REGIONALISM IN EASTERN AFRICA: LESSONS LEARNT FROM THE DEFUNCT

EAST AFRICAN COMMUNITY

BY

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DECLARATION

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

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This project was submitted for examination with my approval as University Supervisor

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DEDICATION

This work is dedicated to my son Paul. Your constant reminder to complete 'your homework' was an encouragement, and to my daughter, Joyce, for the company, moral and support as I struggled with the project. Most importantly to my wife, Margaret, for your constant support and encouragement.

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ABSTRACT

This study examines the extent at which the revived East African Community institutions have resolved the institutional problems that bedeviled the defunct of East African Community. The study identified the institutional problems of the defunct EAC and draws lessons learnt to help in the formation of the revived one. The study employs both primary and secondary methods of data collection. Primary data was derived from interviews with key informants from government ministries and experts. The informants were purposely selected for their experience and competence in EAC matters. Secondary data was derived from books, journals, statistical year books and government publications. The study employs national interest theory and rational choice theory in examining the formation and functions of the EAC institutions. The study finds that most institutions in the revived EAC are similar to those of the defunct one but with enhanced and more power and functions to overcome the challenges of the latter. The institutions examined in the study include, the Authority, the East African Minister, the five Councils, the East African common market, the East African Legislative Assembly, the court of appeal for East Africa and the Industrial Court of the defunct EAC. The study examines, the Summit, the Council (East African Ministers), the Secretariat, East African Court of Justice, the sectoral and coordination committee, and the EALA. The major problems of the defunct EAC institutions identified were centralization of power by the Authority, failure of the Authority to delegate power to the lower institutions, the lack of consensus of decisions in the Authority due to the small number of Authority membership, failure to involve people in decision making, lack of clear power hierarchy among other institutions except the Authority and dormant courts due to political and technical meddling. The solutions of these problems in the second EAC included, strengthening of the lower level institutions function and increasing their powers and creating other institutions to cope with contemporary challenges. The number of the Summit members was increased to five which avoided the problem of consensus deadlock and its functions reduced or delegated. The Authority now involves and recognizes the role of civil society in regional matters. The study established that the community's economic driving sectors are now monitored by people who are experienced and have competence through sectoral committees. The need to run the community professionally and well was done through the establishment of the secretariat.

ABBREVIATIONS/ACRONYMS

AU	African Union
CET	Common External Tariff
EAA	East African Authority
EAC	East African Community
EACS	East African Common Services
EADB	East African Development Bank
EAHC	East African High Commission
EALA	East African Legislative Assembly
IMF	International Monetary Fund
KNBS	Kenya National Bureau of Statistics
LPA	Lagos Plan of Action
MNCs	Multinational Corporations
NGOs	Nongovernmental Organizations
OAU	Organization of African Unity
PTA	Preferential Trade Area
SADC	South African Development and Coordination Conference

CHAPTER ONE: BACKGROUND TO THE STUDY

1.1 Introduction

Economic integration mechanisms in the African continent have been looked at as stepping stones and building blocks for Africa's development (Clapham, 2001). Indeed, inter-state cooperation has been seen as Africa's solution to the continent's many developmental problems. African leaders have, for a long time, recognized the need for closer ties as a way of overcoming their small economies. The Lagos Plan of Action (LPA) of 1980, the 1986 Special UN Session on Africa and numerous other high level statements and reports on African policy and development strategy have recommended integration mechanisms as the solution to Africa's many developmental problems (Ndulo, 1992).

Regional economic organizations have also been seen as necessary stepping stones for the formation of the wider African unity or an African Economic Community. In the face of globalization, regionalism, especially regional economic integration, has been recommended both as a mechanism for overcoming the negative effects of globalization as well as an instrument of accessing the benefits of globalization. In view of Africa's weak states, cooperation at a regional level is accepted as a mechanism of increasing Africa's ability to resist the effects of globalization.

The above notwithstanding, the history of regionalism in Africa remains one of failure, dysfunction and duplicity. In the words of Anyang' Nyong'o, regionalism in Africa remains an "unfinished Agenda" (Nyong'o, 1990). Despite the proliferation of regional

and sub-regional economic organizations, cooperation (as measured in terms of inter-state interaction and increased trade) has not expanded in any meaningful way. Although numerous efforts have been made in Africa towards regional integration; such efforts have not brought about any tangible results. This notwithstanding, regionalism still retains a strong symbolic appeal for African leaders (Ravenhill, 1985).

Most African countries gained independence at a time when enthusiasm for regional integration reached its peak, where integration was viewed as a collective good—a goal to be pursued for its own sake. Regionalism was often treated as if it would be a *dues ex machina*, bringing immediate solutions to Africa's many development needs (Ravenhil, 1985). From the beginning African leaders behaved as if they did not need to do much for regional economic integration to succeed. To them the mere belonging to a regional economic organization was sufficient enough to guarantee results.

The low levels of development and small domestic markets in Africa have been the impetus for regional integration, yet the limited possibilities for intra-regional trade simply do not provide a good basis for integration. There exists a disturbing gap between aspirations and achievements within the efforts of integration thus African countries have not been able to achieve much of the aspirations that informed the formation of these organizations.

The formation of the defunct/ old East African Community in 1967 came with a lot of expectations, yet it did not improve cooperation despite its ten years of existence.

Disagreements among the member states, institutional problems and ideology related differences prevented the Community from achieving many of its goals and significantly contributed to its collapse in 1977.

Convinced that regionalism still holds the key to the region's development needs, a new East Africa Community (EAC) was established in 1999, on the ashes of the defunct/old Community. Although the international system has changed from the cold war based bi-polar system of the 1960's when the first EAC was established, to a new multi-polar international system, promising as it is, does not seem to have provided the magic bullet for regional economic cooperation or for development in Africa. The new regional and sub-regional organizations inherited most problems that inflicted the older organizations in addition to new challenges. As a result they have not achieved the objectives for which they were established. The new EAC has not been an exception. Despite the post-cold war period being less ideologically polarizing, and despite East African leaders relating much better because of an improved political stability in the region, integration does not seem to have improved.

1.2 Statement of the Problem

For the ten years that the old East African Community (EAC) had been in existence, it was bedeviled by many problems ranging from ideological, institutional, economic and irreconcilable differences and personality conflicts among the Community's leaders. Different scholars attributed the collapse of the old EAC to either one or a combination of factors. The major reasons for the collapse of the old EAC can be grouped into three. The

first one revolved around institutional problems (Ojo et al, 1985; Hazelwood, 1985; Adar & Ngunyi, 1986); the second around resources and problems of resource distribution (Onwuka, 1985); while the third revolved around ideological and personality differences especially among the leaders of the three states that partnered in the old EAC (Adar & Ngunyi, 1886). The Community eventually collapsed in 1977 after these problems proved irreconcilable. The collapse, nevertheless, did not kill the determination by East African leaders for a regional economic mechanism.

After almost two decades of painstaking attempts to resolve the problems associated with the conflicts over the amicable distribution of the Community property, the East African leaders agreed to revive the Community and design the new one in a manner that either resolves or avoids the problems of the first Community. The assumption was that the East African leaders had recognized, and were willing to resolve, the problems and disagreements that had led to the collapse of the first Community. However, the reality is that the challenges of the past seem to have persisted. The study therefore seeks to establish the extent to which the revived /new EAC has addressed the institutional problems that had contributed to the collapse of the old EAC.

1.3 Objective of the Study

This study sought to establish the extent to which the revived/new EAC institutions have addressed the problems that led to the collapse of the old EAC in 1977.

1.4 Research Question

To what extent has the revived/new EAC addressed the institutional problems that led to the collapse of the old EAC?

1.5 Justification of the Study

This study has two justifications; a policy and academic justifications. Policy wise the study will equip policy makers and politicians in Kenya and the whole of East Africa with insights into the problems facing the integration scheme and offer them possible ways of dealing with the emerging and persisting challenges among member states with a view of finding a solution that would help cement the East African Community. The analysis will shed light upon issues that influence commitment to Regionalism in Africa and therefore valuable information will be provided that would be useful for reference in policy making.

Academically, the study contributes to knowledge on regionalism in Africa with the unique challenges that face it. Our focus is on institutional adjustments, to be able to deal with the emerging conflicts and other issues that threaten these regional organizations and to explore possible ways to deal with unequal resource distribution within Regional organizations.

1.6 Scope and Limitations of the Study

Owing to resource and time related constraints, the study was confined to examining one important aspect of the old EAC that led to its collapse, namely: institutional problems

and the extent to which these problems have been addressed in the new East Africa Community. Although the study recognizes that other factors did contribute to the collapse, this study, will only examine the one stated factor because this is one of the major factor named by most scholars to have played the key role in the collapse of the old EAC. While the study acknowledges the expansion of the new EAC to five, it will only be concerned with the original three member states. This is informed by the fact that the study attempts to make a comparison between the said member states who were the only members of the old EAC. Further, Rwanda and Burundi joined the EAC in 2005 and as such their contribution and effect may not have been significant as to affect the momentum of the Community. The period under study is from 1967 to the year 2010 based on availability of data and records.

1.7 Definition of Key Concepts

Regionalism

This study will adopt Khadiagala's, (2008) definition of regionalism as a process of building multilateral institutions to enhance, political, security, and economic interactions among states. To compliment this definition the study incorporates (Nye, 1968) earliest conceptualization of regionalism as the formation of interstate associations or groupings on the basis of a region. This occurs when the basis of integration is at the regional or sub-regional level. This regionalism refers to the process of integration at regional or sub-regional level.

Integration

It is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new and larger center, whose institutions demand a jurisdiction over pre-existing national states (Haas, 1958). The main underlying assumption in integration is that, it is in the best interest of nation states, not only to exist individually, but also collectively whereby the interests of individual states can be harmonized in the process to create acceptable whole within the diversified interests of the same nation states (Nye, 1968).

1.8 Literature Review

1.8.1 The Collapse of the EAC: An Overview

This study seeks to examine the extent to which the new EAC institutions have resolved the problems that led to the collapse of the old EAC. The literature that is reviewed here pertains to the collapsed/old EAC and its subsequent revival. We will analyze the literature from three broad categories that explain the collapse of the old EAC. They include; ideological and personality differences, institutional dysfunctions of the old East Africa Community and disagreement over distribution of community benefits which were central to the demise of the community.

1.8.2 Ideological and Personality Differences

Examining the collapse of the EAC, Adar and Ngunyi (1985) identify what they consider the five factors responsible for the collapse of EAC. They include, ideological differences, the uneven levels of development among the EAC members, political trends

in Uganda, the lack of political commitment to the scheme, and the fragility of the EAC Authority (Adar & Ngunyi, 1985). A careful look at the above shows that none of the factors alone accounts for the collapse of the scheme. A combination of these factors and several others probably explain this collapse best. Secondly, looking at other regional mechanisms no countries in any regional grouping will have the same levels of economic development or exhibit the same levels of commitment to the regional organization. This therefore leaves ideological differences as one of the major causes of the demise of the old EAC.

While ideology is cited as the cause of collapse of the old EAC, in ECOWAS where there existed different ideologies pursued by Guinea and Nigeria with socialism and capitalism for the later, trade volume increased not decreased (Senghor, 1987). This West African case illustrates how trade can thrive irrespective of the national ideology pursued by member states. This study acknowledges that there is a convergence of ideology among EAC partner states.

Ajulu (2003) argues that despite having the most successful regional organization in the continent, the EAC collapsed because of three reasons: ideological differences between the three political leaders; the perceived dominance of Kenya's economy within the East African region and political instability created by the military coup in Uganda in 1971. To Baregu (2003), the EAC collapsed because of the leaders' pursuit of narrow national self-interests, divergent ideologies and parochial sovereignty.

Nyong'o (1990) and Mutere (1996) have argued that personal and ideological differences of the three East African Leaders precipitated the collapse of the EAC. These ideological differences were a reflection of the different political and economic paths the East African partners had chosen to follow to advance their national interests. Tanzania chose a socialist path while Uganda, though not committed to socialism, pursued a policy couched in socialist rhetoric in the name of the 'Move to the Left' and the Common Man's Charter. This was made worse by what was happening in the region.

As Adar and Ngunyi argue, ideological rift between Kenya and Tanzania widened in mid-1960s and early 1970s as a result of alarming leftist developments that were taking place in Uganda, Somalia and Sudan. Kenya feared being encircled by a "socialist circuit" in East Africa that would isolate it in the region. Kenya's only hope in the event of such encirclement was that her economic axis with Uganda which would keep the growing Tanzanian socialist ideological axis in check. This would ensure that her dominance in the region was un-interfered with by ideology (Adar & Ngunyi, 1986). Kenya embraced free market capitalism contained in the Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning in Kenya. The different political philosophies and economic policies came into conflict with one another making cooperation quite hard.

