ROLE OF CIVIL SOCIETY ORGANIZATION IN PROMOTING REGIONAL INTEGRATION IN AFRICA: A CASE STUDY OF EAST AFRICAN COMMUNITY.

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A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT FOR AWARD OF THE DEGREE OF MASTER OF ARTS IN INTERNATIONAL STUDIES.

2015
DECLARATION

This research project is my original work and has not been presented for any other academic award in any institution of learning.

Signed_________________________ Date_____________________

MICHAEL WAWO OYUGI

R50/67611/2013

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

Signed ______________________ Date_______________________

DR. ANITA KIAMBA
DEDICATION
I dedicate this work to my entire family, who continue to give me overwhelming support and encouragement.
ACKNOWLEDGEMENTS

I take this opportunity to thank Almighty God for taking me this far. I also express gratitude to my Supervisor, Dr. Anita Kiamba for unwavering guidance, insight, and support during the research process. I wish to thank my lectures from the Institute of Diplomacy and international Studies who in the course of this master’s study widened my understanding of the subject matter of this study. Further I wish to thank my family for their encouragement, prayers throughout the entirety of my graduate school experience.

*Special thanks, goes to my father for wholly financing my research project and entire graduate education fees. Your moral support made my life easy at the University.*

Thanks to all who supported me directly or indirectly and are not mentioned here. Once again, I say thank you, and God bless you all.
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ABSTRACT

This study has focused on the role of Civil Society Organizations in regional integration processes. In a particular the research focuses on the East Africa Community (EAC) Framework as a case study. This research was prompted by the fact that according to the revised treaty that re-established the EAC in the year 1999 noted that one of the reasons that led to the collapse of the previous East Africa Community in 1997 was as result of lack of participation of Civil Society Organization and other non-state actors in the integration process. Therefore the study seeks to examine the participatory framework that exists within the current EAC and how they have facilitated the role of CSOs integration process.

The study uses the theoretical framework of neo-functionalism which emphasizes that apart from the States, Non-State Actors in this case CSOs have an important role in the integration process. This theory therefore explains the current involvement of CSOs in regional organizations frameworks. From the Study it was evident that EAC had established some kind of institutional framework to enhance CSOs participation in the affairs of the community. However participation was limited to lower organs of EAC as major decisions are made by top leaders and their experts in their formal meetings. The findings further revealed that effective participation of CSOs in the integration process was being hampered by structural and institutional weaknesses that exist within EAC framework and also within the CSOs.
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<tr>
<th>Abbreviation</th>
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<tr>
<td>ASEAN</td>
<td>Association of South East Asian Nations</td>
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<td>AU</td>
<td>Africa Union</td>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<td>CARFTA</td>
<td>Caribbean Free Trade Association</td>
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<td>CDF</td>
<td>Consultative Dialogue Framework</td>
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<tr>
<td>CET</td>
<td>Common External Tariff</td>
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<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
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<td>CSOs</td>
<td>Civil Society Organizations</td>
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<td>EAC</td>
<td>East Africa Community</td>
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<td>EACSOF</td>
<td>East African Civil Society Organization Forum</td>
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<td>EACSOs</td>
<td>East African Community Civil organizations</td>
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<td>EALA</td>
<td>East African Legislative Assembly</td>
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<td>ECA</td>
<td>Economic Commission for Africa</td>
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<td>ECCAS</td>
<td>Economic community of central Africa States</td>
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<tr>
<td>ECOSOC</td>
<td>Economic and Social Council</td>
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<td>ECOWAS</td>
<td>Economic Community for West Africa States</td>
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<td>ECSC</td>
<td>European Coal and Steel Community</td>
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<td>Economic and Social Committee</td>
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<td>EU</td>
<td>European Union</td>
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<td>FDI</td>
<td>Foreign Direct Investment</td>
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<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<td>IGAD</td>
<td>Intergovernmental Authority on Drought and Development</td>
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<td>Intergovernmental Organizations</td>
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<td>LATFA</td>
<td>Latin America Free Trade Area</td>
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<td>LPA</td>
<td>Lagos Plan of Action</td>
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<td>NAFTA</td>
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<td>TEAC</td>
<td>Treaty for the Establishment of East African Community</td>
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<td>UAM</td>
<td>Union of the Arab Maghreb</td>
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<td>VSOs</td>
<td>Voluntary Service Organizations</td>
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<td>WACSOF</td>
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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 INTRODUCTION

The African continent is increasingly developing a vibrant and articulate civil society. This is one of the positive outcomes of the multiparty system of governance that has been widely embraced by most of these countries. It has been widely acknowledged that if the Africa continent is to realize its vision of pan-African states that will create stability and ensure economic growth and sustainable development for the benefit of its people; a transparent and effective Civil Society is essential.

The involvement of civil society organizations in regional integration process has been perceived as part of the broader policy to work closely with various regional stakeholders outside the government in encouraging partnership thus ensuring efficient service delivery for the African people. Recently there has been increase in the number of Civil Society Organizations with regional focus keen on influencing decision making process at regional level. These organizations have been working in areas of service delivery and also advising governments on how to tackle various developmental challenges. In addition CSOs have been engaged in monitoring and evaluation of some of the agreements negotiated by their respective governments to ensure the interest of the voiceless that is the ordinary people who are normally not represented in such negations are well taken care of.
According to Malipula and Kitigwa, Regional integration can only succeed through participatory approach that involves the State, Civil Society Organizations (CSOs) and the Market who are key Stake holders in development matters.¹

In Africa civil society organizations are perceived as essential actors in promoting universal ideals and values around issues such as good governance, human rights, labor standards, anticorruption, environment, accountability, transparency, rule of law and democracy. Over the years because of the challenges brought about by the process of globalization, their role has also been intensified in providing essential services to the vulnerable groups.

In West Africa Civil society are viewed as key stakeholders in development process because of the important role they play in supporting poverty reduction initiatives and promoting sustainable development, by empowering the citizens with the necessary skills to demand for better performance, transparency and accountability from the state and the private sector. At the same time at the community, national and regional levels, CSOs in the region are recognized as a dynamic force in strengthening governance processes.²

Civil society organizations are not only interested party in governance, but also a vital force behind greater international cooperation through active mobilization of citizen’s support for international agreements. As result Civil Society organizations have been very vocal when it

¹ Mrisho Malipula & Miraji Kitigwa. Regional Integration: An Experiential Search for East African Community Adoption, Available at http://www.academia.edu/7291118
comes to environmental governance and therefore constructive participation of these groups has been taken to account by policy makers concerned with the effectiveness of global governance.³

Civil society Organizations (CSOs) in East Africa operate under very difficult environment as resulted making it challenging to hold the EAC as an institution accountable and transparent to the people of the region.

Under the current East African Community framework the role of the citizens and East African Community Civil Society Organizations (EACSOs) are widely acknowledged in the treaty and their participation has been emphasized by the partner states. The treaty for the establishment of East African community of 1999 (TEAC 11) in its preamble note that among the reasons cited for the collapse of the previous EAC1 was as a result of lack of civil society participation.⁴

In his opening statement at the third Annual East African Civil Society Forum (EACSOF) Dr. Rotich, former Deputy Secretary General (Finance and Administration) applauded the Civil Society for its role in the regional integration process, noting that the achievement of the East African Community largely depends on the support of the region’s peoples, especially the civil society organizations.⁵

⁴ Mrisho Malipula & Miraji Kitigwa. Regional Integration: An Experiential Search for East African Community Adoption, Available at http://www.academia.edu/7291118
⁵ EAC. 2009. ‘Opening statement by Doctor Julius Tangus Rotich, Deputy Secretary General (finance and Administration) during the 3rd Annual East African Civil Society Forum’. Arusha: EAC
1.1 STATEMENT OF THE PROBLEM

Regionalism emerged as an important international trend in the 1970s. In Africa regional integration has been widely acknowledged as a panacea to the region’s development challenges. It has been viewed as a way of promoting economic growth, peace and stability.

Regional integration in Africa has largely been state-centric, meaning that it has largely been driven by the states through their various arms of government. However because of globalization Civil Societies Organizations have emerged as important players in these regional initiatives.

A lot of progress has been achieved in building various regional blocks in Africa and integrating the region. Some regional blocks i.e. Economic Community for West Africa States (ECOWAS), Southern African Development Community (SADC) and East African Community (EAC) have also recognized the role of non-state actors especially the private sector and Civil society organizations in promoting the regional integration processes in Africa and to some extent given them space and opportunities to contribute on regional matters.

However, despite these developments the process of involving the Civil Society in regional integration process, the CSOs have not been fully integrated in most of the regional institutional framework and therefore they have not actively participated in making key decisions especially in matters Trade, Environment and Human right issues.

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It is thus emphasized that it is important for them to be integrated because among the reasons that led to the collapse of East African Community in 1977 was lack of participation of key stakeholders and more importantly Civil Society Organizations and the private sector.

It is therefore against this background that this study examines the role of Civil Society Organizations in promoting Regional Integration in Africa case.

1.2 OBJECTIVES OF THE RESEARCH

The objectives of the study are:

1. To examine the concept of regional integration and Civil Society Organizations (CSOs)
2. To examine the level of participation of civil society organizations in the East Africa integration process.
3. To identify and analyze some of the key challenges that hinder civil society participation in the integration.

1.3 RESEARCH QUESTIONS

1. What is the conceptual framework for defining Civil Society and Regional integration?

2. What is the level of participation of civil society’s organizations in the integration process?

3. What are the main challenges that hinder civil society participation in the integration process?
1.4 LITERATURE REVIEW

This section attempts to examine literature on the subject matter civil society organizations and their role in promoting regional integration agenda in Africa by focusing on various regional groupings.

There are several studies that have been undertaken on civil society organization and their participation on regional integration processes which EAC member countries can learn from and therefore have a more constructive engagement with the CSOs. The related literature of this study to be reviewed will be based on United Nation (UN), European Union (EU), African Union (AU), Southern African Development Community (SADC), Economic Community of West African States (ECOWAS).

Regional integration is a multidimensional process that involves states uniting and coming together to address common challenges that affect the society at large. The process of regional integration is largely driven by the forces of globalization making it a complex process involving diverse trading blocks from different sectors to political unions. Regional integration is the means for countries to improve economic growth, promote peace and stability. It is about removing physical, political and economic barriers that isolate countries from their neighbors and about collaborating to address shared challenges and opportunities. When a group of countries embrace regional integration it can lead to more trade and investment, better management of shared national resources, less conflict across national borders, less transmission of diseases and more efficient transport and telecommunications and power distribution networks. Regional integration creates stronger and faster growing economies that ultimately

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7 Richard G.and Wieslaw M.(1996), Regionalism in the world economy, vol.28, No.4, pp 446-458
benefit people. The integration also covers a wide range of activities and areas such as socio-
economic, security, political and cultural issues.

