

**THE INFLUENCE OF IMMIGRATION POLICIES ON THE EAST
AFRICAN INTEGRATION PROCESS**

BY

WILLIAM MWADIME LEWELA

R50/9295/2004

**A RESEARCH PROJECT SUBMITTED TO THE INSTITUTE OF
DIPLOMACY AND INTERNATIONAL STUDIES IN PARTIAL
FULFILMENT FOR THE DEGREE OF MASTERS OF ARTS IN
INTERNATIONAL STUDIES AT THE UNIVERSITY OF NAIROBI.**

NOVEMBER, 2019

DECLARATION

Declaration by Student;

I declare that this research project is my original work and has not been presented for a degree in any other University.

Sign..... Date.....

NAME: WILLIAM MWADIME LEWELA

NUMBER: R50/9295/2004

Declaration by the Supervisor

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

Sign Date

DR. MARTIN OUMA

DEDICATION

This research project is dedicated to the Almighty God for enabling me reach this far in my career progression. I also extend my dedications to my father Mr. Lewela and my mother Victoria for the good foundation they instilled in me.

ACKNOWLEDGEMENT

I want to take this opportunity to thank all those who contributed to make this work a success. First and foremost, my gratitude goes to the University of Nairobi for giving me the chance to pursue a master's degree and my family for supporting me financially, emotionally and encouraging me through the journey. I also want to recognize the efforts of my friends and classmates. Many thanks to my supervisor, Dr Ouma, for his guidance and contribution. Once Again thank you.

Last but not least, I thank God for his tremendous blessings and seeing me through during this whole process.

ABSTRACT

Regional integration is a worldwide concept that is built on the objectives of member countries whose main aim is experience positive terms of trade due to free trade. The East African Regional integration has been demonstrated to increase investments in member countries. Despite the EAC's vision to establish a Customs Union, a Common Market, a Monetary Union, and ultimately a Political Federation of the East African States, progress made throughout the years has been hampered by a myriad of challenges, among them the region's immigration policies that are different among the EAC partner states. This study therefore set out to investigate role of EAC's immigration policies in promoting regional integration by focusing on three specific study objectives; to investigate how EAC's immigration policies promote the EAC integration, the strategies that the EAC member states are applying to harmonize immigration policies with aspirations of the EAC integration process and the challenges faced by EAC member states in the implementation of migration policies to boost integration in the EAC. A descriptive research design was employed to carry out the study with a questionnaire and interview schedule used to collect the primary data from respondents. The study was further guided by Liberal intergovernmentalism Theory and the Regional Integration Theory. The results of the study show that majority of travelers who are EAC citizens do so for business. This means that citizens in the EAC region are brought together mostly by trade related activities. All East African member states including Kenya, have each an immigration policy framework with aspirations for EAC regional integration. Most of the of the EAC member country immigration policies promote movement of people, capital, goods and services. The immigration policies to a large extent promote residence in any EAC state. Member countries' immigration policies are also formulated to promote healthy business competition among EAC citizens and Cultural integration and religious freedom. The same immigration policies also promote access to markets within the EAC and peaceful coexistence among EAC citizens, EAC customs union and common market. The volume of trade between the EAC member states had increased due to the influence of the immigration policies for countries in the region in the recent past. Majority of EAC countries are working towards greater integration of the region and have done this through formulation of strategies to achieve the same. The policy challenges which pose the greatest challenge to integration in the EAC region are internal and external tariff barriers to trade as well as long business registration process time in the different countries. The political challenges and social challenges on the other constitute a small impact on integration of EAC member countries. Under economic challenges, different taxation regimes in EAC member countries pose a more pronounced challenge to integration. The other economic challenges that affect integration are the different currency systems and the high cost of doing business in East Africa. Pursuant to these findings, the study recommends the following; abolishing passports for EAC citizen travelers, harmonization of crossborder policies, abolish the Visa requirements for short-time visits by members of the EAC, harmonization of taxation regimes, establishment of a common currency system, reduce the high cost of doing business, improve infrastructure and formation of a common political federation.

LIST OF ACRONYMS

AFCFTA -	African Continental Free Trade Area
AL-	Arab League
AMU-	Arab Maghreb Union
ASEAN -	Association of Southeast Asian Nations
AU -	African Union
CARICOM-	Caribbean Community
CMP-	Common Market Protocol
COMESA-	Common Market for Eastern and Southern Africa
CRD-	Civil Registration Department
CU-	Customs Union
DRA-	Department of Refugee Affairs
DRC-	Democratic Republic of the Congo
EABC-	East African Business Council
EAC-	East African Community
EACCCP-	East African Community Climate Change Policy
EACSOF -	East African Civil Society Organizations Federation
EALA-	East African Legislative Assembly
EAMU-	East African Monetary Union
EASRSIAW-	East African Sub-Regional Support Initiative for the Advancement of Women
ECCAS-	Economic Community of Central African States
ECOWAS-	Economic Community for West African States
EPA's-	Economic Partnership Agreements
EU-	European Union
GDP -	Domestic Product
GJLOS-	Governance, Justice, Law and order sector
ID-	Immigration Department
IOM-	Organization for Migration
IPRS-	Integrated Population Registration Database System
KAM-	Kenya Association of Manufacturers

KePSA-	Kenya Private Sector Alliance
KTA-	Kenya Transport Association
LPA-	Lagos Plan of Action
MIRP-	Immigration and Registration of Persons
NAFTA-	North American Free Trade Agreement
NRB-	National Registration Bureau
OAU -	Organization of African Unity
PFEAS-	Political Federation of the East African States
RIA's-	Regional Integration Arrangements
RQAN -	Return of African Qualified Nationals
SACU-	South African Customs Union
SADC-	Southern Africa Development Community
TATOA-	Tanzania Transport Association
UNECA-	United Nations Economic Commission for Africa
UNHCR-	United Nations Commission on Human Rights
USA-	United States of America
USAN -	Union of South American Nations
WTO-	World Trade Organization

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
ABSTRACT	v
LIST OF ACRONYMS	vi
TABLE OF CONTENTS	viii
CHAPTER ONE	1
INTRODUCTION AND BACKGROUND INFORMATION	1
1.1 Introduction.....	1
1.2 Background of the Study.....	1
1.3 Statement of the Research Problem	7
1.4 Specific Research Questions	8
1.5 Objectives of the Study	8
1.5.1 General Objective	8
1.5.2 Specific Objectives	8
1.6 Literature Review.....	9
1.6.1 Theoretical Literature Review	9
1.6.2 Liberal Intergovernmentalism Theory	9
1.6.3 Regional Integration Theory	10
1.7 Empirical Literature Review	11
1.7.1 Global Context of Regional Integration.....	11
1.7.2 Economic Integration in a Global Perspective.....	13
1.7.3 Regional Integration in Africa	14
1.7.4 Regional Economic Integration in East Africa	18
1.7.5 Immigration policies in East Africa	19
1.7.6 The Kenyan migration Policy Framework.....	21
1.8 Summary of the Literature Review	27
1.9 Gaps identified in Literature	28
1.11 Justification of the Study.....	28
1.11.1 Policy Justification	28
1.11.2 Academic justification	29

1.11.3 To the General Public	29
1.11.4 Theoretical Framework	29
1.12 Methodology	31
1.12.1 Study Design	31
1.12.2 Research Population.....	32
1.12.3 Data Collection Methods	32
1.12.4 Sample Size & Sampling Procedure	33
1.12.5 Data Analysis and Presentation.....	34
1.12.6 Scope of the Study	35
1.12.7 Legal and Ethical Consideration	35
1.13 Chapter Outline	35
CHAPTER TWO	37
EAC’S IMMIGRATION POLICIES IN PROMOTING THE EAC	37
INTEGRATION PROCESS	37
2.0 Introduction	37
2.1 Response Rate	37
2.2 General Information of the Respondents	38
2.2.1 Gender	38
2.2.2 Education Levels.....	39
2.2.3 Profession of Respondents	41
2.3 Study Findings	42
2.4 The Current Status of EAC Integration.....	43
2.5 Kenya’s Immigration Policies.....	47
2.5.1 Uganda Immigration Policies.....	49
2.5.2 Tanzania Immigration Policies	49
2.6 Contribution of EAC’s Member States’ Immigration Policies towards	50
2.6.1 The impetus of the Kenyan Constitution towards the EAC Regional	51
2.6.2 The Kenyan Government Policy on (EAC) and Regional Integration	52
2.6.3 The Implications of the Kenyan Big Four Agenda on the EAC Integration.....	54
2.6.4 Key policy drivers enabling EAC Integration.....	56
2.7 Chapter Key Findings	60

CHAPTER THREE	61
CHALLENGES FACED BY EAC MEMBER STATES IN THE PURSUIT OF REGIONAL INTEGRATION.....	61
3.0 Introduction	61
3.1 Challenges to the EAC integration.....	62
3.2 Power Asymmetry Challenge among the EAC Member States	63
3.3 Political Good will Challenge	67
3.4 Weak Formal Institutional Policy Challenges	70
3.5 Protection of Local Jobs from Foreigners.....	71
3.6 Limited citizen engagement in EAC policy issues	72
3.7 Corruption among Member States	76
3.8 Chapter Key Findings	77
CHAPTER FOUR.....	79
STRATEGIES FOR HARMONIZING IMMIGRATION POLICIES WITH	79
REGIONAL INTEGRATION	79
4.0 Introduction.....	79
4.1 Ensuring full and effective implementation of the EAC Common Market	79
4.2 Development of Integrated Border Management System in EAC immigration	84
4.3 E-migration System and Common Passport	86
4.4 Chapter Summary	87
CHAPTER FIVE.....	88
FINDINGS, CONCLUSION AND RECOMMENDATIONS	88
5.0 Introduction.....	88
5.1 Summary of the Findings	88
5.2 Conclusion	91
5.3 Recommendations	92
REFERENCES.....	94

APPENDICES	102
APPENDIX 1: RESEARCH QUESTIONNAIRE.....	102
APPENDIX 1I: The Interview Schedule (Ministry of Foreign Affairs officials and Truck drivers).....	113
APPENDIX 1II: LETTER OF NACOSTI	114
APPENDIX 1V: PLAGERISM REPORT	116

LIST OF TABLES

Table 1.1 Sample Size.....	34
Table 2.1 Response Rate.....	38
Table 2.2: Education Levels.....	39
Table 2.3 Change in Trade Volume.....	46
Table 3.1 Challenges to the EAC integration.....	62
Table 3.2 Responses on EAC member states' Commitment to meet EAC goals/Objectives.....	75
Table 4.1 Number of passports issued, EAC nationals registered, and work permits issued, 2011–2014.....	83
Table 4.2 Perceptions of Integrated Border Management System in EAC immigration Points.....	85

LIST OF FIGURES

Figure 2.1: Gender	39
Figure: 2.2 Age of the Respondents.....	40
Figure 2.3 Nationality of the respondents.....	41
Figure 2.4 Profession	42
Figure 2.5 Purpose of Travel	43
Figure 2.6 Responses on Immigration within EAC region.....	44
Figure 2.7 Match between government policy and EAC priorities	57
Figure 2.8 Effectiveness of Strategies facilitating Integration in the Region	58
Figure 3.1: Awareness on Immigration Policy in EAC	72
Figure 4.1 Does your Country have an Immigration Policy	81

CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.1 Introduction

Chapter one introduces the subject under investigation by presenting a brief background, the problem statement, the study objectives, literature review, empirical review, summary of the review of literature, the gaps established, the study hypothesis, study justification and the study methodology. This study is anchored on two theoretical paradigms namely; liberal intergovernmentalism theory and regional integration theory.

1.2 Background of the Study

Regionalism is understood as the attempts by neighboring countries to integrate their economies through certain forms of regional integration and the 1993 Maastricht Treaty created the European Union (EU) as the first regional economic bloc in the world. The trend of regional integration was triggered by the establishment of European Union market integration and it has become a global trend. European Union grew with accession of Austria, Sweden and Finland in 1995 to include a total of 28 members up-to-date assuming Brexit.¹ While efforts had been initiated since 1952 by the establishment of European Free Trade Association (EFTA) the legally binding regional integration was achieved in 1993 which formed the European Union.

¹ UN/ECLAC. (2014). *Regional Integration: towards an inclusive value chain strategy*. Santiago: United Nations Publication

The creation of European Union inspired countries in North America to seek economic integration, consequently leading to signing of the first agreements in 1992 and In 1994, with the establishment of the North American Free Trade Agreement (NAFTA), the following effective took over.² At the time of its founding, member state included the United States, Canada and Mexico.³ During the America's Summit, held around the same time and including all 34 nations in the Americas, with the exception of Cuba, an agreement was reached on completing talks on the American Free Trade Area (FTAA) by 2005. This (NAFTA) seeks to eliminate trade barriers in the region and set out an international cooperation structure. In achieving this, NFTA laid down guidelines on production, intellectual property and competition policies in the application of common trade rules for goods and services (elimination of national quantitative tariffs, harmonized origin regulations etc.).⁴

Other global Regional Economic Integration Communities (RECs) include *Mercado del Sur* MERCOSUR commonly referred to as southern Cone common market

Agreement which was signed in 1991 and took effect 1 January 1995 with Brazil, Argentina, Uruguay and Paraguay as partner states. The transition to a single tariff was made by its members ' establishment (MERCOSUR) for a total of 11 years, with

Brazil and Argentina completing the transition until 2001, and with Uruguay and Paraguay phasing out tariffs on the common market up to 2006. MERCOSUR aims at promoting freedom of trade and the flow of goods, citizens and currency. MERCOSUR functions have been updated and amended many times since it was

² Maxwell. A. *et al.* (2002). *The Making of NAFTA: How the deal was done*. London and Ithaca: Cornell University Press

³ Ibid

⁴ Op cit

founded; at present it is confined to a customs union with free intra-regional trade and a common trade policy between Member States.

Regional integration in East Asia led to the establishment of regional economic blocs for instance the Association of East Asian Nations (ASEAN). It comprises of 10 countries in South-East Asia which promote intergovernmental cooperation in economic, security, political and socio-cultural spheres among its members. With its headquarters in Jakarta in Indonesia. All these global economic integration arrangement have been established with an underlying conviction that elimination of barriers to trade coupled with common markets characterized by free movement of persons, capital, goods and services is the foundation upon which countries can trade better and increase their comparative advantages.

African integration aimed to unify the African economic community (AEC) as a single economy in the African Economic Community (AEC) as a rational response to the challenges faced by the continent of the world characterized by limited national markets and lands locked countries. The ECOWAS (West Africa Economic Communities) and the Pre-LPAs were developed in 1975; the Economic Cooperation and Development Commission for Africa endorsed three Regional Integration Action Agencies, a preferred Trade Area (PTA) for the predecessor to the Common Eastern and Southern Africa Market (COMESA). In 1989, the Arab Maghreb Union (AMU) with continental coverage was established.⁵ South African Coordinating Conference (SADCC) was established by the 1980 so-called "Frontline" countries in order, in particular, to increase economic dependence on South Africa's apartheid, which was still exclude from the

⁵ Hartzenberg, T. (2011). *Regional Integration in Africa*. Geneva. Economic Research and Statistics Division. Geneva: World Trade Organization

African integration plan. In 1992, Saudi African Development Association (SADC) was founded.

The founding members of the Eastern African Community were instituted in 1967 with Kenya, Tanzania and Uganda. The first integration in East Africa after independence was specifically inspired by pan African thought and often viewed as an intermediate phase in a broader integration process across the continent. In 1977, the EAC integration collapsed because of Kenyan domination and a differentiated political conviction and ideology between African socialism or Ujamaa of Mwalimu Julius Nyerere in Tanzania, Capitalism in Kenyan as well as dictatorship government of Idi Amin in Uganda, as Shivhi put it.⁶ In 1999, after two decades, the EAC reestablished the Treaty establishing the Eastern African Community. Burundi and Rwanda joined in 2007 and South Sudan demanded membership in April 2016.⁷

The goal stated in the EAC is the establishment of a custom unions, a general market, a financial and ultimately union politically, based on the legal basis of the Treaty, between its partner countries. Legal basis for regional political, economic and social cooperation, research and technology, advocacy, security, legal and judiciary cooperation, including provisions of the EAC Treaty.⁷⁸ Immigration is one of the main pillars underpinning and driving the integration process. In contrast, the integration regionally includes the movement of goods and services. Therefore, immigration is generally characterized as the movement of people of one country to another country where they are not native or do not have nationality for temporary or permanent residence Immigration.⁹ Several factors have

⁶ Shivji, I.G. (2009). *The challenge of eastern African integration community and pan-Africanism. Paper to be presented at the 10th Symposium of the EAC.* Arusha-Tanzania: ECDPM Publication ⁷ ECDPM/PERIA. (2018). Political Economy of the regional Integration in Africa-the EAC. Available at <http://www.ecdpm.org/peria>. Accessed on 10/12/2019

⁷ EAC Secretariat. (2007). Eastern African Community Treaty (As modified on 14 December 2006 and August 2007) Treaty. Arusha-Tanzania: EAC Secretariat

⁹ OECD/ILO. (2018). *How immigrants help develop the economies of countries.* Paris: OECD Publishing

been documented to influence immigration including, search for better lives, political persecution, natural disasters, search for education, marriage, conflict and business opportunities. In the majority of countries, immigration policies are connected with the movement of people, labour and capital between sovereign states.

The immigration patterns that are happening in East Africa are leading to an increased economic gains and deeper integration of people from the partner states. Consequently the countries in Eastern Africa must align their policy on immigration with regional demands in order to benefit as much as possible. In the eastern African Community the EAC has adopted many national policies on immigration to promote the free movement of people. These immigration policies impact positively or negatively on integration and this study intends to look at these resultant impacts. With a good understanding of the impact of these immigration policies, policy makers can engage in a more informed policy debate in a bid to align immigration policies to economic development. The impact occasioned by immigration in East Africa is investigated and an analysis concisely presented.

Free trade is the binding principle for any given economically integrated region where goods, labor and capital flow freely across international borders.¹⁰ Immigration policies are believed to have an influence on local, regional and even global integration. The policies may hinder or promote integration depending on how policy makers of the originating countries view and attach importance to integration. All the East African member states have different view on integration in the regional block and this has also

¹⁰ Mwasha, O.N. (2011). The benefits to developing countries in Africa of regional economic integration: the East African Community (EAC). *International Studies Review of Korea*. 1(8), 69-92

led to diversity in immigration policies. The different kinds of migration in Kenya have impacted the labour market and national development in a variety of ways.¹¹

There have been recent initiatives such as the use of a national identification card to move between member states within the EAC instead of passports which were earlier a mandatory requirement. These initiatives have led to substantial progress in the development of frameworks and policies to guide regional mobility, economic and social integration of East Africans, the entire African continent and the world as a whole. The overall effect of this has been establishment, modernization and improvement of member country laws, policies, practices and administrative structures relating to immigration.¹²

Despite the notable achievements realized by the establishment of EAC, member states face a myriad of challenges which hamper effective actualization of the integration process. For example, some external factors that challenge EAC integration concern the wider region. The eastern African states are key in crossreference between the IGAD (Kenya, Uganda and now South Sudan), SADC (2017 SADC and Burundi), COMESA (all but Tanzania) and ECCAS (Rwanda, Burundi) regional web blocs and trade arrangements. Collections of bilateral and multilateral foreign / REC trade agreements are not included. Therefore, Member States face conflicting obligations and incoherent requirements and rules to comply.

