Delhi 2009.

Kenyatta International Airport, Nakuru and Busia. These stations were used to collect primary data.

1.11.3 Target Population

Target population is a particular group that the researcher wants to study.¹⁷ This study targets the Kenyan citizens applying for travel documents. The choice of applicants was because they had information on why they apply for a particular document and those who had travelled before had experience of traveling with a certain travel document.

1.11.4 Sampling Techniques and Sample Size

This study employs both probability and non probability sampling methods. Since the population applying for travel documents was too large, I used a small but carefully chosen sample to represent the population. A sample indicates the characteristic of the population from which it is drawn.¹⁸ The sampling frame in this study comprised of Kenyan citizens applying for travel documents at various immigration stations in the country. Stratified sampling method was used to ensure population studies was subdivided into stations to ensure representation from all immigration stations.

In using non-probability sampling the researcher selected the various immigration stations in which the immigration department operates. Approximated 800 Kenyans apply for travel documents daily in various immigration stations within Kenya as shown in Table 1.2 below. A representative sample of 10% was selected for the study. The study sample size of 82 respondents is as shown in table 1.2

¹⁷Neuman, N.I(2006).Basics of Social Research ;Qualitative and Quantitative Approaches.London.

¹⁸Manoharan P.K.Research Methodology.S.B.Nangia publishing Co-operation New Delhi 2009.

Table 1.1 Number of applicants and Immigration Stations

	Approximate No. of applicant per day at immigration station	No. of respondents per station to be interviewed
Immigration Headquarter/ Nyayo Hse.	320	32
JomoKenyatta International Airport JKIA	90	9
Nakuru	120	12
Busia	80	8
Mombasa	190	19
Total	800	80

1.11.5 Pilot Testing

The study questionnaires were tested for validation among respondents of similar category in selected border points. Those who participated in the pretesting were not part of the sample to be selected for the study. The pilot testing was useful in assisting to improve on the study instrument.

1.11.6 Validity of Instruments

To enhance validity of the instrument, the questionnaires were reviewed by the supervisor to find out whether the questions would achieve the research objectives or were answering the research question. Further suggestions were incorporated in the instruments. Later the instruments were piloted in a different setting and corrections made before it was administered to the intended study population.

1.11.7 Reliability of Instruments

Reliability is the ability of a research instrument yield consistent results or data after repeated trials.¹⁹

Tests methods were used to test reliability of the instrument. The research instrument were administered twice within a period of one to two weeks to find out whether the answers have choice.

1.11.8 Methods of Data Collection

The study employs primary data collection technique.

1.11.9 Primary Data

The primary data collection method was the study questionnaire survey . The questionnaire had close-ended questions which sought to gather demographic information and other statistical data and with open ended questions sought to establish opinion from the respondent to gather more of qualitative data. Questionnaire Survey data was collected from a sample of 82 travel documents applicants.

1.11.10 Data Analysis Techniques

The collected data was analyzed keeping in mind the objectives of the study. The data was processed by coding. Coding is the process of assigning symbols to answers so that responses can be put into a limited number of categories or classes. The data was also processed by classification according to attributes and according to class intervals.

¹⁹Olive.M. Mugenda and Abel G. Mugenda 1999, Revised 2003 by Acts. Press.

1.12 Chapter Outline

Chapter one introduces the topic of the research study by first highlighting the broad context of the research study, the statement of the problem, objective of the study, justification, theoretical framework, literature review, hypothesis, methodology, scope of the study and limitation of the research and the chapter outline.

Chapter two provides an overview of the East Africa Community, introduction of the common market protocols introduction of the East Africa travel documents, its objective and requirements. This is followed by analysis of benefits of free movement of people and the role of ETD in promotion of free movement of people.

Chapter three looks at how economic and political factors have an impact on issuance and usage East Africa travel documents in Kenya.

Chapter four presents the findings of the research based on the hypothese.

Chapter five provides summary of the study findings, conclusion drawn from the study, give recommendations and provide suggestions on areas for further study or research.

CHAPTER TWO

HISTORY OF EAST AFRICA COMMUNITY, INTRODUCTION OF EAST TRAVEL DOCUMENTS AND BENEFITS OF FREE MOVEMENT OF PEOPLE.

2.1 Introduction

This chapter seeks to provide an overview of History of the East Africa Community, introduction of the common market protocol, its objectives, introduction of the East African travel document, its objective and requirements. This chapter also seeks to find out the importance of Free movement of person within the East Africa region and the role of East Africa Travel documents in promotion of free movement of people.

The term freedom of movement is a right consisting of three basic elements which are freedom of movement within the territory of a country, right to leave any country and the right to your own country and the right to leave any country including your country and to return.²⁰

The study makes use of EAC definition of Free movement of people which is the right to free movement of persons without any discrimination based, on nationality. The right to free movement of person include; the right to enter the territory of a partner state without a visa, the right to move freely within the territory of partner state and the right to stay freely in the territory of a partner state on a valid visitors pass.²¹

²⁰IOM, International Dialogue on Migration Intercessional Workshop on Free Movement of Persons in Regional Integration processes 18-19 June 2007.

²¹EAC Towards A Common Market

2.2 History of East Africa Community

The East African Community is a regional intergovernmental organization. It consists of five partner states which are Tanzania, Kenya, Rwanda, Burundi and Uganda. It was founded in 1967, collapsed in 1977 and was revived 7th July 2000. Initially, the East Africa Community comprised of Kenya, Uganda and Tanzania and were later joined by Burundi and Rwanda in 2007.²²

The total population of East Africa Community member states is high and is estimated to be 130 million people with an estimated Gross Domestic Product of US 73 billion in 2009.

The East Africa Community region is located strategically and is an important gateway to central and Southern Africa.²³ The EAC region is bordered by Sudan and Ethiopia to the North, Somalia to the East, Democratic Republic to the West and Zambia, Malawi and Mozambique to the south. East Africa Community region has a large borderline of about 5,453km .²⁴

2.3 The Treaty Establishing the East African Community

On 7th July 2000, the treaty establishing the East Africa Community came into force after ratification by Kenya, Uganda and Tanzania. The Treaty envisaged four levels of integration which were a custom union by 2005, a common market by 2010; a Monetary Union by 2012 and a political federation by 2015.

²².Protocol on the Establishment of the East African Community Common Market published by the EAC Secretariat .Training Module IOM 2011

²³.Protocol on the Establishment of the East African Community Common Market published by the EAC Secretariat .Training Module IOM 2011

²⁴Protocol on the Establishment of the East African Community Common Market published by the EAC Secretariat .Training Module IOM 2011

The Treaty establishing the East Africa Community main objective and purpose is to promote the integration process of the East African citizen by deepening co-operation among the partner states economically and socially. The aim of the treaty is also to promote economic growth and development through free movement of persons, goods, labour ,the right of establishment and residence, the free movement of services and capital to improve the standards of living and working conditions of the East Africa community citizens.²⁵

Negotiation of the signing of a protocol establishing a common market which includes the free movement of persons provision, are provided for in Article 76 and 104 of the Treaty.²⁶

2.4 East Africa Community Treaty

The citizens of the East Africa Community have been historically divided along ethnic and national border and therefore the main objective of the Treaty and the protocol is to promote regional integration of these people by envisaging the four level of integration. An agreement to establish the first level of integration which is the was signed and ratified by the three member states in July 2005. The three partner states of EAC established a common market which was a transitional stage to the political toleration, and an integral part of the community.

The five members of the East Africa Community negotiated for the second level of integration which is a common market and the establishment of the East Africa Community Common Market was signed on November 29,2009 in Arusha Tanzania and came into force on July 1,2010.

²⁵East Africa Treaty.

²⁶East Africa Treaty.

The provision on the Free Movement of persons is one of the key components of the Common Market. The Common Market Protocol is an important protocol of EAC for it will influence the development of the other two levels of EAC integration.

2.4.1 Council Decisions on the Easing of Cross Border Movement of Persons

The provision of person free movement of persons was adopted by EAC to promote the objectives of the common market.²⁷ In order to promote free movement of people within a region mechanisms have to be put in place to ease cross border movement of persons. The EAC council came up with a decision to ease FMP across the borders of EAC.

In an effort to promote regional free movement of persons the EAC council introduced the East African passport in 1999, which allowed the holders to freely enter and stay in the territory of a partner state for uninterrupted period and up to six months on a valid visitors pass.²⁸

Other travel documents that were introduced were the temporary permits, Emergency Travel Documents and Border Movement passes . Reciprocal opening of border posts at all major immigration land border check points and keeping the posts open for 24 hours was another strategy of easing movement of people within EAC.

2.5 Objectives of the Common Market

Free movement of people is one of the main component of the Common Market Protocol. Free movement of people within a region aims to widen and deepen cooperation among the partner

²⁷Protocol on the Establishment of the East African Community Common Market published by the EAC Secretariat .Training Module IOM 2011

²⁸.Protocol on the Establishment of the East African Community Common Market published by the EAC Secretariat .Training Module IOM 2011

states economically and socially for mutual benefit of the partner states. Free movement of people within a region also promotes economic growth of partner states and strengthen the economic and trade regulation to promote faster and balanced development within the community.

The main aim of the Common Market is to accelerate economic and social development among the EAC citizens by expanding and integrating the economic activities within the East Africa Community. Promotion of cooperation among the citizens, equal distribution of benefits and enhancement of research are objectives of the common market.

2.6 Scope of Co-Operation in the Common Market

The EAC citizens are to be treated equally with regard to employment, establishment, residence, professional ability ,right to engage in an economic activity and right to pursue studies in the territory of a partner state in order to promote regional economic development ,growth and promotion of integration process of East Africa.

Harmonization of regional immigration laws and the strengthening of the East African Community partner state external borders, while weakening internal immigration controls and ultimately the removal of immigration requirement for citizens of East Africa would ease free movement of people within EAC region for the benefits of East African

Citizens of EAC partner state traveling to another partner state shall produce a valid travel document and are allowed to stay in the territory of the partner state for a period of up to six month on visitor's pass. They are also allowed to exit the territory of the partner state willingly without restrictions.

2.7 Free Movement of Persons Regulation

Uniformity among EAC partner states in the implementation of the Article in a manner that is fair, accountable, predictable and consistent with the provisions of the protocol is the main aim objective of the Free Movement of Persons Regulation.

The Free Movement of persons Regulation applies to citizens of East Africa who are visiting, persons seeking medical treatment, business persons, persons in transit, students in training institutions, and East African citizens entering for any other lawful reason other than as a worker or as a self employed person.

The scope of the protocol also applies to any activity undertaken by a partner state to achieve the free movement of goods, persons, labour, services and capital and to ensure the enjoyment of the right of establishment and residence for EAC nationals. The Protocol aims to ease cross-border movement of persons and may eventually adopt an integrated border management system.

2.8 Principles of the Common Market (Art 6 and 7 of the Treaty)

The East Africa Community states are required to ensure that the principle of non-discrimination of nationals of other partner states based on neutrality according to treatment to nationals of other partner states not less favorable than the treatment accorded to third parties. According this Article 6 and 7 of the Treaty, the EAC partner states are to ensure transparency in matters concerning the other partner states and share information for the implementation of this protocol.

Citizens of partner states are ensured of free movement within their country and free movement without a visa within the territory of the partner state.

East Africa Citizens are required to produce valid travel documents at any designated immigration points before entry into a partner state and declare all information required for exit and entry.