The euphoria of regional integration in the world economy can be traced back to 1980s and 1990s when the world witnessed a formation and rebirth of various trading regional blocks within Europe, America, Africa and Asia. During this period promotion of regional integration became a global trend and as a result various regional blocks such as North Atlantic Free Trade Area (NAFTA), Associations of South Asia Eastern Nations (ASEAN), Latin America Free Trade Area (LATFA), the Caribbean Free Trade Association (CARFTA), European Coal and Steel Community (ECSC) which was transformed to European Economic Community (EEC), later on the European Union (EU) were formed during this period.

Regional integration process which includes formation of free trade areas, customs union and common markets were later revived during the Uruguay Round negotiations, with the General Agreement on Tariffs and Trade (GATT) which was transformed to World Trade Organization (WTO) acknowledging formation of thirty three new Regional blocks between 1990-1994.

Since then there is no country in the world that is not a member of at least one regional block. Countries are pursuing regional arrangements due to perceived benefits in terms of trade gains and in stimulating economic growth and development. Toward this end developed countries have achieved much progress as compared to developing countries within their regional arrangements which has led to increase in intra-regional trade among the partner states leading to increase in economic growth and development as in the case of: the European Union

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8 ibid
9 Richard G. and Wieslaw M. (1996), Regionalism in the world economy, vol.28, No.4, pp 446-458
(EU) which is one of the most important trading blocks within Europe in terms of both export and import trade and the South East Asian Nations (ASEAN).\textsuperscript{10}

In Africa soon after most countries got their independence, the first generation of African leaders led by president Kwame Nkrumah of Ghana made passionate call for African Unity since the independent African states were too weak, poor and politically vulnerable to serve the needs of her people due to their colonial legacies and therefore the only way the African states were going to survive was through regional integration and cooperation.\textsuperscript{11} The continent is home to sixteen land locked countries and its volume of trade in the world economy is less than 2% making it hard for them to attract Foreign Direct Investment (FDI) and accelerate economic growth and development unless they pull together.

Today’s global economy is dynamic and increasingly interdependent.\textsuperscript{12} Regional integration provides opportunities for those countries that have not realized their full potential in terms of trade, economic growth and development the chance to leverage on external resources for domestic development.\textsuperscript{13}

In addition, Regional integration arrangements can be classified into two ways. First those arrangements that pursue modest goals such as preferential treatment in trade which include lower tariffs from member states. Second are those arrangements that seek “deep” integration that involves a common union, common market with a common external tariff for

\textsuperscript{10} Tanyanyiwa, V. I., & Hakuna, C. Challenges and Opportunities for Regional Integration in Africa: The Case of SADC. Vol.19, NO.12 pp 103-115
\textsuperscript{13} ibid
non member states.\textsuperscript{14} The difference between the two categories is the degree of integration which largely determines the level of interaction among member states. Today, regional integration initiatives across the world have undergone a transformation with increase in the number players especially non-state actors (NSAs) involved in the integration process.\textsuperscript{15}

Traditionally, it was widely accepted that the government had the sole responsibility of policy making and therefore there was no need for the participation of other actors outside the government institutions. However with the rise in CSO in 1990s as important actors in development matters, their contribution to the process of regional integration has been noticeable with intensity.\textsuperscript{16}

According to Morris Odhiambo of Kituo cha Katiba; in order to actualize the participation of CSOs in regional integration processes, the regional blocs which are largely intergovernmental organizations (IGOs) have enacted treaties and other constitutive documents with provisions on how CSOs should be engaged. He puts it that participation in such regional arrangements is normally through granting of observer status to CSOs and also it can be through consultative framework in the form of Economic and Social Council (ECOSOC).\textsuperscript{17}

Mrisho and Kitigwa in their study of strengthening Civil Society Organizations’ Participation in Regional Integration: An Experiential Search for East African Community Adoption, noted that under the United Nation System the framework, CSOs participation is

through the United Nations Economic and Social Council (UN ECOSOC). The United Nations has a long history of working closely with Civil society Organizations in implementation of various programs particularly in areas of human rights, emergency response for example in conflict zones, disaster management by providing relief services and election monitoring. Due to their increase prominence in addressing global challenges, the United Nations has always observed that Civil Society Organizations play a complimentary role within global and regional institutions. To this end the United Nations has developed a very elaborate systems and structures to ensure Civil Society organizations are adequately represented, meaning participation between them and various United Nations Organs.

Article 71 of United Nations charter states that “ECOSOC may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.” The UN ECOSOC being the main organ for formal consultation with the NGOs make it possible for them to interact with other organs within the council such as “United Nation Department of public information (UNDPI), the United Nations Economic and Social Affairs (UNDESA), UN NGOs liaison office and UN global compact in fostering action and partnership on matters of global concerns. The link also make it possible for CSOs to engage with the General Assembly and Security Council.”

Within United Nations UN ECOSOC framework, principles and procedures for CSOs engagement with any organ of the UN are clearly outlined in the resolution 1996/31 of July 25, 1996. In part it states that an organization that has been granted consultative status shall ensure

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18 Mrisho Malipula & Miraji Kitigwa. *Regional Integration: An Experiential Search for East African Community Adoption, Available at* http://www.academia.edu/7291118
19 United Nations Charter, 1947
20 United Nations Charter, 1947
that its aim and purposes conform with the spirit, purposes and principle of the UN charter while supporting the work of the UN in accordance with its own aims and purposes and the nature and scope of its competence and activities.\textsuperscript{21}

The UN ECOSOC Resolution 1996/31 also provides for different level of engagement within ECOSOC framework. To this end consultation between CSOs and the UN can through the council, commissions, other subsidiary organs of the council and ad-hoc committees provided that principles applied in such consultations are adhered to.

Morris Odhiambo points out that when it comes to consultative framework within intergovernmental organizations (IGOs) in general such as regional organizations emphasis is on CSOs competency and experience in certain issues such as environmental, gender, human rights, research capacity and climate related issues. He further notes that such organizations must therefore demonstrate their competency in areas related to the regional organization activities in order to add value and promote activities of such regional organizations.\textsuperscript{22}

According to David Dunkerley and Shane Fudge, in their study “The role of Civil society in European integration: A framework for analysis” noted that civil society have always played an important role within the institutions of Europe. According to them if civil society means NGO, then their activities have always played a leading role in the development of the European Community.\textsuperscript{23} Maurizio Carbone in study on Theory and practice of participation: Civil society and EU Development policy add that the role of Civil Society Organization can

\textsuperscript{21} UN ECOSOC Resolution 1996/31
play in international development can be of two types that is implementation which involves providing services and goods and the role of catalyst meaning they can inspire, facilitate or contribute towards development change.\textsuperscript{24}

Within the European Union, Union’s Economic and Social Committee (EU ESC) is the principal formal organ for consulting Civil Society organizations. The ESC has 353 CSO representatives who are nominated by their national governments and appointed by Council of the European Union for a renewable term of five years. The members of the ESC have the responsibility to issue opinion on matters on European interests referred to it by the EU commission; the European parliament; and the council; the ESC also has a free will to raise and express its views on critical matters of concern to various EU organs whenever necessary.\textsuperscript{25}

According to Mammo Muchie, Adam Habib And Visnu Padayachee in their study on Africa integration and Civil Society: the Case of the African Union noted that civic participation should be part of African integration agenda and as result the African union has committed itself to a people centered and participative programmes. The African union charter puts a lot of emphasis on the role of CSOs in realizing its objectives.\textsuperscript{26} The participation of CSOs in the AU affairs is through the Union’s Economic Social and Cultural Council (ECOSOCC) which is an advisory body created and composed of social and professional groups of members states of the union.\textsuperscript{27}


\textsuperscript{25} Mrisho Malipula & Miraji Kitigwa. Regional Integration: An Experiential Search for East African Community Adoption, Available at http://www.academia.edu/7291118


\textsuperscript{27} Mrisho Malipula & Miraji Kitigwa. Regional Integration: An Experiential Search for East African Community Adoption, Available at http://www.academia.edu/7291118
Article 22 of the AU’s Consultative Act also provides that the functions, powers, composition and organization of the ECOSOCC shall be determined by the Assembly.  

The institution through the AU’s Consultative Act has given the civil society the power to invite candidates or membership of ECOSOCC and to process such applications and the selection process is also not solely government led.  

Within SADC the participation of civil society is through the council of NGOs which is responsible for collecting views of citizens and articulates them to the SADCs organs through the secretary general, but this does not give them access to strategic decision making organs.  

According to Paul Andrew Gwaza in his article Civil Society Organizations and Regional Integration; The ECOWAS perspective, argues that the revised ECOWAS treaty called on the regional organization to broaden the participation of CSOs and all citizens in the integration process.  

Within the region CSOs have been working closely with ECOWAS to implement various protocols such as Mechanism for Conflict prevention; Management, Resolution, Peacekeeping and the 2008 ECOWAS Conflict Prevention Framework, these strategies are aimed at addressing operational and structural conflict prevention and provides entry points for Civil Society involvement.  

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In order to further enhance participation CSOs in ECOWAS activities, West Africa Civil Society Forum was formed in (WACSOF) 2003. WACSOF is an umbrella body consisting of Civil Society Organizations from the region with diverse background and experience on number developmental challenges that affect the region integration agenda.

Since it was formed WACSOF, has been working with ECOWAS Secretariat on vital issues concerning West Africa region. For instance through its Electoral Assistance Unit in conjunction with the ECOWAS Electoral Assistance Unit which led to the formation to the formation of ECOWAS Network of Electoral Commissioners (ECONEC) has been working towards promoting transparency and credibility of elections among the member states with the aim of building democratic culture.

Therefore participation of Civil Society Organization in regional integration arrangements can be justified based on the fact that CSOs represent certain interest group especially the ordinary citizens who must therefore be given opportunity to express their views on certain issues that impact on their lives and this ensures that the integration process is people driven.
1.5 JUSTIFICATION OF THE STUDY

A study on the role of civil society in promoting integration in East African States is necessary for various reasons. First the Civil Society has a big workforce made up of many professionals of diverse backgrounds who play a big role in accelerating the integration of the East African states. A part from that, the civil society organizations have huge amounts of resources (because most them receive funding from external donors) that can be tapped for the benefits of East African States. Moreover, in the past, the Civil Society was never given a central role in the process of integration. Therefore it is important to mainstream the role of this sector in the integration process so as to benefit from its immense resources.

It is also important to note that one of the reasons that led to the collapse of the first East African Community (EAC) was due to lack of involvement of the Civil Society, it is therefore essential to look at the role played by the Civil Society in accelerating of the integration process in East Africa.

The findings of the study will therefore enhance a better understanding of the role of Civil Society Organization in advancing and supporting integration initiatives in East African Community and beyond.