¹¹ Magara, D.O. (2015). *The effect of the Common Market in East Africa, a Protocol on Traders in Malaba on the Kenyan border*. PhD diss., Master's thesis. School Of Business, UoN

¹² Macharia, K. (2003). *Migration and its labor market effects in Kenya. Comparative Perspective Conference on African Migration*. Johannesburg: South Africa Associated Press

1.3 Statement of the Research Problem

As globalization continues to bring people together into global citizenship, the migration laws and policies need to be adopted in line with East African Community aspirations. Good immigration laws can therefore enhance regional trade through promoting free human capital and goods' movement across territorial boundaries and regulating residency of expatriate personnel and investors. Immigration policies are critical in ensuring integration by the East Africa partner states. Immigration policies can be harmonized to take advantage of the gains linked to the movement of people as well as mitigate against the costs experienced by both destination and origin countries.

Despite the vision for EAC, progress has been hampered by many challenges among them the region's immigration policies that are different among the EAC partner states. As the East African market size grows due to free people movement and goods, it is clear that aligning and harmonizing immigration policies within the EAC can impact the pace and direction of economic integration. The East African Community policy framework which informs immigration has not been institutionalized in all member states and challenges to movement of people continue to be hampered.

Despite the mandate to track integration, the Secretariat doesn't have any control or power of regulating, controlling or punishing Member States that do not meet commitments. Member States. This study therefore aims to establish how EAC partner states immigration policies influence the integration process. Since immigration plays a role in how the East African member states can integrate, this study adds value by contributing a body of knowledge that will inform policy discourse and frameworks that are geared towards achieving the objective of integration.

1.4 Specific Research Questions

- a) How do EAC's immigration policies promote the EAC integration?
- b) What strategies are the EAC member states applying to harmonize immigration policies with aspirations for the EAC integration process?
- c) What are the challenges faced by EAC member states in the harmonization of migration policies in the East African region?

1.5 Objectives of the Study

1.5.1 General Objective

To establish how EAC's immigration policies influence the free movement of persons within the East African community.

1.5.2 Specific Objectives

- a) To investigate how the EAC's immigration policies are promoting the EAC integration process.
- b) To examine the strategies that the EAC member states are applying to harmonize the immigration policies to enhance integration in the region.
- c) To investigate the challenges faced by EAC member states in the implementation of migration policies in the EAC.

1.6 Literature Review

This section examines both theoretical and empirical literature. Theoretical literature has been used to examine the key debates around integration and migration policies whereas empirical literature has been used to help identify the knowledge gap in line with the study objectives.

1.6.1 Theoretical Literature Review

This section examines liberal intergovernmentalism and regional integration theories. These theories have been examined to help understand the key debates on the harmonization of immigration policies with a view to promote integration process in the EAC.

1.6.2 Liberal Intergovernmentalism Theory

This study looks at the liberal intergovernmental theory of Andrew Moravcsik and the theories of regional integration. These are some of the important classical theories in the study of economic integration in the world today. The majority of the theories on global economic integration are based primarily on the European Union. European regional integration is among the world's countries, which started international integration in the early 1950s. The classical liberal theory of intergovernmentalism seeks to explain the integration process in Europe. The theory suggests that liberalism should be combined to explain the creation of national preferences and an intergovernmental negotiations theory to justify cooperation and integration among the states.¹³

¹³ Hodson, D.& Uwe, P. (2019). The European Union in disequilibrium: new intergovernmentalism, post-functionalism and integration theory in the post-Maastricht period. *Journal of European Public Policy*. 1(19), 1153-1171

The theory of liberal intergovernmentalism is an essential point of reference for most of the studies on integration, and more so the big decisions which Andrew Moravcsik refers to as 'grand bargains'. In the theory, he defines the grand bargains as national preference formation, inter- state bargaining and institutional choice. The theory's central question is whether regional integration is a function of economic or geopolitical interests for member states with national interests for regional integration. The theory posits that the European integration process was more based on economic interest than political interests. This can be argued to be true even with other regional integrations just like in the EAC integration process where states first considered their national interests as the top priority and economic interests as the driver of their integration ambitions. Andrew Moravcsik's theory of liberal inter-governmentalism is therefore applicable to this study as it endeavors to examine The East African Community Integration and how East Africa immigration policies influence it. This theory recognizes that member states have the resources to generate information and laws which irrespective of their geographic sizes can serve to initiate, mediate and mobilize towards regional integration. Similarly the Kenyan government can initiate policies and laws and mobilize resources within its jurisdiction which are geared towards economic and or political integration.

1.6.3 Regional Integration Theory

The regional integration theory was linked to Neo-functionalist who was prominently known for the concept of uniting the eaurope. Because in recent past, the application of integration theory in Latin America, Africa and Asia increased, Europe remained a priority for most of the research on the theory of regional integration. With a theoretical approach that applies to both Schmitter has developed a conceptual framework that has extended the global integration process across Europe in industrial and non-industrial environments. The neo-functionalists ' basic assumption is the decline in nationalism

and nation-states with their substitution by large units more appropriate for their social roles.¹⁴

Haas himself, Lindberg and Scheingold were among the promoters of regional integration. That was following the start of a crisis in the mid-1960s of the process of European integration. Haas and his scholars considered that his theory was too deterministic and Haas admitted that he had not expected a resurgence of sovereign national-states nationalism and stability within the operational institutions of the regionalist supra-nationals. Some major mechanisms and dynamics have been identified by Lindberg and Scheingold. It was concluded that neo-functionalists had not adequately studied domestic politics and could have overwhelmed supranational institutions' position.

1.7 Empirical Literature Review

1.7.1 Global Context of Regional Integration

The phenomena of institutionalized economic integration in the region coincides with the new era of globalization and shows a trend which is now becoming the future for the international scene in the present global economic order. Most regional economic blocs have come together worldwide in order to benefit each other. The EU, the North American Free Trade Agreement (NAFTA), the Southeast Asian Nation Association (ASEAN) and many other preferential bilateral trade zones were the world's most influential. In these changing world patterns, Africa has not stayed behind, with the advent of several regional integration frames, including the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and the

¹⁴ Wiener, A. (2019). *European integration theory*. Oxford: Oxford University Press

South African Development Community (SADC), the West African Economic Community (ECOWAS) and more.¹⁵ The East African common market was ratified in July 2010 after long deliberations by member countries who had different challenges including mistrust and cultural reservations. The signing of the common EAC market treaty has led to increased economic integration in areas such as manufacturing, trade and tourism. There is a possibility for a monetary union which will greatly achieve the objectives of the regional economic block and immigration is one of those areas that need harmonization.¹⁶

The effort to achieve regional integration has been attempted from the time the East African Community was mooted. Although complete integration has not been realized, a lot of progress has been made through different steps and strategies. The attempts to integrate the East African region began in 1993 when Kenya, Uganda and

Tanzania signed the so-called "Agreement for the Formation of the Standing Tripartite Commission for East African Cooperation". This was a revival of what had failed earlier on in 1977 when the countries attempted to form a regional economic block. The customs union was signed by the three countries (Kenya, Uganda and Tanzania) in 2004, replacing the 1993 cooperation agreement. This was to be transitionally enforced for five years. This meant an internal tariff elimination system that provided duty-free access to the Kenian market to Uganda and Tanzania. The category (A) goods from Kenya also achieved duty free access to the EAC member states. Eventually, internal

¹⁵ William, D., & Geoffrey, D. (2012). *Underhill, eds. Regionalism and global economic integration: Europe, Asia and the Americas*. London: Routledge Press

¹⁶ Rusuhuzwa T., & Paul, R. M. (2012). *Design and implementation of a common currency area in the East African Community*. Toronto: University of Toronto Economics.

tariff for the category B goods from Kenya was also changed from 10% to 0% within the transition period of five years. Upon Rwanda and Burundi joining in 2007, the Member States were increased to five. Nevertheless, a Common Market Protocol was signed by five Member States in 2009. Initiated in 2010 was the Common Market Protocol (CMP). Currently negotiations are ongoing to establish the East African Monetary Union (EAMU).¹⁷

1.7.2 Economic Integration in a Global Perspective

The concept of region-wide economic integration shows that geographical regional nations are united in a specific type of trade and growth partnership. Regional economic integration can be regarded as a zone of free trade, a customs union, a single market or an economic union in its most extreme form. There are two characteristics that shape the first stage of national integration: the free trade area. Firstly, the Member States ' liberalization of the trade legislation. In turn, the elimination of members ' trade barriers. Tariffs, in this case.¹⁸

The second economic integration stage is customs union that enhances a third feature to the two free trade area characteristics, namely the common tariff imposition on countries who are not members. In addition to the agreement to enforce specific tariffs on non-Member States, the customs union member nations promise to ease up trade rules, remove trade barriers imposed on members. For instance, all customs union members could agree to a 10% tariff on the nations who are not Members whereas each country had a different, unique tariff levy previously.

¹⁷ Buigut, S. (2012). *An assessment of the trade effects of the East African Community customs union on member countries*. Washington D.C.: Nathan Associates Inc.

¹⁸ Kehoe, W. (1998). GATT and WTO: Facilitating Global Trade. *Journal of Global Business*, 13(2), 67-76

The third economic integration stage is the common market with a distinctive fourth element, all of which are free trade area characteristics as well as custom unions.

Mobility of resources, labor and innovation is included. Labor mobility requires Member States to establish specific visa policy and residency status.¹⁹ The Member States shall also develop specific policies of harmonization, mutual recognition or mutual acceptance or agreement concerning minimum standards national standards. Economic union is the fourth stage for integration of the economy, characterized by economic integration through fiscal-monetary harmonisation and the creation of the common currency. For example, the countries of the European Union are governed by the European Parliament, the super-national governing body. The ultimate step in regional economic integration is a political union. A political union offers the leaders of an economic union full economic and political unity.²⁰

1.7.3 Regional Integration in Africa

As a major component of its development strategies since independence, most African states have taken regional integration as a significant constituent as well as established several regional integration agreements (RIAs), many of them with substantial membership. Africa's largest trade, investment and development partner was the European Union. A number of Lome Conventions regulating trade in the EU have allowed African countries to enter EU markets unilaterally. The Cotonou Agreement was signed by the EU and African countries in 2000, which paves the way for talks on trade cooperation arrangements aligned with the World Trade Organisation.²¹

¹⁹ Geda, A., & Haile, K. (2008). Africa Regional Economic Integration: review of COMESA problems and prospects. *Journal of African Economies*, 17(3), 357-394.

²⁰ Ibid

²¹ Hartzenberg, i. (2011). African Regional Integration (October 10, 2011). Available at

The majority of countries in Africa have low levels of per capita income and small populations which contribute to small markets. Twelve African states in Sub-Saharan 2010 had populations of less than 2 m, while 19 had a GDP of less than 5bn, six with GDP of less than 1bn. In addition to being the majority of small and poor Sub-Saharan African economies, 15 are landlocked and a significant factor in the high trade transaction cost, as well as in the higher cost of doing business in Africa. Low rail and road service per capita rate raises business cost in Africa. The most important constraints of the continent's business were poorly established cross-country connections. Africa still has one of the highest shipping costs in the world. For instance, it would take US\$ 1,500 to carry a car from Japan to Abidjan (including insurance) and US\$ 5,000 to carry the car from Addis Ababa to Abidjan. Most of the continent has no connection to road, air and rail networks.²²

Significant aspect of the immediate post-colonial era that resulted to the Lagos Action Plan (LPA) formation was the aim of African leaders in integrating the continent and transforming it through the industrialisation of import substitution. This idea of the LPA was a product of the African Unity Organisation. In April 1980, the United Nations Economic Commission for Africa (ECA) adopted it with the help of the members.²³

SSRN: <https://ssrn.com/abstract=1941742> or <http://dx.doi.org/10.2139/ssrn.1941742>

²² McCord G, & Jeffrey D. *et al.* (2005). *African inequality understanding: beyond Washington's agreement on the Millennium Development Goals*. Africa in the World Economy. Netherlands: The Hague

²³ Bösl, A., Willie, B., & Trudi, H *et al.* (2007). *Monitoring Regional Integration in Southern Africa* Yearbook. TRALAC Yearbook. Stellenbosch: Trade Law Centre for Southern

The Lagos Action Plan contributed to the implementation in Africa of the Abuja Treaty. Economic integration. The proposed integration of Africa and industrialisation structure for the continent was to divide the continent into the areas of regional integration that constituted the African Economic Community, a shared African economy. The Abuja Treaty formalized and developed structures governing economic integration processes across the continent.

To achieve that, Three Regional Integration Agreements were supported by the European Commission for Africa (ECA): the Western African Economic Community

(ECOWAS, founded in 1975; the East and Southern Africa Preferential Trade Area (PTA), the forerunner to the Eastern and Southern African Common Market (COMESA), and the Central African State Economic Community (CEA). In 1989, the Arab Maghreb Union (AMU) was established and continental coverage was completed. In 1919, the first step to economic integration in eastern Africa was taken in support for commerce with each other when the Kenyan, Ugandan and Tandanikan British colonies created the custom unions.²⁴

EAC has been subject to the related stage of integration since its rebirth and now comes under the single market, beginning with the free trade area. Both features of the free trade area and customs union are included in the common market, while adding a fourth feature of the versatility of output factors. Includes flexibility of capital, labor and innovation. Mobility in employment requires Member States to have a common visa and

²⁴ Nye, S. (1963). East African Economic Integration. *The Journal of Modern African Studies*,1 (4) 475-502.

residence policy. In order, with these common policies, to harmonize standards or mutually recognize, or agree on minimum standards, Member States shall develop common policies to harmonize their immigration policies with the Common Market Requirements. Subvention requirements, safety and health provisions, anti-trust standards and professional standards of approval are also included in the common market protocols.²⁵

The World Trade Organization is an international organization with a mandate to govern trade rules between countries. The activities and policies initiated by states in economic integration are closely regulated and monitored by the WTO, in order to conform to healthy economic practices which are internationally recognized. The US Free Trade Area (NAFTA), established in 1994, was expanded to Mexico under the Free Trade Treaty between Canada and the US, is one of most prominent regional integrated blocs worldwide. One lively example would include how the EU developed ties to Eastern Europe's transitional economies under the Europe Agreements.

ASEAN, the Arab League, the Caribbean Community (CARICOM), the South American Nations Union (USAN), the African Union (AU), and others are other partners. Amongst the findings found in Africa are ECOWAS (Western African Economic Community), SADC (Southern Africa Development Community), Comesa (ECOWAS), and the Eastern African Community (EAC) for purposes of the study.²⁶

²⁵ Ogola, F.O *et al.* (2015). A profile of East African Community integration. *The Journal of Management*, 1 (4), 333-364

²⁶ Reith, S., & Moritz, B. (2011). The East African Community Regional Integration: Between Aspiration and Reality. *Kas International Reports*, 9(10), 91-107

1.7.4 Regional Economic Integration in East Africa

Eastern African Community (EAC) seems to have a registered office in the Republics of Kenya, Uganda, Arusha, Rwanda and the Republic of Burundi, Tanzania and the Regional intergovernmental organization. It is a forum to expand as well as deepening integration in terms of finances, politics, social and cultures in an attempt to enhance the citizens' living standards in East Africa by enhancing competitiveness, added value, trade and investment that has been developed. EAC is primarily committed to building a prosperous, productive, safe, stability as well as political integration in Eastern Africa. The group has accomplished a variety of milestones since its foundation in 1999.²⁷ The Treaty, founded by the Eastern African Community of Kenya, Uganda and the United Republic of Tanzania, was dissolved in 1977 and reinvigorated by the 1999 Treaty. The Treaty is the EAC Treaty. In 2007, Burundi and Rwanda left and in April 2016 South Sudan joined. Kenya, Uganda and the United Kingdom have developed strong economic cooperation and formed the foundation of the historically based political, economic and social integration of the EAC Member States. The aim of the EAC is progressively to establish a Customs Union, common market, monetary union and ultimately East African political federation.²⁸ These include the following: the creation of Group institutions under the EAC Treaty; the establishment of the EAC Customs Union; the enhancement of Eastern Africa's profile. Equalization of monetary and fiscal policies. The improvement of transport, communications and communication systems.²⁹

²⁷ Kasaija, P. A. (2004). Regional integration: Eastern African Countries international union. *African Journal of International Affairs*, 7(2), 1-2.

²⁸ Byiers, B., & Jaime, de Melo. (2018). *Working with the grain of African integration*. No. 4530. Netherlands: ECDPM

²⁹ Kamala, D. B. (2006). *Present East African Community cooperation's successes and challenges*. Nairobi: University of Nairobi Press

Eastern Africa's regional integration faces a range of challenges that prevent it from developing and realizing its full potential. These challenges cover economic, worldwide, political and trade challenges with freedom of movement cited as a stumbling block to EAC progress. Available data indicates that the volume of trade between the five East African states, have increased tremendously over the period of five years. For instance, Kenyan exports to Tanzania increased by 50 per cent while the Tanzanian exports to Kenya also doubled in the same period. The empirical evidence reveals that, the economic integration achieved through common market and customs union in East Africa have increased the market accessibility in the region and trade has been enhanced. Although there exists documented evidence to prove economic development and progress, a lot needs to be achieved in relation to barriers and challenges that continue to hinder effective economic integration. Some being immigration policies and policies related to movement of persons, labor and capital.³⁰

1.7.5 Immigration policies in East Africa

Immigrant policies may be described as the government interventions that control the arrival or departure of foreign nationals, their intention of arrival and their length of stay. Migration policies include migration policy, migration policy, seasonal migration and refugee policy. Migration policies in eastern African countries focus on limiting international and national jobs. It is clear that migration policy can be translated into more or less stringent regulative structures like immigration, residency and job laws for foreigners in all three eastern African countries (Tanzania, Kenya and Uganda). Whereas immigration policies are intended to regulate labor movement in all the states,

³⁰ Kimbugwe, K., et al. (2012). *Regional Trade Economic Development: The New East African Community*. Arusha: Springer.

national governments continue to regulate labor mobility with the aim of promoting national employment and of restricting foreigners from employment.³¹

In the East African research, the International Labor Organization showed that African migrations, in particular rural to urban, do not have the same effect as migration in European and North American industrialized and developed economies. East Africa has a long tradition of transportation between countries in and within the region from / to plantations (cotton, coffees and in Uganda), mines and seasons (Uganda, Tanzania and Kenya pastoral societies). In each individual country, there are a series of categories that explain migration policies in East Africa. Uganda has a number of policies on labor migration and some are being drawn up. Uganda, for example, has an international migration policy, which governs emigration as well as immigration of individuals as well as steps to control emigration of professionals and officials. Uganda was also one of the first signatories and joined in 1995 to the International Convention for the Protection of the Rights of Migrant Workers and Families. RQAN (Revolution of African Qualified Nationals) is estimated to return more than 300 professionals to Kenya by the end of 2002, run by the International Organization for Migration (IOM).³²

For migration in Tanzania, there exists a strict labour migration policy that was initiated as a result of increased unemployment among its youthful population. The country has an estimated 750,000 unemployed youth annually, one of the reasons for stringent labor migration in Tanzania. To tackle this problem, policies have been developed to promote

³¹ Musonda, K., & Flora, M. (2006). *Migration Legislation in East Africa*. Milan: International Labour Office.