Similar arguments have been made by Ojo, Utete and Adar (1985) who point out that ideological difference among the three East African leaders created an atmosphere of hostility between and among them. This was especially true for Kenya and Tanzania that

pursued different modes of production and social organization which led the two countries into different directions both economically and politically. This was shown in the way the two countries viewed one another – the socialists in Tanzania viewed Kenya as "a man eat man society," while capitalist leaders in Kenya viewed Tanzania as a "man eat nothing" society. This was especially so after the 1967 Arusha Declaration in which Tanzania fully committed itself to a socialist orientation.

Earlier on in 1965, Kenya had, through the Sessional Paper no. 10 of 1965, committed itself to a capitalist orientation. After the Arusha Declaration, Uganda started flirting with socialism as well, and from 1968 started her 'Move to the Left' and 'the Common Man's Charter', which were of socialist leaning. This was complicated by the fact that Tanzania was committed to an economic ideology that involved nationalization to establish public ownership of the means of production and distribution. The divergent ideological leanings between Kenya and Tanzania had an adverse effect on the EAC. For example the common market was greatly affected by Tanzania's decision to nationalize its state corporations and other private businesses. The Treaty for the East African Community had created *a laissez faire* common market whose advantage hinged on free trade. Tanzania's introduction of socialism and nationalization therefore went against the intentions of the Community making its operation hard.

According to Lodompui (2010), what was happening in Uganda especially in the post 1971 period is quite important to the understanding of the collapse of the EAC. Different Ugandan leaders pursued different economic policies at different times within a single

framework of the community. For example, at the time of Obote 1, the rhetoric emphasis was one of socialism particularly after 1969 when Uganda adopted the Common Man's Charter, and the Move to the Left, a move that saw Obote's friendship with Nyerere solidify. After the coup, Uganda witnessed a change in its economic orientation. Due to divergent economic policies, the maintenance of the Community as a framework designed to promote and harmonize a particular economic policy position was therefore bound to fail (Adar & Ngunyi, 1992). This, as noted by Kiggundu (1980) contributed to the breakdown of understanding and bilateral relations. While Tanzania took a firm stand against Amin's takeover of power in Uganda, Kenya vacillated over the matter increasing tension between Uganda and Tanzania.

According to Hazlewood (1985), Amin's coup was a big blow to the survival of the EAC in that apart from his buffoonery behavior, he became Nyerere's enemy mainly for overthrowing his ideological friend. Amin's seizure of power was not acceptable to Nyerere's, which meant that the East African presidents could not meet as long as Amin was in power in Uganda. The deteriorating political climate caused by the Amin coup made it difficult to resolve the problems which existed in the Community. It also prevented the leaders from meeting to review the functioning of the Community. After the Amin coup in Uganda the Community's tripartite structure disappeared and hence the usual business was conducted by obtaining agreements of the member states individually (Hazlewood, 1985).

Hazlewood and Gordon (1984) blame the collapse of the EAC on the centralization of power within the East African Authority, the highest decision making body. This meant that the East African Presidents had a greater say over the functions of the community than any other group. As observed by Gimode (1996), it was this concentration of powers within the EAC Authority that strained relations among the heads of state in the EAC. According to Lodompui (2010) the collapse of the EAC was as a result of Tanzania's pursuit of national interest. Tanzania pursued two national interest objectives or goals, one through EAC, the other through the South African Development Coordination Conference (SADCC). The first goal was aimed at expanding Tanzania's trade links within the East African region to maximize the gains from the region by developing close relations with the two partner states of Uganda and Kenya. The second goal that Tanzania pursued was the campaign against colonialism in the Southern African region (Lodompui, 2010).

Lodompui further argues that despite the ideological differences between Kenya and Tanzanian, the Community would have been held together as long as Uganda was ideologically aligned to Tanzania. This is because, although Kenya was a more dominant power in the region, Nyerere had enticed Uganda's Obote to his side which, together with Tanzania's position would have balanced Kenya's dominance. It was the overthrow of Obote, Nyerere's friend, which was responsible for the collapse of the EAC (Lodompui, 2010).

From the above literature, it is clear that ideological differences among the leaders of the EAC were important factor in explaining the collapse of the EAC in 1977. But, gone are the days of ideological differences of the first three decades of independence. The ideological convergence has provided the environment in which the revival and continued existence of the Community have been made possible. According to Ajulu (2005) the widespread conversion to neoliberal/free market economic policies in the three partner states has ensured greater harmony in the region, both economically and politically.

1.8.3 Institutional Dysfunctions of the Old EAC

The manner in which the institutions of the defunct/old EAC were established, their powers, power relations and their functions played an important role towards its demise. Hazlewood and Gordon (1984) argue that the structures of the EAC were either complicated or dysfunctional and were unable to resolve the many problems that faced the community. Both authors argue that the collapse of the EAC was mainly as a result of institutional problems revolving around centralization of power within the East African Authority, which led to the personalization of community functions.

First, the executive at the national level was problematic; the East African Presidents were not democratically elected and did not involve their people in matters of the community. This meant that when the East African leaders disagreed the community suffered. The failure to involve the people either directly or through NGOs and Civil society meant that there was no mechanism for continuing the Community (Jonyo, 2003).

Bilancia (2009) examined the European Union institutions by analyzing the interplay between national and regional parliaments in furthering integration in Europe. Regional and national parliaments play an important role in the integration process giving it legitimacy. In the old and new EAC, the role of regional and national assemblies has been very minimal.

Mutere (1996) points out that East African regional institutions could hardly play a dynamic and mediatory role in harmonizing partner states' national interests. The composition of the East African Authority, the supreme decision making body, was unfortunate because it comprised of the three presidents which increased the danger of transforming personal rivalries into the community.

Ojo, *et al* (1985), looked at institutional problems that led to the demise of the EAC and pointed out that, despite the problems caused by military interventions in politics, there was no mechanism to deal with the issue of military coups or the usurpation of power in the region. According to the Adar and Ngunyi (1986), the absence of a dispute resolution mechanism in the East African charter for either repudiating or denying recognition to military governments was responsible for the collapse of the EAC. This is because the established institutions especially the Authority were not capable of dealing with such serious problems as a military coup and other emerging issues.

After Milton Obote was overthrown and Idi Amin came to power in Uganda, relations between Tanzania and Uganda altered significantly. Trade was affected and the entire

EAC configuration was changed. The Nyerere-Amin "fallout" resulted in the slow disintegration that was caused by a failure of the authority to meet. Nyerere's refusal to talk to or be in the same meeting with Amin, meant that the Authority, the community's highest decision making body, could not meet. Given the composition of the Authority any disagreements between two members could completely hamper its functions (Lodompui, 2010).

Hazlewood points to the excessive powers granted to the Authority despite its dysfunctions. He argues that the power given to the Authority by the Treaty resulted in the personalization of the functions of the Community based on a cumbersome rotational basis where every head of state chaired meetings every two years. The East African Legislative Council was therefore negatively affected as the body charged with responsibility of carrying out activities of the community. In the end, with a dysfunctional Authority, the Community was compromised (Hazlewood, 1979).

Other scholars (Kariuki, 2008; Nyirabu, 2002; Terlinden, 2004; Lodompui, 2010) have argued that the collapse of the EAC was the result of internal institutional inadequacies. It has been pointed out that the authority did not create a mechanism or body that was to regulate power relations within the community. Having been formed at a time when the African countries had just gained their independence, each leader was jealous about his power that none wanted or was prepared to share it with any other. Thus the East African leaders especially within the Authority were not ready to share their political power, both at the regional level and at the national level.

Internal problems among the Authority members were pronounced more after 1971 when Amin toppled Obote's first government. Nyerere was the most hurt because he supported Obote's government. To Nyerere, Amin's coming to power was an act of treason to African progress, African freedom and the spirit of EAC. For this reason, Nyerere refused to meet Amin and failed to attend meetings of the Authority. Since decisions of the Authority were made by consensus Nyerere's failure to attend Authority meetings crumbled the functions of the Authority and the community in general. The dysfunctional state of the Authority meant that the secretariat could only take decisions with the consent of the members of the Authority sought individually. Secondly, since consensus on many issues could not be reached, many vital decisions were assumed to be of no harm and whenever they came up, they were postponed. The community collapsed in mid-1977 after the 1977–78 budget was not approved by the member states.

Makinda (1983), Mohiddin (1981) and Langton & Geofrey (1976) argue that, the problem with the Authority of heads of state was that it did not find cooperation between the partner states on a firm footing of mutual advantage. The EAC did not set up a formal structure for administering community institutions and providing the necessary measures to achieve an acceptable distribution of the benefits of cooperation between the states. According to Hazlewood the EAC, Treaty established a complicated institutional structure to administer and control the Community. In addition to the secretariat, there were a number of councils at which discussions took place between representatives of the partner states and an East Africa Minister and Assistant Ministers for each partner state.

Ultimate control of the EAC, however, rested with the Authority composed of the three Presidents. The other institutions could only play a subordinate role (Hazlewood, 1985). Another important problem of the Authority was that right from the beginning during the first few years of existence the Authority seemed to deprive lower level institutions in the administration of the Community of initiative and of willingness to seek solutions to issues between the partner states (Kariuki, 2008). The rigid structure of control of the community encouraged the pursuit of national interests and discouraged compromise. It was assumed that the mere existence of the Authority would always ensure that agreements were reached. In the first three years of the Community's existence agreement was reached albeit with difficulties (Mutere, 1996). If the system encouraged compromise at lower level of Ministerial rather than Presidential and among other officials it would have made the relations among the partner states less crisis-prone and the Community cooperation machinery would have run smoothly (Kyengo, 2006).

The Secretary General (and the Secretariat) had too limited powers since all decisions required specific agreement of the partner states. At the signing of the Treaty, the partner states were not willing to delegate power to the Secretariat or any other Community organ (Onwuka & Sessay, 1985).

1.8.4 Disagreement over the Distribution of Community Benefits

A major factor explaining the collapse of the old EAC revolved around disagreements over resources and resource distribution, much of which related to trade and the benefits thereof. Trade in the EAC was mainly in manufactured and semi-manufactured products,

which favored Kenya which had a more developed industrial sector. As a result, Kenya controlled a substantial part of intra-EAC trade and was perceived to benefit more than her two partners. The dominance of foreign firms was particularly of concern to Tanzania was afraid of MNC's in Kenya's economy.

Arguing along the same lines, Nellis blames the collapse of the EAC on the role played by Multinational Corporations (MNC) in Kenya. Socialist Tanzania felt that by importing from Kenya, Tanzania was allowing herself to be exploited and that the massive capital inflow from foreign investors into Kenya ended up alienating the other partners in the EAC (Nellis, 1979). Disagreements over the Community benefits therefore presented the last straw to the political acrimony that characterized relations between Kenya and Tanzania in the pre-1977 period.

The levels of development among the member states of the scheme were asymmetrical and efforts were not made to correct it. As a result for every US $ 3 worth of trade, US$1 went to Kenya as trade surplus. This is what Balassa (1965) calls 'back wash effects' where gains from cooperation are concentrated in only one member state, instead of the "spread effect". Langdon and Godfrey (1976) attributed the failure of the East African cooperation to 'enya's failure to share her wealth equitably.

Baregu identified at least four types of rationales or imperatives that lie behind the formation and sustenance of regional integration schemes. They are affection, gain, threat and power. To Baregu (2005), all the fore mentioned factors create the impetus and give

rise to the drive and yearning for integration among members. The extent to which the imperative exerts itself upon ones existence determine whether it is a choice imperative or a necessity imperative. The affection imperative is emotive and it refers to situation where countries come into integration arrangement out of their commonality and have a lot in common and feel some bonds of affection. It is argued that the East African countries are connected by a common language, a common colonial inheritance and cross border affinities among ethnic groups making regional integration to follow automatically.

Gain as an imperative is the most celebrated and is held responsible for both initiation and sustenance of regional integration schemes. Most integration schemes are largely preoccupied with the economic welfare gains from trade within the block or without. Unequal gains distribution among members of the bloc is held as a potential source of discontent, except, perhaps, if the cost of non-integration is perceived to be too high. Shared perception of threat and the quest for collective security and protection is, perhaps the strongest incentive towards integration. This is often rising from two distinct situations. One is where two or more countries find themselves locked in a mutually threatening relationship and have to reach a compromise for peaceful coexistence. The other is when there exists a perception of a common external threat in which countries come together to enhance capacity to defend themselves. Power as an imperative refers to a regional hegemony forcing the neighborhood into integration arrangement. This is commonly done through military intervention, or regime change to install a compliant leadership. An Hegemonic integration involves not only the existence of a relatively

more powerful country in the region but also the capacity on the part of that country to meet costs of hegemony by offering incentives for members to stay and imposing sanctions on those who want to stay away. No state in East Africa that can muster the resources to pay the costs of maintaining a stable hegemonic arrangement (Baregu, 2005).