The finding of the study could also act as a rallying call to all CSOs to take on an even more active role in regional integration issues. Through the findings of the study, CSOs will realize that they have an important role to play in linking the public to the various organs of institution within EAC and therefore through them, the public participation in integration processes can be enhanced. A as result the citizens would become more enlightened on their
roles in regional integration processes, and that it is not the responsibility of the government or CSOs alone.

1.6 THEORETICAL FRAMEWORK

This study seeks to employ the neo-functionalism theory as it attempts to analyze the role of Civil Society Organization in promoting regional integration in Africa using the case of the East African Community.

Neo-functionalism is a theory of international relations which seeks to explain the rationale and the process of regional integration by nation-states. In terms of process the theory emphasizes on States integrating their functional economic areas which should precede the integration of political institution. The theory is therefore based on the assumption that the process of states achieving their integration agenda should start from integration of economic structures of member’s states and this will lead to integration of other functional areas through the process known as spillover effect.

Propounded by Ernst Hass in his pioneering study “The uniting of Europe”, the theory argues that the major actors in regional integration process can be found above and below the nation states. Actors below the state are interest groups and political parties while above the states we have supranational institutions. ³²

The theory emphasize on the important role that interest groups or actors play because by participating in regional integration initiatives these actors are expected to develop a stake in promoting further integration in order to acquire economic pay offs and additional pay from maintaining and stimulating the organization. This therefore means interest groups which are

normally non-state actors have an instrumental role to play in the maintenance of the system by virtue of their participation in the integration process.\textsuperscript{33}

The theory is therefore applicable to this study because it derives that non-state actors in this case CSOs play an important role in Regional process. It emphasizes the fact that States alone cannot be left with the sole responsibility of driving the regional integration agenda without the key inputs of non-state actors. This therefore is important in explaining the current discourse on participation of civil society organizations (CSOs) and other non-state actors (NSAs) in integration process within the context of East African community (EAC).\textsuperscript{34}

1.7 METHODOLOGY

The study seeks to examine the role of CSOs in promoting regional integration in Africa using the case of EAC.

This being a purely qualitative study; the study will rely on secondary data from already existing literature on this subject matter to achieve the objective of the study. The study will not test any hypothesis but it will examine the institutional frameworks that have been put in place by the East African Community to facilitate engagement with Civil Society Organizations. The secondary data will therefore be obtained from various materials such as books; academic papers; internet; academic journals; periodicals; Reports from various institutions including the civil society organizations and the EAC secretariat and relevant ministerial departments from

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member’s states in charge of East Affairs. The qualitative data collected from the secondary sources will be analyzed using content analysis.

1.8 SCOPE OF THE STUDY

The study will address the topic “Role of CSOs in promoting Regional Integration in Africa in the case study of EAC.” The study will be limited to examining CSOs in EAC’s as vehicles for promoting regional integration in Africa; it will also draw comparisons across borders.

1.9 CHAPTER OUTLINE

The study is organized into five chapters. Chapter one introduces the topic which is the role of CSOs in promoting regional integration in Africa: A case study of EAC. The chapter sets the broad context of the research, the statement of research problem, the justification of the study, the literature review, the study’s theoretical framework and the methodology as well as the scope and the limitation of the study.

Chapter two will focus on examining the conceptual framework of regional integration and Civil Society organization. It also includes challenges, levels of integration and historical overview of regional integration in Africa.

Chapter three will focus on examining the level of participation of CSO in the EAC integration process. It will focus on some of the participatory frameworks that exist to facilitate participation of CSOs.
Chapter four will identify and analyze some of the key challenges that hinder CSOs participation in the integration process.

Chapter five will provide Conclusions and Recommendations of the study.
CHAPTER TWO

CONCEPTS AND APPROACHES TO CIVIL SOCIETY ORGANIZATION AND REGIONAL INTERGRATION.

2.0 INTRODUCTION

This chapter examines the concept of civil society organization and regional integration by looking at the definitions presented by the various scholars. The chapter will also briefly examine the forms, factors driving regional integration and challenges to integration. Lastly an overview to regional integration shall be discussed.

2.1 THE CONCEPT OF CIVIL SOCIETY

The historical development of civil society can be traced back to 1990s when most CSOs emerged or became active following a wave of political liberations that opened up the democratic space for civil society sector.\(^\text{35}\) The shift towards a more open and democratic society also opened up the democratic space for civil society in some of the developed countries which were formerly regarded as dictatorial in nature.\(^\text{36}\) In the United States and Western Europe for example civil society emerged as result of the citizen’s agitation for political reforms which sparked interest in civil society as a means of social renewal.\(^\text{37}\)

Fred Jonyo also shares this sentiment. He puts it that the concept of Civil Society is largely entrenched in the development of western countries as a political thought. He goes ahead to argue that the concept entails certain values and ideals such as citizenship; constitutionalism;


\(^\text{37}\) ibid
liberties such as freedom of expression and association and the protection of minority rights in the context of majority rule.\textsuperscript{38}

Studies have shown that the concept of civil society is rather ambiguous because there are myriad of definitions as there are numbers of scholars who attempt to define it. There is no single right definition. However, common theme run through most definitions, and therefore the following working definitions can be used to describe the concept.

The treaty that established the East African Community (EAC) defines “civil society” as a realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the State, and bound by a legal set of shared rules.\textsuperscript{39}

The London school of economics centre for civil society working definition is illustrative: civil society refers to arena of un-coerced collective action around shared interest, purposes and values. In theory its institutional forms are distinct from those of the state, family and markets; though in practice the boundaries between state, Civil Society, Family and Market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of space, actors and institutional forms, varying in their degree of formality, autonomy and power.\textsuperscript{40}

Jack Menke on the other hand classifies civil society into the two major groups that is formal organizations and informal networks such as professional associations; Non-governmental organizations (NGOs); Community based groups; academic institutions; research centres and political parties; religious organizations, cooperatives, labor unions, foundations and


\textsuperscript{39} Secretariat, E.A.C (2000). Treaty for the establishment of the East African Community. Arusha, TZ

\textsuperscript{40} London school of economics, what is civil society?(London: Center for civil Society, 2004)
the independent press.\textsuperscript{41} Musalia Mudavadi while emphasizing the important role played by CSOs in human development noted that the civil society sphere is made up of diverse range of actors which include international and local non-governmental organizations (NGOs), trade unions, women’s group, youth groups, religious groups, consumer groups, professional associations among others.\textsuperscript{42}

Alioune Sally also points out that Civil Society sphere is largely made up of multiple actors operating outside the government machinery and are value driven compared to other non-state actors such as the private sectors which are profit driven. He further notes that the wide range of CSOs actors includes Non Governmental Organizations; Community Based Organizations (CBOs); Faith Based Organizations (FBOs); Trade Unions, Farmers Associations; Academic and Professional Associations, Student mass movements and any other mass movement or interest group which are not affiliated to any political organization.\textsuperscript{43}

The problem of classification has presented divergent views on how to define the concept Civil Society Organization (CSO) which has led to lack of consensus on how to define the concept and as to what constitute civil society.\textsuperscript{44}

Morris Odhiambo of Kituo cha Katiba observes that the problem of defining Civil Society has been worsened by the fact that there are diverse groups of institutions that are considered as CSOs. He further notes that various terminologies which are not clearly defined

\textsuperscript{43} Wanyande, P., & Okebe, M. A. (2009). Discourses on Civil Society in Kenya, Africa research and resource forum(ARRF)
are used interchangeably in most academic discourses to refer to civil society. These according to him only exacerbate the problem of defining what Civil Society is and what is not. He gives an example of Non State Actors (NSAs) such as non-governmental organizations (NGOs), voluntary service organizations (VSOs) and non-profit Organizations (NPOs).  

To Morris, within the Civil Society sphere there exist two categories of CSOs which must be distinguished. That is those that are engaged in advocacy/governance issues and those that are service oriented. He points out that the advocacy groups of civil society basically deal with issues that touch on human rights by holding public officials in position of authority and governments accountable for their actions; while the service oriented on the other hand deal with developmental challenges that affect the citizens such as poverty eradication, disaster management, disease control without necessarily looking at the causal factors for such challenges.

As is clear from the above, there are many views about the whole concept of civil society and the implications it has in society. The most consistent factor that arises in this debate is lack of consensus. While there are many theories and arguments developed by different scholars to help in conceptualizing and understanding this concept, it is important to keep in mind that there is no single, or simple, definition of Civil Society.

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46 ibid
2.2 REGIONAL INTEGRATION

The term ‘integration’ is subject to various interpretations since it lacks neither clear definition nor consensus on its substantive content and form.\textsuperscript{47} The term can also be defined differently depending on the perspectives of different disciplines. In general term ‘integration’ can be used to describe a process of bringing together units to form a whole or creating interdependency.\textsuperscript{48} Bach defines integration as a process that is dynamic and a terminal condition which is static or combination of both. As a process it involves creation of common legal framework and systems for the citizens.\textsuperscript{49} Therefore integration can only take place when two parts join together to achieve objectives that could not be met independently of the union.\textsuperscript{50}

Therefore the concept of regional integration can be defined as a process whereby states within a particular geographical location moves towards increasing their level of engagement in their economy, security, political, social and cultural issues. Thus, it is a process by which states formally create regional organizations to enhance their regional cooperation and minimize regional tensions.\textsuperscript{51}

Economically, regional integration is a product of arrangements among countries which enhances their engagement, mainly through abolishing or lowering of barriers to free trade.\textsuperscript{52} In this case as the driving forces of globalization that result in intensification of competition at the global markets make States integrate their economies to enhance their participation in the

\textsuperscript{47} Tanyanyiwa, et al, Challenges and opportunities for Regional integration in Africa: The case of SADC, issue 12, ver IV(Dec 2014)pp103-115
\textsuperscript{52} Saitoti, G. (2002). The challenges of economic and institutional reforms in Africa. Ashgate.
globalization process and achieve strategic positioning in the global market. Regional integration can also be described as a fusion of two or more national economies joining together into one to allow for the free movement of goods and services and other factors of production such as labor and capital. As a result regional integration aims at fast tracking the achievement of certain interests of actors (states) within such regional arrangements.

Kritzner identified three-dimensional ways for defining regional integration. First is through spatial or geographical scope (which countries belong to the regional integration scheme). Second, is through continent and substantive coverage (which sectors and activities are covered by the regional integration agreement). Finally, the depth of integration (which degree of national sovereignty is a country prepared to surrender to a regional body).

As far as concepts are concerned in the study of regional integration, distinction must be made between integration and cooperation because these two terms are normally used as synonyms.

Integration is a specific process and cooperation is a broader process. Integration is a process which results in states eliminating discrimination between local and foreign goods and services with the process running through four stages of integration: free trade area, customs union, common market and economic union which results to more engagement and a deeper process on how states conduct their activities. On the other hand cooperation refers to concerted measures aimed at abolishing discrimination in areas that states have common interests.