³² Spaan, E., & David, M. (2006). *African exodus? Trends and patterns of international migration in sub-Saharan Africa*. Migration and Development Series. Bielefeld, Germany: COMCAD ³³Chaulia, S.(2003). Tanzania refugee policy: open door to unsustainability, insecurity and receptiveness. *Journal of Refugee Studies*, 16(2), 147-166.

the employment opportunities of Tanzanians and increase labor productivity to ensure full employment and to increase employment productivity. The policy initiated by the government of Tanzania aims at regulating the inflow of immigrant workers to compete the nationals.³³

There were also large displacements of rural and urban immigrants in countries during the post-colonial period for jobs or livelihoods. Urbanization rates and global migration levels in East Africa have generally increased a move that has necessitated formulation of immigration legislations and policies that regulate the movement of people across international boundaries. The influx of refugees in East Africa also necessitates the formulation of policies aimed at regulating the movement of refugees, their stay and their engagement in the host country. The Ugandan refugee policy is guided by, for example, the outdated 1960 Aliens Control Act, criticized for its inconsistency with international law on refugees particularly with regard to refugees ' rights to own property, access to courts and freedom to move freely.³³ Substantial legislation on migration in general, but more on immigration and less on emigration, exist in all the East African countries and this research is premised on such legislation to guide East Africa partner states in specific terms to formulate comprehensive migration policies that can turn around and actualize economic gains and East Africa integration as a whole.

1.7.6 The Kenyan migration Policy Framework

In many parts of the world including African countries, USA, Europe and the Middle

³³ Sandvik, B. (2010). A legal history: the emergence of the African resettlement candidate in international refugee management. *International Journal of Refugee Law*, 22(1), 20-47

East, Kenya has long been a source of external migration. Nonetheless, the size of Kenya emigration is not accurate, but outward migration is thought to be important.³⁴ By 2010, the World Bank's Factbook on migration has placed 457,000 and 475,000 people on the diaspora of Kenya in 2013, indicating approximately that some 6,000 people will emigrate every year.³⁵ The UK, the US, the Middle East and others in Africa, such as Uganda, Tanzania, Botswana, Lesotho and South Africa, have the top destinations for Kenyan emigrants. It is estimated that in the Middle East and Gulf region alone 100,000 Kenya migrant workers are untrained while in the US about 30,000 Kenya migrants are irregular.

For various categories of vulnerable immigrants, Kenya is a point of origin, transit and destination. When migrants leave Kenya for better economic opportunities, they will be an outside migration source. The country is also on an irregular migrant and trafficking route. Further, both regular and irregular immigrants will come to Kenya where there is a large population of asylum seekers and refugees.³⁶

Kenya is also a significant nation for migrants from western, eastern and other continents of Africa. However, with its neighbors in East Africa, the country has a strong intra-regional migration. Kenya shares with Ethiopia, Somalia, Uganda, South Sudan, and Tanzania over 4,000 km of extreme porous borders. Some of these nations are still having armed conflicts as well as natural disasters, growing the irregular migration

³⁴ Castles, S., et al. (2013). *The age of migration: International population movements in the modern world*. Macmillan: Macmillan Publishers

³⁵ Ratha, D., & Zhimei, Xu. (2008). *Outlook for Remittance Flows 2008-2010: Growth expected to moderate significantly, but flows to remain resilient*. Washington, DC.: World Bank

³⁶ Gambino, C., & Edward, N., et al. (2014). *Foreign-born Population from Africa, 2008-2012*. US Department of Commerce, Economic and Statistics Administration, US Census Bureau. Washington DC: Apex Press

probability. Migrants from primarily horn countries in Africa (Somalia, Ethiopia, South Sudan, Eritrea etc) migrate to Kenya to seek refuge and livelihoods. Given the efforts made by the East African Community (EAC) and its partner countries to create a common market, Kenya's migration policies in East Africa are aimed at enhancing EAC capacity, tackling migration issues and assisting with their incorporation into its operations in July 2010 of the Common Market Protocol.

In the area which has seen a disproportionate proportion of insecurity in sub-Saharan Africa, immigration policy is aimed particularly at enhancing East African Community capacities to harmonize migration management, enabling free and safe movements of persons. Under the UNHCR (2011 report) about 566,500 refugee and about 35,271 asylum seekers were accommodated in Kenya by the end of 2011. Refugees come mostly from Ethiopia, Somalia and southern Sudan, while those seeking asylum come mostly from eastern parts of the DRC.³⁷

The role of the two countries in international (EAC) migration is expressed in Kenyan emigration to Tanzania and Uganda. In recent years, high unemployment, intergovernmental poverty, environmental conditions, droughts and uncertainty, population growth and political instability have been the main drivers for emigration from Kenya. The emigrants and the Diaspora of Kenya are making an increasing financial contribution to the domestic economy, with the goal of encouraging the Kenyan Government to advance its policies on its positive aspects of the migration, including the formulation of a diaspora policy and dual citizenship, as enshrined in the Immigration and Citizenship Act 2011. In particular in Europe and North America, the

³⁷ Kanyangoga, J. (2010). *Integrating migration with development in EAC: policy challenges and recommendations*. Geneva. Switzerland: Geneva Resource Centre

Kenyan Government has taken political initiatives to increase the contribution to national development of the Kenyan Diaspora.³⁸

In A front of the South African Customs Union (SACU) founded in 1910 and the Eastern African Community (EAC) set up in 1919, national integration initiatives have a long history. Since that time, several regional economic communities across the continent have been developed, particularly since the 1970s. More than 10 regional economic groupings currently exist in Africa.³⁹ Most African countries belong to at least one regional economic group. South Sudan's latest country in Africa recently applied to join the regional economic block of East Africa. This research study will focus on the impact of EAC immigration policies on the regional integration process by detailing and illustrating the views and opinions of member states and especially government officials.

A Treaty forming a national bloc is the basis for the common market in East Africa. The Regional Block has four pillars: freedom for goods movement, jobs, services and capital, migration freedom for individuals, employees, the right to residency, and radical liberalization of services. Kenya recently became a leading migrants ' source in East and Southern Africa, and also in other developed parts of the world. On the other hand the country also remains a destination country for immigrant labor from other developing and also developed regions of the world. There have been several issues arising from and to Kenya; high unemployment in rural areas, intercommunal discrimination,

³⁸ Ratha, D., Sanket, M., et al. (2011). *Leveraging migration for Africa: Remittances, skills, and investments*. Washington DC.: The World Bank Publication

³⁹ Geda, A., & Haile, K.. (2008). Regional economic integration in Africa: A review of problems and prospects with a case study of COMESA. *Journal of African Economies*. 17(3), 357-394.

ecological factors, including unpredictability for famines and rainfalls, large growth of population as well as instability politically.

Countries which make up the EAC have come up with migration policies geared towards compelling freedoms advantage enshrined in the protocol for common market. Kenya which is a key player and has a keen interest has made great steps in transforming the immigration policies. By that time, the Ministry of Immigration and Personal Registration (MIRP) established a 2008 to 2012 strategic plan. The strategy plan established migration policy as the key to the implementation of strategic objectives, programs and projects in the East African Community on migrant issues.

Since that time, the Ministry has expanded its major portfolios. These include the National Registrar (NRB), the Departments of Civil Registry (CRD), the Immigration Department, the IPRS, and the Department of Refugee Affairs.

The PEACCM lays down five freedoms and two privileges in Articles 76 and 104 of the EAC Treaty. Free migration of the citizens, free goods movement, free employees' movement, freedom of government, rights for residence, free utilities movement and the free movement of capital freedoms are all freedoms. This legislation has led Kenya to harness economic advantages from other East African member states. Tanzania continues to rely largely on immigrant Kenyan work in various sectors of its economy due to its well-trained and skilled workers in Kenya. Research indicates that the Kenyans, led by South Africa and Australia, are the leading immigration countries of the EAC Partner States. Australia and South Africa invest heavily in mining. In the Tanzanian economy, Kenya is the UK's second shareholder.

On the other hand, Uganda and Kenya are very good neighbors on account of sharing skilled migrant workers. Most of the Ugandan employers recruit Kenyan workers who

have a reputation as hard working and they are not selective on the jobs offered to them. Kenya's employees are mostly found in businesses as banking and the hotel industry, because senior managers in retail stores and other Kenya-based enterprises have expanded into Uganda. There is a porous border and similar communities on both sides of the Kenyan-Uganda border and prohibiting an exchange of labor by both countries is impossible.

Also in the two eastern African countries, Kenya and Rwanda continue to work together in diverse economic efforts to support the movement of labor, capital and individuals. The Rwanda National Migrant Policy and Strategies (Rwanda, 2009) aims to deal with, among other cross-border problems, refugees, human trafficking and migrants smuggling. This program encourages immigration from EAC Member States to residents. In reality, it is only Kenyan and Kenyan companies who must register on the Rwanda Development Board that dominate the Rwandan labor market.

The whole process of registration and acquisition of permits is free of charge.

These case studies on Kenya and her East African neighbors is enough evidence that Kenya dominates all the EAC countries in labor relations. It is therefore noteworthy to evaluate and harmonize Kenya's immigration policies on advancing the regional economic integration. The on-going drive to fastrack economic integration as evidenced by the increased political will to increase infrastructural development in the region with projects like the standard gauge railway and northern corridor which was initiated by the EAC member countries. As this continues there will be more economic integration among East Africans on variant platforms.

Kenya particularly has an exciting legislation aimed at regulating movement of immigrants following serious allegations that the country has become a transit, source

and destination of trafficked persons. The law includes the reforms that aim at curbing the vice especially the Governance, Justice, Law and order sector reform programme (GJLOS). The legislation is meant to prevent human trafficking, regulating cross border migration and addressing issues of citizenship. In order to improve migration management in the country as well as inaugurate regional and sub-regional offices at strategic locations, the Kenyan government has other initiatives such as; implementing the Kenya Citizenship and Immigration Act 2011. EAC Partner States will work together to identify effective methods to tackle migration challenges such as reducing irregular migration, forced displacement, addressing issues related to migration safety and ensuring regional security and optimizing positive impacts, such as labor immigration, diaspora participation, remittance and border management, etc..

1.8 Summary of the Literature Review

Hindrances to the East African Community region labour migration are many and require relevant legislation to address them. Citizens from East African member countries should be sensitized to look at EAC as just one economic block. The differences between EAC member states in regards to free movement of people and labour are very glaring. The laws must be harmonised or new ones introduced which are coordinated and aim to ensure free people's movement in the nations. National legislation doesn't take the specific interests of migrant workers into account. Public labor policies and standards should be encouraged to give greater opportunities to cross-border skills, market experience, innovation and professional services. Expertise is missing in eastern African states and international obligations are being disregarded and the economic crisis persists and high unemployment slows down the achievement of an integrated economic bloc. There is proof of political reluctance to achieve the goals accepted by the governments of East Africa, the trade unions and the wider civil society

that leave migrant workers in the hands of receiving countries and employers. The East African laws are also restraining as opposed to attracting migration. Migrant labor is only allowed if there are no equivalent skills available locally. Most people in East Africa are not aware of the laws and legislations concerning immigration in the region.

1.9 Gaps identified in Literature

From the above literature review, this study established that the EAC immigration policies and their impact on EAC regional integration have not been adequately addressed by other scholars. It is also evident that the strategies employed by EAC member states to harmonize the immigration policies in the region are also not very clear. The study therefore intends to make follow-up on these key two areas and in the process also highlight the key challenges faced in addressing them.

1.10 Hypothesis of the Study

H₁: The East African immigration policies facilitate the process of regional integration process.

H₀: The East African Community Immigration Policies do not facilitate regional integration

1.11 Justification of the Study

1.11.1 Policy Justification

This study tried to establish the role that EAC's immigration policies play in the process of the integration within member countries of the East African Community. Regional integration is the best way different nations within a region can create economies of scale and mobility of factors of production which can address many human challenges

that are economic, social and political in nature. EAC's immigration policies were therefore reviewed and assessed as portrayed by the different stakeholders in different contexts with a view to generating knowledge on how improvements can be achieved towards the aspirations of the East African Community. States within the EAC trading block have the obligation to align their immigration policies to with the integration principals and specifically those that facilitate free movement.

The study is therefore important to enhance the existing policies on the EAC integration process by the member states. The study results may also be used to formulate new policies that may not have been foreseen.

1.11.2 Academic justification

The study forms an important platform upon which other scholars can expand research in the area of immigration and East African region integration and beyond. The volume of knowledge generated by the study acts as a valuable point of reference for the academia for both students and lecturers.

1.11.3 To the General Public

For the regions which have had regional integration and immigration issues the results of this study forms a learning example on how the challenges can be approached with immigration policy change.

1.11.4 Theoretical Framework

The study looks at two theories of integration namely; Liberal intergovernmentalism Theory and the Regional Integration Theory. The Liberal intergovernmentalism was put forward by Andrew Moravcsik when he tried to explain regional integration in Europe which he referred to as "Grand Bargains". Andrew Moravcsik's theory of

intergovernmentalism is anchored on these so called grand bargains which he posits that they are National preferences which determine state choices and inter- state bargaining and institutional choice. The Andrew Moravcsik believes that states come together due to economic interests rather than political interests. Another important theory of integration that this study found relevant is the Regional Integration Theory.

This hypothesis was primarily related to Haas, a leading neo-functionalist known for his idea of "Uniting Europe." Haas postulated the fall of nationalism and nation countries and their displacement by large units better suited to their roles in society.

The two theories are very applicable to the case of regional integration in the context of the East African Community. The Liberal Intergovernmentalism Theory was put forward at the time when the European Union was being formed and scholars tried to explain the process and rationale behind what was happening at the time. The European Union represents a success case which other states and regions can study and borrow their experiences. The theory of regional intergovernmentalism asks the question of whether integration is a function of economic or political interests. By asking the same question for the East African region, the theory provides an important platform upon which the EAC member states can evaluate the overriding interests of the individual members which is important in making the choice of whether or not to support the EAC integration process.

The Regional Integration Theory has been applied to integration in other regions of the world including Latin America, Asia and Africa. The underlying postulation of this theory is that nationalism and nation states are declining and larger units replacing them are more suitable for their roles. The applicability of this theory to the EAC is very likely as we see the member states try to form a common monetary union as well as elimination

of both economic and policy borders within the EAC. As these EAC states collapse their borders so as to harness the benefits of regional integration the Regional Integration theory provides a guiding pillar for this study to borrow from what other regions have gone through, their failures and successes.

Regional integration is a worldwide concept that is built on the objectives of member countries. Several reasons prompt countries to want to come together as partners in regional block. The main one is trade gains where countries experience positive terms of trade due to free trade and increased competition availing a variety of goods and services to consumer against the rest of the world. Regional integration has been demonstrated to increase investments opportunities in countries. When countries come together to form an economic block, they increase their market size due to bigger populations of citizens and as such, investors are attracted to cater for this increased market size. This increased investment and production aimed to tap into the available market attracts direct foreign investment.

1.12 Methodology

This section covers the following; study design, study site, methods for collecting data, population targeted / frame for sampling, sampling and sampling size, ethical issues, analysis and presentation of the data, scope and limitations of the study.

1.12.1 Study Design

The research model of Kothari and Garg is a project, structure and strategy for research to obtain responses to the collection and evaluation of observed facts.⁴⁰ This thesis

⁴⁰ Kothari, C., & Garg, G. (2014). *Research methodology Methods and Techniques*. New Delhi: New Age International (P) Ltd.

employed a descriptive method of research to determine the frequency or the relationship between variables with which something happens. A descriptive model was developed to obtain information about current phenomena by asking questions about individual perceptions and attitudes. In a descriptive study design, the researcher will observe, count, delineate, and classify information obtained to comprehend EAC's immigration policies.⁴¹

1.12.2 Research Population

This refers to the specific group of individuals relevant in a study. Mugenda & Mugenda describes a study population as a group of individuals or objects that have the same characteristics. The group has certain specifications which defines the people in the target group.⁴² Data was collected from civilians, business entrepreneurs (importers/exporters), immigration officials (at border points), civil servants (EAC officials, department of immigration, foreign affairs etc) academicians (Higher institutions of learning) and customs officials with proven knowledge on the Role of Immigration Policies in Promoting Regional Economic Integration in East Africa.

1.12.3 Data Collection Methods

This study obtained data from both source of data which are primary and secondary. The collection of primary data was done by use of structured questionnaires. On its part, secondary data was collected from journals, published and unpublished academic thesis, Government publications, published Books and online sources. Each part in the

⁴¹ Quinlan, C., Barry, B., et al. (2019). *Business research methods*. Andover, UK: South Western Cengage.

⁴² Mugenda., O. & Mugenda, A. (2003). *Research Methods; Quantitative and Qualitative approaches*. Nairobi Kenya: Acts Press.

questionnaire had been designed to address a specific study's objective (see Appendix 1). To achieve the stated objectives, the questionnaire had both closed and open ended questions. Similarly, interviews were also used to collect data from key informants such as government representatives on immigration. Interviews include the delivery of oral-verbal stimuli and oral-verbal responses to the collection of data.

These allow questions to be answered and are more powerful than written questionnaires.

1.12.4 Sample Size & Sampling Procedure

According to Mugenda, large sample size is required if the accessible population is very heterogeneous on the variable under study, but if there is the possibility of the population being homogeneous, then one case would be enough.⁴³ For the purpose of this study, a body of professionals who are well versed with East Africa migration policies, bureaucrats engaged in facilitation of East African integration process, investors in the region as well as academics who continue to produce knowledge on the process of integration were included for the study. The sample size for this study was computed at 95% confidence level and a 5% margin of error.⁴⁴ Proportionate stratified sampling and Purposive Sampling Techniques were used to obtain the study sample.

