

**THE CHALLENGES OF COOPERATION IN FOREIGN POLICY
COORDINATION. A CASE STUDY OF EAST AFRICAN COMMUNITY
INTEGRATION**

BY

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R50/68644/2013

**A RESEARCH SUBMITTED IN PARTIAL FULFILLMENT OF THE DEGREE
OF MASTER OF ARTS AT THE INSTITUTE OF DIPLOMACY AND
INTERNATIONAL STUDIES IN THE UNIVERSITY OF NAIROBI**

2015

DECLARATION

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

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This research has been submitted for examination with my approval as University Supervisor.

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DR. MARTIN OUMA

DEDICATION

To my supportive Mum, wife and Son for always being my hope and inspiration in life

ACKNOWLEDGEMENT

I thank Allah for guiding me through this process; I appreciate the role and guidance of my supervisor Dr. Martin Ouma who tirelessly committed his time and knowledge to make my research successful.

I am also obliged and grateful for unconditional love, prayers, and encouragement from my family members and friends who believed in my success.

The time and the effort of my classmates are appreciated, without them it would have not been possible to conclude my research.

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ABSTRACT

The East Africa Community (EAC) is one of the Regional Economic Communities (RECs) in Africa, with integration in the region dating back to pre-colonial times. However, the integration process has achieved less than desired as witnessed with the collapse of the previous EAC in 1977. This study critically states the problem of EAC strength on paper and weak in action which distances the aspiration from reality. The objective of the study is to determine challenges of cooperation in foreign policy coordination in EAC integration. The study used conceptual framework which comprise of both independent and dependent variables. Independent variables include lack of political will, self-interest and non-implementation of protocols and agreements. Dependent variable cooperation in foreign policy coordination. The study found out that the impact of non implementation of protocols and agreement, lack of political goodwill and self interest is tremendous and has a great influence on the challenges of cooperation in foreign policy coordination, it explains why despite the efforts made by the EAC. In regards to the study it is recommended for EAC to fully integrate there must be systematic executions of the stages of integration from PTA, FTA, Custom Union, Common market, Monetary union, Fiscal Union and political Union. To implement protocols and treaties EAC will have to reform the operational method of its organs and institutions, further to that EAC must also set aside individual interest of the running governments and allow more participation from the non state actors and the private sector with more public awareness to sensitize the public on the EAC agenda.

LIST OF ABBREVIATIONS AND ACRONYMS

AU	African Union
CARICOM	Caribbean Community
CFSP	Common Foreign and Security Policy
COFCOR	Council for Foreign and Community Relations
EAC	East African Community
EALA	East Africa Legislative Assembly
EC	European Commission
EEC	European Economic Community
EPA	Economic Partnership Agreement
EU	European Union
FEPA	Framework Economic Partnership Agreement
FTA	Free Trade Area
GDP	Gross Domestic Product
MOU	Memorandum of Understanding
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
O A U	Organization of African Union
OPEC	Organization of the petroleum Exporting Countries
PTA	Preferential Trade Area
RECs	Regional Economic Communities
SADC	Southern African Development Community
SES	Socio-economic status
SPS	Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade
UN	United Nations
US	United States
WTO	World Trade Organization

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.0: Introduction

This chapter entails the background to the study which gives a meaning to the study, states the existing problem, objectives of the researcher, the research questions guiding the study, scope of the study covering EAC Members, significance of the study leading to a sustainable coordination for foreign policy implementation as well as adding scholarly knowledge on issues limiting coordination in foreign policy EAC. The chapter also critically analyses the literature review consisting of how other scholars view the objectives of the study.

1.1: Background of the study

Article 123 of the East African Community Treaty calls on Partner States to establish and implement common foreign and security policies¹. However, at this stage in the EAC integration process, Partner States observed that time was not ripe yet to have a Common Foreign Policy for the Community, given the sovereign concerns. A decision was taken that in the interim, as the Community progresses towards the eventual Political Federation, what was most needed was to harmonise coordination of Partner States' foreign policy pursuits within the context of the Community objectives. In that regard, the existing Memorandum of Understanding on Foreign Policy Coordination signed in January 1999 has been upgraded into a Protocol. Among others, the Protocol addresses

¹ East African Community treaty 1999, Chapter 23, cooperation in political matters pg 109

issues related to coordination of collaboration in Diplomatic and Consular activities, including provision of visa and consular services by Partner States on behalf of one another where a Partner States is not represented. It also provides modalities for collaboration in Multilateral Diplomacy and in Economic and Social activities. Furthermore, it provides for deeper engagement of the Partner States' Diplomatic Missions in pursuit of the Community objectives.

As early as 1999, the EAC Partner States embarked on co-operation in their foreign relations under a Memorandum of Understanding on Foreign Policy Co-ordination. This co-operation is set to strengthen in the period ahead following the adoption in December 2010 of the EAC Protocol on Foreign Policy Co-ordination. Among the activities envisaged under the Protocol, the Partner States' Diplomatic Missions shall co-ordinate their positions and hold joint briefings and presentations on matters, activities and other initiatives of interest or concern to the Community as well as joint promotion of EAC regional projects. These joint activities are emphasized especially at the Partner States' Diplomatic Missions in multilateral stations whereby they shall hold regular consultations to harmonize positions in multilateral organizations; consult and harmonize positions and undertake joint lobbying in multilateral meetings. They shall co-ordinate positions, where appropriate, and present joint statements in the multilateral fora.²

The activities of EAC include sharing of consulate facilities and services; collaboration in Economic and Social Activities whereby joint promotional activities are held in the

² 2010 EAC Protocol on Foreign Policy Co-ordination , Article 5 Collaboration in Diplomatic and Consular Matters pg 5

Partner States' Diplomatic Missions and within the Partner States in marking important EAC Anniversaries such as the EAC Day, 30th November, and other promotional activities in, among other areas, trade, investment, tourism and culture to promote and market the Community within the region and abroad. Another area of co-operation which has been ongoing and has worked very well is the co-ordination of candidatures for positions in international organizations, whereby the Partner States consult before any one of them decides to present a candidate to an international organization or body; and avoid competition between themselves for international posts or vacancies that are zoned or are political in nature. To spearhead this activity, an East African Candidatures Committee has been formed that mounts joint campaigns for an agreed candidate from the EAC region; and harmonizes EAC positions in respect of third countries' candidates seeking their support³.

1.2: Problem statement

Article 123 of the EAC Treaty calls on Partner States to establish and implement common foreign policies⁴. However Partner States observed that time was not ripe yet to have a Common Foreign Policy for the Community, given the sovereign concerns. A decision was taken that in the interim, as the Community progresses towards the eventual Political Federation, what was most needed was to harmonize coordination of Partner

³ Sezibera at the Conference of June 2011 in Arusha (see n. 1). 5 | Cf. East African Community, "EAC Customs Union Protocol 2004", [http://eac.int/commonmarket/document tation/cat_view/24-documents-a-downloads/30-common-market-protocol-a-annexes.html](http://eac.int/commonmarket/document%20tation/cat_view/24-documents-a-downloads/30-common-market-protocol-a-annexes.html) (accessed June 30, 2011).

⁴ East African Community treaty 1999, Chapter 23, cooperation in political matters pg 109

States' foreign policy pursuits within the context of the Community objectives ⁵. To date no common foreign policy has been agreed upon by member states.

According to Reith and Boltz, The East African Community is strong on paper, but weak in the implementation of its decisions. It is at risk of losing the support of civil society and becoming the scapegoat of national politics. In these circumstances it is doubtful whether the tight timetable can be adhered to. There is a significant gulf between aspiration and reality.⁶ Among the voices that have warned against excessively high expectations is that of the former German president Horst Kohler, who stated that the EAC runs the risk of disappointing the region's people, since it has ambitious plans but little to show in the way of results. The Community is on the right track, he said, but poor fiscal discipline and promises that cannot be kept could jeopardize the process of integration. This study therefore will seek to identify challenges affecting East African Foreign Policy Coordination in the integration.

1.3: Objectives of the study

1.3.1: Main objective

To determine challenges of cooperation in foreign policy coordination in East African Community integration.

⁵ Reith and Boltz, the east African community regional integration between aspiration and reality 2011, page 78

⁶Horst Köhler was speaking in June 2011 at a conference in Arusha organised by the Konrad-Adenauer-Stiftung and the East African Community for the purpose of discussing these issues

1.3.2: Specific objectives

The following specific objectives guided the study

- i. To determine non implementation of protocol and agreements in foreign policy coordination in East African Community integration
- ii. To determine impact of lack of political goodwill in foreign policy coordination in East African Community integration
- iii. To determine impact of self interest in foreign policy coordination in East African Community integration

1.4: Research Questions

The following research questions guided the study;

- i. How does non-implementation of protocol and agreements among East African Community members affect foreign policy coordination in East African Community integration?
- ii. How does lack of political goodwill among East African Community members affect foreign policy coordination in East African Community integration?
- iii. How does self-interest among East African Community members affect foreign policy coordination in East African Community integration?

1.5: Scope of the study

The study will be among the East African Community members using secondary data collection which will comprise of journals, magazines, books, conference papers and any

other secondary material which contain information regarding the study. The study will only review materials related to the objectives of the study.

1.6: Significance of the study

This study will be significant to integration and cooperation of East African Community members in building sustainable coordination for foreign policy implementation. The EAC will identify some of the factors which has been derailing foreign policy coordination and build from those factors to overcome the current stalemate in foreign policy coordination. Also the study will benefit individual member state to build its internal systems and governance to increase citizen cooperation in supporting the current governments in pursuing cooperation and coordination among its partners in promoting foreign policy coordination.

The study will also add scholarly knowledge on issues which has been limiting the coordination in foreign policy in East African Community. It will open up further studies on this matter with the aim of unmasking the challenges in foreign policy coordination among EAC members.

1.7: Literature Review

1.7.1: Background of EAC

The East African Community currently comprises five partner states, namely; Kenya, Tanzania, Uganda, Rwanda and Burundi. ⁷Together they cover an area of around 18

⁷ The African Development Bank Group in East Africa Consolidating the Present and Shaping the Future pg 33.

million km², with a population of 133.5 Million people and GDP of \$74.5 Billion and average GDP per capita is \$ 558. In 1977, the former East African Community collapsed due to ideological differences among and within the three founders, Kenya, Tanzania and Uganda⁸. Firstly, the process of re-establishing the East African Community took eight years of negotiations with preliminary meetings of Heads of State of Kenya, Tanzania and Uganda in 1991. Secondly, the establishment of a Permanent Tripartite Commission in 1993, thirdly, a secretariat of the Permanent Tripartite Commission was formed in 1994. Lastly, in 1999 they signed a Memorandum of Understanding on foreign policy cooperation Ajulu, 2005.

On the 1st of December 1999 the new EAC was inaugurated at Arusha in Tanzania. The partner states re-launched the East African Community (EAC) due to a strong desire to cooperate in all identified fields to spur economic and social development in the East African region, for equal distribution of gains and benefits. The East African states have decided to forge cooperation and integrate their economies through the East African Community⁹. The partner states share trade and economic objectives, geographical proximity and historical bonds.¹⁰

At the same time the East African Community partner states are calling for people centered and private sector driven integration¹¹. Most importantly, the partner states seek to increase the market size – trade expansion and utilization of regional factors of

⁸ Ajulu, 2005 Urbanization and Socioeconomic Development Africa, page 125 .

⁹ Ng'eno et al., regional integration and debt in East Africa, 2003, page 45.

¹⁰ Braude, comparative regional integration Europe and beyond 2008, page 60.

¹¹ Ajulu, 2005 urbanization and socioeconomic development Africa, page 105.

production through regional economic integration¹². Furthermore, as the East African Community progresses towards other stages of integration, it will enable its position to bargain in an effective manner with other sub regional integration schemes, international organizations and non-state actors in the international arena¹³. Nevertheless, since the partner states re-launched the EAC in 1999, the treaty establishing the community has laid down several areas of cooperation and integration stages of which partner states undertake to establish among themselves. Ever since the community was re-established, the slow pace of implementation of protocols, resolutions and directives at the national level has been attributed to lack of functional regional structures capable of enforcing laws and policies under the EAC treaty.