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53 EAC Development Strategy 2006-2010
process of integration also refers to formal arrangement that involves the states moving some of their activities and loyalties to a newly established entity and the process can result in the formation and development of institutional mechanism through which values are dispensed among political actors in a region.\(^{57}\) Therefore states can cooperate without integrating their economies on areas they have common interests regardless of their geographical location. For example, Africa and the United States cooperate under The African Growth and Opportunity Act (AGOA) which was adopted in 2000 and became operational in 2001. Basically focusing on African countries the act provides African countries improved access to the United States market. Therefore it can be argued that regional cooperation is a phase in the process of regional integration.

2.3 STEPS OF REGIONAL INTEGRATION

Regional integration can take many forms and each form is determined by the extent to which discrimination practices in the intra-regional trade are eliminated which result in different level of economic integration. Bela Belesa identified five ideal types of integration which are free trade area, Customs union, Common market, Economic union and political union.\(^{58}\)

2.3.1 Free-trade Area (FTAs)

This is the lowest level of integration and its main feature is that barriers to trade such as tariffs and quotas or quantitative restrictions are eliminated among member states on goods originating from the free trade area, while each country is allowed to maintain its own quota or


\(^{58}\) Ojo et al.;1985,African International Relations,London:Longman
tariffs restriction on non-member states. Under free trade area arrangement the strict rules of origin where there is a minimum requirement of local input are usually adhered to in order to avoid tariff evasion through re-exportation. An example free-trade area includes North America Free Trade Area (NAFTA) between Canada, United States of America and Mexico, European Free Trade Area (EFTA).

2.3.2 Customs union

A customs union works better for countries with relatively similar economic development. A custom union moves a step further than the free trade area, and apart from abolishing tariffs and quotas, the member states also adopt a common external tariff (CET) which is normally applied against non-member states. This means that goods that are imported from outside the region attract the same rate of taxation. In addition to removing trade barriers among member states, they are also required to harmonize their trade policies such as coming up with a common external tariff and import restrictions or quotas on all goods entering the region from countries outside the Custom.

One of the benefits that can be attributed to a custom union is on better administration when it comes to savings by elimination of customs officers; border patrols among member states. Through the formation a custom union member states especially those from developing countries can also increase their negotiating capacities by coming up with a common approach on relevant issues especially during multilateral negotiations.

60 Mwasha, O. N. The Benefits of Regional Economic Integration for Developing Countries in Africa: A Case of East African Community (EAC).
Examples of customs unions include Southern Africa Customs Union, the East Africa Customs Unions, the Economic Community of West Africa States and Mercosur a custom union formed by Brazil, Paraguay, Uruguay and Argentina.

2.3.3 Common market

This basically involves characteristics that define a free trade area and a customs union, but in addition, obstacles that hinder free movement of factors of production such as capital and labor are also done away with. Therefore members of a customs union are supposed to come-up with common policies regulating the flow of factors of production between its members and non-members. A good example of a common market is the European Union which has established a common migration policy that allows people to move freely to work and live within the European countries that have adopted Schengen visa agreement. As result under common market frame work member states are supposed to harmonize some of their domestic policies to be in line with common agreed policies among member states.

2.3.4 Economic Union/Economic Community

This goes further than the free-trade area, customs union and common market in that major economic policy such as fiscal, monetary and industrial policies of member states are harmonized.

Under Economic Union arrangement member states adopt and coordinate their common economic policies on such areas as interest rates, exchange rates, inflation policies, establishment
of a single monetary authority and most importantly adopt a common currency and a banking system.\textsuperscript{61} The member states may also adopt wide range of policies that covers different sectors of their economies such as education, training and employment, pensions, health and agriculture.\textsuperscript{62} A good example of a Economic Union that has comprehensive harmonized policies that covers all their sectors of their economy is the European Union which has policies such as the Common Agricultural Policy (CAP) which regulates agricultural production.

\textbf{2.3.5 Political Union}

This is the highest level of integration and it involves harmonization of the structures and political institutions of member states. It basically refers to a political organization in which two or more states agree to form a union government with central authority, while retaining local autonomy.\textsuperscript{63} At the regional level however political union or integration is the call for the coming together of independent nation states to form a federal government.\textsuperscript{64} According to Mukandala, in regional integration; political federation is a mean between political cooperation and political union whereby political cooperation basically involves mutual policy arrangements among member states aimed at attaining common interests and objectives.\textsuperscript{65}

In this case therefore according to the neo-functionalist perspective the decision by member States to create a free trade area generate incentives for the creation of respectively a

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\textsuperscript{61} Saitoti, G. (2002). The challenges of economic and institutional reforms in Africa. Ashgate.
\textsuperscript{62} ibid
\textsuperscript{63} Ojo et al;1985,African International Relations,London:Longman
\textsuperscript{64} ibid
custom union, common market and monetary union through an incremental process that result from the “spill-over effect” leading to total economic integration among the member States.  

The aim of East Africa Community is not to follow Belessa’s typology as a straight jacket. Rather it aims at achieving political federation by first establishing a customs union, and then following with a monetary union. Political integration is the ultimate goal of cooperating parties and it entails a shared political jurisdiction in which the parties to the union agree to surrender either all or part of their sovereignty to a central political unit.

Therefore because of these forms of economic integration, African regional integration organizations which deal with economic integration are by and large economic communities or, intended to be so even when they call themselves by different names.

2.4 THE RATIONALE FOR INTEGRATION

There are a number of advantages of regional integration that have been identified by different scholars that States seek to maximize on. The intended benefits that member States pursue in such regional arrangements, largely depends on their level of economic integration, therefore the deeper the integration the greater the benefits to the member States. As a result many countries are now engaging in regional integration initiatives because they have realized the huge benefits

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66 Rosamond, B. (2000). Theories of European integration  
67 Ibid  
69 Ojo et al;1985,African International Relations, London:Longman  
70 Mwasha, O. N. The Benefits of Regional Economic Integration for Developing Countries in Africa: A Case of East African Community (EAC).
that they can accrue by forming such arrangements. The objectives that states seek to maximize can be categorized into two, i.e. economic and political.

According to a growing number of literature on this subject matter economic arguments of regional integration have always preceded the political points of view. This can be attributed to the long held assumptions of economic theory which argue that regional integration emanate from economic mechanism rather than from a political angle. The neo-functionalists on the other hand describe this kind of process of regional integration process as an incremental process that result in functional and political integration through a process described by the neo-functionalism theory as a process of “spill-over” effect. In this case therefore the functional spill-over involves the integration of the economic sectors of the State while the political spill-over entails creation of supranational institutions to ensure sustainability and maximization of full benefits for member states in such regional arrangements.

The economic argument basically focus on creation or expanding domestic markets to permit economies of scale, protection against or ability to withstand adverse development in the world market, enhanced industrialization, improving welfare of the people through economic growth and employment, increased foreign direct investment as result of market expansion, coordination of economic and social policies, increased collective bargaining power especially of developing countries vis-à-vis industrialized countries at the global arena during trade negations and breaking the dependency syndrome that characterize relationship between the West and developing countries.

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Schiff and Winters in 2003 observed that one of the compelling reasons for regional integration in the case of Africa is normally made on the basis of the fragmentation of Africa economies, with an average Gross Domestic Product (GDP) of US$ 4 billion, and a combined GDP equal to that of Belgium or 50% of Spain. As a result of the small domestic markets, combined with high production costs and un-attractive investment climate has resulted in limited investment with Africa attracting only less than 2% of global foreign direct investment. Therefore in the view of the weak position of economies of African countries vis-à-vis the industrialized countries regional integration has always been viewed as the most promising approach to overcome economic fragmentation.

On the political basis regional integration has been touted as one way of developing a culture of cooperation and consensus building on regional political and security issues which translate to development of mutual trusts among volatile political leaders and systems within regional blocks and this can further lead to development of peaceful mechanism of conflict resolution. Regional integration may also play an important role in institutional building and strengthening especially in Africa or in other developing countries that lack a democratic political culture because most of the regional organizations have been the responsibility of promoting societal values such as good governance, democracy and respect to rule of law.

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2.5 CHALLENGES OR BARRIERS TO INTEGRATION BLOCKS

Integration blocks have been established in all region of Africa. However there are myriad of challenges facing regional integration blocks which are threatening the realization of potential regional integration benefits. These constraints include the idea of multiple or overlapping regional economic membership, political and ideological rifts, harmonization and coordination of policy, institutional weakness, lack of private sector, civil society engagement, and citizen participation; issues to do with sovereignty of States, inadequate financing of programs and operations leading to external dependency and among others.

Ahmad A.H. Aly noted that imprudent administration has been a major contributing factor to the poor performance of regional integration in the world. According to him imprudent administration is manifested in among other things by the rush to create overlapping regional blocks and dominance of politics when it comes to management of multinational institutions.\textsuperscript{75}

To Ahmad multiple regional economic membership results in and conflicts between the provision of the treaties of similar organizations. He further observes that in the case of West Africa, there being no cooperation between ECOWAS and CEAO resulted in the two regional blocks having three customs nomenclatures, three different rules of origin, two different and incompatible compensation mechanisms and two different yet to be reconciled systems of trade liberalizations.\textsuperscript{76}

In the case of East Africa, partner’s states have also multiple memberships, for example Kenya and Uganda are members of COMESA and EAC, Burundi is member of COMESA,
EAC, and Economic community of central Africa States (ECCAS), Tanzania is a member of SADC and EAC and Rwanda is member of COMESA, EAC, ECCAS. This therefore leads to inconsistency in regional integration initiatives; harmonization and coordination of regional policies against other states becomes a challenge. For example rules of origin.

The issue of state sovereignty is a major impediment to integration efforts because members of regional integration block are required to transfer some of their powers on domestic issues to the supranational organizations which may compromise sovereignty. Political leaders are therefore reluctant to delegate control of their economies to actors outside their control. For regional integration to succeed it is imperative that political leaders sacrifice and relinquish some of their powers of decision making to the supranational organizations.

Inadequacy in terms of funding of regional operations and programs has also been a major impediment for most regional integrations and organizations. This is because most of the regional blocks depend on contributions from member states to run their programs, which so often have turned out to be unreliable as some member countries attach low priority to meeting their payment obligations.

Thus, for members of a regional block to realize their full potential benefits from their integration efforts these challenges among others must be addressed.

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2.6 REGIONAL INTEGRATION: AN OVERVIEW

The current discourse in analyzing the concept regional integration can be traced back to the end of Second World War. Since then a lot of research has been carried out by many social and political scientists with the aim of explaining the institutional and policy dimension of integration. The studies have gone further to explain the political context for the process of integration using the perspective of neo-functionalism which is one of the theories used to explain concept regional integration.⁷⁹

During this particular time the idea of European integration was invented with some of the European countries that emerged from the devastating war, and with their fragile economies the European nations made the first step by creating the European Coal and Steel Community (ECSC) in 1952 and in 1957 the European Nations moved further by signing the treaty of Rome creating the European Economic Community (EEC). The Rome Treaty that was signed in 1957 led the foundations of a closer union between Germany, France, Belgium, Italy, Netherlands and Luxemburg. In 1993 the European Economic Community was transformed to the European Union to signify a deeper level of economic integration as the integration process had moved beyond trade to incorporate other sectors of their economies.⁸⁰ Since then the membership has also increased as more countries have joined the European Union.