Out of the target population, the researcher sampled 100 respondents from the departments and institutions relevant to the study (see table 1.1). The views of the sampled group selected with the assumption that, the views of the sample selected reflects views of the sample population. Purposive sampling was used to classify the five sample units as follows: business entrepreneurs, customs officials, civil servants,

⁴³ Ibid

⁴⁴ Vriens, M. (2006). *The handbook of marketing research: uses, misuses, and future advances*. Thousand Oaks: Sage Publication..

academicians and immigration officials with proven knowledge on the immigration policies. The target population is the specific pool of cases that the researcher is studying. The study employed the non-probability purposive sampling to choose the respondents that are knowledgeable about the study phenomena. Purposive sampling considers the most common characteristics of the target sample and its location which makes it easier to obtain the information for the study.

Table 1.1 Sample Size

Target Population (N)	Sample Size (n)
Business entrepreneurs	20
Academicians	20
Immigration officers	20
Custom officials	20
Civil servants	20
Total	100

Source: Researcher, 2019

1.12. 5 Data Analysis and Presentation

The data collected were categorized. Coding includes the provision for the easy collection and organization of data of numerical codes on all declarations. The percentage distributions were then utilized and the results illustrated using tables, charts and thematic organization.

1.12.6 Scope of the Study

The study covers the role of EAC's immigration policies in promoting regional integration. The study focused on the citizens of EAC 5 nations in the partnership particularly Tanzania, Uganda and Kenya being the founder members of the economic bloc. Additionally, the study was centered on the period between 2010 when the common market protocol took effect up-to-date.

1.12.7 Legal and Ethical Consideration

The study ensured that the research is done in an ethical manner. First, the researcher sought for a letter from the University of Nairobi to allow conducting the study. The authors were also looking to obtain permission from (NACOSTI). The study ensures that the data collected by the respondents are confidential and secure. All the data collected have been kept secure in this regard. In order to avoid disclosing who supplied the data, respondents were not required to write their names on the questionnaire. The respondents received a letter of application to participate in the study. The participants are courteous and provided with a mechanism to ensure informed consent to the study. The study also ensured that all literature reviewed was cited accordingly.

1.13 Chapter Outline

The study is divided into five chapters.

Chapter one is the introduction and it discusses the background to the study, statement of the problem, objectives of the study, specific research questions, literature review, theoretical framework and methodology.

Chapter two is conceptual and analyzes in depth the concepts of migration and regional economic integration focusing specifically on how EAC migration policies facilitate free movement of persons in East Africa.

Chapter three analyzed the strategies that the EAC member states are applying to harmonize the immigration policies to enhance integration in the region.

Chapter four investigates the challenges faced by EAC member states in the implementation of migration policies in the EAC.

Chapter five presents the summary, conclusion and recommendations.

CHAPTER TWO

EAC'S IMMIGRATION POLICIES IN PROMOTING THE EAC

INTEGRATION PROCESS

2.0 Introduction

This chapter presented the findings and analysis of the study in line with the first objective of the study which sought to analyze in depth the concepts of migration and regional economic integration focusing, specifically on how EAC migration policies facilitate free movement of persons in East Africa. It will address key integration areas on socio-economic and political issues which have driven the integration agenda. Policy pronouncements and deliberations as well as actions of member states are at the core of the integration process in the region. First, the chapter presents the current status of the EAC establishing key areas of shared interest among the member states and narrowing the debate to individual country's policy framework informing the integration process. The data was collected using questionnaires as well as relevant secondary data. The findings obtained are presented in the following sections.

2.1 Response Rate

The sample of the study was 100 persons including; business entrepreneurs, customs officials, civil servants, academicians and immigration officials. From these, 93 responded, making a return rate of 93 percent. According to Babbie, a response rate of more than 70% is considered sufficient for a study.⁴⁵ In this regard, the questionnaires

⁴⁵ Babbie E. (2010). *The Practice of Social Research (13th Ed.)*. California: Thomson/Wadsworth.

returned were considered sufficient to represent the study. Table 2.1 shows the response rate.

Table 2.1 Response Rate

Response Rate	Sampled	Responded
Sampled	100	93

Source: Field Data, 2019

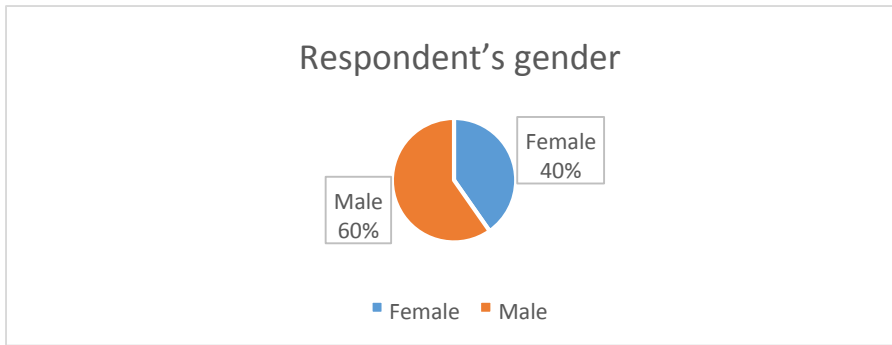
2.2 General Information of the Respondents

2.2.1 Gender

The researcher aimed to have an equal number of representations by both genders, however this was not realised due to the high number of male respondents sampled. This can be attributed to the region being a patriarchal society where men make majority of the regional decisions. When asked to state their sex, most of the respondents (60%) pointed out they were male while the rest (40%) were Female.

This is indicative of the fact that both sexes were well represented in the study. See Figure 2.1 below.

Figure 2.1: Gender



Source: Field data (2019)

2.2.2 Education Levels

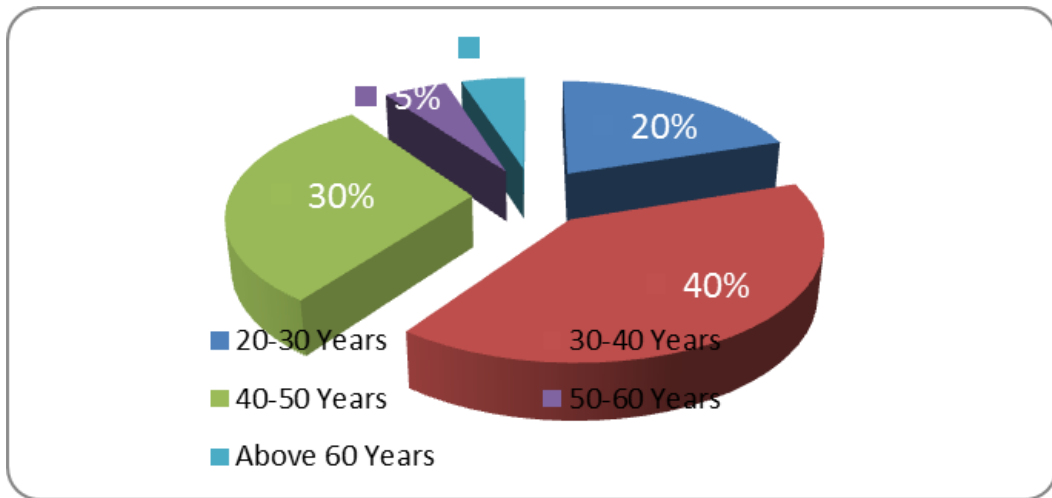
When asked to state their education level, most of the respondents (37%) pointed out that they had bachelor's degree level while 30% were both high school graduates and other equivalent qualifications recognized in the region. At least (3%) had PhD and Masters Degrees. This is indicative of the fact that education was well represented in the study. Level of education was considered important since this determines ones level of conceptualization of issues of concern.

Table 2.2: Education Levels

Level of Education	% of Respondents
High School Graduate	30
Bachelor's Degree	37
Post Graduates/Masters Degrees	3
Other	30

Source: Field data, 2019

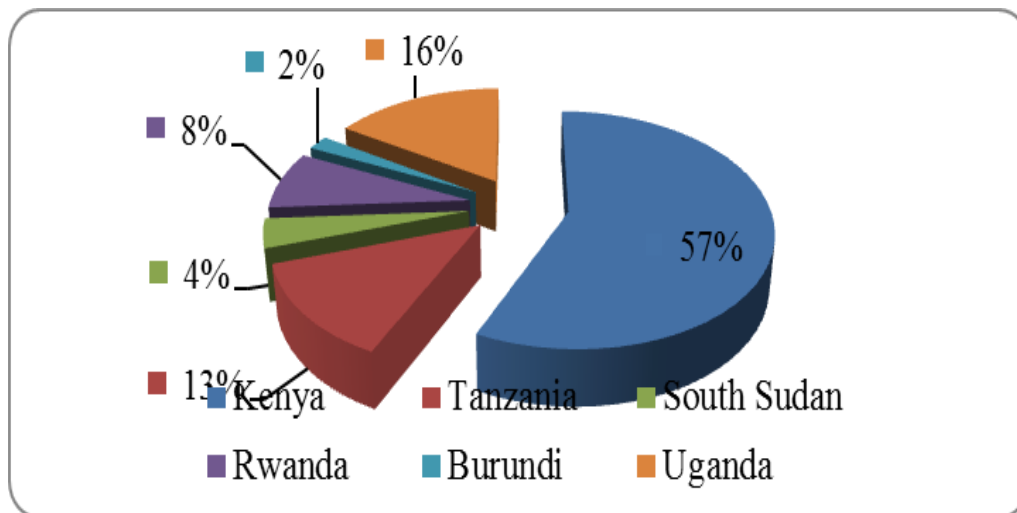
Figure: 2.2 Age of the Respondents



Source: Field data, 2019

The respondents were requested to indicate their age. The majority of the respondents, (40%) pointed out that they were aged between 30-40 years. These were followed by 30% who were aged between 40-50 years and 20% were aged between 20-30 years. The rest were 60 years and above. These findings show that the respondents came from diverse age groups. In this regard, age-related bias could be avoided.

Figure 2.3 Nationality of the respondents



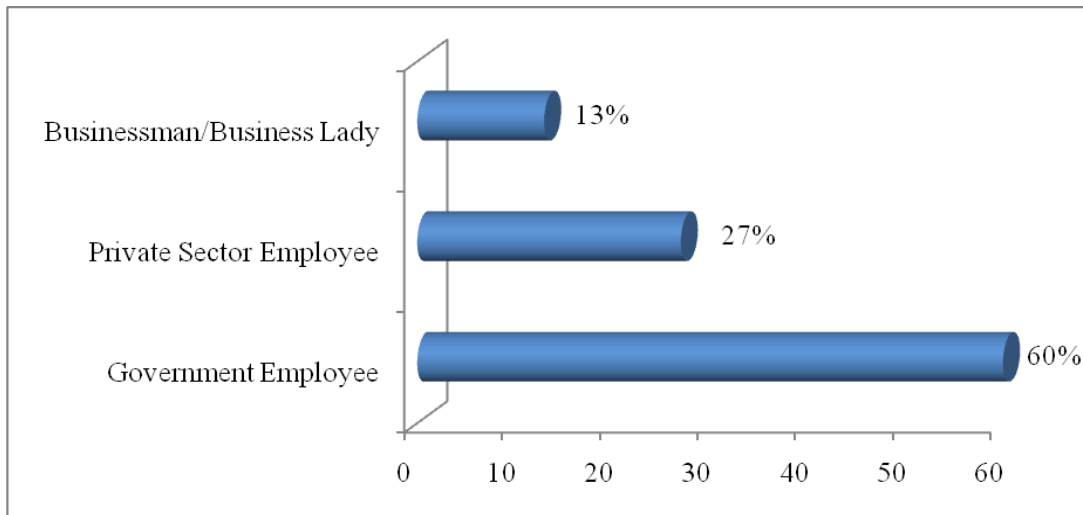
Source: Field data, 2019

When asked about their nationality, Most of the respondents 57% were Kenyans while 16% were Ugandans 13% were Tanzanians 8% and the rest were South Sudanese and Burundians at 4% and 2% respectively.

2.2.3 Profession of Respondents

The researcher requested the respondents to state their professions. The findings obtained show the respondents came from a wide array of professions. They were business entrepreneurs, customs officials, civil servants, academicians and immigration officials. Majority of the respondents who had extensive knowledge and experience of immigration issues and were well acquainted with regional integration were government employees representing 60%. Government technocrats were readily available and willing to offer credible information regarding immigration since majority were drawn from the state department of immigration while others were drawn from the Ministry of East Africa Community. While these were not the only respondents, they constituted the majority of the respondents. See Fig 2.4 below.

Figure 2.4 Profession



Source: Field data, 2019

Most of respondents (60%) surveyed by the study were government employees working either in the Ministry of foreign affairs, the immigration department or East Africa Community office in Arusha. The private sector respondents comprised 27% of the sample.

2.3 Study Findings

The following section presents the study findings obtained from questionnaire as well as the supporting literature obtained from secondary data sources. To begin with, the respondents were presented with numerous statements to ascertain their level of knowledge on integration. For instance this study sought to establish from respondents their reason for moving across the region and the following activities were highly rated as the major reason for immigration in the EAC as indicated in Figure 2.5 below.

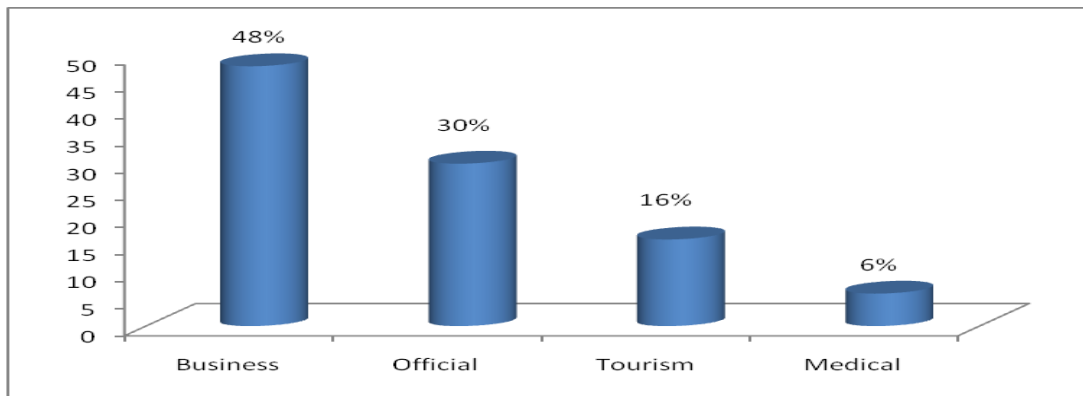


Figure 2.5 Purpose of Travel

Source: Primary data, 2019

At the time of this study, majority (48%) of those EAC citizens that had recorded travel to an EAC member state had done so for work and business related reasons. The other 30% had travelled for official duty while 16% had travelled due to tourism related activities. Only 6% had travelled to seek medical assistance. The national identification card or a valid citizens ' passport were among the documents demanded by the border agents. Yellow fever vaccination has also been ordered. The implementation of the cross-state passes made it easier to reach their destination within the EAC from their country of origin.

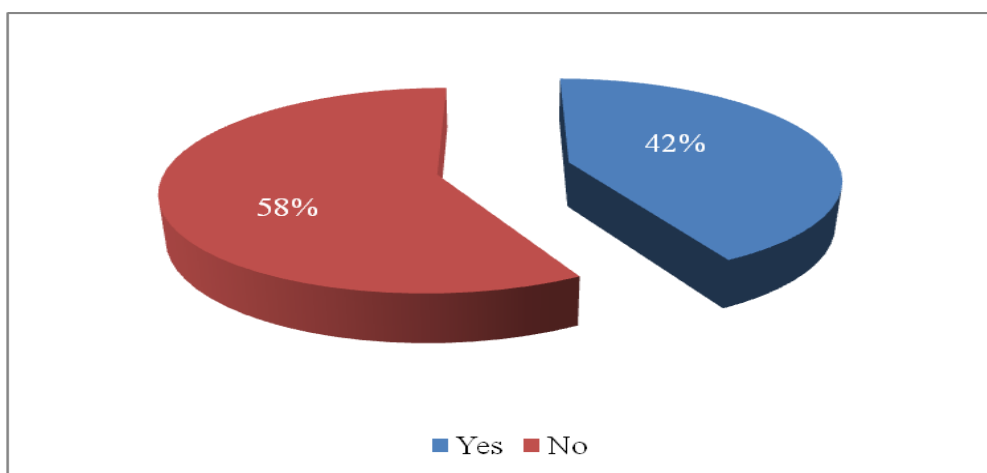
From the findings above, majority had immigrated in the regional bloc for work and business a move which can be attributed to issuance of work permits to national of EAC which enables them to work in member states without being subjected to rigorous work permits processes which other nationals outside the EAC are subjected into.

2.4 The Current Status of EAC Integration

East Africa Community has achieved key notable steps towards integration that give an indication of a vibrant future. A few of these achievements include developing a customs

union and a common market, which will facilitate trade by enabling Member States, besides friendly tax regions, to have access to the common market for products in transit between EAC's partner countries.⁴⁶ This study sought to establish the level of citizens' immigration status within the EAC region and specifically asked respondents to answer if they had at least moved from their country of birth to any one of the partner state making EAC. Below is the illustration of the findings;

Figure 2.6 Responses on Immigration within EAC region



Source: Primary data, 2019

Majority (58%) of respondents surveyed had recently travelled within the East African region at the time of the study. Significantly though, 42% of them had at least not travelled to any EAC member state at the time of the study. The findings illustrate a remarkable immigration experience among East African which tellingly explains a significant level of understanding of the region.

The EAC region has also experienced a remarkable growth in comprehensive regional infrastructure like the Standard Gauge Railway line that started in Mombasa and is

⁴⁶ Ibid

expected to connect Uganda, Rwanda and Burundi. The road networks between the EAC countries have also improved to almost global standards. Apart from infrastructure, the EAC states are discussing modus operandi of a monetary union that may result into a single currency realization within the EAC block. So as to come up with an internal financial market, partner countries have also strengthened the critical procedures to harmonize monetary policies for exchange rate, transaction and settlement processes, supervision of financial sector, monetary policies, statistical integration and alignment and regionalisation of Financial Sector.

The EAC economic bloc is in its current state ahead of its peers, i.e. Regional African trading Groups such as the South African Development Community (SADC), the Western African Economic Community (ECOWAS), and the Eastern and South African Common Market (COMESA). The EAC block is therefore comparable with the most advanced EU.⁴⁷ Progress by the 19-year EAC bloc led to an increase in partner countries from the original three to currently six strong partner countries with South Sudan being the newest member of the trading bloc.

The EAC has continually met its objectives that were set out originally by the establishing treaty. The EAC, for instance, became a customs union in 2005 following the Protocol creating the Customs Union of East Africa in 2005. In 2010, in accordance with the Protocol on the definition of the common market in the East Africa Community, the EAC became the common market in 2010. Following signature on 30 November 2013 of the Protocol setting up the Eastern Afro Monetary Community, discussions are under way on how to integrate the common market.