The integration of states which are at different levels of development tends to concentrate development in the already most-developed ones, resulting in unequal cooperation benefits distribution. Measures to achieve an acceptable distribution could not be achieved in an unregulated common market. The Treaty dealt with this matter partly in a chapter entitled, 'Measures to promote balanced industrial development' which provided for the transfer tax and the East Africa Development Bank (EADB). Hazlewood (1986) questioned the EADB effectiveness as an equalizing device because of its limited scale of activities. Its role as a bank was to act as a catalyst for complementary industrial development rather than to undertake major part of industrial investment itself. The projects that the bank invested in (textiles, paper, tyres, and cement) were not particularly relevant to making the economies of partner states more complementary were a duplication (Hazlewood, 1986).

Hazlewood (1979) further argues that the failure to foster closer cooperation was highly influenced by the stiff competition between the highway transport and the railways in Kenya. The growth of road transport in Kenya was to the benefit of private businesses in Kenya at the expense of the jointly owned public railway. Competition between road and

railway was a cause of tension. Large transport trucks, investments in vehicles for carriage of petroleum products had been made by private interests in Kenya competing with the railway. Public owned pipeline from Mombasa to Nairobi to carry petroleum products displaced both road and railway transport.

To Onwuka and Sessay (1985), this competition soured relationship between Kenya and Tanzania forcing Tanzania to close her border to Kenya's heavy vehicles, even before the general border had closed. Ngunyi (1995) argues that the EAC collapsed in 1977 under emotional circumstances, since only halfhearted attempts were made to steer the Community clear from collapse. In particular, Kenya did very little to stop the demise even though it seemed to be the major beneficiary. The Community bureaucrats, majority of who were Kenyans, accelerated its collapse by their indifference and sometimes their work of sabotage.

1.8.5 Literature Review Summary

The above literature has reviewed materials on the collapse of the old EAC and has demonstrated that ideological and personality differences among the leaders of the three East African countries were to blame for the collapse of the community. The literature has also shown that institutional problems and disputes over resources and distribution of Community benefits also contributed to its collapse. With the revival of the EAC, there is need to establish how the problems that bedeviled the old EAC have been resolved within the new one.

1.9 Theoretical Framework

This project utilizes Rational Choice Theory and National Interest Theory in examining how member states have responded in addressing issues surrounding the establishment and functioning of the EAC regional institutions. These theories complement each other in explaining the powers and functions granted to the institutions of the new EAC with lessons from the old ones.

1.9.1 Rational Choice Theory

Rational Choice is a theory used by social scientists to understand human behavior. It begins with consideration of the choice behavior of one or more individual decision-making units which can be an individual or a collectivity of individuals identified as one unit. The basic idea behind Rational Choice Theory is that an actor does his or her best under prevailing circumstances. Rational Choice analysis generally begins with the premise that some agent, or group of agents, in this case, the states in EAC are maximizing utility in choosing alternatives between existence of EAC and none at all. Another element of the theory is that, choice process is in the presence of constraints. In the case of EAC, constraints are negative effects occasioned by the experience of the old EAC which resulted to lose of benefits. The presence of constraints makes choice necessary, another virtue of rational choice theory is that it makes the trade-offs between alternative choices very explicit. Member states in EAC are confronted with options of gains accrued from the community if strong institutions run the community and losses as earlier witnessed in the old EAC when weak institutions ran the community to collapse. A third element of rational choice analysis involves assumptions about the environment

in which choices are made. In this case, circumstances under which the old and new EAC operated are completely different. For example, the old EAC was in an era of two competing ideologies of capitalism and socialism while the new EAC is an era of free market economy after capitalism overwhelmed socialism at global level.

The fourth assumption of rational choice analysis is that choices of different agents are made consistent with one another. This is as observed when a decision made by a member state is consistence with what the other member does. This study will utilize rational choice theory and National interest theory in explaining the new EAC institutions roles and functions to enhance integration.

1.9.2 National Interest Theory

National Interest Theory is based on a realist school of thought traced to Niccolo Machiavelli's *The Prince* (1514) and Hans Morgenthau's *Politics among Nations* among others (Morgenthau, 1948). It is based on a premise that a state's ambition overrides all other interests at the international arena. These ambitions can be either economic, military or cultural which are relevant to the state's survival. This theory explains the behavior of the states at the international level and irrespective of the outcomes provided it acts in the best interest of state's survival. The theory will be used to examine the role of national interests in shaping the functions and allocation of power to different EAC institutions. In addition, the theory will be used in analysing how member states comply with implementation of specific provision of the treaties when directed by the community institutions/organs.

1.10 Hypothesis

One hypothesis has been generated to correspond with the objective of the study, that—

the institutions of the revived EAC have addressed the institutional problems that devilled

the defunct community.

1.11 Methodology

This section discusses the methodology of the study, the methods of data collection and

data analysis. The study relies on both primary and secondary sources of data. Secondary

data was obtained using desk research and library research while primary data was

collected using key informant interviews.

Being one of the oldest integration mechanisms in Africa, the defunct EAC and,

especially the factors that led to its collapse in 1977, have been extensively studied.

Therefore this study relied mostly on secondary data. In particular, secondary sources

such as books, journals and journal articles, government publications and other

publications by the EAC (first and second), Statistical Year Books and other published

government and nongovernmental documents were used. The study also made use of the

East Africa Magazine known as 'Jumuiya', online publications (e-journals) and other

unpublished conference/workshop papers as well as academic articles.

Primary data was obtained from the annual reports and evaluations kept by the East

African community secretariat and copied to co-coordinating ministries of each member.

In Kenya, the Ministry of East African Community coordinates the East African

Community Affairs. The Ministry Library and other Libraries were utilized to provide the reports. In addition, interviews with EAC community ministry employees, experts and interest groups were conducted. The interviewees were purposely selected from experts and those who have knowledge of the EAC. In total, two former EALA MP's, two border immigration officials and two NGO experts were interviewed.

CHAPTER TWO: THE EAST AFRICAN COMMUNITY: AN INSTITUTIONAL OVERVIEW

2.1 Introduction

The objective of this chapter is to discuss the historical background and the progressive growth and development of integration institutions in East Africa. The chapter traces the origin of formal integration process to colonial period. The chapter argues that the colonial integration was necessitated by need of the colonial masters to exploit the region's resources. Most of the institutions created during colonial period were successful because their aim and goal was to enhance gain. The executive powers of these institutions was vested upon the governors who reported to their masters abroad and therefore these colonial institutions were effective as power was vested on these lower level institution. After independence, the community was left to the heads of states and government of the three partner states. Surprisingly, the integration process that had been successful during the colonial time started to slow down and to some extend disintegrating. Some of the structures that were successful during the colonial period collapsed and serious disputes among the presidents emerged which brought up the need for renegotiation which led to the formation of the old EAC. The old EAC formed institutions that concentrated power at the top (at the presidential) level and their basic rationale for integration was affection with little consideration of gain as an imperative. The institutions of the old EAC failed to hold it together for long and it lasted for ten years and collapsed. The new EAC was formed from the ashes of the collapsed one and created institutions that were similar but able to resolve the institutional problems of the

old one. This chapter therefore examines and explains the functions of each key institutions formed as the integration process continued.

2.2 The Colonial Years (1901-1961)

The construction of Kenya - Uganda railway marked the formal economic and social integration in East Africa (Rothschild, 1968). This colonial integration was essentially driven by economic considerations. Several institutions marked the first East African union, these included, the customs collection centre of 1901 which was established at the Mombasa port to enable the colonialists collect taxes on imports to the region and the East African Currency Board (1905) which monitored and regulated use of currency in the region. To enhance tax collection in the region the East Africa Custom Union was created to replace the customs collection centre in 1919. The mandate of this institution was increased to collect both import and other taxes as may be advised by the governor.

In 1924, the Orms-Gore Commission was set to consider the viability of establishing a unified policy for the three East African states in their quest to integrate. The commission recommended, inter-alia, the establishment of a mechanism for research coordination, the establishment of a customs union of East African countries, and harmonisation of commercial laws. The governors of the colonies were charged with the responsibility of designing the modalities of the union (Delupis, 1970). At this time, the issue of federation of the colonies did not constitute the focus of the discussions by this commission but its feasibility remained a contentious issue among the members of the commission who included governors of the three East African states, and governors of Nyasaland

(Malawi), Northern Rhodesia (Zambia), Zanzibar and the civil secretary of the Sudan (Frank, 1964). Kenya's governor, sir Edward Griggs, assured his counterparts (at this commission meeting) that Kenya being the centre of the settlers would be ready to establish a federal capital in Nairobi. The settlers in Kenya readily supported this idea. They saw this as a means of 'reducing British influence in East Africa in their favour' (Lineberry, 1964).

Although most of the white settlers supported the federation idea, it did not go without challenge. The Kabaka of Buganda and his Lukiko (legislature) feared that such ties with Kenya and Tanzania would jeopardise their special position under the 1900 Agreement with the British and would subject their people to the predatory designs of the white settlers in Kenya. The idea was also opposed by the governor of Tanganyika fearing that his authority would be considerably reduced by the federation. The Africans were also opposed to the idea of federation as well (Lineberry, 1964).

In 1926, the East African Governors Conference comprising of the governors of Kenya, Uganda, and Tanzania was formed. This was a meeting of governors of the region and formed a forum in which all administrative matters of the region were discussed. The governors' functions were policy directions, legislative and executive directions in the region. The governor's conference coordinated the work of the Hilton-Young commission of 1928 which was tasked by the British government to establish the viability of integrating the region. The findings of this commission, in 1928 - 1929 weakened any formation of a federation of the colony by concluding that time was not

ripe for any change towards establishment of a federation. This commission's recommendations laid the foundations for formation and institutionalisation of East African common services.

East African economic council was formed in 1940 and comprised of the East African governors and discussed economic and fiscal matters. It recommended and formed the East African Income Tax Board. The East African Income Tax Board was formed in 1940 and before its formation, the colonial government was collecting the import duty mainly with little collection of income tax which had been introduced in 1937 in Kenya and extended to Tanzania and Zanzibar in 1940. This new institution was formed to streamline and enhance collection of income taxation and other taxes in the region. This institution worked and reported to the East African Council.

2.3 The East African High Commission (1947)

An organisational framework for managing common services was agreed upon in 1947 with the establishment of the East African High Commission (EAHC) made up of governors of the three East African colonies in 1947. At once, the EAHC enacted laws putting into operation the East African railways and harbours, the East African post and telegraph, the mechanism for revenue allocation, the East African income tax management and the Makerere College. The EAHC's main organs were the High Commission and the central Legislative Assembly. As the executive body, the High commission was given power to legislate upon the advice and consent of the Assembly and if this were expedient in the interest of the public order, public faith and good

governance (Dephlus, 1970). The high commission also had powers to enact laws with the advice and consent of the three territorial legislatures. The central legislative assembly consisted of 28 members, seven ex official members (officers in the High Commission), three nominated members (one from each territory), thirteen unofficial members of the legislative council of each territory, one Indian and one African from each territory appointed by governor of each territory, and one Arab member appointed by the High Commission. With respect to the two organs the High Commission remained the supreme organ of the colonial organisation. The role of the Legislative Assembly was centred on the consideration of the East African legislation (on certain topics) before it became law by assent of the High Commission. These laws were enforced within the three territories (Adar & Ngunyi, 1986). In 1960, the Raisman Commission was appointed to study the activities of the EAHC. It recommended among other things that the EAHC should have its own revenue independent of its territories (Leys & Robson, 1965). The report also recommended equitable distribution of profits within East Africa through a formula which was designed in favour of Uganda and Tanganyika in consideration of the fact that Kenya enjoyed an unfair advantage over the two.

2.4 The East African Common Services Board (1961)

Since Tanganyika was to become independent in 1961, the EAHC of governors was disbanded and in its place a new organisation – the East African Common Services Organisation (EACSO) was created. This was done to change the view that the independence leaders are continuing with colonial institutions which were assumed to be oppressive. The EACSO was seen as a fore-runner of a federation of East Africa. This

view was mainly held in independent Tanganyika (Adar, 1981). At the time the East African countries acquired their independence, external trade, fiscal and monetary policy, the transport and communications infrastructure, and the university were all operated within the framework of the EACSO (Sagal, 1979).