In addition most the theoretical frameworks for explaining regional integration during this particular time were mainly used to describe the process of European integration. To this end the neo-functionalism theory emerged as a dominate theory that was used to describe the process of European integration taking into account its experience and failures throughout the process of integration.


⁸⁰ ibid
integration. Building on the works of Ernst B. Haas and Leon Lindberg both American political scientists, neo-functionalism approach was mainly concerned with explaining the dynamic process of western countries integration using the concept of “spill-over” effect approach.

The “spill-over” effect is an important concept in the theory of neo-functionalism which has been used to explain the mechanism driving the process of regional integration. The “spill-over” effect basically refers to a situation where cooperation in a given sector of the economy would create incentives for more cooperation and economic integration within and beyond other sectors of the economy; example being the transition of European Coal and Steel Community (ECSC) to economic and monetary unions. Therefore the purpose of using the neo-functionalist perspective according to most scholars of regional integration has been to use the European model and experience of integration in explaining integration arrangements in other parts of the world.

Since the post-cold war period, states have continued to integrate their economies on regional basis. In this case therefore regional integration is not an exclusively European phenomenon. Several integration arrangements have been pursued by states all over the world with similar interests in integrating different sectors of their economies. In 1960s for example several regional blocks were formed including the Latin American Free Trade Association, the Andean Pact and the Central American Common Market. In North America bilateral negotiations between the United States and Canada led to the creation of Free Trade Arrangement between the two countries which letter was transformed into North American Free Trade Agreement (NAFTA) when Mexico acceded to the treaty in 1994. In Asia one of the most

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important and largest regional organization within that region is the Association of South east Asia Nations (ASEAN), previously known as the South Asia Treaty Organization (SEATO) was formed in 1967 to provide cultural, economic, political development and promote regional peace and stability among its member states in the Asian region. Still within the Asian region one of the most dominant regional groupings that has emerged is the Asia Pacific Economic Cooperation Forum (APEC). Formed in 1989 APEC is made up of Australia, New Zealand, Japan, South Korea, Canada the United States and the ASEAN States.  

The level of integration between States also differs. Meaning that countries pursue different objectives within their regional arrangements, for instance the objectives North American Free Trade Agreement are not similar to that of European Union which is one of the most progressive regional bloc in the world that has managed to achieve the highest level of integration compared to other regional arrangements in a number of ways. The NAFTA is Free-trade area (FTAs) which is the lowest level of integration and mainly focus on abolishing trade barriers such as tariffs and quotas among its members while each member is allowed to maintain trade restrictions for non member states. Therefore the NAFTA treaty does not include other trade aspects such as: free movement of labour; adoption of common currency; political union; creation of a custom union; redistributions of trade gains within its members, or affecting the existing boarder controls.  

In the case of Africa euphoria for regional integration initiatives can be traced back to the pre-independence period when some of the currently existing organizations were formed.

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Immediately after independence the first generation of African leaders led by Kwame Nkrumah called for the creation of regional bodies that would assist in the promotion of regional cooperation and integration among the independent Africa states.

During this time, two dominant schools of thought emerged with different opposing views on how African countries should approach the integration agenda. There were radicals and conservatives. On one hand the radicals called for immediate political integration of the continent meaning formation of a United States of Africa on the basis that what African needed was an integration of economic functions. The conservatives on the other hand made a passionate appeal for the creation of sub-regional organizations as a realistic approach of achieving political integration.\(^{84}\)

Since then regional integration became a major factor in African international politics and international affairs as was captured in the ‘Monrovia Declaration’, adopted by heads of States, ministers and groups of experts in July 1979 after thorough assessment of Africa economic challenges. In adopting the declaration emphasis was made on the need to create the right political framework for the achievement of self-reliance and self sustaining development and economic growth.\(^{85}\)

Thus, first the heads of State, Ministers and groups of Experts committed themselves individually, collectively and on behalf of their governments and peoples, to promote socio-economic development and integration of their economies; second to promote economic integration of Africa region in order to enhance socio-economic interactions; third to establish

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national, sub-regional and regional organizations to facilitate the intended objectives; fourth and more specifically to promote Human Resource Development by eliminating illiteracy, incorporate science and technology in development agenda and to achieve food self-sufficiency in food production among other things.  

On the basis of the above guidelines the heads of States and Governments adopted a final action plan on April 1980 titled the *Lagos Plan of Action for the Economic Development of Africa, 1980-2000* which was an initiative of the Organization of African Unity (OAU) currently the Africa Union (AU). This plan of action was also supported keenly by the United Nations Economic Commission for Africa (ECA). This Abuja treaty a decade later provided for strong support for the African integration agenda by emphasizing on African unity, self-reliance and an endogenous development strategy through industrialization. The LPA basically proposed establishment of intergovernmental regional organizations in each of the five regions of the African continent that would constitute a united African Economy, the African Economic Community.  

This commitment by the Heads of State and Government led to the creation of a number of currently existing sub-regional organization such as the Economic Community of west Africa states (ECOWAS), created in 1975; the Southern African Development coordination conference (SADCC)- now southern Africa Development Community (SADC); created in 1980, the Intergovernmental Authority on Drought and Development (IGAD); now Intergovernmental Authority on Development (IGAD), created in 1986; the Economic Community of Central   

86 ibid  
African states (ECCAS), created in 1983; and the Union of The Arab Maghreb (UAM), created in 1989.
CHAPTER THREE

THE ROLE OF THE CIVIL SOCIETY ORGANIZATION IN EAST AFRICA INTEGRATION PROCESS

3.0 INTRODUCTION

In this section, the study highlights the history of regional integration in East Africa and goes on to examine the participatory framework that have been adopted to enhance CSOs participation within the context of East African Community.

3.1 HISTORY OF REGIONAL INTEGRATION IN EAST AFRICA

The history of regional integration in East Africa dates back to pre-colonial period when the British colonial authorities in 1894 initiated the process of uniting the region by building the Uganda railway from the coastal town of Mombasa to Kisumu. In order to further enhance their control within the region several institutions were created including: East Africa Currency board (1905), Postal union (1911), East Africa Court of Appeal (1902), Customs Union (1917), East Africa Income Tax Board and Joint Economic Council (1940), East Africa Governors Conference (1926) and lastly the East Africa High Commission (1948).

Later on in 1961 the East African Common Services Organization was established to manage common services such as the East Africa Railways and Harbors; East Africa Air waves, East African University, the East African Posts and Telecommunication; a common mechanism for revenue collection and East Africa Tax Management.

After independence the East African Countries, Kenya, Uganda and Tanzania were faced with dilemma of whether to accept what the British had created or to modify them according to
the regional economic agenda. However the East African leaders continued with negotiations which led to the signing of the East Africa treaty in 1967. But in 1977 the first East Africa Community collapsed as a result of many factors which included: ideological rift between member states; generally lack of political commitment by the leaders; and uneven level of development among member states; politics trends in Uganda and the fragility of the EAC Authority at that particular time.

However the dream of forming a regional economic block did not end. Efforts to revive the Community started in 1984 with the signing of division of assets and liabilities when the three member’s states agreed to come up with ways of resuming regional cooperation. A follow up side meeting during the common wealth summit held in Zimbabwe 1991 in which the three heads of state agreed to revive cooperation led to the signing of the permanent Tripartite Commission for East Africa cooperation in 1993. Subsequently in 1996 the secretariat of the East African Community was launched in Arusha and in 1999 the Treaty establishing the Community was signed by the three member countries- Kenya, Uganda and Tanzania. The treaty came into force in 2000 and it was formally launched by the three heads of state in 2001. There after Rwanda and Burundi joined the EAC on 2006.

3.2 OBJECTIVES OF EAC

According to the treaty for the establishment of EAC, the objectives of the Community is to develop among member states policies and programmes aimed at widening and deepening

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89 ibid
cooperation among the partners states in political, economic, social and cultural fields, research and technology, defense and security among other items of mutual benefits.

3.3 FUNDAMENTAL PRICIPLES OF EAC

The fundamental principles which will enable the community to achieve the above mentioned objectives are: mutual trust and political will, peaceful settlement of disputes, good governance, principles of democracy, respect for rule of law and of human rights, and equitable distribution of benefits, cooperation for mutual benefits.

3.4 EAC INSTITUTIONAL FRAMEWORK

The EAC has established the following seven organs to enable it carry out its functions. The organs and institutions of EAC provided for in Article 9 are:

1. The summit of heads of state

Under article 10 of the treaty the summit is made of the head of states or governments of partner states. It gives general direction and impetus to the development and achievement of the community objectives.

2. The council

Under Article 13 of the treaty the Council is made up of the ministers responsible for regional cooperation of each partner state and such other minister of the partner states as each partner state may determine. Its main role is to make policies for the community.
3. **The coordination committees**

   It consists of permanent secretaries responsible for regional cooperation in each partner state and such other permanent secretaries of partner state may determine as per article 17 of the treaty. Its functions include implementing council’s decision.

4. **Sectorial Committees**

   Under Article 20 the sectorial committees are established based on the recommendations of coordination committees to the council. Its function includes preparation of implementation programmes and setting priorities in respect to each sector.

5. **The East African Court of justice**

   It is made up of judges who are appointed by the summit from among persons recommended by member states as per article 24 of the treaty. It is the judicial body of the community tasked with ensuring that laws are followed in the implementation of the treaty.

6. **The East African legislative council**

   Article 48 states that the assembly shall consist of twenty seven elected members and five ex-official members made up ministers in charge of regional cooperation from member states, the secretary General and Counsel to the community. It is the main legislative organ of the community.

7. **The Secretariat**

   It consists of Secretary General, Deputy Secretaries General, Counsel to the community and such other offices the council may determine according to article 66. It’s responsible for the day
to day running of the community, it initiate, receives and submit recommendations to various institutions of the community.

3.5 CIVIL SOCIETY IN EAST AFRICAN INTEGRATION

The general lack of participation in the affairs of the first East Africa community by the civil society organizations and the citizens in general were among the reasons that contributed its collapse in 1977. As a result the revised treaty for the establishment of East African Community which was signed by the three heads of state of Kenya, Uganda and Tanzania in November 1999 and came into force in July 2000 called on the member States to work together with regional Civil Society Organizations and encouraged broader participation of the citizens in the integration process. This led to fundamental changes in both the structure and relations within the East African Community. The treaty emphasized that integration within East Africa should be people-driven, participatory and involving broad participation of all key stakeholders.