1.7.2: Lack of political will

Political will is a term that often used but rarely defined. Hornby defines ‘will’ as: trying to make something happen or strong desire or determination. Hornby further defines ‘political’ as pertaining to the state or government. When the two words are combine it will form the term ‘political will’, it can be deemed to mean a strong desire or determination on the part of government or state to make something happen. Partner states are required under article 6 (a) of the Treaty established EAC to abide to the principle of mutual trust, political will and sovereign equality so as to achieve the objectives of community.

¹² Ng’eno et al., 2003 regional integration and debt in East Africa, 2003, page 45.

¹³ Role Of The East African Court Of Justice In The Realization Of Customs Union And Common Market A Paper for Presentation During the Inter-Parliamentary Relations Seminar (Nanyuki - V -) to be held at Burundi National Assembly, Bujumbura, Burundi, 27th – 31st January, 2010 by Dr. John Eudes Ruhangisa Registrar, East African Court of Justice.

Political will in context of this study would therefore refer to a strong desire or determination on the part of the government to advance economic integration. It implies the government moving beyond concepts on talk about economic integration to taking action that actually advances integration. For example lack of political wills ones of results were the establishment of “Coalition of the willing” in EAC.

The “Coalition of the willing” was created due to the lack of political will among member states in EAC, state forming the coalition of the willing are Kenya, Uganda and Rwanda basing on variable geometry which is a principle in Article 7 of the EAC Treaty, which allows for progression in co-operation among a sub-group of members in a larger integration scheme in a variety of areas and at different speeds. ¹⁴However, under the article, member states that wish to progress faster are still required to notify the other members. Therefore the coalition is thought to be another challenge in fostering economic integration in EAC and establishing bilateral cooperation in the EAC such as cooperation between Kenya and Uganda seem to be fluctuating the EAC economic integration.

1.7.3: State Self-Interest

Economic concerns are not the only problem. The strengthening of supranational structures presents a major challenge for the EAC, whose cooperation has so far been predominantly intergovernmental. The self-interest of states is in itself understandable

¹⁴ East African Community treaty 1999, Chapter two, Operational principles of the community pg 17.

and right, but without a suprastatal counterweight it is all too likely that resources will be inappropriately distributed. The short time horizon and internal political commitments curtail the scope for inter-regional action. Realization of a common market requires all member states to be prepared to accept a not insignificant risk. For regional integration not only creates trade, but also changes the overall economic structure. This entails some uncertainties, which in some cases may have negative consequences. It would seem that coordination is at present aimed primarily at short-term optimization of profit rather than at sustained harmonisation of joint economic activities. For instance, experts lament the lack of willingness to pursue integration in the form of a unified energy policy.¹⁵

Creating and strengthening supranational structures is therefore one of the central challenges. The General Secretariat, for example, will need to demonstrate that it has the will and the means to assert difficult issues at national level. In the past, the EAC has had particular problems implementing agreed decisions nationally. This is reflected in situations such as the halting implementation of the customs union and the common market. Non-tariff barriers and unequal national legislation continue to exist, and it has not yet been possible to dismantle them. These disruptions of the market are to a large extent the result of the egotism of the national states. If integration is to be effectively advanced, it is essential that the competences of the EAC institutions are strengthened. As with the majority of the African regional organisations, only a few members of the

¹⁵ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011,

governments involved actually have the will to rationalize and improve the EAC institutions.

1.7.4: Lack of implementation of Protocols and Agreements in foreign policy coordination

There are many interpretations of foreign policy but let us examine those that are relevant to the theme of this study. Foreign policy can be considered as strategies to achieve certain goals in International relations a state has formulated. P.A Reynolds defines foreign policy as a range of actions taken by various sections of the government of a state in its relation with other actors, similarly acting on the international stage properly with the intention of advancing and continuing purposes of individuals represented by it.

William Wallace posits that foreign policy may be seen as state's policy towards the international system. The characteristic which distinguishes foreign policy from domestic policy is that it is intended to affect and is limited by factors outside the national political system as well as within it. Joseph Frankel ¹⁶ posits national interest is the key concept in foreign policy. In essence it amounts to the sum total of all national values. Burton argues that if foreign policy is regarded as the pursuit of national interest then, by promoting or resisting change and adjusting to change, then the presence of certain conditions will determine policy. Foreign Policy decisions are also seen as products of internal responses to both external factors and domestic political considerations operating in dynamic inter-relation as discrete variables.

¹⁶ Joseph Frankel, The making of foreign policy, London, Oxford university press 1971, page 40

Roy. C. Macridis¹⁷ posits that there are two basic approaches to foreign policy, ideological approach and analytical approach. Ideological approach is the one according to which a state's foreign policy affairs are said to be characterized by mere expression of prevailing political, social and religious beliefs. This approach classifies foreign policy democratic, totalitarian, libertine or socialist. Analytical approach proposes that policy rests on determinants like the state's historic tradition, geographical location, national interest and security needs.

The national interests of African states hinge on economic development and expectation of national integration. In other words, African relations are oriented towards overcoming the conditions of underdevelopment, deprivation political instability and reducing the involvement of major powers who exploit the weakness of African states. To what degree can we speak of a EAC foreign policy? A number of authors have explored the idea of states coordinating their foreign policies and acting as a single unit, or group, towards the rest of the world. Most studies have centered on the European Community/European Union and the degree to which it can be understood as a coherent actor in world affairs.

In Leon Lindberg's study¹⁸ of the early EEC, *The Political Dynamics of European Economic integration*, integration was defined without reference to an end point: ...political integration is (1) the process whereby nations forgo the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to

¹⁷ Roy. C. Macridis (1989), *Foreign Policy in World politics* edition 4, published by prentice Hall 1972, University of Michigan, page 25.

¹⁸ Leon Lindberg's *The political dynamics of the European integration*, Stanford University Press and Oxford University Press ,1963, page 107.

make joint decisions or to delegate the decision-making process to new central organs; and (2) the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new center. Collective decision making is an important aspect of all regional integration efforts. This collective decision-making can cover a varying number of functional areas (scope). The decision-making process can be more or less efficient and the common institutions established can be more or less adequate (institutional capacity). In terms of scope this study is examining foreign policy and for institutional capacity it depends on the where the process of integration has reached.

What then explains changes in functional scope and institutional capacity of regional integration efforts? This is the central question in integration theory. Ernst Haas developed the concept of spillover, which was also applied by Lindberg.¹⁹

... 'spillover' refers to a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth. The goal of EAC economic integration is well on its way of being achieved with the Common Market being launched on the 1st of July 2010. How does the EAC then create a situation that can assure the current stage of integration progresses forward? This is where coordination of foreign policy becomes an important factor in regional integration. Foreign policy coordination is a different approach to economic integration. The 'spillover' effect of economic integration doesn't seem to have had any effect on other

¹⁹ Leon Lindberg's *The political dynamics of the European Integration*, Stanford University Press And Oxford University Press, 1963, page 107.

areas of cooperation. If this does not happen then it will affect the progress of regional integration. This means it is important to try the approach of foreign policy coordination protocol and examine whether it can have an impact on regional integration.

1.7.5: Foreign policy coordination experiences from other regions in the world.

Foreign policy coordination seems to be a process defined by geography and history in the context of this study. Examining Canada, U.S.A, China, India, Brazil, Russia and Australia what these countries have in common is that they are huge in size and have a big population.²⁰ These two factors mean they usually participate in multilateral and bilateral negotiations as unitary parties not seeking to coordinate with other countries when it comes to issues of foreign policy. Europe is composed of 50 countries whereas Africa has 54 countries. Due to the rise of Russia, USA and China; economically and militarily in the 20th century the influence of European powers like France, Britain, Spain, Italy and Europe at large waned. European countries lacked the advantage of geographical size and population meaning in order to reassert influence after the world 2 they needed to work together.

In Africa the end of colonialism left the continent divided into small economically and militarily weakened states. Corruption, bad governance, poor economic management, poor healthcare, poor education and intra-states conflicts expounded the problem leaving Africa susceptible to its former colonial masters. In Africa foreign policy coordination seems to be a strategic move since the continent barely has any influence on matters concerning its continent let alone the global stage. These experiences in Europe and

²⁰ Lindberg, Leon N. and Schiengold, Stuart A. (eds)(1971), *Regional Integration: Theory and Research*, Harvard University Press, Cambridge, MA.

Africa explain why most of my study examines examples from there. The majority of Arab and Middle Eastern countries have managed to enrich themselves though natural resources like oil. This means they already wield a lot of influence through organizations like OPEC. For Asia, especially the Asian tigers of the economy; Singapore, South Korea, Hong Kong and Taiwan they have pursued foreign policies which have suited the individual national interests especially economically. With China and Japan already established economic giants foreign policy coordination has not been a main agenda in Asia too. This means most material of study comes from Africa and especially Europe. This study examines two examples from Europe and the Caribbean.

1.7.5.1 Europe

The experience of the European Union (EU) is widely perceived as not just an example, but a model for regional economic integration. When considering regional integration processes around the world, the experience of the European Union (EU) is a recurrent point of reference. Because of its long history, broad scope, further deepening and successive enlargements, the European Union is often viewed as the epitome of regional integration. It is often considered as a model to be followed by other regional groupings, if not in the short term, due to unfavourable circumstances prevailing in the region, at least in the long run, as an ultimate aim to achieve.²¹ This is the case to some extent for many regional integration programmes in Africa and Latin America. The early integration initiatives as well as the new wave of regionalism that has stormed the world have triggered greater attention to the various possible forms and shapes that regional

²¹ Langhammer, Rolf J. and Ulrich Hiemenz (1991), *Regional Integration among Developing Countries: Survey of Past Performance and Agenda for Future Policy Action*, UNDP-World Bank Trade Expansion Program occasional Paper 7, December, Trade Policy Division, The World Bank.

integration can take.²² These can range from shallow forms of integration, which place greater reliance on coordination and cooperation, to more traditional forms of free trade agreements and customs unions, to deeper forms of economic integration (common markets, monetary unions) and other types of political, strategic, security, social regional integration and cooperation agreements. The EU in matters of foreign policy ratified the Lisbon Treaty in 2009 which in short gave European leaders and Institutions the tools to develop a genuine European foreign and security policy.

The Lisbon Treaty conceptualizes CFSP (The Common Foreign and Security Policy). CFSP deals with international issues of a political or diplomatic nature, including issues with a security or military orientation “high politics.” Under the EU treaties, these types of political and security issues remain the prerogative of the member state governments conceptually, in the case of CFSP, “common” means 27 sovereign governments choosing to work together to the extent that they can reach a consensus on any given policy issue. What the EU has managed to do successfully is by creating a secretariat under which these policies can be over seen. This secretariat is headed by the EU Foreign Policy Chief currently Catherine Ashton. As the process of EU regional integration has continued, the European Union’s foreign policy has been characterized by trying to project global influence on human rights issues as well as the promotion of democracy and peace. For the EU, foreign policy is more of a tool rather than a driver of integration.

²² Lee, Margaret C. (2003), *The Political Economy of Regionalism in Southern Africa*, Lansdowne: University of Cape Town Press, and Boulder, Colorado: Lynne Rienner Publishers.

²³The relationship between the European integration project and EU foreign policy has always been a shaky one. In line with the fact that the EU's primary task, from its outset, was to make war less likely among European nations, foreign policy never played a major role in the EU until fairly recently. When assessing the role of EU foreign policy CFSP is becoming more important that is because, for more and more member states, the EU is becoming a useful and promising vehicle to promote their foreign and security interests. These member states can be divided into three groups. First are the smaller countries whose only way to be influential is through Brussels. Second are the states who have lost confidence that NATO and the United States still stand firm to protect them if needed; these include many Central European nations, most notably Poland. Third are those for whom the EU can be the occasional means for fulfilling some grand geopolitical aspiration that lies outside their individual capacity; these include a teeth-clenching UK.

For many countries, EU foreign policy is their last remaining expectation of Brussels after the huge disappointments the bloc has caused in other areas like the economic crisis. One thing is clear: foreign policy is unlikely to be "the next big thing" in EU integration. But without a stronger common foreign policy, the EU will lose the allure of membership and the interest of its global partners. The CFSP is not the logical, unavoidable next step toward further EU integration. But without it integration might become even shallower than it is at the moment.