Visitors passes are issued to visitors from EAC partner states and permits them an uninterrupted stay of up to six months and on justification for prolonged stay, the pass may be extended.

2.9 Stay of Students

Students from any of the EAC partner state can apply to be admitted to any of the Universities or colleges within the EAC. Upon admission, and entry into another country, the students are required to apply for a student's pass. The students need to produce a valid travel document. An exemption from obtaining a student's pass is allowed for an East Africa citizen who intends to study in another partner state for a period not exceeding two months. This provision promotes free movement of persons within EAC as the East African can the East Africa Travel Document to travel for study purposes.

2.10 The Kenya Immigration Department

The Republic of Kenya is one of the East Africa partner state or member state and has an obligation to come up with policies which promote free movement of people. According to the Constitution of Kenya 2010 the general rules of international law and treaties to which Kenya is signatory shall form part of the laws of Kenya under this constitution.

The migration issues in Kenya are handled by the Department of immigration. The Department of Immigration is mandated by the citizenship and Immigration Act 2011 to among other things to: issue passports and other travel document to Kenyans.

The department of immigration has a major function of contributing to the security and socio-economic development of country. The department achieves this by controlling and regulating the entry, exit, residency of persons, grants citizenship and issues travel document.²⁹

The derived policies of immigration are maintaining and enhancing security safeguard interests of the country encouraging investment and transfer of skills and poverty eradication.

2.11 East African Travel Documents

According to Kenya Immigration Border Procedure Manual Guidelines on policies and procedure for immigration officer (2006) the travel documents acceptable for EAC citizens wanting to access each other's territory are the national passport, East Africa Community Passport, Temporary permit, Temporary Movement Permits, Convention Travel Documents, and Emergency Travel documents.

The main aim of passport and other travel documents is to facilitate international travel of an individual. The travel documents are normally an acceptable form of identification for an individual and they generally also provide evidence of a person's nationality or country of residence.

²⁹GOK (2006) Ministry of Immigration and registration of person's strategic plans 2005.Nairobi Government printing press.

Citizens of the East African Community countries are allowed to enter and stay in each other member states for up to six months while traveling on an East Africa passport.

However, citizens of the East Africa Community countries are not allowed to work in another EAC country without valid work permits.

2.11.1.The East Africa Temporary Permit

This is an East African travel document that allows an East African citizens to travel within the region. The requirement for obtaining the temporary permit at any immigration border point are proof of nationality by production of the Kenya National Identification card by the applicant , consent letter for minors, recent photos and a fee of three hundred Kenyan shillings. The document is valid for a year.

This document can be obtained from all the Kenya immigration points of entry or exit. The document is processed within 5 minutes making it accessible to people who have an urgent travel within the EAC region.³⁰

An East African Citizen is a national of one of the member state of the East Africa Community. According to the protocol of Free Movement of persons, an East African citizen is allowed to travel freely within the EAC region.

³⁰.Kenya Immigration Border Procedure Manual Guidelines on Policies and Procedures for immigration officers IOM.April.2006.

2.11.2 The East African passport

The East African passports are processed through the immigration headquarters of each of the members states and cost must be less than the ordinary passports. One of the advantages of holding an East African passport is that at the border points and airports within the community, one expects to be accorded privileged treatment.

2.11.3 Requirements for acquiring an East Africa Passport

A Kenyan who intends to acquire an East Africa passport shall submit in person a written application for a passport .An application shall be accompanied by documentary evidence of Kenya Citizenship by producing original and copies of birth certificate and National Identity card, 3 coloured recent passport photos and a copy of recommender's National Identity.

2.11.4 Challenges of using the East Africa Passport.

Despite the introduction of the East Africa travel documents to ease free movement of people within the region, there are challenges faced in using the documents in promotion of Free Movement of Persons.

One of the major challenges is that the East African passport can only be used as a travel document within the East African region and not outside the East African countries. This is compared to the ordinary passport that can be used to enter not only East African countries but every other country in the world. The study indicates that majority of the respondents 55% applied for the ordinary Kenya passport because they intended to travel out of East Africa.

Despite the East Africa passport costing less than the ordinary passport very few East Africa Citizens apply for it and have got it .This because it has serious limitation and is less attractive because it cannot be used as a travel document out of the E.A countries .

The East Africa Community region is easily affected by irregular entries of persons from the Green Horn of Africa ,the central Africa region and the Arabian Peninsula. Other nationalities apart from the EAC countries citizens are able to obtain the East Africa travel documents especially the temporary permits which has less security features fraudulently.

Fear of possible increase of number of foreigners not only legal migrants into EAC Countries but more importantly entry of illegal immigrants both into and within the region is a big challenge. This has attributed to EAC member states putting some barriers to free movement of persons provisions. From the study , only 30% of the respondents agreed that EAC states were committed to free movement of people within the region.

The EAC states are cautious to commit to mobility provisions of free movement of people because they perceive that it might complicate and make more difficult their efforts of restraining irregular migration into their respective countries.

Countries of East Africa Community are getting increasingly tough on voluntary immigrants including those holding the East Africa Travel documents. This is not only because they impose additional strain on the existing resources and infrastructure but also because they are suspected of engaging in criminal activities such as importation of illegal merchandise ,money trafficking and drug peddling across the region.

EAC member states are cautious of adopting lenient immigration laws on promotion of free movement of people by use of East Africa Travel Document because they may end up allowing fugitive criminals from other member states crossing borders easily.

Security concerns within the region by states may affect the movement of people across borders not to be as first thought despite the introduction of East Africa travel documents in easing free movement of people .

Despite many Kenyans from western region escaping into Uganda during the 2007/2008 election violence the Ugandans who were caught up in Kenya were attacked because some Kenyans thought that they were intervening in their affairs.(East African Handbook)

The several terror attacks which the East Africa Community states has also experienced for instance the terrorist attack that destroyed the U.S embassy in Nairobi in 1998 and subsequent terrorist attacks in other places has attributed to EAC countries being cautious to commit to the free movement of persons provision because the terrorist might take advantage of the liberalized regime of free movement of people to commit their crimes.

Entry of unauthorized persons including the criminals, illegal immigrants and terrorist gaining entry of residence under the facilitated regime of free movement of persons by use of East Africa travel documents can be challenging especially at immigration border posts where there is inadequate immigration personnel , travel identification is problematic and good capacities for inspection are weak.

Despite having the East Africa travel documents some officers who are not aware of Article on non discrimination still exhibit dislike for certain national from partner states.

The East Africa passport was introduced to ease free movement of people across the region. This passport can only be used within EAC and the EAC citizens are unaware of its existence ,benefit and how to acquire it.³¹

The E.A passport is only issued in designated immigration offices and stations unlike the Temporary permit which can be obtained from border post or immigration office.

2.12 The Kenya Ordinary Passport

The Kenyan ordinary passports are processed through the various immigration stations. These stations are Nairobi, These stations are Nairobi, Kisumu, Mombasa, Nakuru, Eldoret ,Garissa and Embu. One of the advantages of holding an Ordinary Kenyan passport is that at it allows the holder to travel to any country outside Kenya.

2.12.1 Requirements for acquiring an Ordinary Kenya Passport

A Kenyan who intends to acquire an Ordinary Kenya passport shall submit an application for a passport in person .An application shall be accompanied by documentary evidence of Kenya Nationality.

³¹East African Community .Report of the Committee on Fast tracking East Africa Federation submitted to the sixth summit of Head of State of the EAC –Arusha. Tanzania 26th Nov .2004.

Table 2.1: Prevalence of ordinary passports compared to East Africa passports

Number of passports issued from 2008 to June 2014

Month / Year	Ordinary Kenyan passports	East Africa passports
<u>2008</u>		
January – March	3909	57
April – June	4054	84
July – September	4228	79
October – December	3990	63
<u>2009</u>		
January – March	4137	61
April – June	4358	72
July – September	4982	68
October – December	4190	81
<u>2010</u>		
January – March	5131	54
April – June	5672	86
July – September	4994	76
October – December	5366	92
<u>2011</u>		
January – March	5475	60
April – June	5230	73
July – September	5128	107
October – December	4896	96
<u>2012</u>		
January – March	4894	83
April – June	5176	109
July – September	4835	158
October – December	4953	202
<u>2013</u>		
January – March	5018	78
April – June	5386	87
July – September	4802	130
October – December	3704	180
<u>2014</u>		
January – March	4586	69
April – June	5995	52

Source; Department of immigration

The above table shows the number of ordinary Kenya passports and East Africa passports issued from January 2008, to June 2014. The finding on the table indicate that the number of ordinary Kenya passports issued is more than the East Africa passports.

Despite the East Africa passport costing less than the ordinary passport , majority of Kenyans are applying for the Ordinary Kenyan passport.

2.13 The Benefits of Free Movement of People within a region

Many Regional organizations have eliminated visa requirement for their regional citizens. This has eased cross border movement within the region by reducing travelling restrictions . Every East African citizen has the right to reside on the territory of another East Africa country without any condition or formalities.

Free movement of people within the region enhances peaceful co-existence and harmony among neighbors countries and especially the people from the border communities.

The citizen along the border have relatives in the neighboring country. In border areas for example in Tanzania, the Tanzanians along the border have relatives across Kenya who they may need to visit at any time without hindrances.

Free Movement of people within EAC can be beneficial to EAC citizens because the EAC member states share common business, common education system , common agriculture and common languages.

There are numerous opportunities and benefits for allowing free movement of people across the East Africa region. Some of the benefits are the market size increases more employment opportunities, increased access to services, interesting tourist destination, shared resources, improved infrastructure; better financing opportunities, education opportunities peace among the people and overall regional integration.

Free movement of people will encourage cross border investment as a result technology and skills are transferred which contribute to economic development notably employment.

Free movement of people within EAC region by use of ETD also allows Kenyans to larger trade opportunities within the region. Kenyans can travel urgently and affordably to other EAC countries to find out about trade opportunities in other countries.

Free movement of people makes it easier for business and conference travel. The sector allows businessmen and women to hold regional conference exhibition among other activities which are beneficial to trade.

The East Africa Temporary permit is issued in all immigration border controls and is issued within a few minutes allowing businessmen and women to attend to business of urgent nature.

Jobseekers have a right to reside without any conditions for a period of six months and even longer if they continue to seek employment in the host EAC country and have a “genuine chance” of getting work.

Free Movement of people by use of East Africa Travel Document enables Kenyans to easily and affordably acquire travel documents which enable them to access services in other EAC countries. Some of the essential services which are sought out by the Kenyans are medical and educational facilities.

Students have the right to reside for longer than six months if they have for themselves sufficient financial means so as not to become a bother on the host country.

CHAPTER THREE

IMPACT OF ECONOMIC AND POLITICAL FACTORS ON FREE MOVEMENT OF PEOPLE.

3.1 Introduction

This chapter examines how economic consideration and political factors have affected the issuance and usage of the East Africa travel documents in promoting free movement of people within the region.

The economic status of a country which may affect issuance and usage of the East Africa travel document are unemployment levels, un-coordinated economic reforms and uneven development of East Africa Community States. Economic factors contribute significantly to the flow of EAC citizens within the region.

A major barrier to the acceptance and implementation of mobility provision has been states hesitation to allow citizens of other member states access to their labour markets particularly due to concerns about protection of the local labour force.

Most East African citizen using the East Africa travel document move to other EAC country in search of employment especially of unskilled nature. It was envisaged that East Africans Citizen will be able to work in member countries without first acquiring a work permit .