The EACSO comprised mainly of the East African Authority, the Central Legislative Assembly, the Triumvirates, and the Court of Appeal for Eastern Africa. The East African authority initially consisting of the president of Tanganyika and the governors of Uganda and Kenya carried out its decisions on a unanimous basis (Nye, 1963). After the independence of Uganda and Kenya it was composed of the presidents of the three East African leaders. For purposes of legislative functions the Central Legislative Assembly was the central organ. The Triumvirate, comprising of five ministerial committees, was to assist the Authority in various fields. What is important to note is that the EACSO constitution gave more powers to the three governments and not to the British. This practice was maintained after the independence of the three East African countries and tended to perpetuate a national as opposed to regional (East African) orientation in the management of the organisation (Leys and Robison, 1965).

By 1961, a deliberate attempt to achieve economic integration of the common services was witnessed in East Africa. It was observed that the East African states had overtaken the older African states and had achieved one of the main objectives of Pan-African nationalism (Hughes, 1965). Capitalising on the existing economic cooperation, President Nyerere of Tanganyika, Prime Minister Kenyatta of Kenya, and Prime Minister Obote of

Uganda declared in June, 1963: "We the leaders of the people and governments of East Africa assembled in Nairobi on 5th June 1963, pledge ourselves to the political federation of East Africa". This pledge for the East African integration was based on the spirit of Pan-Africanism.

The declaration by the three East African leaders of their intention to move towards the process of federation triggered animated debate within their individual countries. However, what appeared at the time was a gradual erosion of the possibilities of federation. At this time Uganda through it parliament was reluctant to accept federation. Even though both Kenya and Tanzanian legislatures were calling for immediate federation at this time, Kenyan legislators changed their position soon after, when they realised that Uganda was not ready to federate (East African Standard, 1964). The anticipated federation failed to materialise even though there were serious negotiations to establish an East African federation. At this time the EACSO was dogged with several disputes that made it to disintegrate over time. In June 1965, the dissolution of the East African currency was announced and was to be replaced with national central banks and currencies. The East African navy had earlier been broken up in 1961 and following the withdrawal of Uganda in 1963 from the East African Tourist and Travel Association, the tourism sector had weakened. By 1965, the common market faced throes of death as Tanzania threatened to withdraw. Interestingly, Uganda's and Tanzania's economies were growing faster than that of Kenya but accused Kenya of getting disproportionate share of benefits on account of its inter-territorial trade surpluses and its industrial expansion (Ojo, et al, 1985).

The East African leaders who formed the executive of the EACSO made attempts through meetings to resolve the dispute over resource distribution. An ad-hoc arrangement drawn up after meetings in Kampala and Mbale failed to save the situation. The Kampala - Mbale agreements provided that certain industries such as tyre, bicycle parts and fertiliser manufacture be exclusively located in Tanzania and Uganda. The agreement also permitted these two countries through the agency of a regional quota committee's authorisation to institute quotas on certain Kenyan products like beer and galvanised iron. Kenya, however, did not only fail to ratify these agreements but also proceeded to establish a tyre factory on its territory thus opening a way for Tanzania to impose unilateral import quotas and other restrictions on Kenyan products. When Tanzania started to impose restrictions to Intra – EAC trade, the three presidents of East Africa agreed to call an economic adviser by the UN to study the question of economic cooperation in East Africa. A commission comprising of three ministers from each state and headed by a former Danish minister of trade and finance, Professor Philip, a UN expert was appointed to negotiate what was envisaged as a permanent solution. This commission was a ministerial group under the chairmanship of Philip representing the three E. African countries. The commission's report was presented in May 1966 and became the foundation of the EAC. It was the recommendation of this commission that led to the formation and signing of the Treaty for East African Community in 1967 (Springer, 1980).

The EACSO, faced institutional problems that the Authority dominated power and derived lower institutions power and functions to act or make any significant decisions.

The environment at the time provided the members of Authority with an opportunity to renegotiate and thus the formation of the old EAC.

2.5 The Old EAC Years (1967 -1977)

At the dawn of independence, Katembo (2008) and Banfield noted that the founding fathers of Tanzania, Uganda and Kenya picked up the debate that culminated into a regional community in 1967 but with Africanised approach. However, the collapse of the community within a decade was due to many factors, including institutional challenges. According to North (1990), an institution is a "set of rules of the game of a society designed to shape political, social or economic relationships."Olympio (2013), however, cites six core institutions — Summit of the Head of States, the Council of Ministers, Coordination Committee, East African Court of Justice, East African Legislative Assembly (EALA) and the secretariat — upon which the community was built. Old EAC thus functioned under guise of these institutions, which were largely political.

The main objective of the Treaty that created the East African Community was to strengthen and regulate the industrial, commercial and other relations of the partner states. It was designed to achieve an acceptable distribution of the benefits of cooperation among the states. The Community was to combine into one framework both the common services and the common market. Thus for the first time, the common market acquired a legal foundation which was non-existent within the EACSO. The concepts of balanced development and equitability were also emphasized in the treaty (Hazlewood, 1985).

The EAC treaty created saline features in the new organisation. It established a transfer tax system which was designed to protect certain industries in Tanzania and Uganda against similar ones in Kenya (Hazlewood, 1985). It was provided for the East African development bank designed to enhance distribution of EAC initiated investments within the Community. The EADB's role was mainly to act as a catalyst for complementary industrial development rather than undertaking a major part of industrial investment itself (Potholm & Fredland, 1980). The Treaty provided for relocation of the some common services headquarters from Kenya to other partner countries to enhance equitable distribution of gains. Within the framework of this treaty, Kenya became the East African Railway and East African Airways headquarters. Tanzania was allocated the headquarters of the Harbours Corporation and the headquarters of the East African Community at Arusha. The East African Development Bank and the East African Post and Telecommunications were located in Kampala, Uganda. These practical efforts did not erode Kenya's advantage as most economic activities related to the common services continued to be in Kenya (Liebenow, 1979).

The Treaty provided for the formation of an Authority comprising of the three heads of state. The Authority bore the executive authority as was provided for in the Treaty. The Authority was assisted by four Ministerial Committees and a Central Legislature with a legislative competence. A Community Minister, an individual appointed by each state to promote the community's interests, projects and its view points in each state was appointed to assist the Authority. An East African Court of Appeal was also formed

together with a community secretariat and five councils that managed community business.

These institutions were faced with many challenges than they anticipated at the time of formation. The Authority which was the most powerful institution of the old EAC was not expecting to face ideological challenges that cropped up at the time of formation. Even though these institutions were formed to ensure equity in resource distribution it seemed unable to do it. The Authority deprived all other institutions functions and power to make decisions or act even when the community seemed to be at risk of disintegration. Personality differences among Authority leaders were key to the collapse. The leaders were not able to meet and talk over the problems that were facing the community at the time of collapse due to personal differences between Nyerere and Amin and the suspicions that Nyerere and Tanzania had towards Kenya.

No one particular reason was associated with the collapse of the Community but different reasons for collapse were given that included; ideological differences, uneven levels of development, personality differences in the Authority, lack of political commitment to the scheme, political trends in Uganda and disputes over resources and resource distribution (Adar & Ngunyi, 1986). The institutions of the old EAC which were expected to resolve these challenges were not able to do so mainly because of the problems lack of consensus among the Authority members.

2.6 The Revival of the Community (New EAC Years)

The present EAC has its origin in the 1984 East Africa mediation agreement among Kenya, Uganda and Tanzania ratified in Arusha, through which the initial EAC was officially dissolved and which also divided the assets and liabilities of former EAC. Through Article 14, 02 of this agreement, the three partner states agreed to explore and identify areas of for future cooperation, and make the necessary arrangements to make good such co-operation. The desire for the East African union persisted even with the collapse of the former community. This inspired the three East African presidents – Julius Nyerere, Daniel Moi and Milton Obote at the time to commit themselves to Article 14 to 'explore and identify further areas of cooperation (Deya, 2007) Subsequently, the three heads of state held several deliberations, culminating into a meeting in Nairobi on 22 November 1991 at which the three agreed among other things, to lay a framework for the establishment of a permanent tripartite commission for East African co-operation. But it was not until 30 November 1993 that the commission was established (Oloo, 2005).

Several developments global and regional provided an environment in which such a revival was made possible. The first is the post-cold war political environment and the renewed interest in regionalism as a vehicle for global competitiveness. The second is the ideological convergence in the region. Gone are the ideological differences of the previous three decades – Nyerere's Ujamaa, Obote's socialist Common Man's charter and Kenya's market fundamentalism and attachment to the coat tails of American and British imperialism – that had sharply divided the three countries. The third is the demise of one party state and the introduction of multiparty systems. The final development that

was a catalyst in the formation of the East African Community was the widespread conversion to neo-liberal (free market) economic policies in all the three partner states which have ensured greater harmony in the region both economically and politically (Ajulu, 2005).

On 30th November 1993, a permanent commission for cooperation was signed by the three heads of state (tripartite commission). The three presidents then called for a closer East African cooperation and on 26th November 1994 a protocol on the establishment of a secretariat of the permanent Tripartite commission for cooperation between the three states was signed. The commission's responsibilities entailed co-ordinating economic, social, security and political issues among the three countries, and it was headed by the respective ministers responsible for regional cooperation and ministers for other sectors, such as finance, planning, infrastructural development, health, security, defence, trade, industry and environmental management (Morara, 2001). The commission agreed to hold three meetings a year, in rotation in the three states until the 26th November 1994 when a protocol on the establishment of a secretariat of the permanent Tripartite Commission for cooperation between the three states was signed. Before this protocol was signed this commission had operated as the executive organ of the East African cooperation with an assisting committee of officials. The secretariat was launched on 14 March 1996. Its modus operandi was that decisions would be arrived at by consensus and those that could not be resolved were to be referred to the Summit of heads of state for final determination. The establishment of the secretariat enhanced the operations of the commission and subsequently, on 29 April 1997, the three countries adopted a

development strategy for the period 1997 – 2000. At the same time, the Summit directed the Tripartite Commission to embark on the negotiations for upgrading the agreement establishing the tripartite commission into a treaty.

The negotiations of the East African treaty were finalised in 1999 and it was envisaged that the treaty would be implemented through the creation of various institutions, including the summit, the council of ministers, the court, the secretariat and the legislative assembly, each having designated roles. The summit was to be the supreme organ and would comprise of the three heads of state. The council of ministers which was to be the main policy organ of the community was created. Also created were the secretariat which would be the principal executive and co-ordination organ of the community and the court, which was designed to adjudicate upon all matters pursuant to the Treaty. The East African Legislative Assembly was proposed to help enact measures to which legislative effect might be given in the three states. The Assembly's mandate was to be limited to matters of relevance to the community so as not to run parallel to national parliaments.

CHAPTER THREE: INSTITUTIONAL PROBLEMS THAT BEDEVILED THE DEFUNCT EAC

3.1 Introduction

This chapter discusses the institutional set-up of the old EAC and shows how these institutions played a key role in its collapse. The chapter examines each of the major institutions of the Community and identifies key institutional problems associated with each. In the chapter the discussed institutional problems will enable the study identify the lessons learnt. The institutions discussed include; the East African Authority, the East African Legislative Assembly, the East African Ministers, the common market council, the communications council, the finance council, the economic consultative and planning council, the research and social council, the common market tribunal, the East African legislative Assembly, the secretariat (comprised of the secretary general, the auditor general and the counsel of the community) and the judicial institutions including the East African Industrial court and the court of appeal for East Africa.

3.2 The Authority of the East African Community

The Authority was the top most organ in the first EAC. It comprised the three head of states of Kenya, Tanzania and Uganda who had equal powers (EAC, 1972). The chairmanship position of the Authority was held on rotational basis each serving for one year. The Authority was the top, final and the most powerful organ of the old EAC. The Authority met once annually but it would have other extra-ordinary meetings within the year on need basis. The Authority was responsible for, and had the general direction and control of the performance of the executive functions of the community (EAC, 1972). It

gave directions to the councils and to the East African ministers as to the performance of any functions conferred upon them and such directions shall be complied with. It was also the responsibility of the Authority to appoint councils and committee members and the East African Community ministers. All matters affecting the old EAC, were all referred to the Authority for final discussion and ascent. The Authority members represented the interests of each member state. They performed the oversight role for each state in the community. Decision making at the Authority level was through consensus and had to be unanimous. The Authority had veto power over any legislation emanating from EALA.