²³ Ben Rosamond, *Theories of European Integration*, Palgrave Macmillan, 2000, pp. 21–22.

1.7.5.2: Caribbean

Geopolitically, the Caribbean islands are usually regarded as a sub region of North America and are organized into 30 territories including sovereign states, overseas departments, and dependencies. The group has a foreign policy coordination which is implemented by The Council for Foreign and Community Relations (COFCOR). COFCOR has responsibility for the coordination of the foreign policies of the Caribbean Community (CARICOM) states, as well as their political relations with third states and multilateral institutions. It attempts to ensure that common policies and positions are both consistent with the goals and objectives of CARICOM and are promoted and implemented effectively²⁴. Moreover, given the myriad other associations, institutions and organizations to which many CARICOM states either belong or have relations, COFCOR's role involves ensuring the compatibility and congruency between the agendas and commitments made by members and those of CARICOM. COFCOR has had some notable successes in adopting common positions in international fora including the United Nations and international and hemispheric conferences.

In other instances, coordination has been difficult to due to perceived differences in interests and bargaining positions among member states. Examples of the latter are the issues of diplomatic relations with China and Taiwan, the terms of negotiation of the 'Shiprider' Agreement with the U.S., exemption of U.S. personnel from the jurisdiction of the International Criminal Court, and adoption of joint diplomatic missions in foreign

²⁴ The Foreign Policies of European Union Member States (pp. 224-242). Manchester: Manchester University Press. Tonra, B. (2001).

capitals.³¹ In this case it is quite logical for the Caribbean states to coordinate their foreign policy especially when they are dealing environmental issues like global warming and facing the brunt of rising atmospheric temperature and sea water levels threatening the mere survival of the Caribbean. This causes diminishing islands, destruction of corals, disappearing of rare species and loss of tourism. In such a case a coordinated foreign policy is really the best avenue especially when dealing with environmental issues at the UN for example.

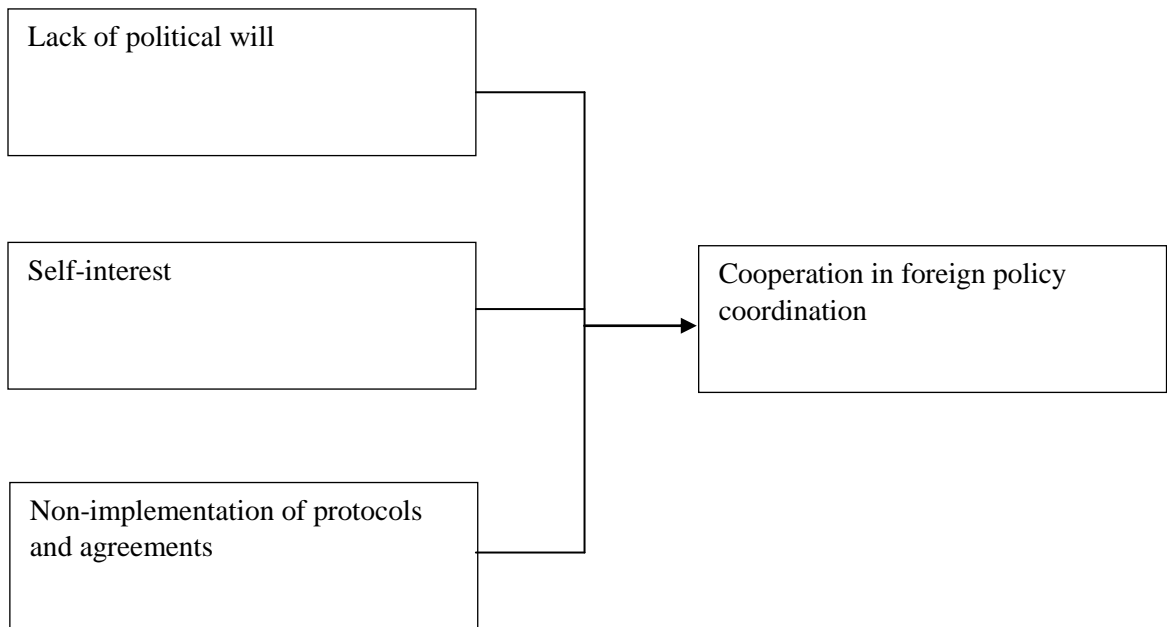
Regarding the above scholarly literature many scholars have cited lack of political will and state self interest as a major constraint to the cooperation in coordination of foreign policy, however the gap remains to be in adequate discussion on EAC in sequential application of the integration stages which is a wholesome process and not an event. No scholar has also discovered the reason for the state self interest as the multi ethnic diversity of East Africans. The scholars did not also realized the EAC integration is an ambitious integration that is advocating for what is beyond achievable in short period.²⁵

1. 6: Conceptual framework

This study will use conceptual framework which will comprise both independent and dependent variables. Independent variables will include lack of political will, self-interest and non-implementation of protocols and agreements. Dependent variable will be cooperation in foreign policy coordination.

²⁵ The Foreign Policies of European Union Member States (pp. 224-242). Manchester: Manchester University Press. Tonra, B. (2001).

Figure 1.1 Conceptual framework



CHAPTER TWO

PROTOCOLS AND AGREEMENTS

2.0: Introduction

The chapter analyses the harmonization and coordination of EAC policy through key sectoral areas as well as in depth explanation of protocols and agreements that has been established since the creation of EAC Community. The EAC foreign policy coordination approaches and the challenges it's facing while assessing the linkages between foreign policy coordination and regional integration.

2.1: Policy Coordination and Harmonization

Braude²⁶ asserts that integration by definition requires constant institutional arrangements and policy coordination mechanisms. He maintained that coordination is the central nervous system of any regional economic community. The initiatives in the coordination provide the pathways along which decisions flow. According to the EAC setting the secretariat is mandated to draft laws and forward these to the council of ministers which then forwards them to the East African Legislative Assembly. The final decisions are taken by Heads of State in the summit.

The EAC legislative powers lie effectively in the secretariat and the summit. The East African Community, sectorial committees on foreign policy coordination, trade, defence and security, among others, form the major link between the secretariat and national structures. However, it was reported that the coordination between EAC sectoral

²⁶ Braude, *Comparative Regional Integration Europe and Beyond* 2008, page 79.

committees and national structures are very weak between the layers of above and below. In light of the above, the EAC member states need to elaborate and finalize the role and mandate of their regional ministries of East African Cooperation, due to the fact that there is a misalignment in the structures and operational set ups of the ministries²⁷.

In the meantime, the EAC secretariat has proposed to partner states to establish the EAC national units to facilitate the coordination of community policies, programmes and projects at the national level. Consequently, Braude noted that it is therefore essential for national structures to collaborate in the process of policy design, implementation and assessment at the regional level. In 2006, the council of ministers established a sectorial council of ministers responsible for the East African Community (EAC) affairs in the partner states to facilitate the coordination of policies, positions and to discharge the functions of the council of ministers in the context of Article 14(3)(i) of the EAC treaty (Braude, 2008).

2.2: Sectoral Policy Areas of Coordination & Cooperation in the EAC

- Trade and industrial cooperation
- Immigration
- Agriculture, food security, natural resources & environmental affairs
- Foreign policy
- Infrastructure & development policy
- Fiscal & monetary policy
- Health policy

²⁷ (Braude, 2008; EAC report, 2011)

- Defence & Security

2.3: EAC Protocols and Agreements

The Abuja Declaration of 1994, is the blue print for African regional economic integration. The treaty came into force in May 1994, and has a schedule of 34 years, extendible to 40 years. Its core mission and mandate is to establish a fully-fledged African Economic Community. Article 6 of the treaty envisages six phases toward establishing the African Economic Community;²⁸

- a) To strengthen existing regional economic communities and establishing others where they do not exist within the planned time frame of five years from the date of entry into force of the African Economic Community treaty.
- b) At the level of each regional economic community to stabilize tariff and non-tariff barriers, customs duties and internal taxes. To strengthen sectorial integration at the regional and continental level in all areas of activity particularly in the fields of trade, transportation and communications, *inter alia*, for the period of eight years.
- c) The establishment of a customs union by means of adopting a common external tariff for a given duration of ten years.
- d) Within a period of two years, to coordinate and harmonize tariff and non-tariff systems among the African regional economic communities with a view to establishing a customs union at continental level by means of adopting a common external tariff.

²⁸ Abuja declaration 1994

- e) To establish an African common market through the application of the principle of free movement of persons as well as the rights of establishments and residence, within a period of four years.
 - f) Within a period of not exceeding five years to consolidate and strengthen the structure of the African common market, through including free movement of people, goods, capital and services as well as the rights of residence and establishment, *inter-alia*.
- (ii) The treaty establishing the East African Community

The treaty was signed on 30th November 1999, entered into force on 7th July 2000, amended on 14th December, 2006 and August, 2007. Article 2 (1) of the treaty provides that contracting parties establish among themselves an East African Community, referred to as community. Paragraph 2 in line with paragraph 1 above states that the contracting parties shall establish an East African customs union and common market as transitional stages to, and integral parts of, the community. Article 5(1) of the treaty provides that the objectives of the community shall be to develop policies and programmes aimed at widening and deepening cooperation among the partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs for their mutual benefits. Article 5 (2) of the treaty stipulates that in pursuance of the provisions of paragraph 1, partner states undertake to establish among themselves and in accordance with the provision of the treaty, a customs union, a common market, subsequently a monetary union and eventually a political federation in order to strengthen and regulate the industrial, commercial, infrastructure, cultural,

social, political and other relations of the partner states to the end that these shall be equitably shared.²⁹

(iii) The EAC Partner States National Trade Policies

The East African Community partner states trade policies are guided by the market driven principles of liberalisation under the World Trade Organization, which came into being in 1995³⁰. In partner states, trade policies have realised the potential of regional markets by increasing efforts in the regional economic integration by deepening and expanding the East African Community integration. The bilateral trade agreements among the partner states have widened the scope of trade opportunities in the East African region. The nature of the East African Community partner states trade policies are export led economic policies to some extent, and recognise the potential of regional trade cooperation. The partner states trade policies provides the framework of capacity building for private and public sectors to facilitate proactive participation in the process of negotiations and the implementation of regional and international cooperation agreements. Therefore, the relevance of partner states trade policies in this research is to identify trade policy instruments that are needed to be converged and diverged in the customs union, community external relations and common market.

(iv) The Council of the East African Community Decision Making Protocol, 2001

Article 14(1) of the treaty establishing the East African Community provides that the council shall be the policy organ of the community in accordance with paragraph 2 of

²⁹ East African Community treaty 1999

³⁰ Tindyebwa, policy implementation in regional integration 2011

Article 14 of the treaty, the council shall promote, monitor and keep under constant review the implementation of the programmes of the community and to ensure the proper functioning and development of the community. Article 2 of the Council Decision Making Protocol requires that the decisions of the council on the following matters shall be by consensus.

- (a) Granting observer status to an inter-governmental organization or civil society organization.
- (b) Approval of the expenditure of the community.
- (c) Establishment of any sectorial council or committee under the treaty.
- (d) Submission of bills to the East African Legislative Assembly
- (e) Policy decisions made pursuant to Article 14(3) (a) of the treaty establishing the East African Community.
- (f) Decisions on what should be recommended to the summit (Heads of State) on:
 - Amendment of the treaty.
 - Approval or amendment of any protocol.
 - Admission of new members.
 - Granting observer status to foreign countries.
 - Imposition of sanctions.
 - Transformation into a political federation.
 - Expansion of areas of cooperation.

(v) The East African Community Customs Union Protocol, 2005

³¹The customs union protocol was signed in March, 2004 and became operationalized in January, 2005. Article 4 of the customs union protocol provides the scope of cooperation among the partner states in customs management and trade and shall include:

- (a) matters concerning trade liberalization
- (b) trade related aspects including the simplifications and harmonization of trade documentation, customs regulation and procedures with particular references to such matters as valuation of goods, tariff classification, the collection of customs duties, temporary admission, warehousing, cross border trade and export drawbacks.