Unemployment level of E.A countries has affected the issuance of ETD. This is because very few people apply for the ETD or use it to travel because the Free Movement anticipated by using the ETD does not entail working without a permit in the region.

Direct and indirect initiatives relating to immigration have been implemented so as to protect the unemployment situation within the EAC partner states. Some of the measures taken to control free entry of labour from one partner state to another is by introduction of work permit, registration of alien visa and passport requirement.

3.2 Unemployment

EAC countries are struggling with high unemployment levels especially of semi-skilled and unskilled labour. Thus liberalizing entry of regional citizens especially those of the low and unskilled people is resisted by both governments, politicians and ordinary people who fear it will aggravate unemployment and poverty in their countries. Free movement of labour may be seen to negatively impact on unemployment in other partner state

Unemployment is one of the challenges facing the Africa countries. The African Union notes the unemployment rate for Africa for 2009 was 8.2 percent which is quite high.³²

According to the International labour organization (ILO), 2010), about three quarters of workers in Africa are in vulnerable employment, characterized by inadequate earning, low productivity and difficult work.³³

³²Owiyo David (The review of Youth employment policies on East African Community member states.

The East Africa Community member states are also facing the challenge of high unemployment within their respective countries. Unemployment level within the EAC is high mainly among the youth. Almost a half of the unemployed people in the world are also the youth.³⁴

High unemployment situation within the East Africa Community can be attributed to slow economic growth, recurring drought in some of the EAC countries and high population growth rate.

High unemployment within the EAC Community states has contributed highly to EAC migration policies ,institutions, legislative instruments and mechanisms designed to manage regional migration to be protectionist in nature.

The East community countries are fearful that their local citizens may lose jobs as a result of qualified workers from other EAC partner states displacing their local employees. They are also cautious of foreign investors from other EAC countries are likely to bring high capital and expertise which is likely to display the local investors.

3.3 Unemployment in Uganda

Uganda which is one of the EAC partner state is faced with a challenge of unemployment for some of its citizens. Lack of employable skill, limited access to financial and technical resources,

³³Owiro David (The review of Youth employment policies on East African Community member states.

³⁴Owiro David (The review of Youth employment policies on East African Community member states.

lack of emphasis on vocational training on a mismatch between skills and requirement in job market are contributing factors to youth unemployment and underemployment in Uganda..³⁵

3.4 Unemployment in Rwanda

Unemployment in Rwanda mainly affects the youth who are unemployed or underemployed in subsistence farming.³⁶ The problem may be lack of skills mismatch which limits job growth and expansion.

The situation leading to unemployment problem among the youth is attributed to several factors like inadequate knowledge of labour market poor planning of managing employment opportunities, mismatch of training and unemployment and limited access to formal sources of finance.³⁷

3.5 Unemployment in Kenya

One of the greatest challenges in Kenya is that of employment creation. Majority of the unemployed people in Kenya are the youth. Unemployment in Kenya is attributed to high growth, seasonal jobs and imperfections in the labour market.

3.6 Unemployment in Burundi

Unemployment in Burundi affects mainly the youth who have poor knowledge of the labour, market and limited access to formal sources of capital. Management of work opportunities is poor and there is lack of security in employment as a result of poor national employment policy.

³⁵Uganda Africa Economic Outlook 2012

³⁶Rwanda .Economic Outlook 2012

³⁷Rwanda .Economic Outlook 2012

3.7 Unemployment in Tanzania

A bigger percentage of unemployed people in Tanzania are the youth who are mainly found in the rural areas.³⁸ There is a high risk of unemployment especially of the educated youth who intend to work.³⁹

Lack of skills, training, inadequate credit facilities for self employment and problems of transition from school to work may be a contributing factor to unemployment.

Migration normally takes place due to economic reasons. Countries which are more developed economically attract more immigrants. This is because the more developed countries are likely to offer better pay and working conditions.

EAC states may be willing to accept and implement the free movement of people within their region but may be reluctant to allow people from other partner states to take up their local jobs or displace their local labour force.

3.8 Work Permit

The Kenya Citizenship and Immigration regulation requires every non-Kenyan employee or self employed person to have a work permit before engaging in any form of work or employment. A work permit is issued by the immigration under the condition that no qualified Kenyan citizen is available for the position thus allowing a foreigner to take up the post.

³⁸Kenya African Economic Outlook 2012

³⁹Tanzania Africa Economic Outlook 2012

The Work Permit is based on job priority for local people. This requirement in respect of work permits limits the potential number of EAC citizens from one of the partner states who may have prospects of working in the country.

The statutory permit maximum period of any work permit in Kenya which is two years presents a potential discouragement as some potential citizens from the region may not be willing to shift for only two years, especially given the high possibility of denied permit extension.

The Permit requirement for curriculum vitae which is normally for skilled foreigners means the country's work permits to not formally make provision for the employment of unskilled foreigners or workers.

Authorization to allow foreign citizens to work is conditional upon confirmation by the immigration department that they possess the necessary academic or professional qualification and that there are no Kenyan citizens or any insufficient number, with the required qualification. The employment of foreigners requires approval from the ministry, once it is approved a work permit and identity card car is issued. This process can be lengthy and bureaucratic and cumbersome.

The work permits do not formally make provision for the employment of unskilled foreigners. Work permit given only when one has employment contract. Requirement to produce a job offer letter from an employer could be a deterrent to self employed people.

3.9 Uneven Economic Development

The member states of EAC are not evenly developed. From the diagram below, Nations like Kenya are more developed in comparison with others like Tanzania. They therefore benefit more in the trade to the disadvantage of others. Nations which feel they gain less from EAC sometimes are not committed to the objective of the required body. The more developed countries of EAC are accused of benefiting most from EAC. This difference creates mistrust which can affect use of ETD in promotion of Free Movement of people.

EAC countries have different economic problems and strategies for solving those problem.

Differing levels of development among the partner states and their respective economies, as well as differing policies in the various sectors, have and will result in imbalances, which if not managed effectively could be detrimental to integration.

Uncoordinated Economic reform programmes have hampered the implementation of trade liberalization and intra community trade and indirectly the movement of person.

Priorities of states are different from each other due to varying levels of economic development. harmonization of immigration policies and legislation, creation of awareness among citizens, governments agencies, private sector and civil society about the existence of ETD and its benefits may not be a priority compared to creation of employment.

The Government can not give priority to maintenance of reliable of regional migration using the ETD and the factors affecting its issuance and usage. It can also not give priority to National Consultation and collaboration and promotion of capacity building to officers concerned with migration matters..

Table 3.1 : Development Indicators of East Africa Community Member States

Million (US\$)	BURUNDI	KENYA	RWANDA	TANZANIA	UGANDA	EAC
Population , 2010	8.4	40.5	10.6	44.8	33.4	137.8
GDP Per capita 2010	192	795	530	524	509	576
Total imports 2009	345	10,202	1,112	6,531	4,247	22,437
Total exports 2009	113	4,463	261	2,982	1,568	9,387
Share of total EAC import 2009	2%	45%	5%	29%	19%	(9)
Share total EAC exports 2009	1%	48%	3%	32%	17%	(9)
CPIA Public Sector Management and Institution average 2010	2.6	3.3	3.7	3.3	3.2	(9)
Strength of legal rights, 2011	3	10	8	8	7	(9)

Source: World Bank, “*World Development indicators database*”
 (accessed 6, 2012 GTIS, GTA database accessed May 3, 2012)

3.10 Political factors affecting issuance and usage of East Africa travel documents

Political considerations/factors have affected the issuance and usage of East Africa travel documents on promotion of FMP. Political factors contribute significantly to the flow of EAC citizens within the region.

To be able to fully implement at the national level decisions made at the sub-regional level, sustained political support is an important element. In many case national issues of member states override regional issues. Willingness and capacity to implement decision made at regional level at national level is a demonstration of political support by member states.⁴⁰

Controlling immigration has become an important political issue because most receiving states are concerned with what they perceive as the porosity of their borders and are concerned on how migration affects their national interest.

Political instability and inconsistent political support in some states can attribute to the slow progress of Free movement of person implementation.⁴¹

Some political leaders do not want to surrender national sovereignty to supra regional organization. They are therefore unwilling to modify their domestic immigration laws and administrative practice to comply with the principle of free movement of persons.⁴²

⁴⁰Marie Tre Molieres. West African Studies. Regional Challenges of West African Migration. African and European perspectives.

⁴¹. Marie Tre Molieres. West African Studies. Regional Challenges of West African Migration. African and European perspectives.

Politicians have strong dislike from people from other countries and blame foreigners for all society ills, rising crime, drug peddling unemployment and other unknown negative aspects of migration.

The relationship between regional integration agreement on Free Movement of people within the region and national policies of member states present policy makers with a big challenge. They have to ensure that their National migration procedures and laws are aligned to the requirement and standard of the regional agreement on migration. This is a big challenge as mobility provisions agreed upon at the regional level may have an effect on national regulation and labour welfare.

Regional and sub- regional organization in Africa are willingly adopt various instruments aimed at addressing the different challenge confronting the continent. However, they are very slow at the implementation stage.

3.11 Overlapping membership

Overlapping membership of Africa RTAs adds to the financial burdens of member states which have affected their effectiveness. Member states may also feel overburden by attending many different meeting, schedules policy, decisions and instruments.

⁴²IOM, Policy to engage all actors policy makers, politicians, civil society, the Media , migrant associations etc. in matters of management(2004)

Table 3.2: Overlapping membership

	COMESA	EAC	SADC	IGAD
KENYA	✓	✓		✓
UGANDA	✓	✓		✓
TANZANIA		✓	✓	
BURUNDI	✓	✓		
RWANDA	✓	✓		

Researcher Own compilation

The chart above shows how EAC member countries have a problem of overlapping membership as they belong to more than one regional economic community. For example, Kenya belongs to Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and Intergovernmental Authority on Development (IGAD).

According to Regional Integration and Debt in E.A (2003, overlapping memberships may create many challenges and conflicts which is not useful.

It is costly for states who have multiple membership because there are administrative costs of each regional organization which are expensive to pay and maintain. Different regional

organization may have different objectives which may be conflicting resulting to lack of progress in many areas of regional integration.⁴³

Legal uncertainties can also arise in case when there is more than one trade arrangement applies to trade between the countries. Controversies can arise regarding which RTA may steer a dispute inhibiting trade because of uncertainty among the member states.

Countries participating in different regional organization are not politically committed to timely implementation of treaty, projects, programmes and policies.

Most African countries are members of more than one regional organization. For instance some of the EAC member states are also members of other regional organization like SADC. Kenya is a member of EAC and also a member of COMESA and IGAD. Multiple membership can be an obstacle to regional integration. This is because multiple membership can lead to lack of commitment therefore hindering harmonization and as well as the enforcement of rules of origin..

3.12 Lack of political will

The lack of political will and commitment usually leads to slow pace of implementation of the regional issues or policies. For instance partner state of the East Africa community agreed on introduction of the East Africa travel document to ease FMP within the region, but lack of political will and commitment by individual states of EAC is evidenced by lack of harmonization

⁴³Gathii Thuo James. African Regional Trade Agreement As Legal Regimes Law 2011

of immigration evidenced policies on Free movement of person, lack of awareness on the protocol of Free movement of persons and lack of reliable data on migration within EAC, lack of capacity building of immigration officers and lack of national consultation and collaboration and delay of internationalization of East Africa passport.