⁴⁷ Niyomwungere, F. (2018). *Implementation of East African Community common market policies in Burundi: A case of free movement of persons*. PhD dissertation . Entebbe, Uganda: Nkumba University.

At the current moment the only pending phase is political federation which is also under discussion as to the nature thereof this research sought to establish from the respondents whether the integration process in EAC has increased or decreased trade volumes and the responses have been summarized in the table below.

Table 2.3 Change in Trade Volume

Country	Increased	Decreased
Kenya	90%	10%
Uganda	88%	12%
Tanzania	79%	21%
Rwanda	72%	28%
Burundi	61%	39%
South Sudan	51%	49%

Source: Field Data, 2019

According to table 2.3 above all of the respondents in the study were in agreement that the volume of trade amongst the nations which are members of EAC has amplified due to the influence of the immigration policies for countries in the region.

Moreover, there has been seamless and peaceful transition in the EAC's Organs from its inception.

There have been four circles of the Legislative Assembly for East African; there have been five Secretaries-General from at least five Partner States; in the Justice Court for East Africa, there have been a number of judges from the various Partner States at different times with vacancies being amicably filled by the concerned States in the

Partnership; and, with the exception of Uganda, the original Partner States have seen at least two different Presidents who sit on the Summit which is the highest decision making Organ in the EAC.

The peaceful succession witnessed in each of these Organs is clear evidence to the growing strength of the EAC integration process. It confirms that the EAC has been able to outlive individuals and is increasingly getting to realize the responsibility played by its Organs and Institutions.

2.5 Kenya's Immigration Policies

The Ministry of the Interior and the National Government's management, immigration division, are responsible for Kenya's immigration policies. In contrast with other countries in the region, Kenya's migration policies are more comprehensive and more advanced. The current legislation governs immigration (including entry, departure, travel and naturalization required), the rights and the migrant workers protection and refugee rights and the management of internally displaced people.⁴⁸ The Kenyan National Migration Policy and the Kenya Diaspora Policy are key policies on Kenya's immigration policies.

The Kenyan National Migration Policy addresses work-related migration and re-entry to protect Kenyans abroad while the Diaspora Policy aims to incorporate Kenya into national processes of growth. In 2016, meanwhile, in Kenya the government launched a mechanism to organize Kenya's National Migration planning as a forum to coordinate migration management. It is through this platform that the Kenyan government is combating human trafficking.

⁴⁸ Marchand, K. *et al.* (2017). *Study on Migration Routes in the East and Horn of Africa*. Uppsala: Maastricht University

The Refugee Act 2006 established encampment policy which manages how refugees access humanitarian assistance. Under the Act, the government proposes the establishment of the Refugee Relief and Resettlement Commission in Kenya and proposes the formation of the Refugee Affairs Secretariat.⁴⁹ Recently, the government of Kenya announced the closure of Dadaab Refugee Camp and return refugee to their country of destination. This was fueled by the infiltration of terrorist militants into the camp. The terrorist have become a security threat to the country and consequently the government announced the closure of the camp.

In order to address the shortage of instructors, Kenya immigration policy allowed the signing of bilateral agreements with Rwanda and South Sudan. The signing of these bilateral engagement further solidified the integration agenda between the respective countries. The agreements further established the residence of domestic workers from Kenya into these countries where the bulk of them went to Saudi Arabia.

There exists several policy gaps in Kenya's immigration policies which are related to migrant management. First, border control, particularly in order to combat trafficking in human beings and smuggling, must be improved.⁵⁰ It includes combating border bribery among border officials, infrastructure improvement and capability and services enhancement. Likewise, capacity and resources must be improved for other agencies responsible for implementing migration law and policies.

⁴⁹ Ibid

⁵⁰ International Organization for Migration. (2017). *Migration and Development in Kenya*. Nairobi: IOM Publications

2.5.1 Uganda Immigration Policies

Uganda's immigration laws deal with matters relating to nationality, immigration, migration and recruitment of jobs, migrant workers ' employment and refugee employment. Uganda has recently developed a comprehensive and favorable environment for refugees and national policies aimed at addressing internally displaced people and the Ugandan Diaspora population. In order for Uganda to participate more fully in domestic developments, it develops a National Diaspora Policy. Uganda's immigration is centered on protecting immigrant population and particularly in combating human trafficking and the risks thereof.⁵¹

Uganda has recently signed bilateral agreements with Middle East countries to offer migrants from Uganda opportunities in those countries. No evidence could be found on the Uganda-Other Eastern and Horn of Africa bilateral labor agreements. One of the outstanding gap realized in Uganda's immigration policies is centered on the lack of inclusivity of migrant women into development plans. Nevertheless, the development potential of migration is not adequately exploited by the National Development Plan. Not only do the plans foresee financial flows such as transactions which would contribute to the development of Uganda, but also fail to mention any future developments through the transfer of skills.

2.5.2 Tanzania Immigration Policies

The Citizens ' Issues were partly resolved through amendments of the Citizenship Act of 1961, and by implementing the Zanzibar decree of 1964, settlement issues continued

⁵¹ Manishimwe, W. (2016). *Uganda to sign agreement with Arab countries*. Kampala: New Vision Publication

to be controlled by two laws Emigr Control Decree of Zanzibar in 1964 and the Immigration Act in 1963, which was abrogated by the Tanzibar Revolution in 1964 and the Zanzibar Revolution in 1964.⁵² Nothing had been harmonized until 1995, following the union, by the Immigration and Citizenship Act no. 7 of 1995 and Tanzania Citizenship No. 6 of 1995 and their respective rules of procedure.⁵⁴

Tanzania's immigration policies are centered on promoting national security and socio-economic development. Citizens of partner countries seeking to enter or leave the Tanzanian territory shall, in agreement with the national laws and in conformity with established immigration procedures, arrive or leave points. In addition, Tanzania has domesticated the Common Market Protocol, which offers for states in partnership to create, to identify people within the Group, a common standard framework to assign documents of national identification to their citizens.

2.6 Contribution of EAC's Member States' Immigration Policies towards

Integration

The partner/signatory states to the EAC treaty have the responsibility of ensuring that its implementation succeeds. At the specific partner state level, this section examines how the signatory state of Kenya is influencing the integration process. This research study sought to establish to what extent immigration policies influenced regional integration in East Africa. The responses were obtained from Kenyan respondents to establish partner state's contribution to the integration agenda. Below is a table outlining the summary of the responses obtained.

⁵² Tanzania Ministry of Home Affairs ⁵⁴
Ibid

Majority (40%) of the respondents in the study thought EAC member country immigration policies promote people movement, capital, goods and services to a very large extent. Majority (30%) of respondents also believe that these immigration policies to a large extent promote residence in any EAC state. A proportionately higher number (50%) of respondents indicated that the immigration policies promote foreign direct investment in the economies of EAC member countries. On the other hand, a majority of respondents (47%) did not agree that immigration policies promote elimination of cross border tariffs. Similar to promotion of movement of people and goods, respondents indicated that EAC country policies also contribute to other regional states' GDP growth in EAC to a very large extent. About 30% of sample members were of the view that immigration policies of countries in EAC contribute to a very small extent in eliminating integration bottlenecks which hinder full economic integration.

This study found out that (37%) and (38%) of the respondents respectively claimed that immigration policies promote to a very small extent the healthy business competition among EAC citizens and Cultural integration and religious freedom. Immigration policies were also said to promote access to markets within the EAC and peaceful coexistence among EAC citizens to a very large extent.

2.6.1 The impetus of the Kenyan Constitution towards the EAC Regional

Integration

Kenya promulgated its 2010 constitution and remains the most recent among the partner nations of EAC as well as the constitution does not make any reference to the EAC integration process. This is contrary to the expectation that as a sign of its commitment to the EAC Treaty, Kenya should have explicitly acknowledged the treaty in its supreme law. Although this is the case, the constitutional craftsmen have made efforts to insert

Article 2(6) of the Constitution, stating that "every Treaty or convention ratified by Kenya under that Constitution shall form an integral part of Kenya's law." Therefore, this rule indirectly recognizes the EAC Treaty and all other treaties signed by Kenya. Comparing constitutions for partner states' of EAC do not make any reference to the EAC and therefore Kenya remains at the forefront in championing for the integration in the EAC region.⁵³

Article 2 (6) of the Constitution of Kenya therefore renders credence to the EAC Treaty and the prevailing jurisprudence makes the Treaty part of the laws of Kenya as well as the Protocols. Any other future Protocol that Kenya will enter into regarding the EAC integration process, will be safeguarded because of this Constitutional guarantee. For this reason, it can be said that Kenyans will start enforcing directly the Treaty and the Protocols within the Kenyan courts since they form part of the Kenyan legal framework. This entrenchment of the EAC treaty into the legal framework of the country gives greater prospects of a deeper EAC integration since the citizens themselves can pursue the EAC courses and provisions.

2.6 .2 The Kenyan Government Policy on (EAC) and Regional Integration

Kenya joined the EAC economic region to pursue its national economic interests which include economic growth and development. Through the EAC economic block Kenya has access to a bigger market for its products which will enhance the economic prospects of the country and also enable it to be strong enough in the face of globalization where small economies like that of Kenya and those other EAC partner states may not be able to survive through effective competition. This inability to seek integration into the global

⁵³ Sepere, E., & Ignas, P. (2014). *The legal status of articles of the union in constitution making in Tanzania*. PhD diss. Dar-es-Salaam: University of Dar-es-Salaam

economy individually has forced Kenya to pursue its globalization agenda through the EAC.⁵⁴

The state of Kenya does not see the EAC integration as a threat to its sovereignty and loss of jobs for Kenyans but rather as a much needed opportunity to develop its economy and face globalization. As noted in his Second Inaugural Address, the current Kenyan President, Uhuru Kenyatta, underscored his Government's Policy towards Africans and East Africans, in particular. In a speech that was lauded as integrationist-leaning, President Uhuru directed that any African visiting Kenya would be able to get visa at the port of entry, without the expectation of reciprocity from Kenya's counterparts in the Continent. The President went further to decry "the political balkanization that risks our mutual security, the negative politics of identity" and promised that those negativities "will recede as our brotherhood expands to embrace more Africans.

This show of political will to support and pursue the EAC agenda by the top leadership indicates a collective positive political will that is essential for the integration process success. In fact it is this "lack of strong political will" amongst the main motives behind premature first efforts collapse towards integrating the EAC region. Such bold pronouncements from the top leadership of a Partner State may suggest that the EAC is ready for a deeper integration and should be celebrated. If the Kenyan Government follows these pronouncements by the passage of appropriate laws and implementing the Treaty, Protocols and applicable Community Laws, then there would be a huge positive impact on Custom Unions, Common Market, Monetary Unions as well as the Political Federations.

⁵⁴ Shivji, J., & Issa, G. (2009). *Pan-Africanism and the challenge of EAC integration*. Kathmandu.: University of Nepal Press

As a further demonstration of the Kenyan Government Policy on regional integration, Kenya became among the first countries to sign the African Continental Free Trade Area (AfCFTA) Agreement which seeks to create a one African Common Market as part of the Agenda 2063 of the African Union. Immediately thereafter, Kenyan Parliament ratified the AfCFTA and Kenya became the first country to deposit the Ratification Instruments at the African Union Commission. In the EAC, only the United Republic of Tanzania and Burundi did not sign the AfCFTA.⁵⁵

The aggressiveness by the Kenyan Government on the issues of regional integration has given immense impetus to the EAC integration. If these measures and actions are sustained – by adhering to the rule of law – then the prospects of a deeper EAC integration, and indeed the African Continent integration looks more promising.

2.6.3 The Implications of the Kenyan Big Four Agenda on the EAC Integration

The government of Kenya is on an ambitious development project christened “Big Four Agenda” The big four include Manufacturing, Universal Health Care, Affordable Housing and Food Security. The government has endeavored to ensure that all Government agencies and departments align their priorities with the Big Four Agenda and the Government has gone on an overdrive to court potential donors, partners and investors in helping it realize this grand vision. The Kenyan Big Four Agenda fit has been recognized as critical towards alleviating poverty, improving living standards and reducing unemployment.

⁵⁵ AU. (2012). *Assessing Regional Integration in Africa V: Towards an African Continental Free Trade Area*. United Nations Economic Commission for Africa. Ethiopia: UN-ECA Publication.

In fact, in one form or another, the Kenyan Big Four Agenda exists in the EAC Treaty as cooperation. For example, some of the chapters in question include, for example:

Chapter 12 (Investment and Industrial Development Cooperation); Chapter 13

(Standardization Co-operation, Quality Assurance, Metrology and Testing); Chapter

18 (Agricultural and Food Safety); Chapt 28 (Health, Social and Cultural Activities).

They are all designed to "enhance and strengthen cooperation in the agreed spheres leading to equitable economic development in the Partner States, thereby raising standards of living and improving the peoples' life quality."⁵⁶

Kenya's implementation of the Big Four Agenda necessarily bolsters the EAC integration agenda in that they are akin to implementing the Treaty. Besides, they inevitably place Kenya as a hub for investment by individuals and companies from across the EAC. There is no doubt that this is a viable area of deeper integration in the region in the following manner: firstly, the other Partner states can collaborate with Kenya in expanding the manufacturing sector and focus on reducing the importation of cheap products from developed economies that may benefit local consumers but induce long-term challenges. Secondly, by ensuring universal health care and food security, the EAC citizens will have a healthier and more productive population that can turn around the economies in the EAC. Thirdly, affordable housing will go a long way in addressing long standing social security issues which have bogged the EAC for as long as it has been in existence. The Kenyan Big Four Agenda therefore avails several opportunities for a deeper EAC integration. This is not only by opening Kenya to investment

⁵⁶ Binda, A., & Elvis, M. (2017). *The Legal Framework of the EAC*, In *East African Community Law*. Nairobi: Brill Nijhoff.

opportunities by the other Partner States but also by ensuring structured collaborative efforts in ensuring that the Big Four Agenda are implemented across the EAC.

2.6.4 Key policy drivers enabling EAC Integration

Shared historical experiences and relationships gave the East African Member States citizens a feeling of common culture that facilitates the free people movement in the region. As for freedom of movement, the EAC is the only REC to have made substantial progress in recent years in sub-Saharan Africa (SSA).⁵⁷ The EAC now has a system of identity cards which means that, in principle, it's not necessary to have a passport in travelling between nations. The ports of Dar Es Salaam (Tanzania) and Mombasa (Kenya), in terms of transport, are essential for linking Southern, Central and Northern Road and Rail Transport Corridors to EAC Member States and neighboring countries with outside countries. Uganda imports 80% through Mombasa, and Rwanda and Burundi both rely on Mombasa and Dar for import and export.⁵⁸ This research sought to establish whether there existed match between government policies and the integration agenda among states making the EAC. The findings are illustrated by the figure shown below.

⁵⁷ African Development Bank. (2014). *African Development Report 2014: Regional Integration for Inclusive Growth*. Ortigas Center; Mandaluyong: ADB Publication

⁵⁸ Mwangi, W. (2014). *The road and pipeline from Mombasa is the region's economic lifeline*. Nairobi: The East African

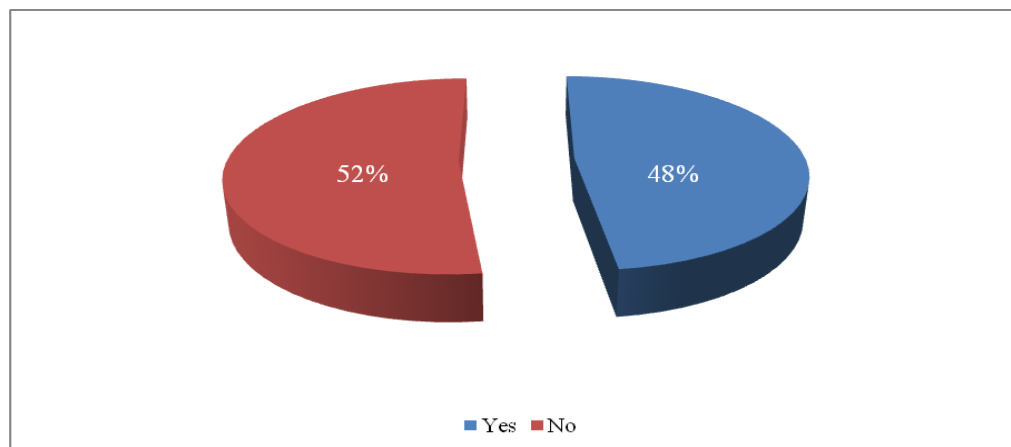


Figure 2.7 Match between government policy and EAC priorities

Source: Primary data, 2019

Most (52%) of the respondents claimed that there is a match between government policy and the aspirations and priorities of the East African Community. The rest (48%) indicated that immigration policies formulate by EAC member states do not factor in the interests of the EAC integration.

As per Byiers et al, the Lion shared the EAC foreign trade in the ports of Mombasa and Dar es Salaam.⁵⁹ That gives Uganda, Rwanda and Burundi, the landlocked nation, compelling reasons for paying the costs, the trustworthiness and security of transportation systems in Kenya and Tanzania. The increased prioritization of infrastructure especially the high-cost infrastructure projects have enabled the region to offer improved transport network across the region which drives business and accelerates the movement of people across national boundaries. Infrastructure projects have been facilitated by a shifting balance of influence between west and east that has allowed the area to acquire huge infrastructure projects like the current Standard Gauge

⁵⁹ Byiers, B., Vanheukelom, J., & Kingombe, C. (2015). *A five lenses framework for analysing the political economy in regional integration*. Discussion Paper 178. Maastricht: ECDPM.

Railway (SGR), for example. The project was initially opposed by the traditional donors (west) on account of not being cost effective. This research sought to establish the effectiveness of strategies employed by EAC member states in achieving integration regionally. The findings are illustrated by the figure below.