³²Article 6, paragraph (g) of protocol stipulates that partner states shall initiate trade facilitation by establishing joint training programmes on trade. Article 37 of customs union protocol, paragraph 2, provides that the community shall coordinate its trade relations with foreign countries so as to facilitate the implementation of a common policy in the field of external trade. In line with paragraph 3(a) of Article 37, the partner states, upon the signing of the customs union protocol and before its coming into force, and taking into account, among others, the provision of paragraph 2 of this Article, shall identify the issues arising out of their current relationships with other integration blocs, multilateral and international organizations of which they are members in order to establish policy convergence on those matters for the purposes of the customs union.

³¹ Stefan Reith and Moritz Boltz, *The East African Community regional integration between aspiration and reality* 2011.

³² The East African Community Customs Union Protocol, 2005.

Therefore, the first component of this research is the East African customs union. The research will assess the success of customs union formation since 2005 up to 2010, and review the progress of harmonising tax policies and laws at national level.

(vi) The East African Trade Negotiations Act 2008

The East African Trade Negotiations Act provides for an East African Trade Commission, and the development of an East African Trade Regime. The Act provides a mechanism for establishing the joint trade negotiating team of partner states in bilateral, regional and multilateral trade. Therefore in accordance with the provision of Article 3 of the Act, this stipulates that the partner states shall negotiate as a bloc in all matters relating to regional and multilateral trade. In addition, paragraph 3 of the article 3 provides that every partner state may establish a national trade negotiations committee, which shall prepare a national position on each and every issue or item for negotiation at the regional and multilateral level.

(vii) The East African Community Protocol on Foreign Policy Coordination 2010

The Foreign Policy Coordination Protocol was approved in March 2010 by five Heads of State. The foreign policy coordination is a critical factor in creating a conducive environment for regional cooperation and integration in the East African Community. The partner states intend to forge close cooperation, mutual understanding on agreed scope of international cooperation, and collaboration in matters of foreign policy coordination for their mutual benefit. Article 2 of the protocol provides the scope of cooperation, which the partner states ought to undertake to cooperate in foreign policy

coordination and to promote and articulate community policies and strategies for the purpose of:³³

- Collaborating in diplomatic and consular matters.
- Collaborating in multilateral diplomacy.
- Collaborating in economic and social activities and
- Collaboration in capacity building.

Therefore, the second component of this research is the East African Community external relations. The focal point of this research will look at the possibility of establishing East African Community permanent missions in the World Trade Organization and European Union. In addition to that, will investigate how a common understanding is instigated among the partner states when engaged in multilateral trade negotiations. Lastly, to find out, at what level the East African civil society organizations and business community take part in multilateral trading negotiations, in line with identifying areas of foreign policy convergence and divergence in the integration process.

(viii) The East African Community Common Market Protocol 2010

³⁴In accordance with the provisions of Article 76 and 104 of the treaty establishing the East African Community, the common market is defined as partner states' markets integrated into a single market in which there is free movement of capital, labour, goods, services and the right of establishment. The protocol on the establishment of the East African Community Common Market was signed on 20th November 2009 by the five

³³ The East African Community Protocol on Foreign Policy Coordination 2010.

³⁴ The East African Community Common Market Protocol 2010

Heads of State, and came into force on 1st July 2010. Article 5 of the protocol provides the scope of cooperation among the partner states in the common market. These are to:

- (a) Eliminate tariff, non-tariff and technical barriers to trade in line with harmonising and to mutually recognise standards and implementation of common trade policy for the community.
- (b) Ease cross border movement of persons and eventually to adopt an integrated border management system.
- (c) Remove restrictions on movement of labour, harmonization of labour policies, programmes, legislation, social services, provide for social security benefits and to establish common standards and measures for the association of workers and employers, additionally to establish employment promotion Centre's and eventually, to adopt a common employment policy.
- (d) Remove restrictions on the right of establishment and residence of nationals of other partner states in their territory in accordance with the provisions of the common market protocol, among others.

For the purpose of facilitating the implementation of the common market protocol, the partner states further agreed to coordinate their trade relations to govern international trade and trade relations between the community and third parties. Therefore, the third component of this research is the common market, primarily focusing on the free movement of persons, labour, trade in service and the rights of establishment and residence. In addition, the research assesses the role of transport infrastructure in facilitating trade creation and expansion across the single market and beyond. In the

integration process of the East African Community, common market comes after the customs union stage³⁵.

2.4: The East African Community Customs Union

The East African Community customs union protocol was signed in March 2004, and came into effect in January 2005³⁶. Article 3 of the customs union protocol spells out the objectives of the customs union which shall be:

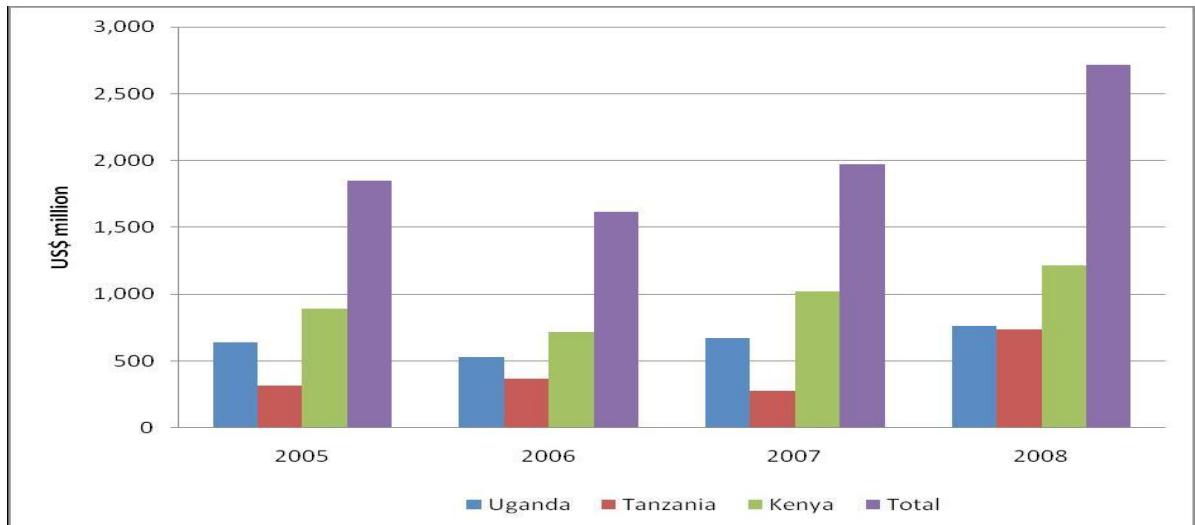
- To liberalize intra-regional trade in goods on the basis of mutually beneficial trade arrangements among partner states.
- To promote efficient production in the community
- To enhance domestic, cross border, and foreign investment in the community, among others.

From the perspective of the above objectives, Braude affirms that the aim of the customs union in the region is the formation of a single customs territory, and trade is the central focus. However, he claimed that internal tariffs and non-tariff barriers that could impede trade between partner states must be eliminated in order to facilitate the formation of one large single market and investment area. Odhiambo argues that despite the enormous benefits likely to accrue from the customs union there are a number of issues that may challenge the implementation of the protocol. Firstly, partner states undertook to ease the flow of goods and people among them, secondly, little progress has been made, thirdly, he raised a concern that travelers and traders are still being harassed at the border points and the free movement of persons is not permitted.

³⁵ Braude (2008)

³⁶ Odhiambo (2005), custom unions in the context of Africa, page 88

Figure 2.1: Total Intra-EAC Trade, 2005-2008 (US\$ million)



Source: adapted from Tindyebwa (2011).

The figure above reflects the intra EAC trade since the customs union formation in 2005.

To quote³⁷ Odhiambo who stressed that: “the slow implementation of protocols and resolution has been attributed to lack of strong institutions capable of enforcing laws and obligations under the East African Community treaty”. He further noted that, the EAC does not have adequate powers to ensure that its decisions are effectively implemented, and its objectives are realized (p.223).

According to Sindiga³⁸, states that are up to date partner states implement internal tariffs, but goods are not circulating freely within the region. Sindiga pointed out that the East African region cannot have a single customs territory unless barriers to integration and fears among the member themselves are fully addressed. He asserts that the lack of an

³⁷ African Foreign Policies. Northern Arizona University, Westview Press, Published. ISBN 0-8133-2406-8 (INC) Tonra, B. (2000) Denmark and Ireland, in: I. Manner s & R.G. Whitman (eds.) .

³⁸ Sindiga (2012), Future of Africa’s political integration, page 64

agreed mechanism for collection and sharing of customs revenue as well as the harmonized domestic tax regimes has failed the EAC customs union. He subsequently went on to argue that the harmonization of domestic tax collection on goods such as the excise duty and valued added tax in the East African region is the key to a fully-fledged customs union. Lastly, Abdi³⁹ stated that no partner state has fully identified the laws that ought to be harmonized for implementing a single customs territory. He noted that Kenya has 10 laws that ought to be changed while Uganda has just started identifying laws that are to be harmonized.

The process of identifying tax laws and policies to be harmonized is complex (CUTS, 2010). However, the rationale is to: (i) ensure optimal allocation of resources, (ii) maximization of economic benefits, (iii) stimulate economies of scale, (iv) stimulate regional competitiveness, (v) maximize revenue collection, (vi) prevent tax evasion and to protect the environment⁴⁰.

2.5: Policy Monitoring and Evaluation

Cloete & de Coning⁴¹ defined monitoring and evaluation system as specialized unit or networks of units dealing with the main questions and objectives that are to be addressed or attained through monitoring and evaluation efforts in line with key aspects to be monitored and evaluated. A monitoring and evaluation of key aspects includes the measurement of indicators; processes for data collection and verifications; delegations of responsibilities and prescriptions; deadlines for reporting the results. Monitoring and

³⁹ Abdi (2012), conditions of regional blocs, page 33.

⁴⁰ CUTS, 2010, www.cuts-geneva.org.

⁴¹ Cloete & de Coning (2011), integration in Africa, 118.

evaluation is about the assessment and review of performance in order to make adjustments to policy or the way in which it is implemented. Therefore, policy evaluation needs to be managed properly to achieve the intended results. Braude (2008)⁴² stated that the EAC secretariat needs more staff to increase the secretariat's ability to fulfill its core functions of coordination, monitoring, implementation of policies and programmes. To be able to present feedback to member states, he further suggested that "the EAC uses outsourcing to supplement skills levels, consultants are hired by the EAC to monitor implementation and reviewing project" (p. 204).

2.6: World Trade Organization Meetings and Economic Partnership Agreements

The common market stage requires the EAC partner states to speak with a single persuasive voice in regional and multilateral trade negotiations⁴³. Mukiibi (2010) noted that deeper integration, maximization of integration benefits, regional competitiveness and insertion of the EAC into global economy will be achieved faster if partner states can harmonize their trade policies and trade related regional instruments.

Trade negotiations in the World Trade Organization (WTO) are handled separately by the EAC partner states. Tindyebwa assert that trade negotiations are also aimed at obtaining cooperation of trading partners on technical and general assistance required to meet market preferences, and to comply with health and technical standards. In December 2009, the EAC partner states participated in the negotiating group on trade facilitation under the Doha development agenda. They reached an agreement on a draft text for

⁴² Braude (2008)

⁴³ cuts, 2010, www.cuts-geneva.org

negotiations during 2010 on the content of the future trade facilitation agreement to be adopted by the WTO members. The agreement emphasizes special and differential treatment provisions, technical assistance and capacity building to meet their trade facilitation needs in the context of the agreement⁴⁴. The EAC member states while focusing on trade facilitation negotiations, have embarked on simplifying and improving customs procedures and facilities for transit.

According to⁴⁵ "... market access is the bread and butter of the Doha round". Hence the negotiations on core market access in agriculture and non-agriculture goods and services are far more important for development than all other aspects of the Doha round (p.10). Tindyebwa (2011) argues that trade negotiations at the WTO take place between governments, and he noted that non-government stakeholders beef up the government negotiating team. The views of non-governmental stakeholders are expressed in the stakeholder's forum and form an integral part of national positions (Tindyebwa, 2011). Moreover, Tindyebwa (2011) argues that for any country to participate effectively in trade negotiations, it needs to have a sufficient number of technically trained trade negotiators. Lastly, Tindyebwa (2011) asserts that there are differences in perception in negotiations and sometimes aspirations and concerns of EAC partner states differ.