3.13 Lack of awareness among citizens, government agencies, private sector and civil society about the EAC integration

Knowledge of the benefit of free movement of person within the region which are the great investment, trade opportunities and market access would benefit the Kenya citizens because they would take advantage of the opportunity.

The government agencies need to harness the abundant opportunities of FMP by sensitizing and creating awareness creation within the citizenry, government agencies and civil society organization across the counties.

According to IOM, EAC capacity building in Migration Management Training module (2011) Sensitizing the relevant government agencies on the protocol provision of the free movement of persons, labour right of establishment and residence to relevant government is expected to strengthen and promote the knowledge and the implementation capacities of the agencies therefore promote free movement of persons.⁴⁴

⁴⁴IOM, EAC Capacity Building in Migration Management Project 2011.

Officers charged with the implementation process can enhance facilitation and the achievement of the community major goal of fast tracking the integration process by acquiring sound ground on the provision of the protocol and the Annexes.⁴⁵

The East Africa citizens can know their roles with regard to the protocol by being educated on the same. In order to promote the FMP protocol the main actors of migration matters need to be knowledgeable of the protocol including the salient features, its aim, policy goals, and institution framework for the implementation of free movement of persons.⁴⁶

The citizen need to be aware of their rights and responsibilities and how they can enhance the integration process because have a role in the integration journey.. They also need to create awareness about integration to family friends, neighbours so that they become aware of their rights and responsibilities as well as how they can benefit from the integration process .They also need to know that they can report any difficulty relating to EAC integration to the ministry of East Africa community.⁴⁷

The political leaders of EAC can play a major role of promoting the East Africa Community objectives creating awareness to the citizen of their rights and responsibilities and how they can benefit from the EAC.

⁴⁵IOM, EAC Capacity Building in Migration Management Project 2011.

⁴⁶IOM, EAC Capacity Building in Migration Management Project 2011.

⁴⁷Ministry of the East African Community insights into the integration journey .

The implementing Agencies of migration have a role to ensure that they keep updating the public of the development in the EAC.

The Government agencies concerned with migration matters in Kenya should ensure there is interaction in with their counterparts from the other EAC partner states to ensure there is harmonized immigration process and procedures on free movement of persons within the region.⁴⁸

Lack of awareness among citizens, government agencies, private sector and civil society about EAC integration and particularly about the importance of FMP will affect the issuance and usage of ETD. This is because if the citizens are not aware of the existence of ETD and benefits of FMP ,they will not apply for the document or use it.

Lack of awareness about EAC integration by Government agencies which are the immigration department, Ministry of East Africa community and other relevant government agencies have hindered issuance and usage of ETD. These government agencies are the implementers of the regional agreement on migration. They need to be aware of the role of ETD in FMP so that they can FMP at the borders. They also need to create awareness to the citizens on the importance of ETD in promotion of FMP. The private sector and civil society need to be aware of EAC integration so that they can monitor the progress of ETD in promotion of FMP.

⁴⁸Ministry of the East African Community insights into the integration journey .

Lack of interaction between the implementing agencies of free movement of person affects issuance and usage of ETD. This is because lack of coordination means that there may be lack of harmonized process and procedures.

3.14 Lack of reliable data

Reliable regional Migration data is key in promotion of free movement of people within the region. Reliable migration data provides data on the number of people travelling into and out of the country and the purpose for entry and exit. Reliable migration data whether at regional or national level aids in planning and provides information on whether the flow of people in and out of the country is as anticipated or if there are factors affecting migration.

States that lack the necessary automation and data management system may not effectively monitor and manage regional migration in a manner consistent with the provisions of the regional integration agreement.

States which operate only manual systems at the port of entry are more susceptible to human error and delay. Lack of harmonization on migration data collection regimes between the EAC may be a challenge in promotion of free movement of people within the region.

Lack of political will may cause a state not to be concerned about regional migration- leading to lack of reliable data on number of East African citizens using the ETD within the region. Reliable data of number of ETD issued and used within the region is relevant for assessment of the impact of ETD in promotion of FMP. It is also relevant for record purposes.

Despite the fact that reliable data are essential for developing effective policy, there is still insufficient, reliable and compatible migration data.

3.15 Lack of harmonization of immigration laws

Immigration laws and requirements are key in determining the issuance and usage of the East Africa travel documents. Different countries of EAC have their own national laws governing issuance and usage of their travel documents.

Harmonization of immigration laws concerning regional migration is key in promoting regional integration.

Like all other Africans RECS, the EAC consists of partner states without clear coherent national migration policies that could form the bases of region-wide migration policies.

Lack of harmonization of immigration laws can lead to discrimination and inequality. Issuance and usage of ETD in promotion of FMP within region can be hindered if the citizens moving within the region are discriminated based on nationality despite holding an East Africa travel document.

According to IOM, EAC capacity Building in Migration Management Project (2011) most of the protocol provisions on the free movement of persons labour, right of establishment and residence cannot be implemented without a review on national immigration laws and administrative frameworks. Implementation would be over a period of time actualized by the Annexed and relevant immigration laws.

The Common Market Protocol intends to achieve these broad objectives for the benefits of East Africans. The strategy in the long run therefore would be the harmonization of regional immigration legislations and strengthening of the East African Community partner states , external borders, while weakening internal immigration controls and ultimately the removal of immigration requirement for the citizens of East Africa.⁴⁹

However different national immigration laws and lack of provisions in national laws addressing East African citizens' immigration issue is a big challenge to the implementation of the protocol.⁵⁰

For instance in a number of border points of the EAC immigration officials are not issuing the automatic 6 months multiple entry visa.

In this regard there is an urgent need for partner state to harmonize national law and promote regional co-operation in border and migration management in areas of facilitation free movement of persons, labour services, right of establishment and residence.

A lack of consensus on the benefits of harmonization and different perception and what it means to harmonize, there may be concerns that migration harmonization might have an impact on the sovereignty and security of individual member state.

⁴⁹.East African Handbook 2010.The East Africa Common Market by EAC secretariat Arusha Tanzania.

⁵⁰IOM, EAC Capacity Building in Migration Management Project 2011.

3.16 Lack of capacity building of immigration personnel

Immigration personnel and personnel of EAC states whose duties relate to implementation of mobility provision can play a key role in promotion of free movement of people within the region. These personnel need to be well provided with the information and training necessary to carry out their in accordance to the to the region agreement.

Capacity building of these officers dealing with migration matters will promote issuance and usage of ETD because they will ensure that they foster rather than thwart the objectives modalities and procedures for free mobility of EAC community citizens.

The institutional capacity required to manage migratory flows of EAC citizens to and from Kenya and for effective policy development and implementation is adequate and must be strengthened through training and retraining of key officials .

Lack of capacity building may be a big challenge to effective issuance and usage of the East Africa Travel document in promotion of free movement of people. Officials concerned with migration matters who have not been trained on EAC protocol concerned with free movement of people will not be able to promote free movement of people within the region

3.17 Lack of national consultation and collaboration by Migration agencies

Among the factors affecting free movement of persons within the EAC region is the migration issue. Migration issues requires collaboration and consultation among the stake holders and agencies concerned with migration both at the regional and national level.

Each EAC partner state has migration based ministries or departments which include immigration, foreign affairs, education, health and the department of the East Africa community.

Free Movement of people within the East Africa region is a regional migration issue which not only needs to be addressed at the regional level but also at the national level. This is because regional migration issues also affect the national migration policies.

Consultation ,dialogue and collaboration between the different agencies concerned with regional migration from the EAC partner states is key in promoting free movement of people within he region. This is because the agencies discuss common approaches to Migration issues and the factors affecting free movement of people within the East Africa Community region.

At the EAC level, migration seminar workshops and training programmes have not drawn together all the migration stake holders from the other EAC partner states.

Lack of collaboration among the stakeholders concerned about EAC migration may affect the issuance and usage of ETD. This is because dialogue and consultation among stakeholders to Discuss the role of ETD in promotion of FMP within EAC region and how it can be enhanced is important.

Dialogue and consultation also entails sharing ideas concerning regional migration and factors affecting the issuance and usage of ETD in promotion of free movement of people.

3.18 Delay in internationalization of EAC passport

The East Africa community passport can only be used as a travel document within the East African region and not outside the East African countries. This is compared to the ordinary

national passport that can be used to enter not only East African countries but every other country in the world.

Very few people applied for this passport because it cannot be used as a travel document out of East African countries making it uncommon and less attractive.⁵¹

The ongoing exercise of internationalizing the passport within 5 years was to take place to improve its uptake by making it valid to be used to travel within EAC and out of East Africa..⁵²

The East Africa Passport has not been internationalized despite its introduction more than 10 years ago. This delay may be attributed to lack of commitment of EAC States on this matter.

Lack of internationalization of E.A may affect its issuance and usage. This is because very few people may have interest to apply for it because of its limited coverage .

⁵¹East African Handbook 2010.The East Africa Common Market by EAC secretariat Arusha Tanzania.

⁵²East African Handbook 2010.The East Africa Common Market by EAC secretariat Arusha Tanzania.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS OF THE STUDY

4.0 Introduction

This chapter focuses on the demographic information of the respondents, presentations, interpretation and discussions of research findings. The presentation was done based on the research objectives. The key objective of the study was to examine the factors affecting the issuance and usage of the East Africa Travel Documents.

The research study gathered data from respondents in form of questionnaire. Tables, charts and graphs have been used to present the data. A total of 82 respondents answered and returned the questionnaires. The respondents were Kenyan citizens applying for travel documents at various immigration stations in the country.

4.1 Questionnaire Return Rate

Questionnaire completion rates is the proportion of the sample that participated as intended in all the research procedures. In the study, out of 100 questionnaires that were administered the respondents were able only to fill 82 questionnaires, 82% filled in and returned. This questionnaire return rates was deemed adequate for the study.

4.2 Background information

The respondents were drawn from five immigration stations

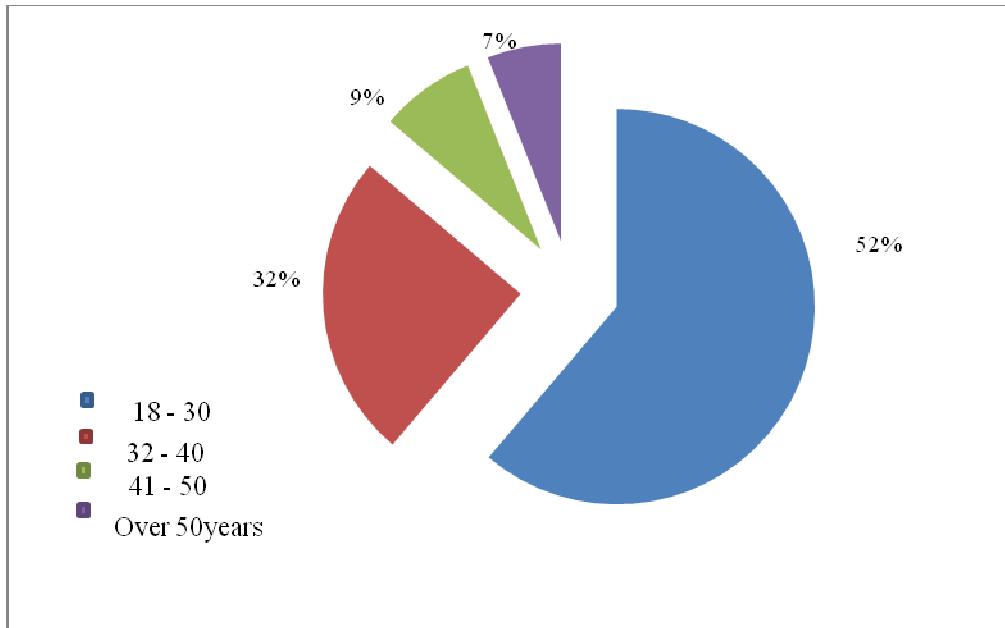
Table 4.1: Immigration Station Representation

Factor	frequency	Percentage
Immigration headquarters (Nyayo House)	32	39
Regional headquarter (Mombasa)	19	23
Jomo Kenyatta International Airport	11	13
Nakuru	12	15
Busia	8	10
Total	82	100

Source: (Author, 2014)

As per table 4.1 above immigration headquarters (Nyayo House) had the highest representation, 32 (39%), 19 (23%), were from Mombasa, 11 (13%) were from Jomo Kenyatta International Airport, 12(15%) were drawn from Nakuru while the remaining respondents 18(10%) were from Busia. The study concluded that large numbers of respondents were drawn from Nyayo House Nairobi which is the immigration headquarters.