The significance of citizens being the drivers of the process of integrating the region is fully captured under the operational principles of the treaty which states that it should be people-centered and market driven.\textsuperscript{90} In essence therefore a part from the state and market, Civil Society is seen as the third critical actor which is supposed to link the citizens with the other two players to ensure that decisions and policies that are made take into account their interests. To this end therefore according to Dr. Owuoche, Civil Society have an important role of articulating interests which have been overlooked by the state.\textsuperscript{91}

\textsuperscript{90} Article 7(1a) Of the EAC Treaty 1993
Over the years Civil Society Organizations within East Africa have increased their efforts in trying to influence policy making at the EAC as the regional economic block has also expanded its scope of issues that the block is supposed to tackle.

Civil society organizations (CSOs) within East Africa have been working with EAC in implementing various instruments including protocols that have big impact on the economy such as the common market protocol. CSOs have also been active in supporting and promoting socio-economic development, democracy, good governance, human rights, transparency and accountability in the management of public affairs.\textsuperscript{92} The organizations have been involved in pushing for political reforms and rights as well as broad democratization process through advocacy, seminars and workshops on themes around human rights obligations and democratizations.\textsuperscript{93} These Organizations have a number of features that put them in a position to perform roles in a way that promotes democratic values and promote pluralism, consensus building and effective integration.\textsuperscript{94}

As such Civil Society Organizations in East Africa represents a host issues affecting the society at large, interests and groups while objectives structure and activities vary. This therefore means that because of their diversity they provide a variety of solutions to problems bedeviling the society.\textsuperscript{95}

\textsuperscript{95} ibid
3.6 STRUCTURE FOR ENGAGEMENT

In order to facilitate participation of Civil Society Organizations in the integration process, the constitutive treaty that establish the community outlines two ways for such participation. That is through granting Observer Status to CSOs and also through consultative forum.

3.7 CONSULTATIVE FORUM

The idea of consultative framework within inter-governmental organizations (IGOs) re-emphasizes the importance neo-functionalism theory on the role of CSOs and other interest groups in international relations, and therefore emphasizing on civil society consultation within such regional arrangements arises from the fact that State cannot undertake the important task of development on their own.96

Chapter twenty five of the treaty that established the East African Community clearly outlines main provisions on Civil Society Organizations and private sector participation within the EAC. In particular, Article 127 indicates that partner States agree to provide an enabling environment for the private sector and the Civil Society to take full advantage of the community and participate in its affairs; by formulating a strategy for development of the private sector and promoting continuous dialogue with the private sector and Civil Society in order to improve the business environment for the implementation of agreed decisions in all economic sectors and to provide opportunity for entrepreneurs to participate actively in improving the policies and

activities of the community that affect them so as to increase their confidence in policy reforms while raising productivity and lowering costs.\textsuperscript{97}

Hence in order to create an enabling environment for the CSOs to participate in the affairs of the community, Article 127(4) of the EAC treaty gives the Secretary General the power to create a forum for consultation between private sector, civil society organizations, other interest groups and relevant institutions of the community.

In order to fulfill its mandate of providing a forum for consultations between the Civil Society Organizations as well as other none state actors, the EAC Secretariat through the Secretary General organized the first regional workshop for Civil Society Organizations between July 28 and 29; 2005. The theme for the workshop was “Civil Society Mobilization for Effective Participation in EAC”. During the deliberations several recommendations were proposed key among them was an establishment of a forum known as EAC NGO/CSO Forum to serve as an independent umbrella body of all Non Governmental Organizations (NGOs) and Civil Society Organizations (CSOs). Such a Forum is supposed to facilitate a better avenue for Civil society Organizations engagement with EAC organs by ensuring consistent participation of East African Civil Society in the region. In order to further enhance participation of CSO it was recommended that an EAC NGO/CSO Steering Committee be established at the national and regional levels.\textsuperscript{98} The workshop further recommended establishment of Economic and Social council within the framework of EAC to enable consultative and engagement mechanism for active participation within the region and institutionalization of the annual meetings for CSOs to be

\textsuperscript{97}Article 127 (1) of the EAC Treaty 1993

held in line with the EAC calendar of activities and introduction of consultative Status for CSOs.\textsuperscript{99}

The first annual East African Civil Society Forum was held between 15\textsuperscript{th} and 18\textsuperscript{th} November 2006 in Arusha Tanzania in line with the treaty article 127(4). The theme for the workshop was “The Role of Civil Society in the East African Community”. In attendance were seventy representatives of various CSOs, EAC Secretariat Staff and development partners. The workshop was organized by the East Africa Law Society and the Society for International Development-East Africa, and EAC Secretariat.

During the workshop Mr. Tom Odhiambo Ojienda, the then president of East Africa Law Society (EALS) urged East Africa Civil Society Organizations to sensitize the citizens about the EAC institutional framework and their constitutional role under the treaty. Further he noted that the CSOs should engage the EAC in law-making process through adequate consultations with its various organs especially the East African Legislative Assembly (EALA) and sensitize the public about the laws that have been enacted.\textsuperscript{100} This will enable the CSOs and the citizens to be part of the process of driving the integration agenda forward.

The second East Africa Organization Forum was held between 21\textsuperscript{st} and 22\textsuperscript{nd} November 2007 in Arusha, Tanzania under the theme: “Elaborating on the Human Rights System of the East African Community”. During the workshop a draft bill on Human rights prepared by East


African center for Constitutional Development (Kituo cha Katiba) was presented to be used by the East African court of justice as a source of law.

In 2007 East Africa Civil Society Organizations’ Forum (EACSOF) which is the umbrella organizations of CSOs in the East Africa region was formed under the constitutive act of the EAC to give Civil Society Organizations within East Africa region a voice within the EAC organs and decision making processes. EACSOF is a network of Civil Society Organizations from the five EAC countries. EACSOF members are from diverse backgrounds with experience in law, peace and security, health, education, human rights, environmental conservation, gender and development.

The aims and objectives of EACSOF broadly include the pursuit and promotion of continuous engagement between the Civil Society Organizations in the East Africa region, EAC Institutions and national government on essential matters that affect the citizens and to support the process of Economic, Social and Political development and integration of the region. In so doing the EACSOF aims at promoting an East African society based on friendship, solidarity and mutual respect geared towards building an independent, self-reliant economy; upholds respect of human rights; fight for democracy, rule of law, good governance and people-centered development and protects the interests of Forum.101

Indeed since its establishment EACSOF has proved to be an effective mechanism for Civil Society Organizations with the East African Community. For example through EACSOF,

Civil Society Organization have managed to participate in some of EAC deliberations, for instance in the negotiations on the common market protocol.¹⁰²

EACSOF in terms of policy engagement, has also advocated for the establishment of consultative Dialogue framework for engagement between CSO, EAC and other interest groups; prepared a draft Gender protocol and youth policy for consideration by the Council of Ministers; it has also been at the forefront for the fight against HIV/AIDS pandemic by pushing for HIV prevention and management bill, as well as lobbying for changes in the EAC Anti-Counterfeit Bill with the aim of ensuring the citizens get quality health care.

EACSOF in partnership with local regional organizations have been engaging in civic education programs in order to disseminate and sensitize the citizens on the EAC mandate and their role, rights and duties under the EAC framework while at the same time advocating for the rights of members of parliament within the East African Legislative Assemble to come up with private members’ bill.

EACSOF Strategically organizes its annual meetings to coincide with EAC councils of ministers and Heads of State summit, and submits policy recommendations on vital issues that concern the region to the summit. While this is an important step promoting cooperation between the EAC organs and CSOs, the extent to which these policies are incorporated in decision making or even implemented by the Summit is a subject of debate.

Further, in 2008 Department of Gender, Community Development and Civil Society was established within the department of Productive and Social Sectors at the EAC secretariat with

an aim of enhancing and promoting the participation of civil Society, vulnerable groups such as women, youth and other organizations and mainstream them in EAC programmes.\textsuperscript{103}

The third annual East African Organization Forum was held on 13\textsuperscript{th} and 14\textsuperscript{th} September in Uganda under the theme: “The EAC: My home, my business”. The workshop was organized by EAC secretariat in collaboration with various CSOs in line article 127 (4), which call for the member countries to provide an enabling environment for the participation of civil society in the affairs of the community.

\textbf{3.8 OBSERVER STATUS}

Apart from Consultative Forum which is provide for under Article 127 of the Treaty for the establishment of the East African Community (TEAC), states that CSO can also engage directly with the EAC through acquiring observer Status. Not all applicants can be granted observer status as there are conditions and criteria for admission. For CSOs rules granting them observer status are informed by provisions in the constitutive (TEAC) and other related documents; Article 3 (5b) of the treaty states that it is the prerogative of the council of ministers to grant civil society observer status within the community.

Detailed procedure for granting of observer status in the East African Community were formulated in 2001 pursuant to the provisions of Article 3(6) of the Treaty Establishing the East African Community in an attempt to provide clear rules for admitting CSOs within the EAC framework. In terms of administrative procedure, CSOs seeking observer status must first start by submitting a written application to the secretary General giving clear reasons for the

application and the objectives of the organization. A copy of constitution of the organization must also be attached to the application before the application is fully processed by the office of the Secretary General before it is submitted in the agenda of the council.\(^{104}\)

To be granted an observer status the organization must meet the following conditions as contained in the procedures: First it should accept the fundamental principles underlying the East African Community; second, the organization should have interest in the fundamental and operational principles of the EAC; third, it should strive to contribute towards the strengthening of regional integration in East Africa to enhance development partnership. More specifically the organization should have objectives of common interest to the member states and their activities should bear a regional dimension with the organization being registered in each of the partner states. Further in its regional activities, the organization should have a track record of at least three years of active operation.\(^{105}\)

At more practical level Article 5 on Observer participation in the proceedings of the community states that an observer in this case CSOs may be invited for the official opening and closing sessions of all the meetings of the community; second, Observers may be invited to attend meetings of the organs of the community depending on whether the subject under considerations is relevant to them; third, with the express authority from the chairperson, observers may be called upon to participate in the proceedings of the meeting to which they are invited; fourth, those with observers status may at the request of the chairperson of a meeting speak at the community sessions provided that the Secretary General approves such a statement.