According to Tindyebwa, economic partnership agreements (EPA) aim at promoting sustained growth; increasing the production and supply capacity; fostering the structural transformation and diversification of African, Caribbean and Pacific group of countries'

⁴⁴ Tindyebwa, 2011.

⁴⁵ Draper & Sally (2005), Why Africa needs another model of regional integration. www.sadcbankers.org

economies and support the regional integration initiatives. In November 27, 2007, the EAC initialed an interim framework economic partnership agreement (FEPA) with the European Commission (EC). In the above framework, the EAC partner states have committed to liberalize their market fully for 82.6 percent of goods only imports from the European Union (EU) over a period of 25 years starting from 2010 up to 2035. The partner states will retain an exclusion list accounting to 17.4% of the trade with European Union (EU). Therefore on the other side the European Union has offered quota free and duty free market access with exceptions of ammunition and transitional arrangements for sugar and rice.

Since 2010, none of the EAC partner states have signed the initialed framework on economic partnership agreement. It is noted that part of the challenge in concluding economic partnership agreements is that no consensus has been reached so far on the contentious issues specified in Article 17, 18, 19 and 27 of the EAC-EU-EPA. The contentious issues are export taxes, most favoured nation clause, stand still clause, trade in services, agriculture and a range of trade related issues covering competition policy; investment and private sector development; environment and sustainable development; intellectual property rights; and transparency in public procurement. Furthermore, other contentious issues are the development matrix; customs and trade facilitation; technical barriers to trade (TBT); sanitary and phytosanitary measures (SPS); legal and institutional arrangements.

Braude notes that the most favoured nation clause requires EPA signatories to extend to the European Union (EU) any trade concession that they grant in future to a third part as long as the third part is a developed country or has 1 % percent of world merchandise export, thus likely to include China, India and Brazil, the emerging markets. Braude (2008) argues that the clause contradicts the WTO enabling clause specifically designed to increase developing countries' participation in global trade.⁴⁶

2.7: The East African Community Common Market

The East African Community common market protocol was signed on 20th November 2009, by the East African Community heads of state, and entered into force in 1st July 2010. The EAC protocol on common market defines a common market as a merger/union of two or more territories to form one common territory in which there is free movement of goods, labour, services and capital⁴⁷. Therefore, the basic elements of a common market provided in the protocol are:

- (i) A smoothly functioning customs union including complete elimination of all tariff and non-tariff barriers to trade plus a common external tariff.
- (ii) Free movement of persons, labour, services, and right of establishments and residence.
- (iii) Free movement of capital within the community
- (iv) Enhanced macroeconomic policy coordination and harmonization particular with regards to fiscal regimes and monetary policy.

Ng'eno et al. (2007) point out that the right of movement, establishment and residence

⁴⁶ Braude, comparative regional integration Europe and beyond 2008, page 60.

⁴⁷ The State of East Africa. Deepening Integration, Intensifying Challenges. TradeMark East Africa Stephen Wright. (1999).

may be denied on public policy, public health, and public security consideration by the hosting partner state. A hosting partner state that imposes the above limitations shall notify the country where a citizen belongs in advance.⁴⁸ identified common policy areas of cooperation for the effective functioning of the common market:

- (i) Economic and financial sector policy coordination
- (ii) Common commercial policy and social security policy
- (iii) Coordination and harmonization of transport policy
- (iv) Competition policy, among others.

2.8: Creation of the Foreign Policy Coordination Protocol.

On September 2007 ministers of Foreign Affairs from respective East African countries directed that a MOU on foreign policy coordination be upgraded to a protocol. Article 123(4) states that the establishment of a common foreign policy should be systematic and implemented stage by stage depending on the level of community cooperation. A study done also noted that the operationalization of the common foreign policy and security policies is process oriented with stages of application requiring a high degree of consensus. The study also noted that there does not appear to be a consensus on the pace of harmonization. This study focuses on how to go about the process of harmonization and gauging the pace required for a positive impact on regional integration.

⁴⁸ Ng'eno et al., 2003 regional integration and debt in East Afric, 2003, page 74.

⁴⁹Chapter 23 of the EAC treaty deals with the issue cooperation in political matters. Article 123 section 3 lists the general guideline of the basis of the foreign policy coordination protocol. The objectives it lists of the common foreign and security policies are that they shall be to:

- a) safeguard the common values, fundamental interests and independence of the Community;
- b) strengthen the security of the Community and its Partner States in all ways;
- c) develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms;
- d) preserve peace and strengthen international security among the Partner States and within the Community;
- e) promote co-operation at international forums; and
- f) Enhance the eventual establishment of a Political Federation of the Partner States.

In Arusha, Tanzania on the 3rd -4th September 2007 the report of the meeting of a group working on Foreign Policy Coordination was released. The respective ministers of Foreign Affairs in East Africa directed that the memorandum of understanding on the Foreign Policy Coordination document be upgraded to a protocol. They based this protocol on article 123(4) that establishing a common Foreign Policy should be systematic and implemented stage by stage depending on the level community cooperation. Their study noted that the operationalization of the common foreign policies is process oriented with stages requiring a high degree of consensus.

⁴⁹ East African Community treaty 1999

2.9: Challenges facing conceptualization of an EAC Foreign Policy

The decade since the formation of the European Economic Community (EEC) in 1957 has been marked by an impressive growth of theorizing about the causes of international regional integration in Europe and in other parts of the world. However, differences in approach to conceptualization and measurement of the dependent variable-integration- have led to kinds of problems. First, it is difficult to relate concepts of different authors to each other, and to certain extent integration theorists have ‘talked past each other’. ⁵⁰In other instances where theorists have indeed confronted each other differences in conceptualization have made the dispute unnecessarily difficult to resolve. A second major problem centers on the comparison of regional integration processes.

Various authors have cast doubt upon the similarity of integration processes in Europe and less developed regions (and thus upon adequacy of our European-oriented theoretical models) by pointing to important differences in infrastructure, market mechanisms, external dependence, administrative resources, political group structures interdependence of social sectors, national consciousness and ideology such doubts about comparison can only be met by formulation of precise hypotheses (with clearly stated limits) which are susceptible to falsification. Within the EAC the only document scholars and policy makers can rely on is the draft protocol made in 2010. ⁵¹

⁵⁰ Lee, Margaret C. (2003), *The Political Economy of Regionalism in Southern Africa*, Lansdowne: University of Cape Town Press, and Boulder, Colorado: Lynne Rienner Publishers

⁵¹ Lee, Margaret C. (2003), *The Political Economy of Regionalism in Southern Africa*, Lansdowne: University of Cape Town Press, and Boulder, Colorado: Lynne Rienner Publishers

As Nye posits it is very difficult to compare regional integration processes due to mainly structural and ideological differences. Similarly what constitutes foreign policy in East Africa may be difficult to compare to what it constitutes in other regions. Article 2 of the protocol of the EAC covers the scope of foreign policy cooperation, (a) collaboration in diplomatic and consular matters; (b) collaboration in multilateral diplomacy; (c) collaboration in economic and social activities; and (d) collaboration in capacity building. From this we can observe emphasize on structural administration and the economy. This is similar to the European approach.

However, several features of the typical African economy, such as small population and low income, suggest that regional integration might provide a suitable mechanism for promoting economic growth through the expansion of intra – regional trade. But other features of their economies, such as lack of complementarity in goods and factors and poor infrastructural services, have shown that trade –focused preferential trade agreements could not provide a viable means of achieving the articulated objectives. Yet, the potential for regional cooperation on a wide range of issues continue to exist in Africa. To realize this potential, however, there is need to search for new modalities of regionalism that lean more towards cooperation, less rigidity and more pragmatism. This study examines foreign policy as one of the new modalities which can improve regional integration. The approach of linear market integration used by the EAC is modeled from the EU experience and its successes.

But comparison of the economic environments in both regional bodies shows there is a huge gap especially in size, content, diversity, cohesion and coordination. ⁵²EU has developed from a regional organization primarily based on economic reasons to one that combines economic and political objectives, its foreign policy has increasingly turned to value-based issues. It has organized an administrative structure and is pursuing a liberalist policy focused on human rights, peace, democracy, economic aid and human development. For the EAC the priority remains the regional economy although the study also examines other areas for potential cooperation. How can the EAC approach foreign policy coordination but in an East African context? An approach which can satisfy both global and intraregional needs would of strategic importance.

2.10: EAC Foreign policy coordination approaches

International Relations scholars have tended to focus on meta-theoretical debates surrounding the ontological disputes and methodological divides between rationalism and social constructivism. It must suffice here to point out that, given the evidence that integration and cooperation within the EU affects the national level through various mechanisms, certain scholars of EU studies have chosen a pragmatic and problem-driven (instead of method-driven) approach; in order to better capture the complex reality of European policy-making, analytical frameworks have been developed that incorporate both the rationalist and constructivist perspective.

⁵² The Europeanization of National Foreign Policy: Dutch, Danish and Irish Foreign Policies in CFSP. Aldershot: Ashgate. Thomas J. Biersteker and Cynthia Weber, (Eds.). (1996)

2.10.1 State to regional level approach

From the perspective of rationalist institutionalism, foreign policy cooperation can be understood as an important instrument that allows member States to pursue their national interests more effectively.⁵³ The pooling of resources results in a ‘politics of scale effect’, which increases the influence and leverage of member States’ governments in regional affairs and provides an incentive for member States to proactively project their priorities and policy styles onto the regional level. The projection of national preferences is also particularly attractive when member States pursue goals that they cannot attain through unilateral action, or when, member States wish to externalize national problems to the regional level.

This approach ideally results in other member States’ adoption of the projected policies. Member State representatives may also try to influence not only each other’s behavior but also each other’s thinking through deliberation and ‘normative suasion’⁶¹⁶². This would mean that national ideas and policy preferences are not static but may change over time and come closer to each other, as actors internalize new understandings of appropriateness. From such a social constructivist perspective, member states may start to perceive each other increasingly as partners who have to solve joint problems, rather than negotiating opponents in a bargaining game.⁶³

⁵³ State Sovereignty as Social Construct Cambridge: Cambridge University Press. Tversky, Amos; Shafir, Eldar (2004).

2.10.2: Regional to state level approach

The foreign policies of individual member states in a regional body tend to differ. Domestic factors for example the size of a member state, extent of a state's foreign relations network, national history, and national identity. Larger member states are frequently portrayed as 'shapers' rather than 'takers' of European foreign policy⁵⁴ and the 'EU impact' on smaller Member States is usually considered to be more profound. This is not to say, however, that larger Member States are immune to the 'EU impact', or that foreign policy adaptation in response to the EU may not have significant benefits for larger Member States. In the EAC these states tend to be Kenya, Tanzania and to a certain extent Uganda. New members of the EU tend not to be able to influence the EU foreign policy from the outset of European foreign policy cooperation. Adaptation thus follows a top-down direction as new members adjust their national foreign policies to pre-established European foreign policy positions.

In the EAC the new members Burundi and Rwanda have an advantage as this process of foreign policy coordination has begun when both are signatories to the EAC treaty of 2000.⁵⁵ It is important to caution against the risk of overstating the EAC's impact on National foreign policy. Foreign policy coordination may in character be an easily reversible process. For example, member states may fall back on their own resources and individual strategies during political crises or after changes in government if domestic

⁵⁴ State Sovereignty as Social Construct Cambridge: Cambridge University Press. Tversky, Amos; Shafir, Eldar (2004).

⁵⁵ Sezibera at the conference of June 2011 in Arusha (see n. 1). 5 | Cf. East African Community, "EAC Customs Union Protocol 2004", http://eac.int/commonmarket/document%20tation/cat_view/24-documents-a-downloads/30-common-market-protocol-a-annexes.html (accessed June 30, 2011).

actors who oppose EAC inspired changes are empowered. This was the cause of the collapse of the first Union in 1977 when a clash of economic ideology between Presidents Kenyatta and Nyerere occurred. The study examines data from trends between 2000 and 2010 in various sectors of the EAC society. This data examines which approach prior to the protocol EAC member states have subconsciously may have adopted and where it has had any impact on regional integration.