Figure 4.1: Representation by Age



Source: (Author, 2014)

According to the figure 4.1 above, most of the respondents were between the age of 18-30 with a representation of 43(52%), this was followed distantly by ages 32-42 with a representation of 26(32%), another section 7(9%) were between the ages of 41-50, while over 50 years had a representation of 6(7%). This study concluded that a large number of respondents were between 18 – 30 years.

Table 4.2: Occupation

Factor	frequency	Percentage
Student	34	41
Business	19	23
Professional	26	32
Other	3	4
Total	82	100

Source: (Author, 2014)

As per the findings above, the majority 34(41%), of the respondents were students while 19(23%) of the respondents were drawn from business community, 26(32%) were professionals, while 3(4%) were drawn from others. The researcher concluded that most the respondents were students. Some of the professional occupations indicated were public health officer, accountant, civil servant, clerk etc.

4.3 Reason for Travel

Table 4.3: Reason for travel

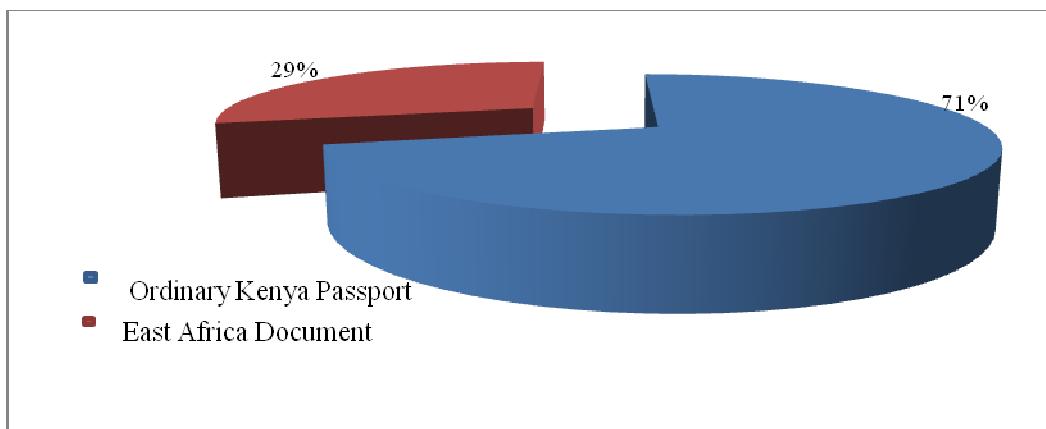
Factor	frequency	Percentage
Education	12	15
Job seeking	6	7
Tourism	11	13
Medical	5	6
Work	18	22
Business	30	37
Total	82	100

Source: (Author, 2014)

According to the findings above most of the respondents 30(37%) were travelling for business purposes, 18(32%) of the respondents indicated job seeking, this was followed by 12(15%) that indicated education, this was followed closely by 11(13%) that indicated tourism. 5(6%) of the respondents indicated they were travelling for medical purposes. The study concluded that most of the respondents are travelling for business reasons.

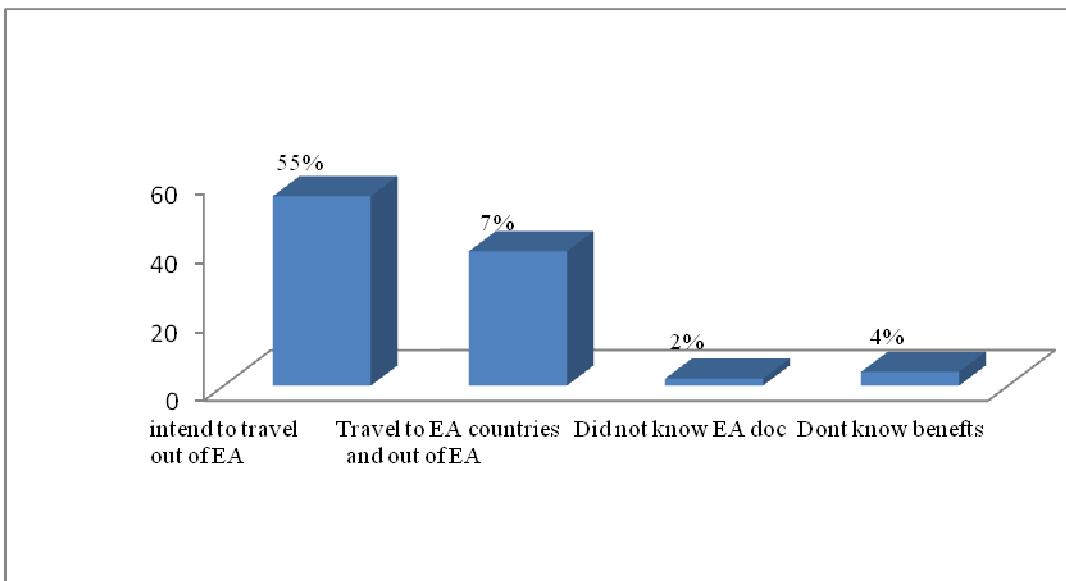
4.4 Prevalence of East Africa Travel Documents Compare to Ordinary Passport

Figure 4.2: Application for travel documents



71% of the respondents indicated that they were applying for ordinary Kenyan passports while 29% were applying for the East Africa travel documents. The study findings indicate that most of the applicants were applying for the ordinary Kenya passport. Findings in this study concur with The East Africa Handbook 2010, that comparatively the East Africa passport cost less than the ordinary passports ,however very few people have got this passport.

Figure 4.3: Reason for Applying ordinary Kenyan passport instead of East Africa document



Source: (Author, 2014)

When asked their opinions regarding the reason for applying for Kenyan passport instead of East Africa document, majority of the respondent (55%) indicated that they intended to travel out of East Africa. 32(39%) indicated that they intended to travel to East Africa countries and out of East Africa, 2(2%) did not know about the East Africa travel documents while 3(4%) did not know the benefits of the East Africa travel documents. The study concluded that most respondent applied for ordinary Kenyan passport instead of East Africa document because they intended to travel out of East Africa which is not possible when holding East Africa travel documents.

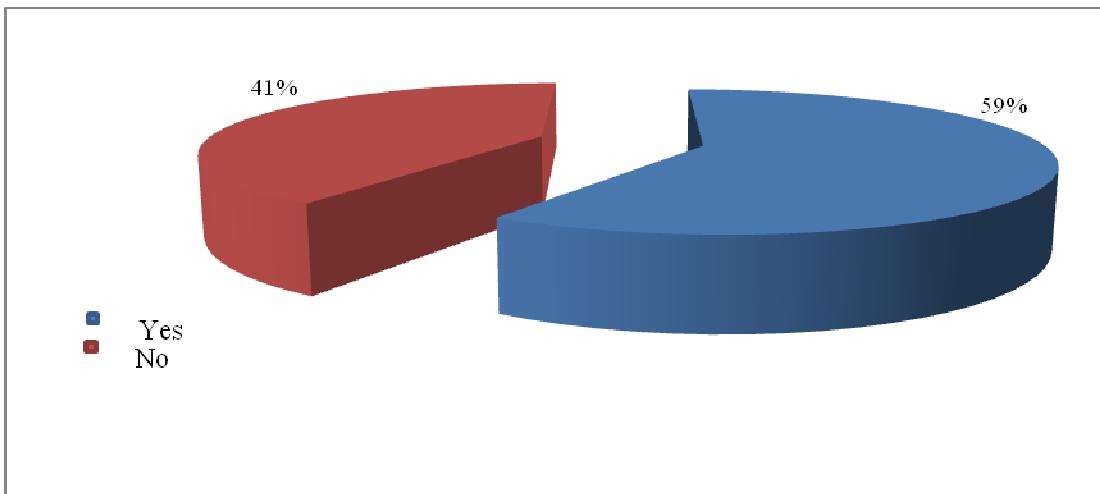
Table 4.4 Reasons for applying the EA documents instead of ordinary Kenyan passports

Factor	Frequency	Percentage
It is cheaper	50	61
Takes a shorter time to acquire	5	6
Requires less documents	10	12
Renewable at any immigration border point	17	21
Total	82	100

Source: (Author, 2014)

The researcher sought to establish from the respondents their stance on the reason for applying for East Travel document instead of the ordinary passport. According to table 4.4 above majority of the respondents 50(61%) indicated that they were applying for the East Africa travel document instead of ordinary passport because it is cheaper, followed distantly 17(21%) that indicated that the ETD was renewable at any immigration border point, 10(12%) of the respondents indicated that acquisition of the ETD required less documents, and 5(6%) indicated that it took a shorter time to acquire the document. The researcher concluded that most applicants were applying for the EA documents because it is cheaper than the ordinary passport.

Figure 4.4: First time for applying EA document



Source: (Author, 2014)

According to the above figure, 59% of the respondents indicated that they were applying for the EA travel document for the first time while 41%, indicated that it was not their first time to apply to the ETD. The study concluded that most of the respondents were applying for EA document for the first time. When asked which other travel document apart from the EA travel document most of the respondent did not have any other document.

4.5 Awareness of Existence of East Africa Travel Documents

Table 4.5: Knowledge East Africa Travel Document

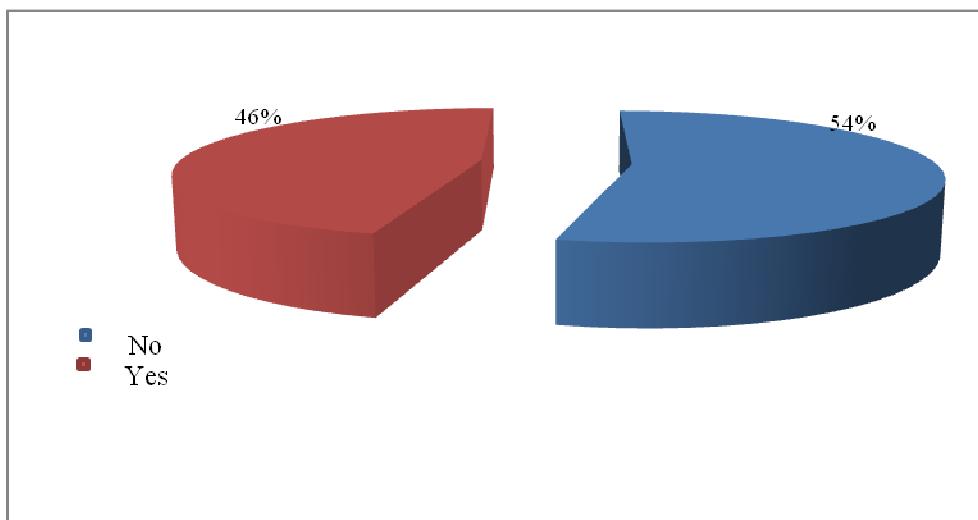
Factor	frequency	Percentage
Through the media	5	6
Through friends	47	57
Immigration posters	22	27
Others	8	10
Total	82	100

Source: (Author, 2014)

When asked to respond on how they got to know about the EA travel document 47(57%) indicated through friends, 22(27%) indicated through immigration posters, while 8(10%) indicated others, which includes family and church. The study concluded that most of the respondent found out about the EA travel documents from their friends.