\(^{105}\) ibid
And finally they may be granted access to the documents of the community provided that they are not classified and relevant to the observer concerned.\textsuperscript{106}

It is therefore evident that under the rules for granting Observer status in the East Africa Community participation of non-state actors in this case CSOs is limited to making statements on issues relevant to them when invited and replying to questions directed to them when asked to do so by the Chairperson.\textsuperscript{107} This also suggests that involvement of CSOs that have acquired observer status in such meetings is not guaranteed because the chairperson of respective committees has to give the final approval. Despite the limitations several CSOs organizations have been granted observer status and they include:

i. East African Business council (EABC)

ii. The East African Trade Union Council (EATUC)

iii. East African Centre for Constitutional Development (Kituo cha Katiba)

iv. East Africa Law Society (EALS)

v. The East Africa Magistrates and Judges Association (EAMJA)

vi. The East African Youth Council

vii. East African Confederation of Informal Sector Organizations (CISO)

viii. East African Communications Regulatory Authority

ix. Association of Professionals Societies in East Africa (APSEA)

Through its various organs, the community has worked with these organizations in carrying out various activities. For instance training and dialogue for legal practitioners and other

\textsuperscript{106} Ibid.

stakeholders on the Customs Union protocol by East Africa Law Society and Kituo cha Katiba.\textsuperscript{108} They have also been involved in publishing and dissemination of various documents of the EAC in different versions; translation into local languages; illustrations; posters; booklets among others. Towards this end the Kituo cha Katiba was the first CSO to publish a simple version of the Treaty that Established the East African Community in a simplified version in Kiswahili as early as the year 2003. The East African Society on other hand published the East African Court of Justice’s Procedural and Arbitration Rules.\textsuperscript{109}

The East Africa Trade Union Council is an umbrella body of trade unions from the five East African countries which represent workers at the regional level. It attends meetings at the summit and the sectorial Committee on labor and employment. Over the years this organization has become a very vocal regional actor advocating for better working conditions for workers across the region and lobbying towards adoption of an EAC Employment and Social Charter. EUTUC was further engaged in drafting of the EAC Common Market Protocol and was able to negotiate for integration of provisions of social issues in the Annex on the free movement of workers.\textsuperscript{110}

In 2010 the East African Trade Union Confederation in partnership with Friedrich-Ebert-Stiftung (FES), organized a forum on Good governance and Democracy in the East Africa Community which provided the EATUC and its affiliate’s opportunity to deliberate on the role of trade unions in championing values such as good governance and democracy within the member

\textsuperscript{110}EATUC Strategy Paper on Good Governance and Democracy, Available at www.fes-tanzania.org/files/fes/pdf/EATUC Strategy
states. At the end of the deliberations the members came up with a strategy paper which has enabled the trade unions to strengthen their role in good governance and advocating for good democratic practices across the member States.\textsuperscript{111}

In addition the existence of strong and active trade unions is an important component of a society with vibrant civil society which pushes for participatory, transparent, and accountable governance. The promotion of such values of good governance, accountability and democracy creates a conducive environment for the general population and workers to realize democratic participation in decision making and also creates a conducive environment for all trade union activities.\textsuperscript{112}

In order to improve the dialogue between the EAC organs and the CSOs, the council of ministers from members state approved the establishment of a Consultative Dialogue Framework (CDF) which was set up to facilitate the process of dialogue between Civil Society Organizations, other interest groups and the EAC. The main objectives of (CDF) is to enhance coordination and harmonization of positions by establishing clear and effective communication and feedback mechanisms between the EAC organs, CSOs and other non state actors on the EAC integration process.\textsuperscript{113}

According to the framework dialogue should take place at two levels: the national and regional level. At the national level it is the responsibility of the ministry for EAC affairs in each Member State to coordinate dialogue between the CSOs and other non-state actors on issues that concern the community. While at the regional level dialogue should be coordinated through the

\textsuperscript{111} EATUC Strategy Paper on Good Governance and Democracy, Available at www.festanzania.org/files/fes/pdf/EATUC Strategy

\textsuperscript{112} ibid

\textsuperscript{113} EAC Secretariat (2012) East Africa Consultative Dialogue Framework (CDF)
office of the Secretary General which supposed to provide CSOs with the calendar of EAC activities to enable them prepare for consultations.

Returning the question of Civil Society Organization structure of engagement with the East African Community organs; central to this to this study is the concept of popular participation that should be analyzed. Participation is a concept that has been widely acknowledged and promoted by most liberal democracies especially from the western nations as one way of ensuring inclusivity in decision making processes in matters social, political and economic, taking into account the interest and views of various stakeholders.

According to the findings in this chapter, the study has shown that the East African Community through its Secretariat has put in place a very elaborate framework to enhance participation of Civil Society Organization in the affairs of the community. In part the treaty established by the EAC provides that all Civil Society Organizations interested in the affairs of the community must first be accredited. In this case the process of accreditation is the first step towards ensuring participation of Civil Society Organizations. However by raising the barriers too high, coupled with bureaucratic red tape and lack of transparency in the accreditation process, most of Civil Society Organizations have been unable to sufficiently participate in the affairs of the community.

As shown from the study therefore the East African Community Secretariat in practical terms is far from providing an enabling institutional framework for the participation of Civil Society Organizations as envisaged in Article 127 of treaty that established the East African Community.

The rules of procedures for granting observer status to Civil Society Organizations as currently constituted allows for passive participation of CSOs since their role is limited to attending
opening and closing sessions of all the community meetings but not participating in formal deliberations making such interactions symbolic in nature. Furthermore their right to ask or respond to questions is also restricted as they are required to seek permission from the Secretary General or Chairpersons of Committees before they can do so. These result in passive interaction process.

Therefore the success of regional integration process within the East African region largely depends on how inclusive the integration process is; from the decision making at every stage to implementations of various protocols and agreements. In essence participation can be understood in various ways, depending on the context. There are different stages of participation. The kind of participation that exist between the East African Community organs, the respective States , Civil Society and other stakeholders is also significant in guarantying the success or the failure of the community. Meaningful participation should therefore entail the involvement of all Stakeholders at every stage of decision making within the community.
CHAPTER FOUR

CHALLENGES FACING THE CIVIL SOCIETY ORGANIZATIONS IN THE INTEGRATION PROCESS

4.0 INTRODUCTION

The important role of Civil Society Organizations in driving regional integration agenda cannot be overstated. Indeed many regional blocks widely acknowledge that CSOs are not only beneficiaries of regional integration but are now active players when it comes to the integration process. To this end member states are obligated to come up with measures or programmes that would facilitate and promote and safeguard the role of the Civil Society organizations in such regional arrangements. Despite the important measures that have been put in place to encourage effective participation of CSOs, these organizations still face myriad of challenges which must be addressed for them to continue playing a meaningful role of promoting developments and deepening regional integration.

The challenges and Constraints bedeviling CSOs that have been identified are categorized as follows: the regulatory environmental framework; weak institutional framework; overdependence on donor funding.

4.1 THE ENVIRONMENT RELATED CONSTRAINTS

Environment related constraints have reference to policy, legal, regulatory and environmental framework under which CSOs operate in and have a bearing on how these organizations perform their roles and duties. The CSOs in East Africa as well as in Africa in
general operate under very challenging environment with the legal and policy framework being sketchy, weak and uncondusive for them to perform their activities.\footnote{Amuwo, K. (2009). Civil society, governance, and regional integration in Africa. Development Policy Management Forum}

The constitutive Act and the treaty establishing the East African community under Article 127 provides the legal framework in which the EAC and the CSOs are conducted. The treaty, for example lay much emphasis on the need for member states to create enabling environment for CSOs and other non state actors such as private sector in order to broaden participation of different stakeholders in the integration process. To operationalize Article 127 of the treaty EAC has put in place various laws and institutions to encourage CSO participation. However some of the initiatives put in place have been termed as retrogressive and very limiting to CSOs operations. For instance some of the statutory clauses under the rules for granting observer status to CSOs in the EAC are restrictive in nature because they place the barrier so high for most of CSOs.

First, the requirement that CSOs must be registered in all the member states and the activities bearing regional dimension with at least three years of active operation in order to be granted accreditation as an observer basically locks out some of the vibrant CSOs operating nationally who fail to meet some of these conditions and have significant contribution to make to the organization. Secondly, participation of the CSOs that have been granted observer status is only limited to making statements on issues of particular concern to them and replying to questions when called upon to do so by the chairperson of a meeting.\footnote{Annex to EAC (2001): Procedure for Granting Observer Status in the East African Community, 2001} The rules of procedure also give the Secretary General and the Chairperson of particular meetings too much power in

determining which organizations to be granted accreditation can participate and the nature of such participation. This therefore means that granting of the observer status does not lead to outright participation in all the affairs of the community because the organization must further seek approval from the Secretary General who is at liberty to accept or decline such requests.

According to a study carried out by EACSOF between the periods of March- May 2014 to assess the CSOs operating Environment in East Africa with a view of improving the political and legal environment in the region revealed that the challenge of weak environmental framework is as a result of a combination of various factors which include:

i. Complex and restrictive legal and regulatory mechanisms governing CSOs operations across the region characterized by several laws with unclear procedures for registrations;

ii. Government interference, harassment and muzzling of CSOs voices particularly on politically sensitive matters; and

iii. Difficult economic conditions that hinder the operational effectiveness of CSOs in the region which has lead to lack of sufficient resource for funding their operational expenses and programs.  

The study further revealed that despite the improvement of democratic space across the East African region, CSOs have had to work under very hostile non-accommodative political environment with situation being constrained by poor relations with governments leading to suspicion and mistrust between them. As result across the region most governments have not

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118 ibid
been very receptive to those CSOs that engage in politically sensitive issues especially human rights violations, corruption while being very accommodative to those supporting the governments programs without questioning the government excesses. In Kenya and the rest of East African Community member states, the media has been the target for exposing scandals such as corruption involving various government department and high ranking government officials with the government responding by coming-up with new media laws to gag them against exposing such crimes.\textsuperscript{119}

Beyond trying to control the CSOs through legal mechanism, governments in Africa have also perfected other ways of infiltrating civil society through various means in order to maintain some control over them.\textsuperscript{120} This includes the creation of states sponsored CSOs to operate alongside others in the Civil sphere\textsuperscript{121}. Secondly co-opting some of the vocal and committed leaders of these organizations in to joining government.\textsuperscript{122}

4.2 INSTITUTIONAL WEAKNESSES

The institutional challenges that have been identified as a major hindrance to CSOs operations are attributed to the following factors:

1. Narrow Focus on NGOs

Civil society sphere is made up of several interest groups who belong to different organizations which may not be necessarily described as non-governmental. Therefore the

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growth of NGOs within the space of civil society has resulted in many actors in this sector concluding that NGOs represents CSOs in general. However this narrow categorizations of CSOs is not an adequate representation to all the actors in this field such as Community Based Organizations (CBOs), Traditional institutions, Youth organizations and Faith based organizations (FBOs).

2. Inadequate Institutional and Technical capacity

Several research studies undertaken in the Civil Society sector revealed that most CSOs suffer from internal weaknesses resulting in poor governance structures. The organizations also lack adequate numbers of staff with relevant knowledge, skills, competencies, methods of advocacy and abilities to enable them function effectively in performing their roles. Also, compounding these challenges is lack of knowledge about regional integration process and how the regional economic communities (RECs) operate which can be attributed to lengthy process of registration and formalizing relations with the CSOs as in the case of granting observer Status to CSOs in the EAC.123

Another challenge related to weak internal structures is lack of internal democracy, transparency and accountability in providing good governance. The lack of internal democracy within these organizations undermines their ability to push for governments to embraced democratic principle as they themselves are not transparent about their activities. Most CSOs are only accountable to their sponsors, trustees, staff, and supporters; however they are less accountable to government institutions and the public who are the beneficiaries of their

activities. As result due to lack of transparency and accountability especially in the management of resources, there has been accusation of corruption leveled against CSOs which tends to weaken their moral right when it comes to the fight against corruption.