2.11: EAC foreign policy coordination: A Critical Analysis

This study examines how foreign policy coordination can impact regional integration. The study examines two different approaches of foreign policy coordination which can be applied to impact regional integration regional to state level approach and state to regional level approach. It is important, especially with the aspects of national interests and sovereignty strongly influencing foreign policy issues, to understand how to approach such an effort. Rational choices would tend to favor a state to regional level approach whereas a constructivist approach which favors a regional to state level approach. Constructivism in this context is a systemic approach to understanding state interests and state behavior by investigating a regional organization with focus on issues of social value which affects identities even interests.⁵⁶

This study examines foreign policy approaches and the impact on regional integration but first it is important to understand what conditions can lead to a successful process of

⁵⁶ Sezibera at the conference of June 2011 in Arusha (see n. 1). 5 | Cf. East African Community, “EAC Customs Union Protocol 2004”, http://eac.int/commonmarket/document%20tation/cat_view/24-documents-a-downloads/30-common-market-protocol-a-annexes.html (accessed June 30, 2011).

regional integration, secondly whether foreign policy coordination can succeed under those conditions. Mattli posits that there are preconditions for successful regional integration. Historically, there have been many attempts at voluntary regional integration, but far fewer successful ones, if success is defined as the achievement of 'stated integration goals'. Mattli has identified two critical pre-conditions of successful integration.

The first of these is 'strong market pressure for integration', which will arise where there is 'significant' potential for economic gains from market exchange in the region that is to be integrated. According to Mattli, if there is little potential for gain, it is perhaps because regional economies lack complementarity or because the small size of the regional market does not offer important economies of scale, the process of integration will quickly peter out'. This is Mattli's demand condition of successful integration. Smaller economies like Rwanda, Burundi and to some extent Uganda are firstly land locked countries. Research data examines the trends between 2000 and 2010, the GDP of these countries have actually grown at much faster rate than Kenya and Tanzania which are not land locked countries but Kenya and Tanzania have maintained their huge share of the EAC GDP due first the demand for goods by landlocked countries, complementary nature of goods from the members states and the entrance of Rwanda and Burundi has increased market of the EAC community in general. The research data shows that if a state to regional level approach on foreign policy is adopted in future then according to trends from 2000 and 2010 economic growth should continue.⁵⁷

⁵⁷ The African Development Bank Group in East Africa Consolidating the Present and Shaping the Future pg 38.

Also unstructured interviews conducted for the study indicate Southern Sudan and Somalia are keen to join the regional group. If they accede the effects of the Rwanda and Burundi entrance should have a similar effect including the benefit states rich in oil an important energy resource. It is important that these EAC economies complement each because landlocked smaller economies are always in demand for more goods shipped from the ports and transported through the region. For bigger economies like Kenya and Tanzania in order to grow faster they need easier access to bigger markets. Countries within the region are the most strategic in this regard.

Allowing member states to influence regional foreign policy issues to their advantage on economic issues is good for regional integration as it creates an environment of trust and because the economy is the main platform for interactions among EAC member states.

The second-supply-condition of successful integration, for Mattli is undisputed leadership. There must be a 'benevolent leading country' in the region, one that serves as a 'focal point in the coordination of rules, regulations, and policies' and may also help to ease tensions that arise from the inequitable distribution of gains from integration .This condition not only applies to economic matters but also, conflict resolution, domestic policies which include human development issues like education, healthcare, poverty and human rights issues like women's rights, freedom of speech, press freedom. Foreign policy coordination and regional integration are processes which require leadership. After world wars 1 & 11 and the end of the cold war America economy overtook European powers like Britain, France and Italy. Europe began its process of regional

integration through forming a trade block which gave birth to the improved version of the EU under the Lisbon treaty.⁵⁸

Over the years the countries which have tended to wield more influence on policy have been the ones with bigger, stronger and more export oriented economies; Germany, Britain, France, Italy and the Netherlands. These countries by extension have a greater influence that other on E.U foreign policy issues. This is the lesson Kenya should borrow from the EU. Maintaining the position as a leader in economic issues in the region should be a top foreign policy strategy for Kenya. Approaching this could only succeed by influencing policy from a state to regional level approach to foreign policy coordination. But there are other areas which can threat economic growth like conflict. EAC members states Kenya, Rwanda, Burundi and Uganda have been embroiled in cross border conflicts with their neighbors.

⁵⁹Again the issue of foreign policy coordination is important because conflict affects regional integration. With Kenya playing a role in the Somalia and South Sudanese peace negotiations, Uganda, Burundi and Rwanda also playing roles in the Congolese peace negotiations shows a trend which of preferring diplomacy over Conflict. With the foreign coordination protocol the EAC now has a mechanism of formulating a framework which can guide such positive developments.

⁵⁸ Roy. C. Macridis (1989), Foreign Policy in World politics edition 4, published by prentice Hall 1972, University of Michigan.

⁵⁹ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011,

A regional to state level approach to foreign policy issues with regard to conflict will show neutrality and give credibility also to the process of regional integration. Other areas where regional to state level approaches to foreign policy issues can be adopted are human development and human rights. These are areas where even global to state level approaches to foreign policy are being adopted. For example scholar Martha Finnemore has been influential in examining the way in which international organizations are involved in processes of the social construction of state's perceptions of their interests. Finnemore provides three case studies of such construction the creation of Science Bureaucracies in states due to the influence of UNESCO, the role of the Red Cross in the Geneva Conventions and the World Bank's influence of attitudes to poverty. This field of study still has a lot of gaps but shows there can be a theoretical argument based on constructivism that state's interests with regard to issues such as human development and human rights can be influenced from a regional level.

2.12 Assessing the linkages between foreign policy coordination and regional integration

What this study shows is that foreign policy coordination can influence regional integration but it depends with the approach taken. The study shows that the process of foreign policy coordination needs to be sensitive and distinguish between issues of national interest and issues of regional interests. Analyzing the data above it is clear there are some linkages between foreign policy coordination and regional integration. But the research also shows that majority of decisions with regard to both processes depend on the sovereign states in the region. This means foreign policy coordination impacts

regional integration by addressing issues of national interest may affect the pace of integration.⁶⁰

They are two questions posed by Olufemi A. Babarinde in his book *Regionalism and African Foreign Policy* which will be examined. First, when is foreign policy likely to be pursued at the sub-continental level, which countries are likely to push for such a policy, and why? Second, has the pursuit of an autonomous foreign policy by Africa's regional schemes been beneficial to member states, to the group, and to the continent?

If we accept the premise that foreign policy is inextricably linked with domestic policy, then there is ample evidence that African countries have either initiated or supported foreign policy enterprises at the sub continental regional level. The rule of thumb is that states participate in a collective exercise because their interests are somehow served, not for altruism. This explains the reluctance of countries such Kenya, Tanzania and Uganda. Thus, when they participate in foreign policy enterprises within the framework of regional integration/cooperation, they do so because their interests are directly or otherwise involved.⁶¹

Furthermore, if foreign policy is a function of, among other things, domestic economic capacity and population and to the degree that regional integration typically encompasses

⁶⁰ Horst Köhler was speaking in June 2011 at a conference in Arusha organised by the Konrad-Adenauer-Stiftung and the East African Community for the purpose of discussing these issues

⁶¹ Ng'eno et al., regional integration and debt in East Africa, 2003, page 65

unequally endowed participating states, it would be in the interest of some states to pursue foreign policy initiatives at the sub regional level. This States in East Africa would include Rwanda and Burundi. In East Africa there are two categories of States and their preference for using the regional integration stage to pursue some of their foreign policies it what differentiates them. At one end of the spectrum are the weak/weakest member states. For them; since they do not have the economic power and/or the population size to independently pursue a credible foreign policy, they may find it in their interest to pursue some or all of their foreign policy through regionalism. This category would include Rwanda and Burundi. The second category are countries that would prefer to autonomously develop and implement their foreign policy at the state level, largely because of their relative dominance and because the state level is where they expect optimum impact or results.

However, because of their sheer population size or regional hegemonic status, they may find it prudent to selectively use the sub regional stage to pursue their foreign policy agendas. Kenya, Tanzania and Uganda fall in this category.

Each of these categories of countries would have to find its best location in terms of a predisposition for either a more unilateral national approach or a more multilateral regional emphasis, a decision that would primarily depend on the country and the issue in question. In these scenarios, all members of a regional structure are likely to use the framework for their foreign policy when it serves their interests. In the 2 categories, members would be availing themselves of the leverage that usually accompanies true

regionalism and collective action. This study examines a regional to state level approach and a state regional level approach of coordinating foreign policy. The linkage is regional integration as a process cannot ignore national interest of the states. Foreign policy coordination is the channel through which sensitive issues of national interest can be addressed while ensuring the process of regional integration continues.

2.13: Chapter Summary

Currently, protocols and conventions adopted by the regional economic communities as well as organs of the African Union are hardly signed and/or ratified. Similarly, decisions and declarations are rarely implemented. Some of the reasons that can be advanced to explain this situation are: the existence of a weak institutional framework for the realization of the African Economic Community, weak enforcement mechanisms for protocols, decisions and resolutions, limited application of the Abuja Treaty obligations at the level of RECs and into national law, lack of political will and meaningful involvement of the Member States in realizing regional and continental integration goals, in a timely manner.

CHAPTER THREE
EFFECT OF POLITICAL UNWILLINGNESS ON FOREIGN POLICY
COORDINATION

3.0: Introduction

This chapter substantiates the nature of EAC political federation surrounding the cooperation in political matters as envisaged in the EAC treaty vis-a-vi unwillingness of foreign coordination and its impact on EAC integration. The chapter also analyses the relationship between foreign and domestic politics to understand deeper the political challenge facing foreign policy coordination.

3.1: The EAC Political Federation

The ultimate stage is the Political Federation, which occurs when two or more states come together to form a Super State under a single Political Authority. This involves ceding sovereignty and some powers by the federating States to the Super State. The ⁶²Treaty is not explicit on the time frame on this, but Article 123 (6) provides that “the Summit shall initiate the process towards establishment of the Political Federation of the Partner States by directing the Council of Ministers to undertake the process”. Following a report of a Committee set up in 2004 to explore modalities of fast-tracking the EAC Political Federation, Summit directed that National Consultations be held in all the Partner States. The results indicated an overwhelming support for the EAC to federate.

⁶² East African Community treaty 1999, Chapter 23, cooperation in political matters pg 109

3.2: Cooperation in political matters

Chapter 23 of the Treaty for the Establishment of the EAC elaborates measures that Partner States are obliged to undertake in the areas of Defence, Foreign Policy Coordination, Political Affairs and Inter State Security to create the right environment for stability and development. ⁶³The Chapter equally recognizes the need for cross sectoral coordination among the identified sectors. For purposes of guiding Partner States, Article 6 of the Treaty provides for the Fundamental Principles to guide the integration. Article 6(d) clearly elaborates on the principle of good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples' Rights.

3.3: Laying the foundation for a political federation

The rationale for a federation is based on many grounds, among them:

1. The need for a central authority for efficient and effective coordination and implementation of directives and decisions of the policy organs and avoid duplication.
2. The need to enhance consolidation of achievements and benefits of integration processes.
3. The need for a mechanism for channelling the benefits of economic integration more equitably among the Partner States.

⁶³ East African Community treaty 1999, Chapter 23, cooperation in political matters pg 109

4. The need to harness the diversity of East Africans for a common goal;
5. The need to enhance legitimate participation of Partner States in conflict management in the region (the potential to minimize the occurrence of violent conflicts).

Therefore, as the integration widens and deepens, the inherent peace and security challenges call for structured and institutionalised cooperation arrangements that are embedded in responsive legal and institutional frameworks. In that regard, the sectors responsible for Inter State Security, Foreign Policy Coordination and Political Affairs must develop appropriate instruments that will enhance collective action for sustainable development.