4.6 Knowledge That You Can Hold both Ordinary and EA Travel Documents

Figure 4.5: Holding both ordinary passport and EA travel document



Source (Author, 2014)

54% of the respondents indicated that they did not know that one can hold both the EA travel documents and ordinary passport at the same time, 46% indicate that they knew. Majority of the respondents did not know that they can hold both the ordinary passport and EA travel documents.

4.7 Benefits of East Africa Travel Documents

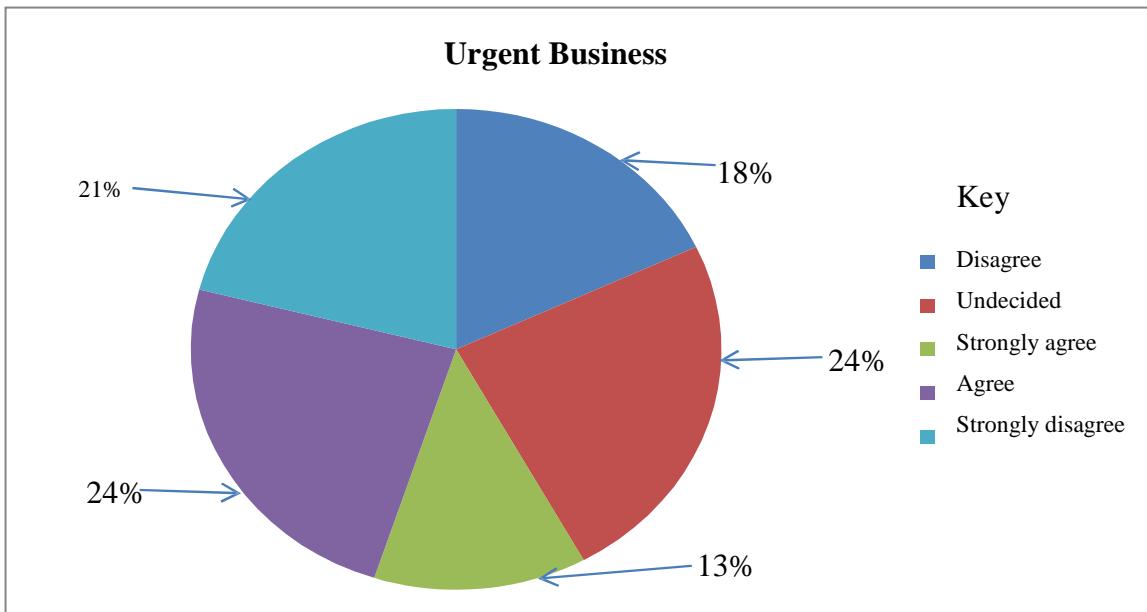
Table 4.6: How ETD has promoted free movement of persons within the EAC region

Factor	Frequency	Percentage
It is cheaper than ordinary passport	14	17
ETD holders allowed 6 months stay in EAC country	11	13
Issuance duration shorter than of ordinary passport	3	4
Issued in all migration borders	12	15
No idea	42	51
Total	82	100

Source: (Author, 2014)

Table 4.6 above clearly shows that 42(51%) of the respondents indicated that they had no idea on how the issuance and usage of ETD has promoted free movement within EA countries, this was followed by 14(17%) of the respondents who indicated it is cheaper than ordinary passports. 11(13%) of the respondents indicated that ETD holders are allowed 6 months stay in EAC country, 12(15%) indicated that ETD is issued in all migration borders, while 3(4%) indicated that issuance duration is shorter than of ordinary Kenyan passport. The researcher concluded that most respondents had got no idea of how ETD has promoted free movement of person within the EAC region.

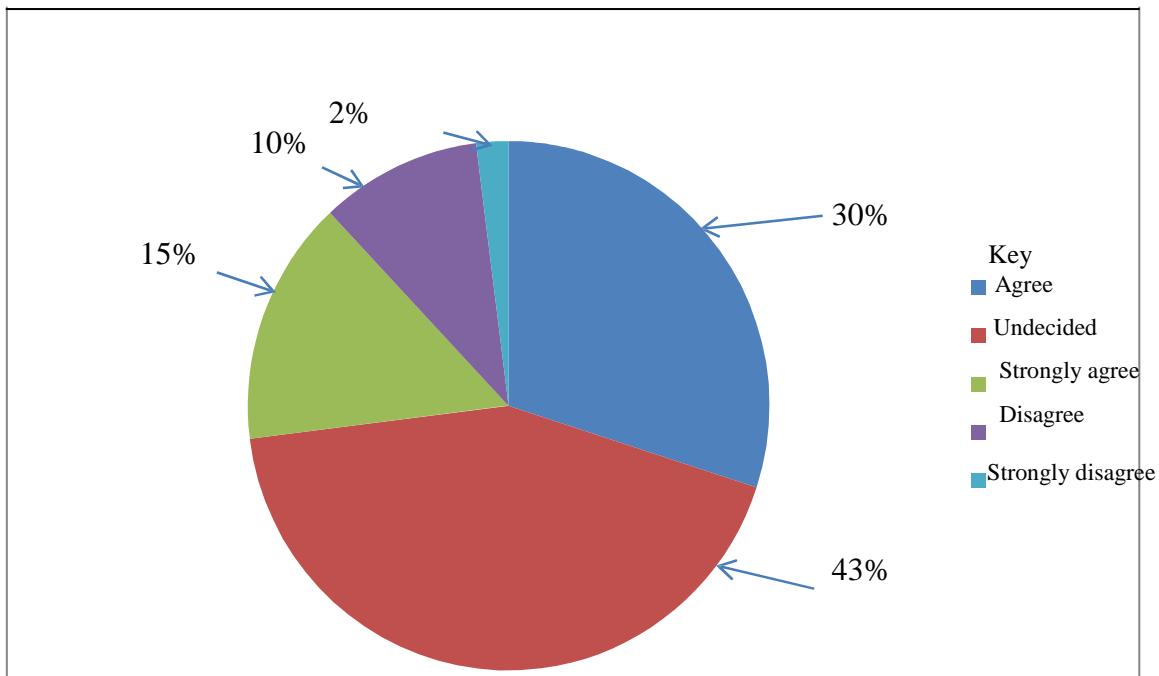
Figure 4.6: ETD documents issued within a short time



Source: (Author, 2014)

When asked their opinions on the various proposition on the benefits of using the EA travel document, within EAC, the above responses were captured as per the figure 4.6 above. The respondents who either strongly disagreed or disagreed that one of the benefits of ETD is that you can travel for an urgent business because the document can be acquired from all immigration border points is 39% while those who agreed or strongly agreed were 37%. A significant 24% were indifferent. These statistics seem to indicate that many respondents had no idea about the document being issued within a short time.

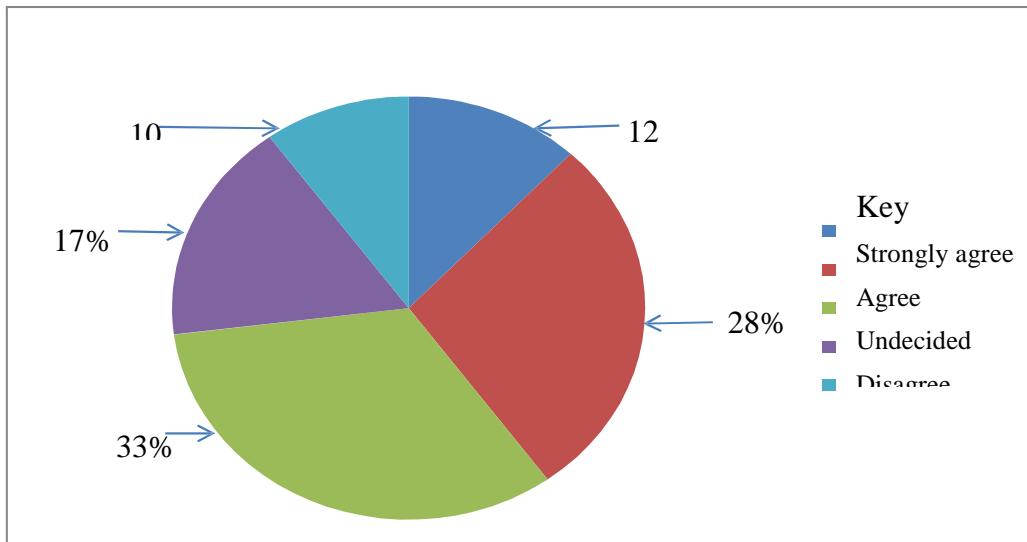
Figure 4.7: East Africa travel documents can be acquired from all immigration borders



Source: (Author, 2014)

When asked whether one of the benefits of using the ETD within EAC is because it can be acquired from all immigration borders across the country, 43% of the respondents were undecided, 30% agreed, 15% strongly agreed while 12% indicated strongly disagree and agree. The researcher concluded that the respondents had no idea that East Africa travel documents can be acquired from all immigration borders.

Figure 4.8: EA travel documents saving time because it is stamped once for 6months stay



Source: (Author, 2014)

Figure 4.8 above shows the response about the East Africa travel documents saves time because it stamped once for 6 month stay. 33% indicated undecided, 28% agreed, 17% disagreed, 12% strongly agreed and 10% strongly disagreed. The findings concluded that the respondents have got no idea regarding EA travelling documents save time because the ETD is stamped once for 6 months.

Table 4.7: EA document is cheaper than ordinary passport

Factor	Frequency	Percentage
Strongly agree	10	12
Agree	8	10
Undecided	49	60
Disagree	5	6
Strongly disagree	10	12
Total	82	100

Source: (Author, 2014)

When asked whether one of the benefits of using the ETD is because it is cheaper 60% were undecided on this matter, 22% either strongly agreed or agreed and 18% either strongly disagreed or disagreed with the opinion.

Factors Affecting Issuance and Usage of EA Travel Documents

Table 4.8: Ordinary passport can be used to travel to EAC countries and out of EA region

Factor	frequency	Percentage
Strongly agree	7	9
Agree	20	24
Undecided	37	45
Disagree	11	13
Strongly disagree	7	9
Total	82	100

Source: (Author, 2014)

From the above table 4.8 a significant 45% of the respondents were undecided on whether people may be applying for the ordinary passport more than the East Africa travel document because the ordinary passport can be used to travel to EAC countries and out of EAC, while 33% strongly agreed or agreed and 22% either disagreed or strongly disagreed.