It should be noted that any Authority member could dissent a decision and therefore any political differences among Authority members had implications on the conduct of the Community affairs. This was witnessed in the first EAC when the president of Tanzania as a member of the Authority failed to approve the 1977/78 budget leading to the collapse of the first EAC. Fundamental differences among partner states at Authority level, had the potential for affecting the operations of the organization. For the ten years the defunct EAC, existed the Authority failed to achieve its objectives out of the several challenges that faced its functions.

There were no structural arrangement for dispute resolution which could prevent differences at the Authority level occasioning the dysfunction of the community. The first EAC collapsed in 1978, due to this inadequacy. The old EAC, had institutional and structural problems that negatively affected its functions. First, the Authority had only

three members (the heads of state of the three East African countries). As an organization of three members of the Authority were always shaky in its decision making because nothing could be done or implemented if there was no consensus among the three. This is because while an agreement between two heads or two countries could still be implemented the community would still have collapsed if any of the three was constantly left behind. Secondly, the Authority lacked a dominant member who would underwrite key decisions by ensuring that they are either passed or implemented. Although there is a substantive literature pointing to the dominance of Kenya in the community, this dominance was more apparent than real and while Kenya seemed to reap the greater share of the benefits, these benefits were far too little to provide her with the resources to undertake expensive or unpopular decisions or to acquire a hegemony status.

The Authority had no mechanisms for resolving conflicts or disagreements among the top leadership. This was more significant because of the cold war politics and the fact that the three East African leaders were ideologically polarized. By 1967 when the EAC Treaty was signed, the three East African leaders were already pursuing separate ideological paths. For Kenya it came up with the Sessional paper No. 10 of 1965, which despite being ironically hailed as socialism and its application to people in Kenya, it was purely a capitalistic document which gave much room to foreign producers and promote capitalism. In fact sessional paper No. 10 assured private capital of protection from government (see Kivuva 1994, Ngunyi 1992). On the other hand, while Kenyatta was looking west with the sessional paper N. 10, Nyerere committed himself to a socialist path through the Arusha Declaration of February, 5, 1967, in which he outlined the

principles of Ujamaa which he called African Socialism. In this declaration private investments were disallowed. In fact, after the passage of Arusha declaration, all privately owned capital was nationalized without compensation. Although Uganda took a more middle path, Obote's close links with Nyerere almost forced him to take an anti-capitalist position. The move to the left and the Common Man's Charter of 1968 were leftist or socialist leaning for all practical purposes.

Thus, the failure of the Authority to establish a mechanism in which these leaders identified, established and reached a common ground on EAC matters made it hard for the three to exist harmoniously and any slight difference, even those arising from outside the EAC became a threat to the community.

The Authority members were heads of state of each partner state. The three were very busy people with internal affairs of their countries. This was so particularly because they were the C.E.O's (Chief Executive Officers) in their countries. To them, internal politics and resolving domestic issues was more important and of priority than the community affairs. Further, to become a member of EAC Authority one had to be the head of state of a partner state. Thus, however good one performed at the community level never counted to maintain him/her at the Authority, what counted is how each head of state cemented his position as a head of state in a partner state. This therefore left all the East African leaders being more worried about and how they would amass or conserve power, influence and authority within their states even if it meant neglecting community cohesion.

The Authority deprived lower level institutions in the administration of the community any initiative to seek solutions to issues between partner states. It also failed to establish compromise at lower levels, mainly at ministerial rather than presidential level. This was likely to make relations among the partner states less crisis-prone as there would have been another institution that would likely resolve the difference. On the case of the defunct EAC, if the Authority differed or failed to compromise on an issue, it was likely to remain unresolved since no any other body was mandated to resolve the difference.

All matters concerning the community had to be referred to the Authority for approvals or ascent. The Authority failed to delegate some of its executive powers to other institutions making decision making in the community painfully slow and inefficient. There were many institutions, corporations, councils and committees that were under the EAC and each had numerous pending issues that required the Authority approval. In such the Authority was always overburdened with pending issues and therefore unable to resolve or work fast enough to avoid a collapse. The Authority, failed to involve people directly in decision making and the only organ that was likely to at least represent the people was the EALA whose members were appointed by the same Authority. Further the Authority could overrule any decision made by EALA.

All powers of the defunct EAC were vested in the Authority who were not able to agree on every matter due to personal, ideological and different state interests among the members yet decision making was to be unanimous and by consensus. This therefore led to mistrust among the Authority members until a time when no decision would be passed and hence the community collapse.

Further, there was a problem of decision making within the Authority due to the challenges that were brought by consensus. In consensus the slower, doubtful or unwilling ones pulled down the others. Owing to the different economic ideologies that Tanzania and Kenya pursued at the time, there was no agreement on the mode of economic path each would pursue. These differences had serious consequence on the existence and survival or collapse of EAC. Any suspicion or personal differences among the members of the Authority would likely result in slowing down the Authority functions. The 1971 Uganda coup in which Obote was ousted by Amin was an example where the Authority never met due to personal differences between Amin and Nyerere. This was more so due to the fact that the Authority could not meet as Nyerere refused to sit with the Ugandan president Amin. The fact that the two leaders failed to meet yet decision making was by consensus, no any decision would be passed. Agreement by consensus and through unanimous acceptance was a challenge to the structure of the Authority due the fact that absence of one member means no quorum. This was critical as it was only the Authority who were to sign the financial appropriation bill that would pave way for the community budget approval.

It was the mandate of the Authority from time to time to make rules for the administration of transfer Tax (EAC, 1972). The Partner states declared that they shall use the best endeavors to agree upon a common scheme of fiscal incentives towards industrial development which would apply within Partner states. Tax transfer was to be imposed as a measure to promote industrial new development in the less developed Partner states. The Authority deliberately failed to heed and operationalize this section of

the Treaty, even when crisis and disputes relating sharing of community resources arose. This dispute was hard to be resolved owing to the fact that the Authority was small and consisted of the three heads of state, who were filled with their personal egos and were not prepared to surrender their personal egos or what they believed was their states' sovereignty to the regional body.

The Authority was given an overall responsibility of control and direction of all corporations under the first EAC Treaty. The Authority was to give general directions to the Board of Directors and determine matters referred to it by Board of Directors (EAC, 1972). Owing to the composition of the Authority, the corporations were having unresolved issues or matters always. The Authority met rarely and when they met there were many agendas on their table to resolve. The ideological differences that developed between Tanzania and Kenya were a major reason that made many decisions to be kept pending which had to hurt the operations of most corporations.

The three East African leaders did not make any deliberate efforts to promote cooperation or seek ways of creating harmony within the community or the Authority itself which created some discomfort among the leaders themselves and their followers. The power given to the Authority by the treaty resulted in to personalization of the functions of the community. The work of the Legislature was highly interfered with by the Authority as all its decisions, rule and regulations were monitored and controlled by the Authority. The Authority had its own internal problems which were pronounced more in 1971 when Amin toppled the Obote government. Nyerere was most hurt because he supported the

Obote government and to him Amin's coming to power was an act of treason to the whole cause of African progress, freedom and spirit of EAC and should be condemned by all. Instead Kenya failed to condemn Amin and continued to trade with Uganda unconditionally. Since decisions within the Authority were made by consensus and mutual agreement as each leader had a veto power, decision making within the Authority became almost impossible at this period when Amin was in power as both Nyerere and Amin could not see eye to eye. At the time the secretariat could only take decisions with the consent of the Authority sought individually as these leaders could not meet. Consensus on many issues could not be reached and many vital decisions were assumed to be of no harm whenever they were postponed. Given the fact that the community membership was small disintegration of one of the three relationships' meant disintegration of the entire Authority.

The defunct EAC treaty established a complicated institutional structure to administer and control the community. In addition to the secretariat, there was a number of councils at which discussions took place between representatives of the partner states and the EAC Ministers and assistant Ministers from each state even though the ultimate control of the EAC rested with the Authority. It was clearly observed that the EAC system relied too much on harmonious relations among the Presidents and that this control collapsed when relations among these leaders became bad and the source of initiative for the continuation and development died. This situation was succeeded by lack of mutual agreement among and within the Authority which led to the failure to approve community bills and budgets that led to the community collapse.

The problem with the Authority was the fact that its leaders were not ready to share political power, not only at the regional level but also at the national level. This was mainly influenced by the memories of difficulties involved in achieving political independence. In Kenya for example, Kenyatta wanted to use national power he had fought for to promote his own interests and that of his political base. In doing so he aimed at creating a kind of monarchical rule in Kenya which gave no room for the surrender of that power. Tanzania under Nyerere was also particularly concerned with the issues of the liberation of Southern African countries which he was offering training facilities and bases. This personal pursuit of individual self-interest was the key for the Authority members to have little concern with the EAC matters. This self-interest also led to the Authority appointing less qualified persons to the community institutions out of their personal political connections rather than qualifications.

The structure of the treaty, and as upheld by the Authority, was based on cooperation among the executives of the states and private parties had relatively little standing to raise issues or to attempt the enforcement of the provisions of the Treaty as far as free trade and competition were concerned. Those who were looked at to bring the benefits of integration had very little protection under the treaty while those who wield authority under the treaty had limited ability to influence investment and similar decisions. The treaty failed to include or ignored the private sector and civil society participation and contribution in all its decision making levels. It had no particular area envisaged for cooperation or consultation with the private sector/civil society. The Treaty did not provide a clear cut deliberate design for Non-state actors. Most of the investors planned

their investments on basis of national markets and regarded sales outside the national markets as bonus, thus the investment criteria were more restricted than would be warranted by the larger market provided by the treaty. This manifested itself in the manner in which most investments preferred Kenya as their investment choice state, thanks to Kenyan policy of attracting foreign investors as opposed to Tanzania that provided very few incentives to foreign investors. Tanzania's national policy was to nationalize most investments. This discouraged private investments into Tanzania. Uganda failed to attract foreign investments due to her internal political instability. This made Kenya the darling of foreign investments and developing its industrial sector more than the partner states in the community.

3.3 The East African Ministers

The East African Ministers were appointed by the Authority (EAC, 1972). There were three ministers each appointed by the head of state of every partner state. For appointment to this position, one had to be a citizen of the appointing partner state, holder of a senior position in their respective governments (this senior position must be that of a minister, assistant, deputy or junior minister or a parliamentary secretary). The minister's functions included being assistant of the Authority in exercise of their executive duties as the Authority may instruct, perform duties conferred by the Treaty and were the key advisors to the Authority. With assistance of the East African Airways Corporation, he negotiated bi-lateral air services agreements on behalf of the partner states as per criteria set by the communications Ministerial Committee of common services organization.

East African Ministers were granted commensurate status with that of a minister of government and was permitted to attend and speak at cabinet meetings.

EAC ministers were key assistants of the Authority. They advised the Authority on the affairs of the community. They were supposed to attend the Assembly meetings. Further, the ministers were expected to perform any duty assigned to them by the Authority. They were mandated to negotiate bilateral air services agreements on behalf of partner states. The ministers were also expected to assign the Deputy East African Ministers duties. All the East African Ministers were appointees of the heads of state from each partner state and served at the pleasure of the Authority. They were to be removed or dismissed from their position by the Authority. Whatever role they played was to work like the Authority's robot. They had no real power or authority as all matter brought before them was to be tabled before the Authority for a final decision. They were deprived of any meaningful authority to make the community instruments work even though they were to advice the Authority on the status of the Community. The Deputy East African Ministers were appointed by the Authority (EAC, 1972) and their key responsibility was to assist the Minister. They were assigned their duties by the East African Minister. They were also expected to perform any duties imposed on them by the Authority. They represented the minister in the meetings that he assigned them. Just like the case of the Community Minister, the Deputy Ministers had no real power and were expected to do the work they were to be assigned.

The minister's functions lacked independence and whatever they did was forwarded to the authority for decision. This institution remained one that receive information from the authority for action.

3.4 The Councils: An Overview

There were five councils established by the defunct EAC treaty, they included; the common market council, the communication council, the economic consultative and planning council, finance council and research and social council (EAC, 1972).

The composition of all the councils was the three East African Ministers and nine other ministers from respective ministries appointed from each partner state (three from every state). Ministers appointed to the council were to be replaced or their sitting to the Council terminated by a letter from their respective governments to the Secretary General. Replacement of these ministers was through a letter to the Secretary General from their respective government. All councils were expected to perform their duties as provided for in their respective sections of the Treaty or as directed by the Minister or the Authority. All the members of every Council were appointed by the Authority and just like the Ministers had to forward all their resolutions to their appointing authority. They had no free hand as they would only follow the mood and preference of their master who had the power to hire and fire them with no notice. In all the councils, power hierarchy was an issue because all the members were ministers in their respective governments yet the chairman was always the Minister for East African Community. All the members of

these committees were political appointees and politicians and therefore their competencies were wanting.