3.4: Foreign policy and Domestic politics

Barbara Farnham⁶⁴ posits that domestic politics frequently influences a country's external affairs through a process of decision making that grows out of the individual decision maker's awareness of the requirements for effective action in the political context. This emphasizes on the fact that external relations are influenced by domestic politics through policymakers' attempts to balance international and domestic imperatives. Through a process of decision-making that grows out of an awareness of the requirements for effective action in the political context it thus becomes important to understand a state's international affairs by examining foreign policy choices and the use of domestic politics to explain these decisions.

⁶⁴ Barbara Farnham, impact of political context on foreign policy decision making, www.online.library.wiley.com

This should tell how the political context influences what decision-makers focus on when considering a foreign policy problem; how sensitivity to the demands of the political context actually affects the decision-making process; and how such a process affects foreign policy outcomes. This is because decisions are made in a specific context and therefore decision making behavior cannot be understood without specifying the situation to which the decision maker is responding to. For political decision makers that includes not only substantive policy problems but also the political context within which they must be addressed. Ultimately the political aim of foreign policy decisions in any political context is to attain acceptability, which is the sufficient consensus in support of policy. Although the fundamental features of the political context are relatively fixed, its specific operational requirements may change from society to society, and even within the same society over time, for instance, differences in decision makers identities and their qualities. Still acceptability has to be achieved at different levels whether at the level of political decision makers, the incorporation of domestic sentiment or deciding on international situations.

Henry Kissinger⁶⁵ provides a simple linkage by postulating that the role of the domestic structure is to: determine the allocation of resources; affect the way the actions of other states are interpreted; and elaborate positive goals. While he considers historical traditions, social values and the economic system in the systematic assessment of the impact of the domestic structure on the conduct of international affairs to be important, he emphasizes on the impact of the administration structure, and the formative experience of leadership groups or individuals. Kissinger states that the nature of administration

⁶⁵ Henry Kissinger, domestic structure and foreign policy, page 16.

provides the standard operating procedure, institutes the bureaucracy, formalizes rigidity, establishes a place for ideology, and facilitates executive-civil service relations that are elements in the foreign policy process. The nature of leadership through its experiences during the rise to eminence; the structure in which the leadership must operate in, and the values of society contribute to the foreign policy process and get to determine the kind of foreign policy that a nation has. He concludes that in foreign policy there is a premium on short term goals and in this context domestic needs succeed at all times.⁶⁶

In the case of Farham party politics is given a huge role in the shaping of foreign policy .Within the EAC some countries' foreign policies like Kenya and Tanzania are witnessing a paradigm shift from leaders determining policy to political parties demanding a democratic and more inclusive approach to making foreign policy. Kissinger emphasized the importance of administration structure and the value system of the society. Indeed Kissinger states the nature of administration provides the standard operating procedure, institutes the bureaucracy, formalizes rigidity and establishes a place for ideology. Kissinger posits that the nature of leadership through its experiences during the rise to eminence; the structure in which the leadership must operate in, and the values of society contribute to the foreign policy process determine the kind of foreign policy a nation has.

The factors that Farham and Kissinger posit influence foreign policy include domestic political parties, administration structures and value system of the society. This study

⁶⁶ Henry Kissinger, domestic structure and foreign policy, page 19.

examines trends between 2000 and 2010 of various sectors of EAC society influencing the foreign policies of the EAC member states. Kissinger and Farham both posit that some determinants like domestic politics and administration structure have some impact on foreign policy. Examining the trends from especially a state to regional level approach will help the study analyze what impact domestic politics can have on the process foreign policy coordination.

3.5: Political Challenge

The sustainability of the East African Community and the achievement of a political federation will depend on a level of political goodwill. That is why there is a need for sustaining political goodwill and public support. The implementation of the EAC treaty requires successful negotiation of a number of protocols. In order for negotiations to succeed quickly, political goodwill is essential. It is a good thing to note that currently all three partner states believe in market-driven policies, good governance and rule of law. These factors help to shape common political ground that will help in shaping economic, political and social integration and eventually the establishment of a political federation.⁶⁷ However, the EAC report on Fast Tracking (2004:81) reports that the fear of loss of sovereignty is an issue in the minds of some members of the political elite of East Africa. The fear is that as a Federation, the nation states would cease to have any meaningful powers; that they would be relegated to mere provinces within the Federation. This fear

⁶⁷ The EAC report (2004) page 81.

cannot be ignored and a mechanism is needed to eliminate such fears. This is a political challenge for East Africans.⁶⁸

3.6: Chapter Summary

Determining the impact of lack of political goodwill in cooperation foreign policy coordination in East African Community integration would leave one to have more questions than answers, it's difficult to determine unlike treaties and protocols signed as one could only tell by observing and linking behaviours with intentions. The irony is that all member states are willing to support the cooperation of foreign policy coordination only if it's a win-win situation for them which might not be 100% deal, that's why the cooperation foreign policy coordination is just on paper and not realistic. The member states hesitate to give in and fully commit themselves for fear of losing their sovereignty.

⁶⁸ The EAC report (2004) page 89

CHAPTER FOUR
THE IMPACT OF SELF INTEREST IN EAC FOREIGN POLICY
COORDINATION

4.0 Introduction

The chapter critically screens the impact of individual state self-interests in foreign policy coordination through analysis of the specific states behaviour while the relationship between legitimate argument and political plays are explained. The possibility of political integration and social- cultural norms for the EAC have discussed.

4.1: Members interest

It was reported that In Kenya and Tanzania, the public tends to react with more restraint than in Burundi, Uganda and Rwanda. Key criticisms have not yet been rebutted. For example, there are doubts as to whether the benefits of cooperation are being shared fairly. According to a survey conducted in 2009, only 58 per cent of Tanzanians and 65 per cent of Kenyans believe that they would profit from a common market. Similar views predominate with regard to the introduction of freedom of movement. Why is the general opinion in Tanzania so negative? Three main arguments against the EAC are adduced. Firstly, Kenya's economic superiority threatens economically weaker Tanzania. Secondly, people fear that ethnic animosity from the other member states will spread. Thirdly, the Tanzanian population is concerned about the possible loss of land.⁶⁹

⁶⁹ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011,

According to the argument, Burundi, Rwanda and Uganda which are small in terms of surface area, but have large populations are demanding land from their large neighbour, Tanzania. The East African Community has not yet been able to refute these arguments. In addition, the EAC comes up against an awareness problem.

In Burundi, only 40 per cent of the population are aware of the EAC's existence, and even in Rwanda, where awareness is highest, almost one-third of the population have no knowledge of the Community. It is as important to step up awareness-raising work as it is to facilitate access to institutions and political decisions. In addition, steps must be taken to encourage the involvement of young people, perhaps by expanding the East African youth organisation or by awarding bursaries similar to those made through the European Erasmus programme. However, it is difficult to achieve greater opening of society under the present conditions. The intergovernmental structure hinders identification with the Community. The situation is exacerbated by the general mistrust of national politicians. As a result, the EAC runs the risk of being perceived as a puppet of national interests. Any ceding of national sovereignty must be based on the widespread consent of the population because increasing the internal political pressure on decision-makers requires a high level of support from general public.⁷⁰

The impact of Tanzania's pursuit of National economic, political and social interest's on the East African integration process, and how these interests can be harmonized and dealt

⁷⁰ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011.

with within the EAC is a big challenge. The study found out that economic interest such as the fear of potential loss of investments and unemployment, loss of domestic market for the Tanzanian industries, political interests including the question of sovereignty and nationalism, fear of losing security and defence autonomy are some of the reservations that contribute to the slow pace of integration adopted by Tanzania.

4.2: Political and Legal

One of the very first challenges against federation is the question of sovereignty and nationalism. The fear is manifested in a number of ways including; notions of loss of political power, loss of decision-making, and loss of flexibility in exercising powers at the national level. Questions were raised about how the federation would affect the foreign relations of partner states. The fear that federation will further deprive them their sovereignty was already apparent in Zanzibar over its experience in the Tanzanian Union government.⁷¹

However, fears related to loss of sovereignty emerged as a factor in all country surveys. The fear is stated as one of losing their identity, status or privilege, and marginalization in decision-making with a larger state. Alternatively, it is stated in terms of the fear of losing security and defense force autonomy and identity. Yet other members raised the question of what obligations member states would have towards each other in the event of an invasion from another country. In the final analysis, as evident from all federations

⁷¹ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011,

there can be no federation without surrender of some sovereignty. This reality has neither been fully stated, internalized, nor adequately addressed. A similarly recurrent concern made by East Africans is that no country should embark upon a journey without a clear understanding of the destination.

It was frequently highlighted that no attempt has been made to set out clearly the type or model of federation for East Africa. Many raised the fear of abandoning what has been put together painfully over the decades (that is, the existing sovereign states) to an uncertain experiment. The amount of power to be ceded to a new authority and what kind of entity will be the locus of such transferred power was also raised as a source of concern. While there is recognition of the need for a central decision making authority, there is no unanimity on the idea of expanding the mandate and role of the Secretariat and other organs of the community.⁷²

It is observed by many citizens that East African Legislative Assembly members are not universally or democratically elected, and the relationship between EALA and National Parliaments is still unclear. In addition, some members feel that EAC is not adequately accountable to the citizens of EA. This is seen as alienating the people and therefore making them lose ownership of the integration and eventual federation process.

⁷² Lee, Margaret C. (2003), *The Political Economy of Regionalism in Southern Africa*, Lansdowne: University of Cape Town Press, and Boulder, Colorado: Lynne Rienner Publishers.

The experience of the collapse of the earlier EAC is still fresh in the minds of some people. Many members sought assurance that the pains of failure experienced with that collapse will not recur. Similarly, concerns were raised that no formulae exists for dividing assets and obligations in the event of failure. A desire has been expressed that we may need a kind of truth and reconciliation exercise on the first integration effort as a way of avoiding past pitfalls to regional unity. In addition, divergent democracy and governance practices in Partner States have generated some concerns about how the federation will bridge the democratic deficit in some countries and uphold democratic principles. Some political parties within the member countries complain of limitations of participation at national level and fear becoming irrelevant in an expanded arena.

Although there is enthusiasm among some political parties about the opportunities the political federation may open up, others fear that a political federation would even constrain them further at the regional level. This fear is further augmented by the prospect that larger existing parties may enter alliances across the region and lock out prospects for the emergence of smaller parties from the partner states.⁷³

There is a discernible concern about the absence of shared political values. Our short political histories since independence have drifted us apart. Our countries have had very different experiences and obstacles to deal with. Some members are only now starting to recover from the disruptive politics of military dictatorships and the painful experience of

⁷³ Lee, Margaret C. (2003), *The Political Economy of Regionalism in Southern Africa*, Lansdowne: University of Cape Town Press, and Boulder, Colorado: Lynne Rienner Publishers.

ethnic conflicts. Each country in dealing with such challenges has created elements of a unique political culture. This diminishes collective identity across the borders, and could make it difficult to share a vision of long term political solidarity that is crucial to the creation of a political federation. There is a view that political federation will militate against such disruptions in the future.⁷⁴

There is the fear among the numerically smaller communities within the partner states of domination and marginalization by larger communities in the federation. If the leadership of the federated authority is going to be elected democratically, smaller communities see themselves as perpetual losers who can never marshal the numbers to win power in the face of competition from the larger communities. Another fear is that negative practices prevalent in some countries may spread across the region. Nepotism, favoritism and corruption and abuse of power are vices that are feared may spread quickly. Some members consider themselves to have dealt with questions of impunity and ethnic hatred systematically over the recent past in their countries or to have broadly won the war against corruption.

They fear that the federation may expose their countries such vices, thus, reversing their gains. Paradoxically, though East Africans have a long shared history, the Partner States not only have constitutional arrangements that are different from each other, but also, have in recent years, been engaged in reviews of their constitutions based on their

⁷⁴ Lee, Margaret C. (2003), *The Political Economy of Regionalism in Southern Africa*, Lansdowne: University of Cape Town Press, and Boulder, Colorado: Lynne Rienner Publishers.

separate and sometimes divergent internal concerns and aspirations. The possibility that a Political Federation might be established in the near future has not been part of the discourses recognized in those processes. Cases in point are the recent Constitutional review processes in Uganda and Kenya. Movement towards political federation requires reforms aimed at institutional and capacity convergence, yet it is clear that no country in the EAC is incorporating this principle in the political and legal reforms they have undertaken.⁷⁵

The different infrastructure for justice and the difference in the court systems in the partner states poses a challenge to integration. The level of development of the judiciary across the region being at different levels of could bring in questions of credibility and independence. The nature of jurisprudence, the calibre of judicial officers, the quality of litigation particularly in matters of commercial disputes is seen as very varied. Besides this, there are some concerns about the Rwandan and Burundian jurisprudence, based on the civil law system, which are perceived to be fundamentally different from the common law based system in the other EAC Partner States.