Table 4.9: Most people do not know about the East Africa travel documents

Factor	frequency	Percentage
Strongly agree	9	11
Agree	15	18
Undecided	46	56
Disagree	7	9
Strongly disagree	5	6
Total	82	100

Source: (Author, 2014)

A large proportion 56% were undecided on whether lack awareness of the East Africa travel documents is one of the factors affecting its issuance and usage. The respondent who either strongly agreed or agreed that more people are applying for ordinary passport more than the EA passports because of lack of awareness on its existence were 29% while those who either disagreed or strongly disagreed were 15%. This means that a large number of respondents do not know about the travel document because they were traveling for the first time. The findings in this study concur with the East Africa Hand book 2010 that there is low level of public awareness of EAC integration issues and in particular lack of awareness of existence of East Africa Travel documents.

4.8 Lack of Knowledge of Benefits of Holding ETD

Table 4.10: Benefits of holding East Africa travel documents

Factor	frequency	Percentage
Strongly agree	9	11
Agree	19	23
Undecided	39	48
Disagree	11	13
Strongly disagree	4	5
Total	82	100

Source: (Author, 2014)

48% of the respondents were undecided on whether most people applied for the ordinary Kenya passport more than the ETD because they did not know the benefits of holding the ETD while a 34% strongly agreed or agreed on this matter while 18% either strongly disagreed or disagreed with the proposition.

This finding concurs with the Alistar Booton view that the main shortcoming of high favourable provisions in the free movement of person in ECOWAS Is that they are not known or not implemented. The above table clearly demonstrates that most respondents are undecided whether lack of knowledge of the benefits of holding the East Africa Travel documents contributes to most people applying for the ordinary passport more than the East Africa passport.

Table 4.11: Commitment of EAC countries to free movement of people within the region

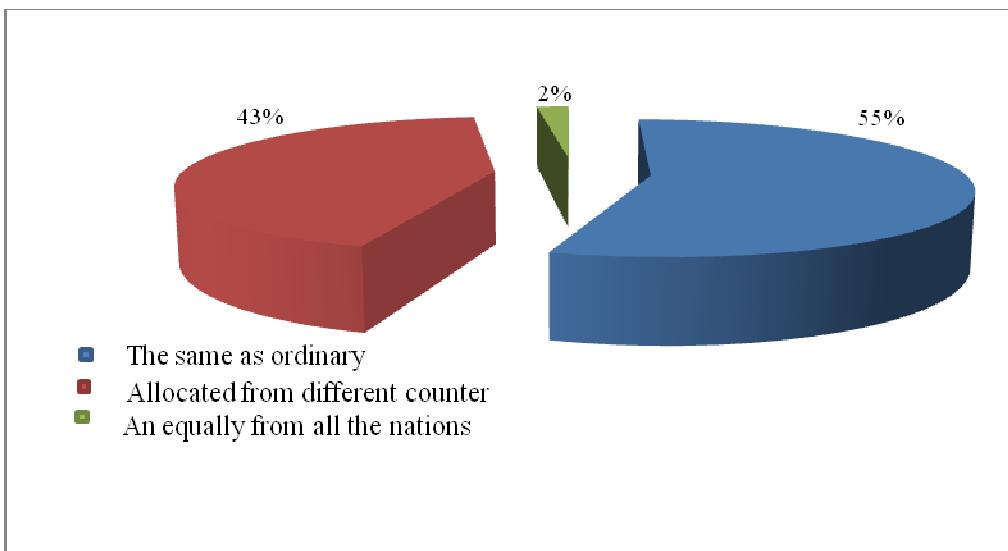
Factor	frequency	Percentage
Strongly agree	10	12
Agree	25	30
Undecided	31	38
Disagree	9	11
Strongly disagree	7	9
Total	82	100

Source: (Author, 2014)

As per table 4.11 above when asked on commitment of EAC countries to free movement of people within the region the response were as follows 31(38%) indicate undecided, 25(30%) indicate agree, while 10(12%) indicated strongly agree, this is followed closely by 9(11%) that disagreed and 7(9%) indicated strongly disagree.

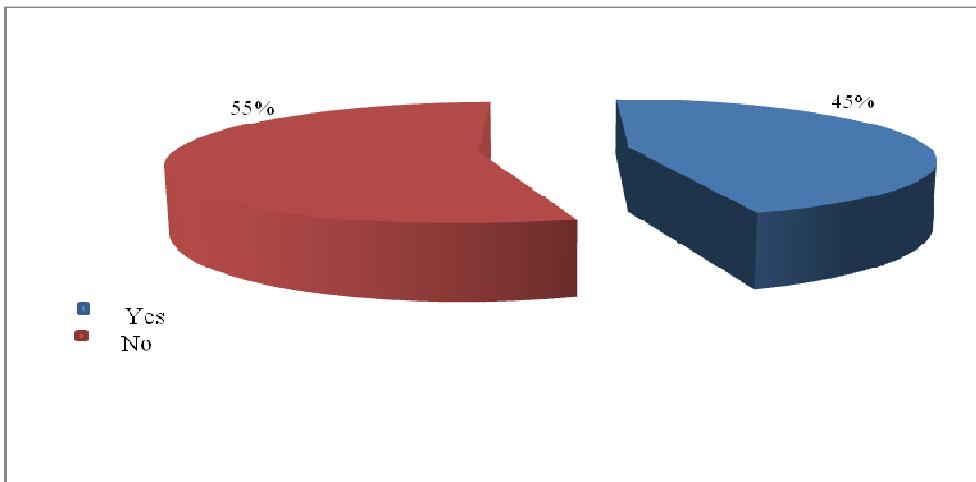
The study concluded that most respondents are unaware of EAC countries commitment to free movement of people within the region. This findings concur with the International Organisation of Migration(IOM) EAC capacity building in Migration Management Training Module (2011)that there is low level of public awareness of EAC integration issues and activities.

Figure 4.9: Treatment by immigration when traveling using EA document to EAC countries. Source ;Author,2014)



From figure 4.9 above 55% indicated that the immigration of other EA countries treated them the same as the ones holding the ordinary Kenyan passport, while 43% indicated that they were treated specially and allocated a different counter from the rest, i.e. the EAC counter. 2% of the respondents indicated that they were treated unequally from the nationals of the receiving country. The study concluded that the treatment by immigration of other EAC countries if you are traveling using the EA travel document is the same as the ones holding the ordinary Kenyan passport.

Figure 10: Working in any EAC countries if you are holding EA travel document



Source: (Author, 2014)

Majority of the respondents 55% were opined that you are not allowed to work in any EAC countries, if you are holding an EA travel document and that for one to work they require a work permit. 45% were opined that you are allowed to work in EA countries if you are holding and EA travel documents and allowed to do casual work only.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary, conclusions and recommendations of the study. The Conclusions and recommendation of the study are discussed based on the data analysis. The main objective of the study was to find out the factors affecting issuance and usage of the East Africa Travel Documents. The study employed both primary and secondary sources of data and came up with a number of findings.

5.2 Summary of Findings

The study indicate 32(39%), of respondents were drawn from immigration headquarters, (Nyayo House)19 (23%), were from regional headquarters Mombasa while 11 (13%) were from Jomo Kenyatta International Airport. 12(15%) were drawn from Nakuru there remaining respondents 18(10%) were from Busia.

The findings indicate that majority of the respondents were between the age of 18-30 with a representation of 43(52%), this was followed distantly by ages 32-42 with a representation of 26(32%), another section 7(9%) were between the ages of 41-50, while over 50years had a representation of 7%.This study concluded that a large number of respondents were between 18 – 30 years.

The findings also indicated that majority of the respondents were students as indicated by 41% of the respondents,32% were professionals,23% were business people while 4% indicated other professions for instance farming.

The study enquired on the reason for travel of the applicants ,37% indicated they were travelling for business purposes,32%indicated job seeking ,15%indicated education,13% indicated tourism while 6%of the respondents indicated that they were travelling for medical purposes. The study concluded that most of the respondents were travelling for business purposes.

The study sought to establish the prevalence of the East Africa passports compared to the ordinary Kenyan passports. From the findings, most of the respondents were applying for the ordinary Kenya passport represented by 71% compared to the East Africa passports by represented by 29%.

Most of the respondents 30(37%) using East Africa travelling documents are business, 18(32%) of the respondents indicated searching for work, this was followed 12(15%) that indicated education, this was followed closely by 11(13%) who indicated tourism. The study concluded that most of the respondents are travelling for business reasons. Some of the reasons indicated for travelling were business, education, job seeking, medical etc.

The study sought to find out from the applicants the reason for applying for ordinary passport instead of East Africa passports majority of the applicant that is 45(55%) were of the opinion that they intended to travel out of East Africa, 32(39%) indicated that they intended to travel to East Africa countries and out of East Africa, while 2(2%) did not know about the East Africa travel documents and the remaining 3(4%) don't know the benefits of East Africa travel documents. The study concluded that majority of the respondents applied for Kenyan ordinary

passport instead of East Africa travel documents because they intended to travel out of East Africa.

50(61%) indicated it is cheaper when responding to reasons for applying the EA document instead of ordinary Kenyan passport, this is followed distantly 17(21%) that indicated it is renewable at any immigration border point, 10(12%) of the respondents indicated that acquisition of the ETD required less documents. the researcher concluded that reasons for applying EA documents instead of ordinary Kenyan passports is because it is cheaper than the ordinary passport.

59% of the respondents indicated that they were applying for the E.A travel document for the first time while 41%indicated that it was not their first time to apply for the ETD. The study concluded that most of the respondents were applying for ETD for the first time.

When asked to respond how they got to know about the E.A travel document (57%) indicated through friends, 22(27%) indicated immigration posters, while 8(10%) indicated others, which includes family and church.. The study concluded that most of the respondent has found out about the East Africa travel document through friends.

Regarding holding both the ordinary passport and EA travel document 54% indicated that they did not know that one can hold both the ETD and the ordinary passport at the same time, 46% indicated that they knew .

42(51%) of the respondents indicated that they had no idea on how issuance and usage of ETD has promoted free movement within E.A countries , this was followed by 14(17%) of the respondents who indicated it is cheaper than ordinary passports, 11(13%) indicated ETD holders

are allowed 6 months stay in EAC country, while 12(15%) indicated that ETD is issued in all immigration borders finally 3(4%) indicated that issuance duration is shorter than of ordinary passport. The researcher concluded that the respondents have got no idea of how EA has promoted free movement of person within the EAC region.

When asked their opinion on the various propositions on the benefits of using the EA travel document, within EAC, the above responses were captured .The respondents who either strongly disagreed or disagreed that one of the benefits of ETD is that you can travel for an urgent business because the document can be acquired from all immigration border points is 39% while those who agreed or strongly agreed were 37%.A significant 24% were indifferent. These statistics seem to indicate that many respondents had no idea about the document being issued within a short time.

43% indicated undecided, another section 30% indicated agree 15% indicate strongly agree, while 10% indicated disagree, the remaining 2% indicated strongly disagree. The researcher concluded that the respondents have got no idea of acquiring documents from all immigration borders.

The EA documents saving time are stamped once with ETD. 33% indicated undecided, 28% agreed, 17% disagreed, 12% strongly agreed and 10% strongly disagreed. The findings concluded that the respondents have got no idea regarding EA travelling documents save time because the ETD are stamped once for 6 months.

49(60%) indicated undecided, 10(12%) both indicated strongly agree and disagree while 8(10%) agreed finally 5(6%) disagreed. The researcher concluded that the respondents have no idea EA documents are cheaper than ordinary passport.