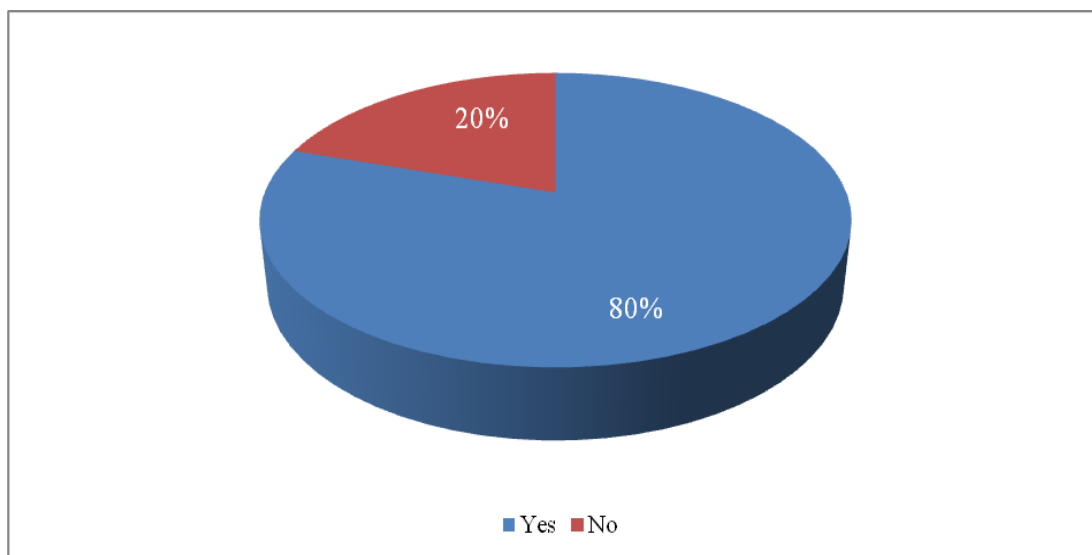


Figure 2.8 Effectiveness of Strategies facilitating Integration in the Region

Source: Primary data, 2019

The majority (80%) of respondents agreed that indeed their respective countries of origin within the EAC region had implemented effective strategies and were working towards greater integration of the region and have done this through formulation of strategies to achieve the same. Only about 20% did not think that their country has made any efforts towards integrating into the EAC economic block. Some of the country specific strategies given by respondents include; removal of work permits requirement for East Africans to work within the region, introduction of national identity cards as the only travel document within the region, addressing the problem of discrimination and xenophobia among the East Africans, enforcement of regional labour policies and standards, visa fee exemption for East Africans, elimination of the unnecessary non

trade barriers and harmonization of custom laws and make them friendly to East Africans.

Through the Ministry of East African Community and Regional Development, the Government of Kenya has undertaken sensitization campaigns to various segments of the Kenyan population. Some of the initiatives have been workshops and seminars targeting various stakeholders in the EAC integration process. The Ministry officials have also appeared on national and vernacular radio and television with the sole purpose of educating the masses about the EAC integration process. More Kenyans are therefore aware about the EAC due to these efforts. An example of this level of was manifested during the stand-off on the election of Kenyan EALA Members to the Fourth EALA late 2017. The election generated so much debate in the National Assembly as Kenyans put their leaders to task over Article 50 of the Treaty.⁶²

Furthermore, a number of public and private Universities in Kenya offer the East African Community Law as a Course for its learners. These universities include; the Catholic University of Eastern Africa, the University of Nairobi, Kenyatta University, Moi University and Kabarak University. These efforts have the ultimate effect of churning out a generation that is more informed about EAC integration and therefore enhancing the probability of their (active) involvement in the affairs of the EAC. These combined efforts by the Government through the line Ministry, increased political debates and sensitization on the EAC integration, academic training on the subject are vital ingredients that will deepen the EAC integration.

2.7 Chapter Key Findings

This chapter began by illustrating the current status of the EAC community block by identifying objectives and the progress that has been made on achievement of these EAC objectives. The chapter shows that indeed, the EAC has taken practical steps in realizing its Objectives and it is commendable that its membership is enlarging. The best way the EAC will succeed is through committed implementation and adherence to the Treaty, the Protocols as well as the Community Laws by all the signatory States. A look at the Kenyan case confirmed that the EAC member state has a Constitutional basis through which it can pursue issues of the EAC regional integration. Aggressive citizenry and judicial activism by the courts to entrench the EAC integration within the Kenyan society will also play its part towards regional integration in the EAC. Indeed, the much needed political will from the top political leadership exists in the Kenyan Government and if well tapped has the ability to foster the EAC integration.

Beyond the political goodwill, there is need to entrench the EAC Treaty in the legal frameworks of the member states to guard against violation of human rights and political opportunism. The strategic undertakings like the big four agenda have been found to carry so much weight not just for the individual state of Kenya but for other partner states as well. Kenyans have been found to be more aware about the EAC integration and have used their knowledge to develop jurisprudence across the region. This awareness has increased in the recent years considering the efforts by the Ministry of East African Community and Regional Development, the Kenyan political class through Parliament and in the academia through the teaching of East African Community Laws in both public and private universities.

CHAPTER THREE

CHALLENGES FACED BY EAC MEMBER STATES IN THE PURSUIT OF REGIONAL INTEGRATION

3.0 Introduction

This Chapter looks at the main challenges which hamper successful integration process in East Africa Community focusing specifically on institutional policies which limit trade and movement of people. These problems stem from the laws, policies, regulations and capital controls of Member States as well as from the membership of various Regional Economic Communities (RECs). For instance, whereas, common market implementation has been achieved, it is restricted by both endogenous and exogenous challenges (exemptions, bans and non-tariff equivalent measures like discretionary taxes and charges) which hinder effective integration process. While these constitute part of the major challenges, they will be discussed in detail, later in this chapter, below is a summary of some of the daunting challenges facing the movement of people in the integration process of East Africa Community.

3.1 Challenges to the EAC integration

Table 3.1 Challenges to the EAC integration

POLICY CHALLENGES	Very large extent	large extent	No extent	Small extent	Very Small extent
Bureaucratic Business Registration Process	45%	29%	6%	15%	5%
Diversity in laws and regulations	39%	35%	3%	13%	10%
Internal and external tariff barriers	40%	27%	7%	15%	11%
ECONOMIC CHALLENGES					
Different taxation regimes	42%	32%	5%	13%	7%
Business Competition	39%	35%	2%	16%	7%
Unequal economic development among the EAC states	37%	27%	7%	18%	11%
Unequal distribution of EAC benefits	35%	30%	8%	15%	14%
Different Currency systems	44%	30%	3%	10%	13%
Market accessibility	39%	30%	7%	18%	8%
Large and unregulated informal sector	24%	30%	3%	30%	13%
High cost of doing business	50%	24%	3%	7%	16%
POLITICAL CHALLENGES					
Political conflicts	30%	26%	7%	22%	17%
Refugee crisis in EAC	25%	24%	8%	17%	26%
Lack of political goodwill	29%	23%	17%	18%	25%
Government control	25%	26%	7%	27%	17%
Lack of democracy	17%	23%	15%	30%	17%
Human rights violation	17%	23%	15%	30%	17%
SOCIAL CHALLENGES					
Language barriers	25%	16%	10%	27%	24%
Different Cultural beliefs	21%	18%	12%	25%	26%
Religious differences	15%	16%	10%	28%	33%
Corruption	57%	24%	6%	5%	10%
Crime prevalence and lawlessness	51%	18%	6%	11%	16%

Source: Field data, 2019

The policy challenges that came out as having the largest challenge to integration in the EAC region were internal and external tariff barriers to trade as well as long Business registration process time in the different countries. Under economic challenges, different taxation regimes in EAC member countries also came out as a more pronounced challenge at 42%. The other economic challenges that affects integration to a very large extend were found to be different currency systems at 44% and the high cost of doing business in East African at 50%. The political challenges and social challenges on the other hand were found to be of small to very small extend in their effect on integration of EAC member countries as shown in table. Each of the major challenge is explained in detail below.

3.2 Power Asymmetry Challenge among the EAC Member States

The central challenge bedeviling the integration process rests on the power balance tussle among the states which constitute the EAC. There has been a bone of contention among the states which constitute the regional bloc over their levels of socio-economic and political development. The challenge is premised on the power asymmetry among the nations in pursuit of their strategic national interest.⁶⁰

For instance, Kenya exports more to the region than any other state in the region making it an economically dominant state in the region. With 37% of the total EAC GDP and the highest GDP per capita in 2019, Kenya is the largest economy in the region, representing USD 2.010, while the population of 48 million was only 52 million behind Tanzania. The import and export of Tanzania and Kenya and safari in East Africa and the beach holidays markets of their neighbors are competitive. As illustrated by Sandrey,

⁶⁰ Kinyua, T.K. (2015). *Institutional Challenges facing the East African Common Market in Kenya*. Nairobi: University of Nairobi Press

the average share of Kenya's exports to intra-EAC market was 52 % compared to Tanzania's 19%, Uganda's 20%, Rwanda's 8% and Burundi's 1 per cent in the period 2010-2013.⁶¹ With recent infrastructural developments characterized by construction of Standard Gauge Railway from Port of Mombasa via Nairobi and Lamu Port linking with the regional neighbors enables the country (Kenya) to trade more with her neighbors, potentially favoring Kenya's Balance of Payments (B.o.P).

The port of Mombasa and the Port of Dar es Salaam constitute two important geopolitical and economic asset which drive respective Country's national interest (i.e. Kenya and Tanzania). While Kenya's Kilindini Harbor serves Kenya external trade it also serves Uganda, Rwanda, Burundi, South Sudan and Ethiopia, Tanzania's Port of Dar es Salaam serves comparatively fewer countries. According to Ngunyi and Spooner, the most daunting challenge facing Eastern region of Africa integration in is the perceived asymmetry of benefits which each particular counties accrues from trading with each other.⁶²

This power asymmetry makes these (read Kenya and Tanzania) countries to pursue their strategic national interest over their counterparts "suspiciously", a move which is viewed skeptically by the other(s). Whereas the countries which constitute the EAC are not at the same level of economic and social development, the Treaty does not offer level ground (sovereign equality) upon which all the states can cede their sovereignty to a supra-national entity. Suspicion and resentment have sometimes come out openly to challenge the integration agenda where partner countries read discrimination in the welfare benefits sharing made through integration.

⁶¹ Sandrey, G. (2015). *Intra-REC Trade and overlapping Membership: Review of COMESA, EAC and SADC*. Working Paper S15WP11/2015. Stellenbosch, South Africa: Tralac

⁶² Spooner, N., & Ngunyi, M. (2006). *Understanding the Political Economy of Integration in East Africa: Literature Review*. London: Enterplan

Kinyua states that non-reciprocity problems arise when one nation identifies that the other enjoys more economic benefits, hence any attempts to achieve full integration are ruined.⁶³ Every country therefore follows only the rules of participation based on how its interests are met. Further, Mwangi demonstrates how the states making EAC inter-dependently trade, utilizing shared transport system by illustrating how the ports of Mombasa, Dar es Salaam (Tanzania), and Kilindini, Kenya are critically important to the linking of the South, Central and Northern Roads and Railways to the EAC Member States, and their neighboring countries with the outside world.⁶³

80% of Uganda imports go through Mombasa, while the imports and exports of both Dar and Mombasa are based on Rwanda and Burundi.⁶⁴ The lion's share of the foreign trading of the EAC is thus handled by Mombasa and Dar es Salaam. It gives Impressive justification for the cost, reliability and safety of the transport systems of Kenya and Tanzania to landlocked countries such as Uganda, Rwanda and Burundi, creating a feeling of economic rivalry between Kenya and Tanzania.⁶⁵ According to one report which terms the EAC as the most successful REC in Africa asserts that; But according to EAC criteria, Tanzania is relatively peaceful and acceptable for economic development but has achieved a much lower average of regional infrastructure.⁶⁶

⁶³ Kinyua, T.K. (2015). *Institutional Challenges facing the East Africa Community Common Market in Kenya*. Nairobi: University of Nairobi Press ⁶⁷ Mwangi, W. (2014, Jan). The road and pipeline from Mombasa is the region's economic lifeline. East African. Nairobi. *The East-African Standard*

⁶⁴ Ibid

⁶⁵ Ike, V., & Craig, M. (2017). *Understanding the East African Community and its Transport Agenda: Informal adaptation in regional trade and transport cooperation*. ECDDPM Publication. Available at; <https://ecdpm.org/wp> Accessed on 10/22/2019

⁶⁶ AU/ADB/ECA. (2016). *Africa Regional Integration Index Report 2016*. Available at; <http://www.afdb.org/reports> Accessed on 10/22/2019

By contrast the following countries are actively promoting regional integration, Kenya, Uganda, Rwanda Burundi and South Sudan, respectively having history of civil war and internally displaced refugees, post-election violence and transboundary military action. Such countries have economic complementarity shown by the reliance of Uganda and Rwanda on the port of Mombasa and the buying of consumer goods from Kenya. While, EAC regional integration presents an opportunity of investment to Kenya's private sector, it does not translate the same to Tanzania. The commitments of Tanzania to the EAC were offset by special sectoral interests undermined by international competition. Noteworthy, there lacks diplomatic representation of each partner state in all member states. Evidently, not all states have embassies and consular representation in each other's territory. For instance, it is only Kenya and Uganda which have embassies in South Sudan.

In the face of the perceived threats of other EAC members, Politicians, corporations and professional bodies from Tanzania vigorously raise their interests. For example, despite Tanzanian hotel operators and tour operators in the northern circuit pressures to open a Bologonja frontier post to Kenyan tour operators, the Kenyan tour operator is still being closed down as a defensive measure, which is a major obstacle to the free people's movement.⁶⁷ In addition, clearing and transmission officials in Tanzania continue to lobby against the establishment in the port of Mombasa of a traditional customs area, since Rwandan companies set up shop at Dar es Salaam.⁶⁸ As a result, multiple non-tariff barriers are further undermining EAC member States ' regional trade, trade in goods and services and investment. These are compelling reasons for competition and

⁶⁷ Cooksey, B. (2016). *Tanzania and the East African Community; A comparative Political Economy*. Discussion Paper No. 186. ECDPM Publication. Available at <https://ecdpm.org/wp> Accessed on 10/22/2019

⁶⁸ Ibid

for cooperation on the one hand, the driver of State-centered economic competition and cooperation and for creating a power asymmetry that challenges freedom of movement for goods and services on a regional basis.

3.3 Political Good will Challenge

The word ' political good will' can be taken as meaning that the government or state wants or wishes to achieve something strongly. Partner States have to respect the mutual trust principle, political will and independence equality, in accordance with Article 6(a) of the Treaty establishing the EAC, with a view to achieving the community goals. There would therefore be a strong government desire or commitment in the context of this study to advance the eastern African community's economic integration. It means that the government goes beyond economic integration concepts and takes action that really promotes integration. This subsection takes a policy economic approach to provide a realistic view of how political and economic processes influence the regional integration agenda.

Majority of the respondents (29%) in this study opined that lack of political goodwill was to a larger extent responsible for slow integration process in EAC presenting a challenge in itself. This sub-section covers the incentives and cultural norms developed in and between those controlling economic and political power in each country and the resulting impact on regional integrations. The study will address how the political and economic interest is linked to regional integration in East Africa in a way that influences competitive, inclusive markets and free moving and resident areas. The aim of this study is to assess how political and economic interests relate to each other. This concerns the model of government and leadership established in the respective member states of

EAC. The model of political leadership influences politically supported coordination capacity which drives sectoral reforms and to a large extent national interest.

Lack of politically supported coordination capacity is a key challenge to regional integration in EAC as shown by majority of the respondent (29%). Politically supported coordination has the ability to overcome vested entrenched interest and opposition. Presidents of Eastern Africa, including Museveni in Uganda and Magufuli in Tanzania, occasionally showed their serious and honest commitment to actions deriving from a vision for development. The problem is that they are caught up in the way politics work in their countries when it comes to delivering them. Ensuring consistent and mutually reinforcing action by different parts of the government is a challenge.

It is common knowledge that regional integration is politically driven and a challenge to this fundamental principle occurred when Tanzania's president supported the removal of permits for employees from all senior Nation Media Group staff in Dar es Salaam, Kenya (Citizen, Mwananchi).⁶⁹ The words of President Kikwete on labor day (1 May) 2014 are as follows: "*People complained of foreigners in posts Tanzanians can fill,*" and they promised to centralize the issuance of employment licenses to foreigners theoretically.⁷⁰ Such political sentiment are a precise and strong indicator of the state-centric nationalism employed by Tanzania's political leadership which potentially strained regional integration ideals and challenged the right of residence and establishment, movement of people and labor into Tanzania. Conversely, the importance attributed to the EAC grew exponentially in Burundi's political elites when the

⁶⁹ Ibid

⁷⁰ The Citizen. (2014). *Coalition of the willing emerges again in EAC*. Available at: www.thecitizen.co.tz Accessed on 10/23/2019

government identified trade and regional integration as a key economic growth channel for transmitting.

While part of its national strategy, the government has seen regional inclusion as a radical means not just of transmitting a political message to its neighbours, but also of fostering economic growth and development reform and implementing the structural changes it wanted to implement. For instance, a lack of political will among certain EAC member countries (read Tanzania) resulted in the creation, under Article 7 of the EAC Treaty, of the 'Coalition of willingness' consisting of a variable geometry basis in Kenya, Uganda and Rwanda, which allows progress on cooperation between a subgroup of members with greater inclusion and diversity in a variety of fields.⁷¹

Nevertheless, this Article also allows Member States wishing to move faster to alert other members.⁷² On the other hand, reports indicate that the coalition is thought to be another challenge in fostering economic integration in EAC and establishing bilateral cooperation in the EAC such as cooperation between Kenya and Uganda seem to be fluctuating the EAC economic integration. In the recent past, three east Africa Countries namely Uganda, Rwanda and Kenya launched the East Africa Tourist Visa which took effect from 1st January 2014. This was aimed at promoting EAC as one tourist destination and making movements of visitors within the region smooth and cheap. South Sudan and Kenya are currently in the process of abolishing Visa requirements for their nationals which is in line with the EAC spirit of ensuring free movement of persons and removing all barriers to movement. Tanzania and Burundi declined to be part of this

⁷¹ Ibid

⁷² Mathieson, C. (2016). *The political economy of regional integration in Africa: The East African Community. European Centre for Development Policy Management (ECDPM)*. Available at: <http://ecdpm.org/wp-content/uploads/ECDPM-2016-Political-Economy-Regional-Integration-AfricaEAC-Report.pdf>.

arrangement. This also constitutes another institutionalized policy challenge which hampers free movement of people across the region.

3.4 Weak Formal Institutional Policy Challenges

Formal mechanisms created to ensure adherence of Member States with policies for East Africa community by sanctions or fines are seldom used and, as such, States face little real challenge in implementing policies. Despite the mandate to track integration from the EAC Secretariat, it lacks the supremacy or power for controlling states who are Members which don't meet their obligations, to supervise or to authorize them. While there are proposals about substituting the Secretariat for a stronger Commission, Member States do not seem to have agreed to a clear position on this proposal.

Although national monitoring mechanisms have been established, challenges remain to implement, in part because of the lack of adequate funding and institutional capacity to articulate effective immigration policy. According to a Kenyan EALA member, "the secretariat departments are not well-placed and personnel are overcrowded," the EALA Secretariat is further declared to be "currently below the ability of certain services to meet the needs of the East Africans."⁷³ This adds to the need for support from donors which can lead in effect to policies that represent donor interests, with little interest to the Member State.