Concern was expressed about the poor implementation of regional decisions and policies already existing and also that actions continue to be taken in Partner States which are contrary to the provisions and spirit of integration. Examples are reports of Ugandan and Tanzanian authorities demanding that Burundi continue to pay for travel visas or by local

⁷⁵ Langhammer, Rolf J. and Ulrich Hiemenz (1991), *Regional Integration among Developing Countries: Survey of Past Performance and Agenda for Future Policy Action*, UNDP-World Bank Trade Expansion Program occasional Paper 7, December, Trade Policy Division, The World Bank.

defense personnel in Rwanda impeding travellers near the border. Also reports of Tanzanian expulsion of some people from partner states.

4.3: Political integration

Political integration is a much deeper form of integration which will require deliberate policies and instruments as well as substantive transformation of institutions and mandates. This has to happen at regional and Partner State levels; it involves a substantial entrenchment of the supranationality principle. In essence, the Partner States will need to understand that for political integration to succeed, they should be prepared to cede some of their powers to the Community.⁷⁶

It is essential that the EAC harnesses the existing political will at the highest level to support this transformation. While each country continues to have their own national priorities, the reality is that as integration deepens Partner States will have to re-align some of their national interests to the regional agenda so as to avoid constraining progress. There is need to continue with efforts around convergence in the various sectors and building regional standards for the pillars of political federation. On good governance, there is need for development of regional benchmarks, including adopting best practices from within the region.

⁷⁶ Leon Lindberg's *The Political Dynamics of the European Integration*, Stanford University Press and Oxford University Press, 1963.

This will be facilitated by harmonization of the legal or institutional frameworks to bring convergence of Partner State practices. In doing this, there is need for multi-stakeholder engagement by establishing regional fora for key players and facilitate special teams to champion and monitor good governance in the various components: constitutionalism and rule of law; human rights and access to justice; anti-corruption; democracy and democratization, including harmonization of electoral calendars. Regarding the foreign policy pillar, efforts should focus on adopting a common foreign policy rather than foreign policy coordination, in accordance with the Treaty commitment. This should provide a more solid foundation for the joint pursuit of the Community's strategic external geopolitical objectives. On the defence pillar, the strategies proposed under section 5.2 are pertinent to consolidating gains. Additionally, the establishment of an EAC brigade would go a long way in institutionalizing regional standards in this field and preserving the region's territorial integrity.⁷⁷

To support EAC's vision of peaceful, secure and politically united East Africa, the joint programmes to promote interstate security should be consolidated to protect our porous borders and deal with cross border crimes and support the conflict prevention, management and resolution instrument that is being developed at then EAC. In this regard, the inter-connectedness between conflict and governance issues needs to be highlighted.

⁷⁷ Leon Lindberg's *The Political Dynamics of the European Integration*, Stanford University Press and Oxford University Press ,1963.

4.4: Socio- Cultural

Although East African countries have social and cultural ties emanating from pre-colonial times, the social and cultural life in the region is not homogeneous. Differences in post-colonial experience and varied national experiences have generated cross-border cultural stereotyping. Negative sentiments used loosely against others have negatively impacted on the environment for integration. Tanzanians, for instance, are concerned with what they see as the aggressive nature of their neighbours, especially Kenyans. Burundi have complained that Tanzanians pay only lip service to the promise of liberalizing the movement of people across their shared border.⁷⁸

Kenyans of Cushitic (Somali) origin reported cold reception in virtually all the other community Partner States. Fear was expressed that integration into a larger federation would threaten cultural, traditional norms values and practices that are a key heritage for communities in the EAC countries. Lack of harmony and of a common standard in the education systems in the region is seen as predisposing citizens of some countries to more successful exploitation of the regional employment opportunities than their neighbours. The fear is particularly of Kenyans and Ugandans over-running the regional labour market. Similarly, the more attractive working conditions and remuneration in some countries are feared to potentially cause a massive brain drain in the weaker economies. In a debate via internet involving Tanzanians about the EAC and political federation has been reported that, “most Tanzanians are afraid that their country risks being infected

⁷⁸ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011.

with ethnicity problems that characterize politics in Kenya, Uganda, Rwanda and Burundi.”

Although the numbers of people involved in the debate is not big, it is nevertheless instructive to note that these sentiments exist. There are also concerns that citizens of some partner states now dominate the labor market partly because of an advantage of speaking English (The Sunday Standard, 5 November 2006, p. 25.26).

There are concerns among some Tanzanians that political federation will affect their close relationship with the former frontline states that are in the SADC especially Mozambique, Zambia, Namibia and Angola. Some marginalized groups in partner states have been making some important progress in redressing historical injustices against them. There is fear that some of the gains made may be lost by federating with countries which are not as advanced in such affirmative action.⁷⁹

Fear was expressed that the absence of gender-sensitive legislation and practices for the community may worsen the condition of women or other marginalized groups like persons with disability once the federation comes. There is fear that gains made in some countries may be reversed by the integration into an East Africa federation dominated by other countries which have not made similar progress on gender equity. In similar vein, the gains made by survivors of genocide in terms of understanding its gravity, are seen to

⁷⁹ Stefan Reith and Moritz Boltz, the East African Community Regional Integration between Aspiration and Reality 2011,

be at risk of being lost when federating with those who have not shared such a traumatic experience. The disparity in presence and strength of health and social security programmes within partner states raises fears among the countries most advanced that their gains may be compromised by federation.⁸⁰

4.5: Chapter Summary

Though some measures are being undertaken, there is need for deliberate initiatives to promote social cohesion. The objective should be to build a common East African identity and engender the spirit of ‘East African-ness’ while harnessing the cultural diversity of the region. This will promote ownership of the Community by the people, important for sustainability. Secondly, deliberate efforts aimed at creating a competitive human resource base for East Africa on the global arena should be undertaken by investing in human resources and adapting the workforce through training, skills development and education in strategic fields and sectors.

⁸⁰ Stefan Reith and Moritz Boltz, the east African community regional integration between aspiration and reality 2011.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.0: Introduction

This chapter entails the summary, conclusion and recommendations of the project. The summary is a brief snapshot of chapter two, three and four. The conclusion is derived from the three objectives while the recommendations are based on the findings from the study.

5.1: Summary

Protocols and conventions adopted by the regional economic communities as well as organs of the African Union are hardly signed and/or ratified. Similarly, decisions and declarations are rarely implemented. Some of the reasons that can be advanced to explain this situation are: the existence of a weak institutional framework for the realization of the African Economic Community, weak enforcement mechanisms for protocols, decisions and resolutions, limited application of the Abuja Treaty obligations at the level of RECs and into national law, lack of political will and meaningful involvement of the Member States in realizing regional and continental integration goals, in a timely manner. For the case of EAC protocols, treaty, agreements and policy had been ratified however the practicality of these seems mirage. The comparison of the mother Union (AU) with the EAC and other regional blocks seems sharing similar challenges.

The current state of the political federation, cooperation in political matters, the existing political foundation as well as analysis of domestic and foreign policies poses a political challenge in the EAC foreign policy coordination. The implementation and sustainability of the East African Community and the achievement of a political federation will depend on a level of political goodwill. That is why there is a need for sustaining political goodwill and public support. There are reports that the fear of loss of sovereignty is an issue in the minds of some members of the political elite of East Africa. The thinking is that as a Federation, the nation states would cease to have any meaningful powers; that they would be relegated to mere provinces within the Federation. The impact of the lack of political will is evident when key political figures miss crucial meetings in the name of various excuses that would be avoidable.

The abundance of self interest plays a centre role in the East African Community integration. The self defence concept has been applied on most cases. The citizens of the member countries despite the inability to be informed on the whole process there's much reluctance and unwillingness just like their political representatives. These can be attributed by the lack of full inclusivity by all the stakeholders, the civil society who are the mirror of the general population often complained of exclusion. The margin between the economies of the members states wouldn't allow coordination of policies which lead to the self interest on whichever side of the graph a state is placed, some members like Tanzania felt to be more defensive while Kenya has been potentially perceived to be aggressive.

5.2: Conclusion

From the determination of the challenges of Cooperation in East African Community foreign policy coordination one can be able to argue that there are plenty of them. The non implementation of protocol and agreements in foreign policy coordination in East African Community integration has been a concern considering the number of protocols and agreements signed since its establishment and the level of integration that exists today, Since the Abuja declaration of 1994 for the African union regional integration the following protocols and treaties has been entered -The treaty establishing the East African Community 1999, The EAC Partner States National Trade Policies, The Council of the East African Community Decision Making Protocol, 2001, The East African Community Customs Union Protocol, 2005, The East African Trade Negotiations Act 2008, The East African Community Protocol on Foreign Policy Coordination 2010 , The East African Community Common Market Protocol 2010. All the documents above are just on paper and never fully implemented. This is attributed to by the fact that there is no political will to implement the protocols and agreements signed.

Determining the impact of lack of political goodwill in cooperation foreign policy coordination in East African Community integration would leave one to have more questions than answers, it's difficult to determine unlike treaties and protocols signed as one could only tell by observing and linking behaviours with intentions. The irony is that all member states are willing to support the cooperation of foreign policy coordination only if it's a win-win situation for them which might not be 100% deal, that's why the cooperation foreign policy coordination is just on paper and not realistic. The member

states hesitate to give in and fully commit themselves for fear of losing their sovereignty.

The impact of self interest in cooperation of foreign policy coordination in East African Community integration has been huge, this has even extended to the ordinary citizens of the member states. Its widely perceived Kenya to be the aggressive party and others on the defense, however safeguarding self interest unable the members to meet on a common ground of having one foreign policy. In 2010 The East African Community Protocol on Foreign Policy Coordination was signed and still has not been implemented. This is a clear indication that a dark force of protecting individual state interests exists, therefore commitment by member states would be the only way to ensure agreements are honored. The study is to bring out and determine the magnitude of all the existing challenges faced by the cooperation in East African Community foreign policy coordination.

5.3: Recommendations

Cooperation in coordinating foreign policy integration provides the EAC countries with leverage for bargaining in international markets and a chance to collectively benefit from economies and large markets. Nevertheless, EAC's success depends on the support and commitment it gets from the member states. Moving towards a Common Market, the progressive institutionalization of key organs is fundamental in sustained integration process. Whereas leaders continue to send mixed signals, the EAC countries have no better alternative than to integrate.

The EAC missed the point when they opted full board integration of no sequential stages in a short period of time, it is not possible to dream of political union when you have not achieved PTA or FTA this is not accurate and realistic even in a lesser political environment. Integration is a process and not an event, for EAC to be successful on its integration plan due process must be followed, This includes systematic executions of integration stages such as PTA, FTA, Custom Union, Common market, Monetary Union, Fiscal Union and Political Union.

The EAC have the tendency to sign protocols and treaties and not implementing it therefore In order to enhance integration and transit to political federation, virtually all the organs and institutions of the EAC as set out in article 9 of the treaty will need to be reformed. This should address issues of core functions, membership, method of work, reporting and monitoring. Effective implementation requires a robust institutional, enforcement and evaluation mechanism, which implies structural transformation of regional organs and institutions at each stage. This will have to be accompanied by deeper commitment by partner States in respect of monitoring, enforcement and resource allocation for regional projects.

The member states should set aside their individual interests since in any venture or commitment made there's give and take, Over protectiveness would never yield the dreams of cooperating foreign policy and the larger integration. The study recommends that in order to further the integration process, Non-state actors and the private sector should also be enjoined in the business of the EAC, Public awareness and support drives

should be initiated to sensitize the public on the EAC, the EAC must also focus on the above restructuring and strengthening of its various organs to be able to meet the emerging integration challenges. To achieve the greater benefits of integration the EAC and move into deeper integration the EAC needs to address the above recommendations.

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