3.5 The Secretariat and the Community Staff

The defunct EAC secretariat staff included the office to the Secretary General who was the principal executive officer of the Community, a counsel to the Community and an Auditor General (EAC, 1972). Formation of any other offices was permitted subject to any act of the community or as may be directed by the Authority. The Secretary General, the Community Counsel and the Auditor General were appointed by the Authority. The staff of the first EAC corporations and the Bank was not included to be 'in the service of the Community'.

The staff to the community was controlled by the East African Service Commission (EASC). The members of the EASC were appointed by the Authority. The number of members, the period they were to serve and the qualification for each was determined by the Authority even though the commission members were not supposed to be senior members of their respective governments or parliaments of their respective governments. Any member of the Service commission could be removed by the Authority. The commission made appointments, disciplined and dismissed persons in service to the commission on behalf of the community.

The secretariat which was led by the Secretary General, was appointed by the Authority. The community counsel and such office holders were also appointed by the Authority in

consultation with the Secretary General and the East African Service Board. This made these offices lack independence in decision making as most their decisions had to be done in consultation with the higher institution which was the Authority. The Secretary General who was the senior most, had little control over the staff working under him as most of them were appointees of the Authority and those that were not were to be disciplined by the East African Service Commission in which he was not a member.

The Secretariat was mandated to oversee the day-to-day running of the Community. It was also mandated to keep the functioning of the common market under continuous examination and may act on its own initiative or on request of a member state to examine any matter (EAC, 1972). The Secretariat could make proposals for the better functioning of the common market and undertake studies for this purpose, but only at the request of the common market council. It could also request partner states to supply the information necessary for the discharge of this function. The secretariat assisted other institutions to exercise their functions. However, the secretariat had no power to initiate enforcement of the Community obligations against the partner states or to draw attention of relevant bodies to the suspected infractions of treaty obligations. It had no role of attempting to reconcile the conflicting interests of different groups operating or lobbying within the areas of relevance to the Community. This therefore made the secretariat to watch as the community was collapsing in 1977, since it was not supposed to take any action even if it was able to do so. Most of the members of the secretariat were appointed by the Authority and were to be removed by the same Authority even before their tenure of service expired. They could therefore not act against the Authority's instructions even

when such instructions would injure the community's cohesion. The Secretariat was not authorized nor had power to initiate or draw attention to any institution or state that was breaking the provisions of the Treaty. This left the Secretariat as an institution that worked for the Authority only and could not strengthen the Community's unity.

The secretariat also suffered a structural problem in that its head was the Secretary General who was the chief link with the Authority. The secretary general was an appointee of the Authority. The secretary general office was a weak position because each of the East African Ministers had a secretary as the head of the three major departments of the community, finance and general services, common market and communications. These secretaries were thus responsible and reported to both the secretary general and to their respective ministers. Since much of the power and functions were located in the departments, the secretary general had little authority over these secretaries especially the fact that these were appointees of the Authority as well were answerable to their respective ministers. The secretary general's term was rotational among citizens of the three partner state for a period of three years. These persons were career officers in the service of the community and once their terms were complete they were to seek employment in their respective governments. They were therefore unlikely to resist national pressures and thus their impartiality was impaired. The absence of political leadership that prioritize the community affairs over national interests at the headquarters of the community, by both the ministers and the Authority led to partial ineffectiveness of the secretariat. The secretariat and the secretary general remained at the mercy of Authority, its functions were limited and not given a free hand to work on their

own. The secretariat in the defunct EAC was not a single legal entity but a conglomeration of staff appointed by the Authority.

3.6 The East African Legislative Assembly (EALA)

EALA was the legislative body for the defunct EAC and performed its duties as was provided for in the Treaty. The East African Legislative assembly was established in part because it was considered that there might eventually be a federation in East Africa. The First East African Legislative Assembly was to provide an important political ingredient and to ensure some measure of control over the common services. EALA members included; the three East African Ministers, the three Deputy East African Ministers; twenty seven appointed members, the chairman of the Assembly, the Secretary General and the counsel of the Community. The Chairman presided and took part in the Assembly proceedings. The Assembly rules of procedure were made by the Authority.

The Assembly's political role and representation were highly depended on the Authority. Election of its members was left by the Treaty to be determined by each state. Only Tanzania allowed EALA MP's to be elected by their Parliaments, in Kenya and Uganda Presidents nominated their quota of MP's. Depending on the method chosen by each of the three states to appoint its members, their nomination was used as a means of patronage and to play down the expression of public opinion and the members mindful of their benefactors may turn out to be more docile. Due to the nomination procedure of the members of EALA and the control by the Authority over its duties this parliament could not sufficiently and effectively perform its role of oversight or checking of the possible

excesses of the executive. This nomination reduced EALA legitimacy and support from the East Africans. This was so because for any organization especially a public political organization as EALA, to be effective it must enjoy a strong sense of legitimacy and popular support among its constituents (Wanyande, 2005).

There were provisions that were seen as reducing the significance of the Assembly in the Treaty. The presiding officer was called 'the chairman', and the rules of procedure he adhered to, when presiding over the Assembly, were made by the Authority (EAC, 1972). An Assembly member was allowed (with notice to the Assembly Chairman) to address any question to the East African Minister relating to any service administered by the community and such a minister was bound to give a written answer, however, any minister may decline to answer a question if, in his opinion, the publication of the answer would be contrary to the public interest. The corporations that the Assembly was envisaged to oversee were largely independent of it and had little jurisdiction over them. Even though this Assembly continue to legislate (including appropriations), all bills passed had to be assented by the heads of state. Any head of state had a veto power over any bill passed and therefore withhold assent.

The East African Parliament did not make its rules of procedures – these, including standing orders were made by the Authority. The Assembly had no power to make its own calendar of meetings, but its sessions were to be held at such times and places as the Authority may appoint (EAC, 1972). The rules that the Authority made were very restrictive on the functions and the powers of the Assembly. It was reduced to discuss

matters that relate to the services administered by the community or to very few matters of which it had legislative competence. Even debates relating to the community services were limited to an extend that the assembly could not discuss persons who do not perform unless a substantive motion was introduced, they could not discuss the financial status of any corporation unless a minister has tabled its financial report and were not allowed to allocate or amend any monetary or financial value for any estimates tabled before them.

The major common services were put under control of communication and common market councils who were headed by director general and boards of directors. This was a measure to help reduce the Assembly's power of accountability over the corporations and common services. Further, standing orders expressly provided that the operations of the corporations shall not be subject of questions or motions except where reports and accounts are tabled. The Assembly did not have power to discuss the conduct of any member of the Authority, of the common market Tribunal of the East African Industrial Court or any judge or magistrate in his judicial capacity. EALA did not have exclusive legislative authority on EAC matters and any Legislation that it failed to pass could be passed through the National Law Making bodies for it did not have exclusive legislative competence. This created duplication of roles between the national assemblies and the EALA, difference being that national assembly passed law affect that particular partner state whereas if it was passed by the EALA and ascended by the Authority it would affect the three partner states.

The Assembly's calendar, rules of procedure and meeting venue were determined by the Authority and all bills to the assembly had to come from the Minister, there were no private member bills. The legislative work of defunct EAC EALA was curtailed by the Authority that made sure that this Assembly was not able to make any meaningful deliberations that would affect the community. The appointments of members of EALA by the Authority but not the people compromised their ability to debate and pass any motion that would go against their appointing authority. Further this kind of appointment show that EALA was not representing the interests of the people of East Africa but those of the elites.

The Assembly (EALA) could not work well due to duplication of its work to other organizations including national assemblies (Parliaments), loyalties of its members to their appointing authorities and limited powers through its rules and standing orders. Throughout its life, EALA never passed any legislation that was not favorable to the Authority.

EALA decision-making procedure was democratic and was determined by a majority vote of members present and voting. This discouraged member states and most assembly members from developing firm commitment to the ideals of Integration. This was so because politics at the Assembly was sometimes viewed as zero-sum game in which the winner took all and especially when there were differences between Kenya and Tanzania. EALA could not find a way to encourage a win-win situation on contentious issues out of the reason that it was the Authority that made its rules of procedure and set dates and

time of their sitting session. EALA members were expected to represent different interests in EA. Therefore, any discussion or debate in EALA was to reconcile diverse interests of the East Africans. This would help EALA in achieving an important parliamentary role of conflict management. This was hardly achieved within EALA, because members were hand-picked by the heads of state of partner states and its role was limited by the rules made by the Authority. It also did not have financial and human capacity and independence to perform and deal with integration challenges. EALA legislators were directly answerable (though remotely) to their appointing authority and any head of state can withhold assent or if a bill is not assented for a period over nine months it from the date it was passed it lapses. This provision gives any head of state a veto power over the Assembly (Oloo, 2005).

3.7 The Defunct EAC: An Institutional Rejoinder

As discussed from the previous sections, the institutions established under the 1967 treaty were ineffective, since the three leaders had the final sway on the position of their respective states. These political elite, for a better period of the cooperation, lacked good will (Fagbayibo, 2013; Katembo, 2008) which is required for successful political union. In spite of the independence, some leaders viewed the process as colonial instrument, for example, Jomo Kenyatta, once retorted, "we inherited a useful instrument, but as yet it did not represent the conscious work of the three states" (Rothchild, 1967).

The lack of political will, thereof, was evident among the political elite (Fagbayibo, 2013; Katembo, 2008). This was evident from the onset, Nye (1965) pointed out that leaders

met in mid 1963 did not honor their pledge of establishing a federate at the close of the year. Gitelson (1973) also pointed that community could not hold together, following difference between Tanzania and Uganda, due personal, ideological and geographical differences. In Uganda, political leadership failed to gain leverage over monetary reserves, public debts, location of industry and location of capital of community (Olympio, 2013), all these had a bearing on stability of political institutions.

The legislative wing organ of the community was comparatively, weak. EALA was designed under to act more like other parliament, various articles particularly articles 59 and 60, vested a lot power on the presidency of partner states these presidents had the powers to assent to various bills drawn at the East African Legislative Assembly, and if they failed to assent to a bill with ninety days after it was passed by EALA, it was deemed to have lapsed. But this was so because, in various articles of the treaty, a lot of powers were vested in the presidency of partner states, particularly articles 59 and 60, who had power to accent to bills drawn at EALA. And, if they failed to do so within with ninety days after it was passed by EALA, it was deemed to have lapsed. As a result this made the legislative wing, largely, ceremonial, or operated at the whims of the three heads of states.

Decision making institution for the region did not develop fully, other than vesting this authority in the Council of Ministers rather than the Summit of Heads of State. Rothchild also argued that old treaty was limiting itself, in that this treaty sought to regulate the behavior of respective member states, and thus could not be water tight to ensure

compliance. For example, Tanzania under Julius Nyerere refused to recognize Amin Dada who had disposed Milton Obote in mid 1971 and Nyerere also invaded Uganda in 1972. As a result Jomo Kenyatta, of Kenya, and Said Barre, of Somalia, intervened in the former and latter respectively. In these entire incidences, East African Court of Justice had a limited mandate, in the sense that it could not arbitrate. In the end, community lacked a functional dispute resolution mechanism, or competing interest had overshadowed it. Still, the main decision making authority was vested in the Council of Ministers rather than the Summit of Heads of State, out of historical experience. The council, however, could not sway the head of state. The former Community had collapsed, among other reasons, due to the breakdown of communications at the apex of the regional organization.

CHAPTER FOUR: INSTITUTIONS OF THE REVIVED EAC

4.1 Introduction

This chapter examines extent to which the institutional problems that faced the defunct EAC have been addressed in the revived one. From chapter three, the following institutional problems were identified. First, was the too much power concentration within the Authority and the problem of consensus in the Authority, second, was the powerlessness of the secretariat, third, was the East African Ministers who were derived powers and independence to work, fourth, was the East African legislative assembly which was appointed politically by the heads of state and lacked legitimacy and fifth were the councils that brought duplication of functions and had questionable competence and lastly were the judicial institutions whose jurisdiction was curtailed by the partner state governments.

This chapter examines the extent to which the above problems have been addressed in the revived one. This chapter takes an institutional approach. It first discusses and describes the institutions of the revived EAC and examines the extent to which the institutional anomalies identifies in the defunct EAC have been resolved in the new EAC.