37(45%) among the respondents indicated undecided, 20(24%) indicated agree, another section 11(13%) they disagreed, both 7(9%) indicated strongly agree and strongly disagree.

46(56%) indicated undecided, 15(18%) indicated agree, this is followed distantly by 9(11%) that indicated strongly agree, 7(9%) indicated disagree and there remaining counterparts 5(7%) indicated strongly disagree. The findings concluded that most the respondents do not know the existence of ETD.

39(48%) of the respondents were for the opinion of undecided, this followed distantly 19(23) agreed, another section 9(11%) indicated strongly agree, 11(13%) disagreed and 4(5%) indicated strongly disagree. From the above findings the researcher concluded that the respondents have got no idea of holding ETD.

when asked on commitment to free movement within the region the response were as follows 31(38%) indicate undecided, 25(30%) indicate agree, while 10(12%) indicated strongly agree, this is followed closely by 9(11%) that disagreed and 7(9%) indicated strongly disagree. The study concluded that the respondents are not aware of EAC countries are not committed to free movement of people within the region.

55% indicated that they are treated the same as the one holding ordinary passport, while 43% indicated treated specially and allocated a different counter from the rest, their remaining counterpart indicated 2% treated unequally from the nationals of the receiving country. The

study concluded that the treatment by immigration of other EAC countries if you are traveling using the EA travel document is the same as the ones holding the ordinary passport.

When asked to respond whether you are allowed to any EAC documents the response were as follows 55% indicated no, while the remaining counterparts 45% indicated yes. The study concluded that the respondents indicated that they are not allowed to work in any EAC countries if you are not holding an EA travel documents. Those that indicated yes said manual, business, supermarket, and those that indicated no permit, and EA passport.

5.3 Conclusion

The study concluded that most of the respondents are travelling for business reasons. Some of the reasons indicated for travelling were business, education, job-seeking, medical etc.

The respondents concluded that why they apply for Kenyan ordinary passport instead of EA travel documents is due to intended to travel out of EA, it was also found that the researcher concluded that reasons for applying EA documents instead of ordinary Kenyan passports is cheaper, most of the respondents have applied for EA document for the first time.

The study concluded that most of the respondent has acquired EA posters through friends, that they can both hold ordinary passport EA document, but some of the respondents have got no idea of how EA has promoted free movement of person within the EAC region.

The findings concluded that most of the respondents have got no idea of business issued within a shorter time also the respondents have got no idea of acquiring documents from all immigration borders.

The findings concluded that the respondents have got no idea regarding EA travelling documents save time because the ETD are stamped once for 6 months.

The study concluded that the respondents have no idea EA documents are cheaper than ordinary passport and that most the respondents do not know the existence of ETD.

The findings concluded that the respondents have got no idea of holding ETD and are not aware of EAC counties are not committed to free movement of people within the region.

The study concluded that the treatment by immigration of other EAC countries if you are traveling using the EA travel document is the same as the ones holding the ordinary passport

The study concluded that the respondents indicated that they are not allowed to work in any EAC countries if you are not holding an EA travel documents. Those that indicated yes said manual, business, supermarket, and those that indicated no permit, and EA passport.

5.4 Recommendation

In line with the findings the study demonstrates that there are factors affecting issuance and usage of the East Africa travel documents in promotion of free movement of persons.

Given the shortcomings revealed in this study with regard to the Kenyan experience , the study makes the following recommendations.

Public awareness concerted advocacy and public education campaigns should be put in place ,possibly simultaneously in all countries of the East Africa region to educate the East African citizens on the existence and benefit of using the East Africa travel documents. East Africa citizens should be educated on the advantages of using the East Africa travel documents .This is because many people lack or have little knowledge about the standard requirement application to cross border movements.

The people need to be educated that that Free movement of people will encourage cross border investment's as a result technology and skills are transferred which contribute to economic development and creates employment.

The East Africa citizens Community countries need to put in resources for awareness creation of existence and benefits of holding the East Africa Travel Documents. Partner states will have to involve their citizens more by creating champions of integration including the local politicians the community and other stakeholders.

The Officers charged with implementation process of EAC Migration require sound grounding and knowledge of the provisions of the protocol and the Annexes to enhance facilitation and the achievement of the Community major goal of fast tracking the integration process.

The Immigration agencies need to educate the general East Africa public with regard to the protocols implication on the lives of East Africa citizens and how they can enhance the integration.

The slow pace of implementation of their policy framework by EAC countries has been lack of commitment. Recommend that they should try to develop a strong oversight of their policies and programmes aimed at promoting free movement of people.

The partner states should agree to adopt measures to achieve Free Movement of persons within EAC. One of the measure is by promoting usage and issuance of East Africa Travel documents.

The partner states can achieve this objective by easing cross border crossing of the partner state should also harmonize and maintain common employment labour policies programmes and legislation.

Accurate information on the positive contribution of immigration to national development on causes and consequences of migration at both place of origin and destination should be emphasized to agent of development in source and destination countries.

EAC countries need to have in-depth knowledge of existing policies and legislation on issuance and usage of East Africa Travel documents and what they would require to achieve that.

Their should be open dialogue ,sharing of experience and co-operation between countries of origin and destination and between different communities to help facilitate a more balanced distribution of benefits of the mobility of persons among the principal stakeholders as well as a greater coherence between mobility and other policy areas affected by migration of affecting migration.

East Africa countries need to be sensitized on the benefits of harmonization of immigration laws and different perception and what it means to harmonize.

The implementing agencies of EAC migration should ensure the principle of non discrimination applies to all citizens of EAC .They should also ensure harmonization of immigration procedures on East African citizens holding the East Africa Travel Documents.

EAC citizens need to be assured that migration harmonization will not have an impact on the sovereignty and security of individual member state.

The implementing agencies of EAC migration should interact with their counterparts across the border to ensure harmonized process and procedures of processing and treating East African travel documents holders.

EAC partner states must ensure that citizens moving within the region are treated based on the principle of equality and non -discrimination.

National laws of partners' states that contravene the provisions of the protocols require harmonization as well as domestication. National goals should be aligned to the provisions and the spirit of the protocol.

The East Africa passport should be popularized. The process of popularizing can be done through magazines , Radio and media of the various partner state.

The East Africa passport should be internationalized. This means that the East Africa passport should allow East African citizens should be able to travel within East Africa and out of East Africa.

The institutions capacity required to manage migratory flows and for effective policy developments of EAC migration must be strengthened through training and retraining of key officials to help to facilitate rather than restrict migration in regular situation.

The officials need to be retained and informed regarding revised national laws and treaties as well as East Africa Community (EAC) protocol on Free Movement of People. The objective is to ensure that they promote rather than thwart the objectives, modalities and procedures for the free mobility of community citizens.

Further Research on trends and patterns of migration in specific countries across the region needs to be undertaken to increase the ability of member states to develop and implement better migration management systems.

There should also be more research done the treatment granted to East African Travel documents holders by immigration East Africa receiving states in view of achieving some level of reciprocity between the member states.

There is need to collect adequate documentation and database for documentation and database for EAC migration activities and creation of strong enforcement mechanism.

Setting up of cross border database for the East Africa Travel Document in all five respective EAC partner countries to monitor movement for future benefit.

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LIST OF APPENDICES

APPENDIX 1: COVER LETTER FOR THE STUDY

Dear Respondent,

My name is Filly Anyango, a post graduate student at the University of Nairobi. I am undertaking a study titled: **Factors affecting issuance and usage of East Africa Travel Documents in Kenya.** Kindly spare a few minutes and fill in the Questionnaire (Appendix 2). Be assured that your information will be treated as confidential (**Please tick or record responses appropriately**)

August , 2014

APPENDIX 2: SURVEY QUESTIONNAIRE

1. BACKGROUND INFORMATION

Immigration station (tick one)

- a) Immigration headquarters (Nyayo house) []
- b) Regional headquarter (Mombasa) []
- c) Jomo Kenyatta international airport []
- d) Nakuru []
- e) Busia []

2. Age (in years).

18-30 32-40 41-50 over 50years

3. Occupation

- a. Student []
- b. Business []
- c. Professional (specify).....
- d. Other []

REASON FOR TRAVEL

4. Reason for travel

- Education [] Medical []
- Job seeking [] Work []
- Tourism [] Business []

If work, what kind of work do you travel to engage in?

.....
.....

PREVALANCE OF EAST AFRICA TRAVEL DOCUMENTS COMPARED TO ORDINARY PASSPORTS.

5. What travel document are you applying for?

- a) Ordinary Kenyan passport []
- b) East Africa travel document (specify)

6. Why did you decide to apply for the ordinary Kenyan passport instead of the East Africa Travel document?

- a) I need an ordinary passport because I intend to travel out of East Africa []
- b) I can use an ordinary passport to travel to East Africa countries and out of E.A. []
- c) Did not know about the East Africa Travel documents
- d) I do not know the benefits of the East Africa Travel Documents

7. Why did you decide to apply for the East Africa Travel Document instead of the Ordinary Kenyan passport?

- a) It is cheaper []
- b) Takes a shorter time to acquire []
- c) Requires less documents []
- d) Can be renewed at any immigration border point []

8. Is it your first time to apply for the East Africa travel document?

Yes [] No []

9. Which other travel document do you have apart from the East African Travel Documents?

.....
.....

AWARENESS OF EXISTANCE OF EAST AFRICA TRAVEL DOCUMENTS

10. How did you find out about the East Africa travel document?

- a) Through media []
- b) Through friends []
- c) Immigration posters []
- d) Other (specify).....

11. Do you know that you can hold both the ordinary passport and the East Africa Travel Document? [] YES [] NO

BENEFITS OF EAST AFRICA TRAVEL DOCUMENTS

12. How has the issuance and usage of ETD promoted Free Movement of persons within the EAC region?

- a) It is cheaper than ordinary passport []
- b) Allows EAC citizen 6months stay in another EAC country []

- c) Issuance duration is shorter than for ordinary passport []
- d) It is issued in all immigration borders therefore accessible []
- e) I have no Idea []

13. What according to you are the benefits of using East Africa Travel Documents within EAC?

	Strongly agree	Agree	Undecided	Disagree	Strongly disagree
Can travel for an urgent business because the document is issued within a short time					
Can travel for an urgent business because the document can be acquired from all immigration borders across the country					
Save time because the ETD are stamped once which is valid for 6 months					
It is cheaper than the ordinary passport therefore affordable to student and job seekers					

FACTORS AFFECTING ISSUANCE AND USAGE OF EAST AFRICA TRAVEL DOCUMENTS

14. What according to you is the reason why people may be applying for the ordinary passport more than the East African travel documents (ETD)

	Strongly agree	Agree	Undecided	Disagree	Strongly disagree
Ordinary passport can be used to travel to EAC countries and out of EAC					
Most people do not know about the existence of the ETD					
Most people do not know the benefits of holding the ETD. Some East Africa Community countries are not committed to free movement of people within the region.					

15. How is the treatment by immigration of other EAC countries if you are traveling using the East Africa Travel Document?

- a) Treated the same as the ones holding the ordinary passport []
- b) Treated specially and allocated a different counter from the rest []

c) Treated unequally from the nationals of the receiving country []

16. Are you allowed to work in any EAC counties if you are holding an East Africa Travel Documents?

YES []

NO []

17. If YES what kind of job are you allowed to do?.....

18. If NO what is required for one to work in the other country...