The fact that Member States fail to pay the Member State's contributions also restricts the autonomy of the EAC in determining its policy agenda. States which are members, many of which don't pay substantial periods fees, regularly ignore these rules. The secretariat of the EAC informed Member States in January 2013 that their EAC

⁷³ Mathuki, M. (2015). *EAC is operating below Capacity*. Available at: <http://www.newtimes.co.rw/section/article> Accessed on 10/23/2019

contributions are in arrears worth US\$ 12 million.⁷⁴ This is a common phenomenon allegedly. The Secretariat and EALA both say that their research is hindered by very late and incomplete payments. Failure to pay contributions from individual Member States has resulted in a low or insufficient organizational capacity to make major implementation changes. Include sponsorship and diem culture within the EAC, powerful informal structures that influence EAC policy implementation, and encourage opportunities for EAC officials and members of the Member States that are detrimental to the productivity of the organisation.

3.5 Protection of Local Jobs from Foreigners

Inadequate complimentary economic structures led to low intra-EAC trade levels, leading to a failure to prioritize trade liberalization policies as a political priority. In most Member States, similar economic systems lack complementarity for trade.⁷⁵

Estimates only account for 14% of total trade between Member States within the EAC.⁷⁶

Kenya is a notable exception and exports to partner countries high volumes of manufactured goods and thus domination of intra-regional trade. Intra-EAC trade accounted for about half of Kenya alone, with each accounting for one third for

Tanzania and Uganda. Similarly, some Kenyan countries have been worried about Kenya's national subjection to regional integration as a larger and more expansionary economy. This was an important reason for the collapse of the first EAC and remains a result of integration measures in the region not implemented in certain sectors.

⁷⁴ Ibid

⁷⁵ Collier, P., & Venables, J. (2010). *Trade and economic performance: Does Africa's fragmentation matter*. In *Annual World Bank Conference on Development Economics 2009 Global*. Washington, DC.:The World Bank

⁷⁶ Chingarande, A., et al. (2013). Comparative advantage and economic performance of East African Community (EAC) member states. *Journal of Economics*, 4(1), 39-46..

The worst feature of Tanzania is lowest compliance with tariff and NTB policies and the harmonization of trade quality and security standards. EAC policies requiring broader stakeholder involvement tend to encounter most impediments to their implementation in this respect. For example, efforts to liberalize professional trading in services at the EAC have been struck by the need to build consensus on a wide general priorities such as higher education, relocation, immigration and trade union procedures.

3.6 Limited citizen engagement in EAC policy issues

There exists a limited citizen engagement with the integration process within the EAC. The process of integration is often termed as elite-led where political leaders are more engaged in driving the integration agenda rather than the citizens in respective countries. This research sought to establish knowledge of respondents on EAC policy issues particularly the immigration policies pursued by Kenya. Below is the presentation of the findings.

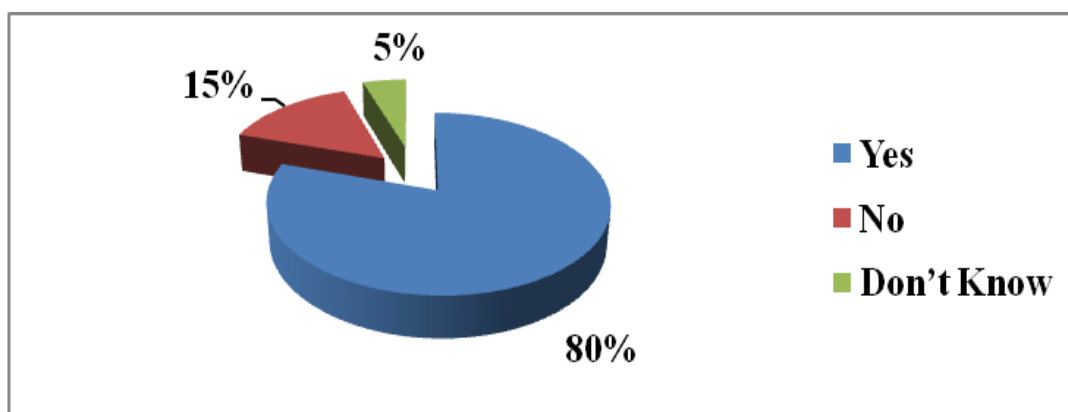


Figure 3.1: Awareness on Immigration Policy in EAC

Source: Field Data, 2019

From the data obtained by the researcher, majority of respondents (80%) have knowledge about integration process while 15% of them do not know about immigration

policy in Kenya. While the integration process is meant to offer conducive environment for doing business and residing, majority of residents in East Africa region know very little about the incentives offered by the regional bloc. Notable business organizations have claimed that the integration process is a topdown affair which only focuses on top notch politicians while excluding the masses and the business community in deliberations, negotiations and consultation processes of the integration agenda. Mararo claims that the EAC decision system is too large and focuses on influential politicians and bureaucrats, with the exception of nongovernmental advisory processes.⁷⁷

Private companies have, as traditionally seen in EAC policy, limited participation through formal channels, but comparing them with other nations which are less export-oriented in EAC countries, Kenyan companies have now advocated more active improvements in regional trade conditions, since their exports to the Region increase. This may be viewed in the sector of transport, a field of improved integration between the Kenya Manufacturer Association and the Kenya Private Sector Alliance (KePSA) in conjunction with the Eastern African Business Council (EABC).

Engaging actively isn't often productive with EAC policies. While corporate associations have helped increase the integration of the transport sector, transporters' associations like the TATO and the Kenya Transport Association (KTA) are opposed to efforts to liberalize the sector so that their business is protected. In the interests of maintaining monopolies in their professions, professional bodies have also tried to block reforms for common market in service business.⁷⁸

⁷⁷ Mararo, S. (2017). *A critical analysis of the role of public participation in regional integration: a case study of the East African Community*. Nairobi: University of Nairobi Press

⁷⁸ The World Bank. (2014). *Building integrated markets within the East African Community: EAC opportunities in public-private partnership approaches to the region's infrastructure needs*. Washington DC: The World Bank

A growing process of economic integration led by the private sector is not fully captured by the initiatives of the EAC. There are signs of this. It is built on the expansion of local and multinational companies across the boundaries of the Member States and in this phase on a stronger and better integrated regional economy. Kenya's firms such as Safaricom, Kenya Commercial Bank (KCB) and Kenya Airlines are progressively growing throughout the market in the region and advocating for specific regional integration agenda issues. This is particularly apparent in the finance, telecoms and retail sectors. A further indication of this phenomenon is that in the region, retail stores (supermarkets) have built strong ties in the area with regard to agriculture and food processing. Although they are relatively small, they are capable of catalyzing deeper integration processes.⁷⁹

The low participation in the EAC policy system of established non-state actors will lead to a lack of a strong domestic base in EAC policies. This is a restriction on the EAC project's long-term viability and lacks the chance of developing a buy-in to the East African Community projects in Tanzania in which people of the other EAC countries in segments of the population are strongly suspicious. This study sought to establish the level of commitment of East African member states to meet EAC integration objectives (stages) as laid out by the Treaty and established the findings shown below.

⁷⁹ Byiers, B., et al. (2015). A five lenses framework for analyzing the political economy in regional integration. *Africa Economic Brief*, 6(3), 1-10

Table 3.2 Responses on EAC member states' Commitment to meet EAC goals/Objectives

No	Objective	Very large extent	large extent	No extent	Small extent	Very Small extent
1	The EAC Customs Union	40%	21%	9%	20%	10%
2	The EAC common Market	34%	18%	4%	21%	23%
3	The EAC Monetary Union	18%	22%	15%	30%	25%
4	The EAC Political Federation	10%	8%	20%	12%	50%

Source: Primary Data, 2019

Majority of respondents (40%) and (34%) respectively believe that EAC member states to a very large extent are to a very large extent committed towards attaining the EAC customs union and common market respectively. On the contrary, majority (50%) felt that EAC member states' are to a very small extent committed to achieving political federation in the EAC. The responses above reflect a mixed reflection on commitment to attainment of EAC integration goals.

Tanzanians in particular have shown much more hostility than any other party, comprising of police and politicians, to nationals of other EAC member states. In general, the private sector has made the adoption of EAC policy simpler and restricter. Its role was dependent upon the nature and the interest of the companies concerned, i.e., while East Africa's lorry companies have supported competition reduction efforts in the transport sector to improve regional transport efficiency. Nonetheless, in addition to structured intergovernmental action, the private sector is a potentially important way to integrate the EAC. A stronger domestic electoral body for regional integration is

established, although at present mainly driven by Kenyan businesses as described, which is cross-border.⁸²

3.7 Corruption among Member States

When EAC policy implementation has challenged national interest groups, vested interests often use unofficial linkages with national politicians to obstruct national EAC policies. Each EAC Member State's political structures vary considerably, but they are all particularly linked to a limited number of business interests. This is either because of the State or the ruling party's strong role in economics or because of capitalistic crony systems (Booth et al., 2014). This would probably delay and obstruct many of the EAC proposals for a longer period of time through conflicting Member States' interests. It involves disruptions in the process of ratification by competing legislative forces in respective national parliaments and systemic non implementation.

Bureaucracies are not controlled centrally or incentivised along performance-based lines in the majority of EAC countries. We often lack interest or feel that they are actively opposed to their interests in the execution of the policies. The top political elites in Kenya, for example, are closely linked to tribally segmented business interests that finance the rise of the leaders. Additionally in Rwanda, the governing RPF has a strong shareholder interest of its own.

Specific limits of the free goods movement levied by partner states, allegedly connected to vested interests, have questioned the introduction of customs union. These include direct taxation and tariff-equivalent fees and the failure to recognize the rules of origin, which are focused upon local content disputes. For example, in violation of the Customs Union regulations, Kenyan exports of cigarettes are exported to Tanzania because they contain less than 75% of local content; thus, because of trade-mark disputes with local

producers, they are sporadically banned for import into Uganda. Kenya also banned and later placed Uganda sugar imports in the form of cash bonds on the basis of claims of dumping duty-free imports.

Second, some EAC policies, even with the help of senior government officials, has been impeded by informal structures and communication national bureaucracies' failures.⁸⁰ This is redirected in the partner states failure in overcoming NTBs. Along these corridors the outcomes have been minimal, following a wide-ranging program aimed at reducing costs and times for transporting goods. This is attributed to several low-income extraction systems like customs officers, police, private groups and ports representatives, customs checkpoints, and crossroads. Of the 51 NTBs that the EAC reported in 2008, 21 were still unresolved with new reports in 2014. Therefore, informal NTBs are hard to quantify. In a 2012 study conducted in Kenya 86 percent of transporters agreed to illegal payment for these classes for goods transport, 82 percent in Tanzania and 55 percent in Uganda.⁸¹

3.8 Chapter Key Findings

The key findings established by this chapter are in line with the third objective which sought to investigate some of the challenges East African countries faces in implementing the free persons' Capital, labor, goods and services movement. The challenges are both exogenic and endogenic. While the challenges are rooted in both domestic and regional policies, they are not limited to; weak citizen participation which makes the integration process elite-led. Generalized, majority of residents in East Africa do not fully comprehend the requirements which enable one to reside or move across

⁸⁰ Transparency International. (2012). *Corruption perceptions index 2012*. Berlin, Germany: Transparency International Publication.

⁸¹ Ibid

the East African region. Lack of political goodwill has greatly hampered implementation of effective immigration policies in East Africa. Whereas, some countries in EAC have offered conducive environment for enactment of immigration policies. This study has also established some states are instituting protectionism measures in a bid to protect their infant labor markets which greatly hampers the aspirations of the regional integration. Rampant corruption and bribery is an institutional policy challenge which further derails the integration process particularly at the border post and at customs clearance points in respective countries which makes immigration a very costly affair.

CHAPTER FOUR

STRATEGIES FOR HARMONIZING IMMIGRATION POLICIES WITH REGIONAL INTEGRATION

4.0 Introduction

This chapter presented the strategies and methods employed by the East African Community member states to integrate their respective countries immigration policies with the larger supra-national ambitions of regional integration. Specifically, this Chapter addresses the role that played by immigration to entrench and deepen the integration process in the EAC. This entails contextualizing individual country's immigration policies and legislation in the greater fundamental principles and freedoms of the East Africa's REC. To achieve that, this Chapter utilizes primary data obtained from the field in complementarity with existing literature on the subject.

4.1 Ensuring full and effective implementation of the EAC Common Market

Protocol

The full implementation of the EAC's Common Market Protocol is one of the outstanding strategies employed by states in partnership making the EAC. In July 2010, a majority of the member states of EAC signed and ratified the Shared Market Protocol, changing the focus from simply liberalizing the movement of goods to liberalizing human and labor movement. The Common Market indicates that the EAC partners maintains a substantial attitude towards freedom of all manufacturing and product factors movement and the two rights that include the establishment right as well

as the residence right.⁸² The common market protocol to a greater extent provides the rational with which member countries can harmonize their respective immigration policies with the stipulations provided by the Treaty which found the EAC.

Pursuants to the provisions of the Joint Market Treaty, Member States should include freedom of goods movement, freedom of persons' movement, the free workers movement, free capitals movement and free services movement in their national immigration policies. The overriding EAC Common Market principles include not discriminating of other states in partnership ' nationals on the basis of ethnic group, equality in treating other state nationals' in partnership and sharing of information, among other philosophies, for the proper Protocol functioning.⁸³ Researcher wished to be aware of the policies for regional migration management in neighboring countries and confirmed that all the Partner States of EAC had national immigration policies that were previously in place in view of this research in complying with the EAC Common Market protocol. In addition, the researcher tried to determine if immigration policy in the EAC countries had enshrined the two rights set out in the protocol, and asked the questioners whether their immigration policy promotes freedom of movement throughout the Community of East Africa. The responses are as shown below.

⁸² Ibid

⁸³ Ibid

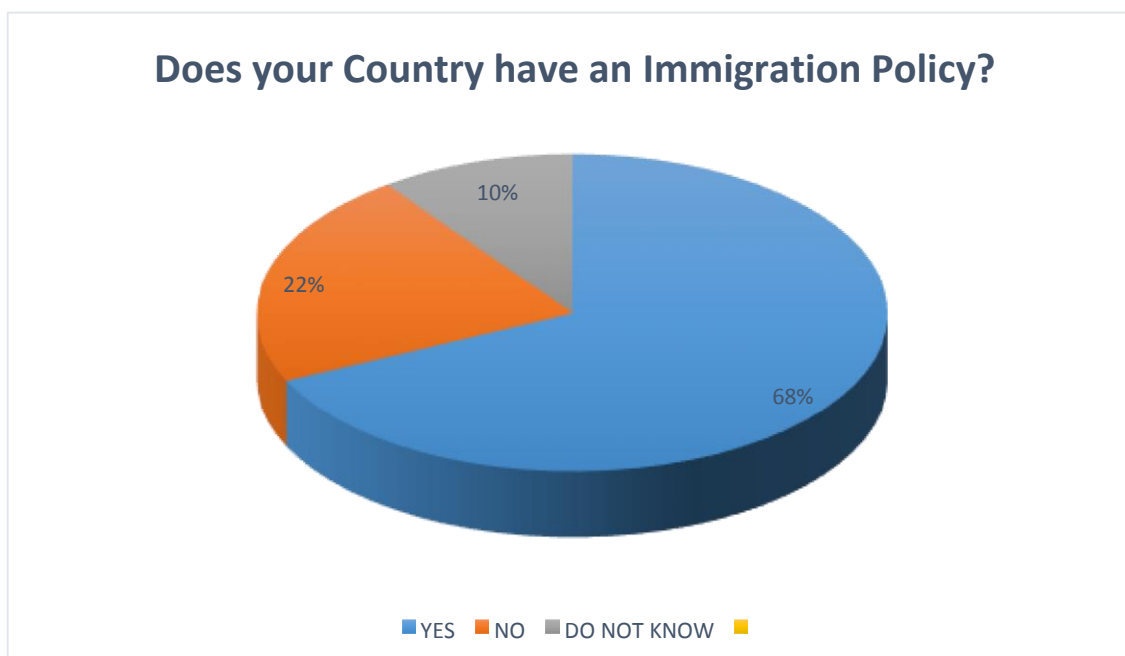


Figure 4.1 Does your Country have an Immigration Policy

Source: Field Data, 2019

The responses indicate that 68% of the respondents agreed to the existence of a national immigration policy while 22% disagreed to existence of the same. A minority 10% were not aware of any national immigration policy in their country. Immigration to Kenya is enshrined in the provisions enshrined in the EAC Treaty, especially Article 104 mandating the agreement of Partner States on the adoption of measures to facilitate the free movement of individuals, labor and services and the exercise of the right of their citizens to create and reside within the Community.⁸⁴ The right to establish itself in the territory of the other EAC Partner State comprising the EAC as provided in the provisions of Article 13 of its Common Market Protocol allows EAC Member States to

⁸⁴ East African Community .(1999). *EAC Treaty*. Arusha: EAC Publication

engage as self-employed persons and to establish and administer economic undertakings in Kenya.

In line with the Articles on the freedom of workers movement and the establishment right, the Kenya immigration policy provides the citizens of the other partner States with residence rights, which are admitted in their territories. The right of residence also covers the spouse, the child and an employee or an individual with a right to freedom of movement and the right to establishment of a right of residency.⁸⁵ The researcher sought to establish if the Kenyan immigration policy had entrenched the two rights as stipulated in the protocol and asked respondents whether, Kenya's immigration policy facilitates free movement of person's across the East Africa Community. Majority of the respondents (78%) indicated that Kenya was a free country where regional citizens could immigrate into and establish their business without discrimination and xenophobic attacks from the Kenyan national.

Contrastingly, 22% of the respondents disagreed with notion of fundamental principles especially, the right of establishment and residence citing unequal treatment (of Kenyans) by their partners in the region particularly in Tanzania where Kenyans expressed concerns over work permits and harassment from the Tanzania's authorities. On average Rwanda was depicted by majority of the respondents (56%) as the most conducive country in EAC to reside and establish a business while still a foreign national. Uganda was ranked the third country with free mobility of labor and workers in the region, while Tanzania and South Sudan were ranked fourth and fifth respectively.

⁸⁵ Kanyangonga, B. (2010). *Integrating Migration with the EAC development in EAC. Policy Challenges and Recommendations. Research Paper*. Geneva: CUTS Geneva Resource Centre

This study sought to establish whether the benefits and privileges enshrined in the EAC common market Protocol were being realized in the respective partner states.

Primarily, the researcher asked the respondents to explain some of the achievements realized by their respective countries as a result of aligning their immigration policies to EAC common market rights and freedoms. The table below shows the number of work permits, passports and the number of EAC nationals registered in the period 2010-2014.