4.2 The New EAC: An Overview

The community revived in 1993, following signing of an agreement that established permanent tripartite commission, was a realization of mediation agreements of 1984 (Olympio, 2013). The new community reintroduced similar institutions, and an additional committee. Thus, Adar (2011) notes that seven organs, including the Sectoral Committee,

under Article 9 of the treaty. Mwapachu (2011), however, list the original number of six, and combines council of minister and sectoral committee. Sectoral committees consist of experts from specific sectors and are allowed to meet frequently as circumstance may warrant.

The new treaty introduced a new configuration, in several which steps of integration process skipped traditional stages, and initiated a custom union and then common market (Mwapachu, 2011), in which it has included additional countries that did not previously belong to the old community. It was seen as an attempt to correct the anomalies that manifested in the old community. The section below discusses the key institutions of the new EAC and how they have resolved anomalies in the old EAC.

4.3 The Summit

The Summit was called the Authority in the old EAC. It is likely that the name of this organ or institution was changed because it did not reflect the ideals of the New EAC, which were 'people centered' and 'people driven'. Summit was the best name for this organ which is not likely to be interpreted as a commanding organ as was the case when this organ was called the Authority. The functions of the Summit were similar to the functions bestowed upon the Authority, but in the current EAC, the Summit may subject to the Treaty delegate any of its powers to the council or to the Secretary General (EAC, 1999). This is to help the community work even when the Summit for any reason takes long to meet. The old EAC, was faced with a problem of delays in decision-making, the new EAC, has not been having major problems with delays as many of its powers have

been delegated to the lower institutions. The Summit in the new EAC has a role of giving impetus to enhance development and achievement of community objectives (EAC, 1999). This role was silent in the old EAC and therefore members of the Authority were naive or slow to put measures or necessities that would enhance the community progress. Out of this provision the Summit in a special Meeting it held in Nairobi on 22nd August 2004 directed for the formation of a special committee charged with the task of examining ways and means to expedite the process of integration so that the ultimate goal of a political federation is achieved through a fast tracking mechanism. This provision was absent or silent in the old EAC Treaty and therefore any of the partner state member of the Authority felt not fully equipped to push or fast track community issues.

To make sure that the Summit authority and power are not left for the discretion of the heads of state solely, the Treaty provided for a Community act that may offer delegated powers including legislative powers conferred on the Summit by the Treaty or to the Council or to the Secretary General. This provision was lacking in the old EAC, Treaty and made it hard for the community to work especially after the 1971, Uganda Coup, when the Authority could not meet just because of personal differences between Nyerere and Amin. If this provision was in the old Treaty, probably, it may have saved the day as all power would have been bestowed on another institution that may have resolved the problems before they got out of hand.

The new EAC, Summit comprise of five members who include the Presidents of Kenya, Tanzania, Rwanda, Burundi and Uganda. Decision-making at the Summit is by consensus

(EAC, 1999). Consensus in the new EAC is easier than it was in the old EAC following the change of the membership numbers. The new EAC membership is five and therefore consensus is easier than when membership was three. This is because membership of five makes the community stronger and even if one member pulls out or does not agree with the other four, the community would still hold unlike the older one where when one of them pulled out the community collapsed. Further the new EAC, allow members to engage in bi-lateral agreements and cooperate in those projects that they can best do together. This then makes sure that some states do not pull down or slow others in development.

The Summit in the new community has a role in ensuring that partner states live in peace, are secure and principles of good governance are adhered to. Even though this role raise a lot of debate of its effectiveness to the extent of its compliance, it is a check fact in the Authority. All the heads of state of partner states have at least a forum authorized to question their leadership. This could not have been achieved previously out of the argument that no one was allowed to interfere with a sovereign authority of a state.

Even though decision making in the Summit is still unanimous and by consensus, most of these decisions are done at the council level and very few reach the Summit and those that reach the Summit had been discussed at length earlier. The Summit then has made its work easier by delegating some of its powers to those lower level institutions thereby avoiding conflicts at the highest level of the Community.

Most of the new EAC organs have been strengthened in capacity and power to help them carry out their functions. This was done by the Authority through delegation of some of its power as provided in the Treaty. To ensure efficiency and to avoid unnecessary delays, the Summit in the new EAC, has delegated many of its executive functions to the Council and the Secretary General. The Treaty has also made sure that these two offices and that of the Court and the Assembly have been strengthened to avoid overburdening the Summit.

4.4 The Council (The EAC Ministers)

The council consists of Ministers responsible for regional cooperation of each partner state and any other Minister as each state may determine. This institution is the policy organ of the community and is tasked to promote, monitor and review constantly the implementation and proper functioning of the community (EAC, 1999). The new EAC Treaty has now empowered the council to perform most of the operational duties with minimal references to the Summit. Further the Summit itself has been allowed by the Treaty to delegate most of its functions to the Council or any other institution. Thus, the revived EAC encourage compromise at lower level with few referrals to the Summit thereby reducing chances of conflict.

Any matter that is being referred to the Summit is already discussed at length and the Summit well briefed before their meetings. This makes it easier and puts the Summit members in a better and objective position when such matter is being discussed. The structure and organization of the defunct EAC, was complex as it consisted of the East

African Ministers, the East African Deputy Ministers and the Councils. All of these institutions had functions that were overriding each other and some did not have a clear hierarchy of power. In this case one would wonder why the councils were formed whereas there was the East African Ministers. There was a duplication of functions in this case as the East African Ministers were also members of these councils. The new EAC, has now changed this structure and has the Council whose membership are the East African Ministers from the partner states and perform all duties and functions that were done by these institutions.

The council is more empowered in terms the powers and scope of its functions. For example the council in its functions make policy decisions, give directions to most of the community organs, make both financial and personnel rule and regulations and cause all its directives and regulations to be published in a gazette functions that were previously a preserve of the Authority. The council is now the policy organ of the community which means that policies of the community are done at lower level than in the case of the first EAC. This level is likely to be less politicized and any personal differences among members at this level cannot affect the community significantly and after all this level has no final say.

The new EAC Treaty has given the community a lifeline through the Council by among its functions giving it a duty of promotion, monitoring and observing implementation of community programs to ensure proper functioning and development of the community. This was a very important ingredient that was lacking in the old EAC Treaty. No

institution was mandated to promote, monitor and observe the progress of the community and therefore even as the collapse was imminent no institution was had a mandate of raising an alert.

To help assist the Council in the monitoring of the community programs are the co-ordination and sectoral committees. The co-ordination committees comprise of the Permanent Secretaries responsible for regional co-operation in each partner state. This committee works under the Council and submits from time to time reports and recommendations to the council, implements council decisions, receive and consider reports of the Sectoral committees which they coordinate their activities and can request the Sectoral committee to investigate any matter. It is very clear that the hierarchy of reporting, monitoring and assessment of the Community programs is well planned in the new EAC. The power relations between and among institutions is clear than it was previously. In the new EAC, it is clear that the Sectoral committee monitors a particular sector and reports its findings to the Co-ordination committee who review and make directive or refer it to the Authority.

4.5 East African Court of Justice (EACJ)

The EACJ was formed as a judicial body of the new EAC. Its mandate is to ensure the adherence to Law in the interpretation and application of and compliance with the Treaty. This court comprises a maximum of six judges appointed by the Summit among persons recommended by the partner states and serve for a term range of five to six years. Among the judges is the Court president and vice president. The court president directs the court

work, represent the court, regulate the disposition of matters brought before the court and preside over its sessions. This court has initial jurisdiction over the interpretation and application of the Treaty and will have original, appellant, human rights and other jurisdiction as will be determined by the council.

The EACJ has been simplified and given clear mandate to perform its functions. It has initial jurisdiction roles, appellant roles, referral roles and arbitration roles. This then makes it very active and clear of what it is supposed to do within the community. The number of judges has been increased to help cope with the number of cases to this court. Unlike the previous community courts, these courts receive disputes from individual residents of the community, the partner states and from any of the community organs. This large number of members or organization that it serves leaves this court as one of the most trusted organ of the community. The fact that this court has original jurisdiction over matters of the Treaty provides it with an important role in keeping the community together. The previous community courts were seriously interfered with by the state and were mainly appellant, thus cases had to be referred from other courts. The court's ruling make precedence in courts of the partner state and its judgment is enforced as per civil procedures in the partner state. This also gives this court some teeth to bite. The judicial institutions of the old EAC were several (the East African Court of Appeal, the industrial court of East Africa and the Common Market Tribunal) and sometimes overlapping in functions. This made these courts complex and not well understood by most East Africans, now with one institution which handle legal matters it is clear to all as to where they would resolve their disputes legally.

4.6 The East African Legislative Assembly

The current East African Assembly (EALA) consist of twenty seven elected members and five ex-officio members who include the Minister for Regional co-operation from each partner, Community Secretary General and the Community Counsel. The speaker presides over and takes part in Assembly proceedings. The Speaker is elected among the elected members of the Assembly to serve for a term of five years. EALA's main function is legislation. Other duties include, to liaise with national assemblies on Community matters, debate and approve community budget, consider annual audit reports, debate all community matters and make recommendations to the council and makes its rules of procedure. In its functions EALA in the current EAC, has been more empowered in that it can now discuss matters pertaining the community and make recommendations for the Council to implement and can make its own rules of procedure.

The old EAC assembly was not allowed to discuss matters of the community and make recommendations since all matters for debate were only brought to the floor of the house by the Minister or his assistant. Today, the Assembly make its own rules of procedure and accept private members bill. In the first EAC, the Assembly rules of procedure were made by the Authority and thus limiting its powers. The current Assembly is able to debate any matter of the Community without limitations that were experienced during the old EAC mainly coming from the Authority. The head of the Assembly was called the Chairman, which was a way of demeaning the importance of the old EAC assembly and making it look lower and less important than the other Assemblies or national parliaments. The current EAC, head is called the Speaker just like in National assemblies.

The current EAC, Treaty specify the qualifications threshold of the persons to be elected in the Assembly that he should have a proven experience or interest in consolidating and furthering the aims and the objectives of the Community among other conditions. It further defines the expected composition of the Assembly that it should represent gender, political parties and shades of opinions and special interest groups which was not the case in the former institution. The EALA clerk is required to submit records of all bills to be debated to the clerks of the National Assemblies and the Clerks of the National Assemblies are as well required to submit any bills to be debated in the national assemblies to the EALA clerks. This help in keeping a close communication and link between the National government parliaments and EALA. This help in keeping the community together as each has a general understanding of each other and attitude towards the Community through these bills and motions.

Generally, EALA in the current EAC has been empowered to do its work by the Treaty. The Old EAC, Treaty limited the functions and the ability of EALA too much and further this assembly was not expected to be an important institution for the Community unity owing to the manner that it was treated and managed by the Authority.

4.7 The Secretariat and the Community Staff

The secretariat is the second EAC executive arm and comprise of the Secretary General, the deputy Secretary General and the Community counsel. The Secretary General is the head of the Secretariat, the community Principal executive officer, community

Accounting officer and Secretary to the Summit. The Secretary General is appointed by the Summit on recommendation by the Council and serves for a five year fixed term. The terms and conditions of service are determined by the Council and approved by the Summit.

Among the major functions of the Secretariat include to initiate, receive and submit recommendations to the Council and forward bills to the Assembly through co-ordination Committees, initiate studies and research related to finding the most appropriate and efficient ways of achieving community objectives, promoting and disseminating information on the community, financial management and administration, proposing draft agenda for some Community organs and submission of Community activities' report to the Council. The council and the Secretariat had no clear power structure but in the new EAC, the Secretariat report to the Council and is supposed to implement council decisions. The Secretariat was not tasked to promote Community affairs in the old EAC, today this is one of its major role and this help to make the community popular among the general population. It also reviews the untapped and potential opportunities in the region making it attractive. In performance of their duty, the staff of the community is protected from state or external interference and if such is to happen the Council is to be notified. This frees the Community staff from unnecessary distress in performance of their community duties. The staff is then likely to act in the interest of the Community rather than their states. The appointment of the Secretary General is now done by the Summit with recommendation of the Council. This at least raises the bar and scrutiny of the persons holding this office.

CHAPTER FIVE: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary and conclusions of the study. It further gives policy recommendations and areas for future research.