3. Weak collaboration among CSOs

Due to their internal weaknesses, collaboration among Civil Society organizations within East Africa and the region at large in order to pursue common objectives is very weak. Even though a network exist such as the East Africa Civil Society Organizations’ Forum (EACSOF) which is the umbrella organizations of CSOs in the East Africa region established under the constitutive act of the EAC to give Civil Society Organizations within East Africa region a voice within the EAC organs and decision making processes, the link between these organizations appears to be weak. The weak link has led to disunity and disagreement among CSOs to the extent that their relationship is now characterized by competition and rivalry over resources especially from donors.

The adversarial relation among CSOs has therefore resulted into poor coordination of their activities and information sharing. Research show that even though these organizations have generated large volumes of information about their work to facilitate peer review and information sharing among various stakeholders. Lack of proper documentation has meant that most of their activities are largely unknown. This is because most CSOs have not embraced the culture of reflection and documentation as their focus is on implementing programs and not documenting the outcome of their programs.


4. **Weak policy negotiation and influencing skills**

For many years it was widely accepted that the role of policy formulation was a preserve of the government institutions. However with the opening up of the political space, CSOs are now actively demanding to be engaged in policy determination process. As a result majority of Civil Society Organizations in the region have been involved in negotiations of various policies, laws, programmes and holding governments accountable on some of their pledges. However it is not easy to ascertain the extent to which their contributions inform or influence public policy making. Due to capacity constraints such as lack of diplomatic skills most interventions that CSOs implement are not structured to influence Policy. Compounding the problem especially in the case of East Africa is that CSOs have very limited space when it comes to engagement with the EAC. The measures put in place by the EAC Secretariat to enhance participation of CSOs in the affairs of the community such as granting of observer status as noted in chapter three are limiting in nature because the rules place higher barrier for accreditation and also limit them on what they can or cannot do.

4.3 **OVER DEPENDENCE ON DONOR FUNDING**

The effectiveness of Civil Society Organizations in implementing their objectives is largely determined by the amount of resources available to them. In Africa the ability of CSOs to mobilize resources locally is generally limited by relatively low levels productivity of Africa economies which makes it difficult for their government or indigenous companies to commit sufficient resources to support CSOs initiatives.

For this reason, majority of CSOs operating in Africa are highly dependent on foreign donors especially the international development agencies or multinational institutions whose
objectives or agenda might not be in line with local initiatives to finance their operations.\textsuperscript{126} This makes CSOs accountable to their financiers rather than the government and local people who are the beneficiaries of their services.\textsuperscript{127} In addition over reliance on external resources has resulted in unhealthy competition over resources since most CSOs organizations are dependent on the same donors.

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CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.0 INTRODUCTION

The purpose of this research was to investigate the role of CSOs in promoting regional integration in Africa using the East Africa Community as a case study (EAC).

Chapter one presents the introduction and background to the study, and highlighting the guiding objectives and reviewing literature on CSO within various regional institutions. Chapter two looks at the conceptual nature of CSOs and regional integration. It outlines the steps for integration and some of the challenges facing the regional organizations. These give foundation to the subsequent chapters.

Chapter three, basically looks at the findings gathered from the case study- the East African Community (EAC), it also looks at the structures that have been put in place for engagement with CSO and how such participatory frameworks have enhance the performance of CSO within the Community. Chapter four looks at the Challenges CSOs encounter within the East Africa Region and how it affects their performance in the integration process. Lastly chapter five being a concluding chapter gives a reflection of the entire study.

5.1 CONCLUSIONS

The role of Civil Society Organization (CSO) in regional integration has increased tremendously over the last decades. Accordingly, the participation of Civil Society Organizations groups in regional integration arrangements has become a common feature in many academic discourses, resulting in a dynamically growing body of knowledge on the subject matter, especially in the social sciences and humanities.
The revised treaty that established the East African Community noted that one of the reasons that led to the collapse of the previous EAC was due to lack of CSO participation in the affairs of the community. Therefore the revised treaty called on the EAC member states to broaden and ensure inclusivity of Civil Society Organizations and citizens who are considered important stake holders in the integration process and the management of the affairs of the community. This is therefore is an acknowledgement that the Civil Society Organizations have a legitimate role play in the integration process.

From the study, the findings reveal that most of the regional groupings have established some kind of institutional framework for CSOs participation. However there is less meaningful stakeholder participation because CSOs participation is limited to lower organs of these organizations for decision making while actual decisions are made by the top leaders and their experts in their formal meetings. The findings also reveal that the CSOs are entitled to present their advisory opinions on critical matters to the organizations which are at liberty to adopt or reject them depending on whether the opinions presented are lined with the views of the decision makers.

The study also shows that effective participation of CSO in the affairs of the Community is hampered by Structural and institutional weakness that exist within EAC framework and also within the CSOs. Within CSOs Framework their participation is hampered by capacities challenges and lack of sufficient funding for them to carry out their functions.
5.2 RECOMMENDATIONS

The success of the integration process within the East African Community largely depend on a strong and vibrant Civil Society Organizations that are able to participate effectively in driving the regional agenda to its ultimate objective that will lead to the formation of a political union. Recently within the East African Region there has been an increase in the number, roles and functions of Civil Society Organizations with a regional focus. As important actors in the East African integration, Civil Society has sought to have an impact and influence decision making processes within the community.

Therefore to ensure effective participation of CSOs in the integration process the members States and their leaders need to reaffirm their commitment as clearly stated in the treaty by creating conducive environment that would enhance and facilitate CSO activities. Towards this end there is need to revisit the legal regulatory framework of the East African Community. The provisions for granting observer status as currently constituted places the barrier so high that only few CSOs are able to meet the minimum requirements as majority of CSOs are locked out. The discretion powers given to the Secretary General and the chairperson of committees in granting permission to Civil Society Organization that have acquired observer status and thereafter participation being limited to making statements on particular issues of concern to them and responding to questions when asked limits participation of CSOs and therefore must be amended to give Civil Society Organizations proper institutional framework to articulate their interests or issues effectively without being gagged. In order to eliminate misinterpretation, confusion and arbitrary applications of these rules by parties concerned it is imperative that Civil society Organizations and other stakeholders participate in re-drafting of
some of provisions an come-up with rules of procedure that are clear and acceptable to all parties.

Most importantly there is need for harmonization of the laws especially those governing the CSOs operations across the region to ensure uniformity when it comes to applications of such laws. It is however important to note that creating of an enabling environment should be a shared responsibility between the Governments from the member states and the CSOs. In this case therefore the government institutions that are responsible for driving the process of integration, Civil Society Organizations and other Stakeholders should participate in coming up with the necessary participatory and institutional framework that would lead to meaningful participation in the integration process by all parties.

To ensure that CSOs perform their role effectively it is imperative that CSOs deal with their own institutional bottle necks that hinder their operations. This should address issues of capacity building such as investing more on staff training in order to impart to them the necessary skills and experience needed for them to carry out their advocacy roles while engaging various stakeholders within the EAC. To ensure that participation of Civil Society Organization in the affairs of the community is meaningful and substantive, the study recommends that there is need for Civil Society Organizations to improve on their networks through strengthening their collaboration and working closely together in various areas such as research and sharing information collected and analyzed. In addition participation should not be limited to CSOs and the government. In line with the treaty provision of ensuring a people centered approach, it is imperative that CSOs push for the amendment of East African Community election laws to allow the citizens to exercise their democratic right by voting directly for their representatives at the East African Legislative Assembly. To further enhance participation of civil society
Organizations the East Africa Community through its Secretariat should publish the community calendar for annual events in order to give the CSOs and other interest groups sufficient time to prepare themselves for such functions.

The East Africa Civil Society Organizations Forum (EASCOF), an umbrella body for CSOs in the East Africa region formed in the year 2007 under the constitutive act of the EAC to give Civil Society Organization a voice within the EAC organs and decision making processes still suffers from legitimacy challenges. Even though the study appreciate that EASCOF is still at its infancy stage, there is need for EASCOF to expand its membership to make it more representative since majority of CSOs are still locked out. It is important to note that the effectiveness of EACSOF in engaging with the community largely depends on the strength, partnership and networks formed by its membership and therefore there is need to undertake reforms in its structures to make it more attractive to its members.

Communication plays a very vital role in the integration process. In this case the EAC Secretary General should move with speed and operationalise the consultative dialogue framework as this will go a long way in improving communication and level of consultation between the Civil Society Organizations and EAC organs.

CSOs organization in Africa are bit confrontational when it comes to dealing with African governments which has led to strained relations between the two groups and this also plays out within the Regional Economic Communities (RECs), therefore in order to have a collaborative and collegial relations CSOs should be trained on diplomacy. The governments on their part should understand that Civil Society Organizations exist to complement their efforts in addressing the developmental challenges that affect the society but not replace them.

CSOs also need to improve on their transparency and accountability in order to strengthen their legitimacy. Currently most CSOs organizations are accountable to their financiers as compared to the citizens who are the beneficiaries of their services. Accountability and transparency to the government will also improve relations and reduce mistrust between the two groups because participation of CSOs at EAC is determined by the governments of member states. To this end the Civil Society Organization need to put in place proper accounting systems of all the funds they receive from their donors and the activities that they engage in should be very clear. In terms of funding for the Civil Society Organizations need to also reduce their dependency on western donors which at times normally come with conditionalities distorting their priorities. As they pursue their financiers agendas the Civil Society Organizations should try mobilizing resources from within their respective countries governments and local companies.

Lastly CSOs also need to take a more proactive role by exploring other avenues of engaging with EAC apart from relying only on the participatory framework already put in place. To this end they should strengthen their engagement with the legislative arm of EAC- the East African Legislative Assembly (EALA) and also consider other forums such as high level meetings like the Investment Conference- EAC forum for Ministers of Social Development; EAC Forum on the Role of Women in Business among others.129

5.3 RECOMMENDATIONS FOR FURTHER STUDIES

The research study is not exhaustive. It has shown that there are other areas that need further investigations in future. The following areas require further investigation:

1. Defining the concept CSO has become challenge as result of diverse number of actors within the Civil Society sphere. In order to put the term ‘Civil Society’ in proper context, there is need for an objective assessment of the concept itself in order to determine which actors to be included and which ones to be excluded when defining the CSOs.\(^{130}\)

2. The effectiveness of Civil Society Participation in the regional integration process in EAC.

3. The roles and levels of awareness of the citizens in the integration process in the EAC.

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