5.2 Summary

The study was to examine the extent at which the second EAC has resolved the problems that led to the collapse of the first EAC. The study identified several institutional problems of the first EAC in the literature review and how they contributed to the collapse of the first EAC. Key institutions of the first EAC were examined and the major short comings identified. These short comings were also explained and how they contributed to dysfunction of the community. The institutions identified incudes the Authority, the ministers, the council, the secretariat, the EALA and the East African Court of appeal. Among the many problems identified with the above institutions were centralization of power by the Authority, failure of the Authority to delegate power to the lower institutions, the lack of consensus of decisions in the Authority due to the small number of Authority membership, failure to involve people in decision making, lack of clear power hierarchy among other institutions except the Authority and dormant courts due to political and technical meddling.

In bid to carry out this study, a hypothesis was developed that the revived EAC institutions have been able to solve the institutional problems of the defunct EAC.

Rational Choice theory and national interest theory have been utilized to explain how members responded in addressing power distribution and functioning of the EAC.

Primary and secondary data sources were utilized in this study and data collection methods included library research, informant interviews and interviews. Collected data was analyzed and presented in prose. In order to understand EAC community its development and evolution to be as it is today, a brief history noting key milestones of the EAC has been fully written in the second chapter.

The study established that in the formation of the new community leaders were very careful such that it avoids confronting similar problems as was the case in the old one. They too took cognizance of the global trends which demanded for a free market oriented economy and democracy, with gain being the major imperative for integration in the revived EAC. For this reason therefore, most of its lower institutions functions were strengthened and powers increased. Some of the lower level institutions of the old EAC were abolished such as the five councils and the tribunal but other appropriate ones created within the revived EAC to help cope with the modern day contemporary challenges. The Summit (the top most organ) role and functions were left to be those of general direction of the Community and it is now not involved in day to day running of the Community affairs. Consensus in the Summit is not a problem in the revived Community as the members are now five and even those who agree to corporate and engage in a common project are now allowed (commonly now named coalition of the willing).

This study found that the revived EAC was created with the leaders ready to make sure that the problems that bedeviled the old ones are resolved. To ensure that the new EAC has survived, the study found that, the leaders changed role and functions of some lower level institutions by adding them more responsibilities and powers, abolishing some of the institutions that were not important and creating other institutions that are viable. The power that was in the Authority remained but the functions were reduced. The power of the Authority though not reduced, the problem of consensus was resolved by increasing the number of partner states and leaders are now allowed engage bilateral investments. The Authority now involves and recognizes the role of civil society in regional matters. The study established that the community's economic driving sectors are now monitored by people who are experienced and have competence through sectoral committees. The need to run the community professionally and well was done through the establishment of the secretariat.

5.3 Conclusions

The old EAC (1967–1977) was bedeviled by many problems that led to its collapse, however, the Community leaders agreed to revive the community again but in a way that it resolves or avoids the problems that brought the old one to its collapse. In the formation of the new EAC, similar institutions to those of the old EAC were established. This study therefore, examined the extent to which the institutional problems of the old EAC are been resolved or avoided in the new one and the lessons learnt from the defunct EAC. The study concludes that there are a number of lessons that have been learnt in the study of the defunct and revived EAC. First, concentration of power in one institution is

bad. Second, depriving the lower level institutions power of decision making is detrimental to the progress of integration; third, regional Assemblies' members must be elected popularly for the assembly to win confidence to the people, fourth, regional integration must be people centered to succeed, fifth, regional institutions especially judicial ones must be accorded support and independence to be effective, and finally, creation of institutions that are competent enough to advice on each sector with a clear reporting hierarchy are necessary to the success of the community integration.

5.4 Recommendations

This study drawing lessons from the first and second EAC recommends the following;

1. A less politicized and lower profile institution be tasked with the role of executive powers with the Summit being a ceremonial institution only. By bestowing executive powers to the summit/Authority leads to reluctance of lower level officials to take decisions and assume responsibilities.

2. More legitimacy is recommended to the Regional Assembly. Among other measures to achieve this it is strongly recommended that the selection of members be by a popular vote.

3. The Court of justice for East Africa should be strengthened and be accorded appellant functions for all cases within the region. There should not be any limitation of the cases before this court. The power to enforce the judgments of this court should be increased.

REFERENCES

Adar, K. and M. Ngunyi, 1994. "The Politics of Integration in East Africa since Independence" in Oyugi, W. (ed.), *Politics and Administration in East Africa* (Nairobi: East Africa Educational Publishers, 1994).

Adar, K., 'An Investigation and Analysis of the Disintegration of East African Community', Unpublished M.A Thesis, Indiana State University, 1981.

Ajulu Rok (Ed.) *The Making of a Region: The Revival of the East African Community* (Midrand: Institute for Global Dialogue, 2005).

Baregu, W., 'The African Economic Community and the EAC: Any Lessons from the EU?' in Ajulu Rok (Ed.) *The Making of a Region: The Revival of the East African Community* (Midrand: Institute for Global Dialogue, 2005).

Becker Gary and Murphy, Kevin M., 'A Theory of Rational Addiction', Journal *of Political Economy* (1988, August), 675-700.

Becker, Gary, *The Economic Approach to Human Behavior* (Chicago and London: The University of Chicago Press, 1976)

Chemonges, A., (1984) 'Uganda and the Disintegration of the East African Community between 1971-1977', Unpublished M.A Thesis, University of Nairobi, 1984.

Clapham, C (2001), 'The Changing World of Regional Integration in Africa', in Clapham, C., Mills G., Morner A. and E. Sidiropoulos, *Regional Integration in Southern Africa: Comparative International Perspectives* (South African Institute of International Affairs, 2001).

Colin Leys and P. Robson, *Federation in East Africa: Opportunities and Problems* (Nairobi: Oxford University Press, 1965).

Daily Nation, July 27, 2000.

Daily Nation, March 3, 2004.

Daily Nation, September 28, 2010.

Delupis, I. D., *East African Community and Common Market* (London: Longman, 1970).

Donald Rothchild, *Politics of Integration: An East African Documentary* (Nairobi: EAPH, 1968).

Dougherty, E. James and L. Pfaltzgraff Robert, Jr., *Contending Theories of International Relations* (Adison Wesley: Longman, 1997).

East African Standard, April 9, 1964.

Elster, Jon, *Ulysses and the Sirens: Studies in Rationality and Irrationality* (New York: Cambridge University Press, 1986).

Falk, R., *Regional Politics and World Order* (San Francisco: Freeman and Co., 1973).

Fine J. and S. Yeo, 'Regional Integration in sub-Saharan Africa: Dead End or a Fresh Start?' in Oyejide, A., I. Elbadawi and P. Collier, (Eds.), *Regional Integration in sub-Saharan Africa* (London: Macmillan, 1997).

Frank H. Robert, 'Rethinking Rational Choice', in Friedland, Roger and A. F. Robertson (Eds.), *Beyond the Marketplace: Rethinking Economy and Society* (New York: Aldine de Gruyter, 1990), pp. 53-87.

Gimode, E., 'Attempts at Economic integration in East Africa: Memories, Problems and Prospects', Paper Presented at the 4th Historical Association of Kenya Symposium at Kenyatta University, August 1996, Nairobi.

Grant, A. and F. Soderbaum, (2003) *The New Regionalism in Africa* (Wilshire-UK: Ashgate Publishing Co., 2003).

Green P. Donald P., and I. Shapiro, (1996). *Pathologies of Rational Choice Theory: A Critique of Applications in Political Science* (New Haven, CT: Yale University Press, 1997).

Haas, B. E., *Beyond the Nation-State: Functionalism and International Organization* (Stanford: Stanford university Press, 1968).

Hazlewood, A., *Economic Integration: The East African Experience* (London: Heinemann, 1975).

Jonyo, F., 'The Role of Civil Society in Regional Integration' in Ajulu Rok (Ed.) *The Making of a Region: The Revival of the East African Community* (Midrand: Institute for Global Dialogue, 2005).

Khadiagala, M. G, (2008) *Conflict Management and African Politics*: Routledge

Kiggundu, P., 'Kenya's Foreign Policy as Regards Recognition of States', Unpublished LLM thesis, University of Nairobi, 1980.

Kyengo, H., (2006) 'Bargaining National Interests in Eat African Community – The Case Study of Kenya in East African Community Union', Unpublished M.A Thesis, University of Nairobi, 2006.

Langdom, S. and M. Godfrey, 'Partners in Under Development: The Transnationalization Thesis in a Kenyan Context' in the *Journal of Commonwealth and Comparative Politics*, Vol. 14, 1976.

Linberry, W. P., *East Africa* (New York: Penguin Books, 1964).

Lodompui, J., 'Tanzania's national interest and the collapse of East African community', Unpublished M.A thesis, University of Nairobi, 2010.

Machiavelli, N., *The Prince* (Canada: W.W North &Co., Inc., 1977).

Makinda, S., 'From Quiet Diplomacy to Cold War Politics', in the *Third World Quarterly,* Vol. 14, No. 2 April 1983.

Mitrany, D., *A Working Peace System* (Chicago: Quadrangle Books, 1966).

Mohabe Nyirabu, 'East African Community: the Challenges ahead' *African Review*, 29 (182).

Mohiddin, A., *Socialism in Two Countries* (Chicago: Croom Helm Publishers, 1981).

Molu, M., 'Problems and Prospects of Regional Economic Integration: A Case Study of East African Community', Unpublished M.A thesis, University of Nairobi, 2005.

Morgenthau, H. J., *Politics among Nations: The Struggle for Power and Peace* (New York: Knopf, 1948).

Muriuki,G., 'The Breaking Up of the East African Community', A Paper Presented to the University of London's School of Oriental and African Studies, 1978.

Mutere, A., 'Regional Cooperation and Anatomy of Conflict' *Southern Africa Political and Economic Monthly Journal,* Vol. 9, 1996.

NCCK Report, 'Kenya: In to the Next Decade' (NY: John Hopkins University Press, 1975).

NCCK Report, 'Who Controls Industries in Kenya?' Report of a Working Party (Nairobi: EAPH, 1968).

Ndulo, M., 'African Economic Community and the Promotion of Intra- African Trade' *African Notes,* 1992.

Nellis, J., 'Expatriates in the Government of Kenya' in the *Journal of Common Wealth Political Studies*, Vol. 2, 1973.

Ngugi, G., (1995) 'Kenya and the Disintegration of the East African Community, 1967 – 1977', Unpublished M.A thesis, University of Nairobi, 1995.

Nyawira, K., 'National Interests as a Constraint to Regional Integration: A Case Study of Kenya in the East African Community', Unpublished M.A thesis, University of Nairobi, 2008.

Nye S. Joseph, *Peace in Parts: Integration and Conflict in Regional Organization* (Boston: Little, Brown and Co., 1971).

Nyong'o, A., *Regional Integration in Africa: Unfinished Agenda* (Nairobi: Academy Science Publishers, 1990).

Obula, J., (2006) 'Political Economic Structural Constraints and their Impact on Regional Integration in East Africa: A Case Study of the East African Community: 1993 – 2003' Unpublished M.A thesis, University of Nairobi.

Ojo, J., Orwa D. and C. Utete, *African international Relations*, (NY: Longman, 1985).

Okoth, P. G., 'Intermittent Tensions in Uganda-Kenya Relations: Historical Perspectives', Nairobi: University of Nairobi staff Seminar No. 6, 1989/90, Department of History, March 1990.

Onwuka, R. I. and Amadu Sessay, *The future of Regionalism in Africa* (London: Macmillan, 1985).

Oyugi, W. O., (Ed.), *Politics and Administration in East Africa* (Nairobi: East African Educational Publishers, 1994).

Parbati, S., 'Issues and Problems in Regional Cooperation in East Africa' A paper presented at the 19th Annual meeting of the African Studies Association, Boston – November 3rd - 6th 1976.

Ravenhill, J., 'The Future of Regionalism in Africa' in Onwuka and Sesay, *The Future of Regionalism in Africa* (London: Macmillan, 1985).

Richard Fredland, 'Who killed the East African Community' in Potholm and Fredland (eds.), *Integration in East Africa and Disintegration in East Africa* (New York: University of America, 1980).

Sengor, M. S., (1995) Theoretical Foundations for Regional Integration in Africa: An Overview in Nyong'o P *Regional Integration in Africa: Unfinished Agenda*. Nairobi: Academy Publishers

Soderbaum, F., (2008) *Afro-regions: the Dynamics of Cross- Border Micro-Regionalism in Africa* (Uppsala: Nordiska Africainstitutet, 2008).

Terlinden, Ulf, *African Regional Parliaments – Engines of Integration and Democratization?* (Nairobi: Friedrich-Ebert-Stiftung, 2004).

The East African Community Development Strategy, 2006 – 2010.

The East African Standard, March 8, 2004.

The Treaty Establishing the East African Community, 1999.

The Treaty for East African Cooperation, Nairobi: Government Printer, 1967.