Table 4.1 Number of passports issued, EAC nationals registered, and work permits issued, 2011–2014

Category	2010	2011	2012	2013	2014
Passports Issued	167,528	168,324	171,169	148,940	180,223
EAC Nationals registered	17,944	19,034	23,490	21,920	22,326
Work Permits issued	18,826	21,823	11,360	10,411	10,540
Work Permits renewed	20,521	23,498	8,636	9,315	10,532

Source: Economic Survey 2015, KNBS

The researcher found that both Kenya and Rwanda allow for work within the EAC Regional Block relatively quickly, compared to Tanzania, for example, which has tighter conditions. This creates a policy gap in the protocol of the Common Market to the freedom of labor market movement. The adoption of the EAC Common Market

Protocol in general is a core strategy domesticated by partner states to remove restrictions on labor movement, harmonize labor policies and develop common standards and measures for workers and business organizations in the region.

The fundamental provisions concerning the free persons and labor movement as an establishment and residence right form the basis for this general principle. They form the basis for research on EAC citizens' freedom of movement in the common market to be carried out by partner states. In particular, the focus is on removing the various limitations that may already exist in the Partner Countries laws, laws and policies for movement of EAC Partner Countries citizens.

4.2 Development of Integrated Border Management System in EAC immigration

Points

In efforts to ensure immigration policies in East Africa Community were entrenched in the broader regional integration agenda, partner states agreed to develop an integrated border management systems to facilitate easier, secure and efficient immigration of people across national boundaries. The development was a strategy to ensure one-point border post were created where immigrants in the region could be cleared by immigration officials using a single identity document. The main objective of creating border management system was a key immigration management mechanism which among other functions ensured control of unregulated immigration which often was associated with insecurity.

An effective system of border management included cross-linked (and preferably automated) national sub-systems that included trained personnel, auditing, crossagencies, and international cooperation and national and immigration partnerships.

Article 5 of the Common Market Protocol states that partners ' cooperation and commitment must facilitate the trans-border persons movement and establish a comprehensive management regime of borders that allows for smooth and uncomfortable persons, workers and traders movement in the region.⁸⁶ The researcher sought to establish whether partner states had established integrated border management systems in the respective entry and exit points.

The findings recognized that most (44%) of the respondents were in agreement with an existence of common border (One-Stop-border) post as an effective immigration asset which has deepened regional integration further and made cooperation among partner states more realistic. The table below shows the distribution of responses obtained by researcher on integrated border management.

Table 4.2 Perceptions of Integrated Border Management System in EAC immigration Points

Statement		Frequency	Percent
	Strongly Agree	22	22%
Is there an integrated Border management system to secure EAC Immigrants	Agree	44	44%
	Do not Know	18	18%
	Strongly Disagree	15	15%
	Disagree	1	1%

Source: Field Data, 2019

The states constituting the EAC had harmonized immigration document to constitute only one immigrant card which is valid for exit and entry in any of the member state. The national of EAC member countries are not required to submit travel Visas but only

⁸⁶ Article 5, Common Market Protocol

armed with a valid identity card they can immigrate to any partner state within the region.

4.3 E-migration System and Common Passport

Partner states in EAC have embraced technology in efforts geared towards digitizing the immigration process. E-migration is a new trend by government(s) in EAC to issue immigration documents and authorization in an efficient and less bureaucratic and cost friendly manner. Some of the immigration activities which have been offered to citizens intending to immigrate include; issuance of e-passport application, e-visa application and online application and issuance of temporary permits. For instance, the Ministry of interior and coordination of national government in Kenya through the state department of Immigration has embarked on a digital service provision where immigrants and persons seeking visa, work permits and residency permits can access them via an online portal established by the government of Kenya.

All member states were directed to start the issue of the regional e-passport in January 2018 at the 35th East African Community Council of Ministers meeting.⁸⁷ The Ministerial Council has adopted a directive initiating the new generation e-passport process that complies with international civil standards, with the completion of the current national paper.⁸⁸ During the meeting, Rwanda, Burundi and Kenya indicated they were ready with the roll-out of the e-passport while Tanzania and Uganda sought for more time to realign their immigration policies with those of other partner state making EAC.

⁸⁷ The Secretariat, EAC 2018

⁸⁸ The East African. (2017). Kenya Goes it alone on e-passport as neighbors dither. Nairobi: The *East African standard*.

4.4 Chapter Summary

This chapter has established a number of strategies which partner states making EAC have adopted to harmonize their immigration policies with the broader regional integration ideals. Among them is the domestication of the common market protocol which entered into force in July 2010. The Common Market Protocol domestication ensured free persons, capital and services mobility as well it ensured the establishment and residence right were achieved within the region.

The chapter has also established that, in efforts to harmonize immigration policies with regional integration partner states have adopted integrated border management system which ensures that people can move freely in the region using only their identity card. The strategy has seen the number of people immigrating in the region double and the number of travel documents issued increase tremendously. Further, the states making EAC have resolved to adopt e-immigration systems as a policy strategy.

CHAPTER FIVE

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the findings established by the research in line with the objectives set out in the first chapter. The chapter makes general generalizations informed by the findings established which constitutes the summary and conclusion as to what are the general impacts of immigration policies on the integration process in East Africa. Lastly, this chapter presents both policy and academic recommendations which can be utilized to further academic discourse on integration while at the same time offering suitable tailor-made policy recommendations capable of influencing effective policy making in regards to immigration and regional integration.

5.1 Summary of the Findings

Based on the first objective of this study, which sought to investigate how the EAC's immigration policies are promoting the EAC integration process, this research study has established that immigration policies adopted by member countries constituting the EAC have to a greater extent facilitated labor mobility in the region. Majority of the countries have implemented immigration policies which resonate with the Treaty establishing the EAC where there is free geographical movement of both skilled and non-skilled labor in the region. Majority of the respondents (40%) in this research agreed that to a very large extent immigration policies in EAC contributed to free movement of people, goods and services across national boundaries. Further, this research has established that member countries have adopted the use of a common identity card to cross regional borders. Adoption of such travel document facilitates foreign direct

investment and reduces bureaucracy associated with acquisition of these immigration documents.

In accordance with the second aim of examining the strategies used by the EAC member states to harmonize immigration policy for improving integration in the region, this research found that members of the Member States adopted an identity card system which means that, in principle, a passport is not required for traveling between countries. Additionally, it has established that member countries are jointly cooperating in mega infrastructural projects like construction of intra-regional road network which promotes transport and ease of trading.

The inter-state cooperation between Kenya Uganda and Rwanda has led to construction of Standard Gauge Railway and the construction of Lamu Port which are major projects set to open the EAC region to increased international trade. Although many of these recent transport successes resulted from the national decision-making process and the majority for interstate co-ordination independently of EAC transport policy. The Northern Corridor Integration Project, supported by Uganda and Rwanda, was one of the key parallel interstate initiatives. Further, the EAC Summit composed of the country's heads of states affirmed in a directive the preparation of a Railway master plan for the region. Most respondents (56 percent) said the NTB Act, which lays down legal framework for withdrawing NTCs under the Common Market Protocol was passed by the Eastern African Legislative Assembly. These are some of the strategies established by this research which pertain immigration and which deepen regional integration.

In line with the third objective which sought to investigate the challenges faced by EAC member states in the implementation of migration policies in the EAC, this research study has established that immigration policies have faced a complex implementation

challenges. The challenges established by this research are both endogenous while others are exogenous. One of the challenge bedeviling the integration process rests on the power balance tussle among the states which constitute the EAC. This is evidenced by the economic and political rivalry between Kenya and Tanzania. The later has even evicted the former's citizen in economic rivalries anchored on competition and mistrust hence challenging immigration and effective integration.

The difference in socio-economic development levels is another challenge. In most aspects of inter-state relations, Kenya has a dominant position. Most other Member States lack commercial complementarities which lead to low intra-regional trade.

While Kenya has made tremendous steps towards actualization of full integration in East Africa, Tanzania has lagged behind with suspicion and mistrust which curtails free movement of people, goods and services as well as rights to establishment and residence in their territories. The lack of additional economic mechanisms has also helped to make the adoption of free domestic immigration policies a political priority.

The other challenge concerns population density, where the land available to Rwanda and Burundi is considerably less than Tanzania's and arguably the right of establishment laid down in the Treaty resists further EAC integration in that country. This research has established other challenges constraining immigration policies in accelerating integration has being embedded on weak institutional reforms and policies coupled with absent political coordination and limited citizen participation in regional integration affairs.

5.2 Conclusion

Shared historical experiences and ties between citizens of EAC Member States have created a sense of common culture which has in turn led to considerable popular support for effectively implementing immigration measures in the majority of the Member States that allow free movement among EAC Member States. All East African member states including Kenya have each an immigration policy framework with aspirations for EAC regional integration. Most of the of the EAC member country immigration policies promote movement of people, capital, goods and. The immigration policies to a large extent promote residence in any EAC state. Member countries' immigration policies are also formulated to promote healthy business competition among EAC citizens and Cultural integration and religious freedom. The same immigration policies also promote access to markets within the EAC and peaceful coexistence among EAC citizens, EAC customs union and common market.

The volume of trade between the EAC member states had increased due to the influence of the immigration policies for countries in the region in the recent past. Majority of EAC countries are working towards greater integration of the region and have done this through formulation of strategies to achieve the same. The policy challenges which pose the greatest challenge to integration in the EAC region are internal and external tariff barriers to trade as well as long business registration process time in the different countries. The political challenges and social challenges on the other hand constitute a small impact on integration of EAC member countries.

Eastern countries in Africa, along with EAC (IGAD, Uganda and now South Sudan), COMESA (Tanzania all excluded), SADC (Tanzania) and Burundi (Rwanda and Burundi), are at the heart of the web of regional blocs and trade agreements. Sets of

bilateral and multilateral foreign trade agreements are not included. While it is not illegal to enter into such arrangements, it is quite challenging to prioritize these RECs and abide by the conflicting interest drawn from each.

5.3 Recommendations

This research study offers some policy and academic recommendations which can improve the effectiveness of EAC member states in developing sound immigration policies which can facilitate successful integration process in the region.

East African governments should abolish passports among EAC citizens to simplify and facilitate the process of cross-border travel among EAC countries since all EAC citizens now belong to a common integrated region. Countries in the EAC region should establish a harmonized cross-border policy to facilitate inter-state movement. (Common Identity Card).

Sudan should abolish the Visa requirements for short-time visits by members of the EAC countries since this will remove the strain on business persons doing business in EAC region. Taxation regimes in EAC member countries also should be harmonized in order to clear bottlenecks on inter-state trade.

The East African regional block should aim to achieve a common currency system which can greatly unite the East Africans. There is need to reduce the high cost of doing business in East African by establishing business friendly taxation regimes such as licensing fees.

There is urgent need for the East African member states to come together and establish good infrastructural projects that can facilitate ease of doing business and create more employment. There is need for the harmonization of all immigration policies among the

EAC countries so that all citizens in the region refer to the same rules and regulations relating to movement within the region.

The EAC member state should establish consulates and embassies in each partner state territory as a means of deepening the integration agenda. Establishment of consulates and embassies will facilitate acquisition of respective country's information on matters related to trade and investment as well as cultural and social opportunities which can further deepen integration.

REFERENCES

- African Development Bank. (2014). *African Development Report 2014: Regional Integration for Inclusive Growth*. Ortigas Center; Mandaluyong: ADB Publication
- Article 5, Common Market Protocol
- AU. (2012). *Assessing Regional Integration in Africa V: Towards an African Continental Free Trade Area*. United Nations Economic Commission for Africa. Ethiopia: UN-ECA Publication.
- AU/ADB/ECA. (2016). *Africa Regional Integration Index Report 2016*. Available at; <http://www.afdb.org/reports> Accessed on 10/22/2019
- Babbie E. (2010). *The Practice of Social Research (13th Ed.)*. California: Thomson/Wadsworth.
- Binda, A., & Elvis, M. (2017). *The Legal Framework of the EAC*, In *East African Community Law*. Nairobi: Brill Nijhoff.
- Bösl, A., Willie, B., & Trudi, H *et al.* (2007). *Monitoring Regional Integration in Southern Africa Yearbook*. TRALAC Yearbook. Stellenbosch: Trade Law Centre for Southern
- Buigut, S. (2012). *An assessment of the trade effects of the East African Community customs union on member countries*. Washington D.C.: Nathan Associates Inc.
- Byiers, B., & Jaime, de Melo. (2018). *Working with the grain of African integration*. No. 4530. Netherlands: ECDPM

- Byiers, B., et al. (2015). A five lenses framework for analyzing the political economy in regional integration. *Africa Economic Brief*, 6(3), 1-10
- Byiers, B., Vanheukelom, J., & Kingombe, C. (2015). *A five lenses framework for analyzing the political economy in regional integration*. Discussion Paper 178. Maastricht: ECDPM.
- Castles, S., et al. (2013). *The age of migration: International population movements in the modern world*. Macmillan: Macmillan Publishers
- Chaulia, S.(2003). The politics of refugee hosting in Tanzania: from open door to unsustainability, insecurity and receding receptivity. *Journal of Refugee Studies*, 16(2), 147-166.
- Chingarande, A., et al. (2013). Comparative advantage and economic performance of East African Community (EAC) member states. *Journal of Economics*, 4(1), 39-46.
- Collier, P., & Venables, J. (2010). *Trade and economic performance: Does Africa's fragmentation matter*. In *Annual World Bank Conference on Development Economics 2009 Global*. Washington, DC.:The World Bank
- Cooksey, B. (2016). *Tanzania and the East African Community; A comparative Political Economy*. Discussion Paper No. 186. ECDPM Publication. Available at <https://ecdpm.org/wp> Accessed on 10/22/2019
- EAC Secretariat. (2007). Treaty for the Establishment of the East African Community (As amended on 14th December, 2006 and 20th August, 2007). Arusha Tanzania: EAC Secretariat
- East African Community. (1999). *EAC Treaty*. Arusha: EAC Publication

ECDPM/PERIA. (2018). Political Economy of the regional Integration in Africa-the EAC.

Available at <http://www.ecdpm.org/peria>. Accessed on 10/12/2019

Gambino, C., & Edward, N., *et al.* (2014). *Foreign-born Population from Africa, 2008-2012*.

US Department of Commerce, Economic and Statistics Administration, US Census Bureau. Washington DC: Apex Press

Geda, A., & Haile, K. (2008). Regional economic integration in Africa: A review of problems and prospects with a case study of COMESA. *Journal of African Economies*. 17(3), 357-394.

GoK. (2018). *Kenya Economic Survey 2018*. Nairobi: Government of Kenya Printer

Hartzenberg, i. (2011). Regional Integration in Africa (October 10, 2011). Available at

SSRN: <https://ssrn.com/abstract=1941742> or <http://dx.doi.org/10.2139/ssrn.1941742>

Hartzenberg, T. (2011). *Regional Integration in Africa*. Geneva. Economic Research and Statistics Division. Geneva: World Trade Organization

Hodson, D.& Uwe, P. (2019). The European Union in disequilibrium: new intergovernmentalism, post-functionalism and integration theory in the post Maastricht period. *Journal of European Public Policy*. 1(19), 1153-1171

International Organization for Migration. (2017). *Migration and Development in Kenya*. Nairobi: IOM Publications

Kamala, D. B. (2006). *The Achievements and Challenges of the New East African Community Co-operation*. Nairobi: University of Nairobi Press

- Kanyangoga, J. (2010). *Integrating migration with development in EAC: policy challenges and recommendations*. Geneva. Switzerland: Geneva Resource Centre
- Kasaija, P. A. (2004). Regional integration: A political federation of the East African Countries. *African Journal of International Affairs*, 7(2), 1-2.
- Kehoe, W. (1998). GATT and WTO: Facilitating Global Trade. *Journal of Global Business*, 13(2), 67-76
- Kimbugwe, K., et al. (2012). *Economic Development through Regional Trade: A Role for the New East African Community*. Arusha: Springer.
- Kinyua, T.K. (2015). *Institutional Challenges facing the East Africa Community Common Market in Kenya*. Nairobi: University of Nairobi Press
- Kothari, C., & Garg, G. (2014). *Research methodology Methods and Techniques*. New Delhi: New Age International (P) Ltd.
- Ike, V., & Craig, M. (2017). *Understanding the East African Community and its Transport Agenda: Informal adaptation in regional trade and transport cooperation*. ECDDPM Publication. Available at; <https://ecdpm.org/wp> Accessed on 10/22/2019
- Macharia, K. (2003). *Migration in Kenya and its impact on the labor market*. In *Conference on African Migration in Comparative Perspective*. Johannesburg: South Africa Associated Press
- Magara, D.O. (2015). *The effects of East Africa community common market, protocol on cross border traders at Malaba border in Kenya*. PhD diss., Master's thesis. School Of Business, University of Nairobi

- Manishimwe, W. (2016). *Uganda to sign agreement with Arab countries*. Kampala: New Vision Publication
- Mararo, S. (2017). *A critical analysis of the role of public participation in regional integration: a case study of the East African Community*. Nairobi: University of Nairobi Press
- Marchand, K. et al. (2017). *Study on Migration Routes in the East and Horn of Africa*. Uppsala: Maastricht University
- Mathieson, C. (2016). *The political economy of regional integration in Africa: The East African Community*. European Centre for Development Policy Management (ECDPM). Available at: <http://ecdpm.org/wp-content/uploads/ECDPM-2016-Political-Economy-Regional-Integration-Africa-EAC-Report.pdf>.
- Mathuki, M. (2015). *EAC is operating below Capacity*. Available at: <http://www.newtimes.co.rw/section/article> Accessed on 10/23/2019
- Maxwell, A. et al. (2002). *The Making of NAFTA: How the deal was done*. London and Ithaca: Cornell University Press
- McAuliffe, A., et al (2012). *The East African Community: Prospects for Sustained Growth*. No. 12-272. Washington, D.C.: International Monetary Fund
- McCord G, & Jeffrey D. et al. (2005). *Understanding African poverty: beyond the Washington consensus to the millennium development goals approach*. Africa in the World Economy. Netherlands: The Hague
- Mugenda., O. & Mugenda, A. (2003). *Research Methods; Quantitative and Qualitative approaches*. Nairobi Kenya: Acts Press.

- Musonda, K., & Flora, M. (2006). *Migration Legislation in East Africa*. Milan: International Labour Office.
- Mwangi, W. (2014, Jan). The road and pipeline from Mombasa is the region's economic lifeline. East African. Nairobi. *The East-African Standard*
- Mwasha, O.N. (2011). The benefits of regional economic integration for developing countries in Africa: A case of East African Community (EAC). *Korea Review of International Studies*. 1(8), 69-92
- Niyomwungere, F. (2018). *Implementation of East African Community common market policies in Burundi: A case of free movement of persons*. PhD dissertation . Entebbe, Uganda: Nkumba University.
- Nye, S. (1963). East African Economic Integration. *The Journal of Modern African Studies*, 1 (4) 475-502.
- OECD/ILO. (2018). *How Immigrants contribute to developing Countries' Economies*. Paris: OECD Publishing
- Ogola, F.O *et al.* (2015). A profile of East African Community integration. *The Journal of Management*, 1 (4), 333-364
- Quinlan, C., Barry, B., et al. (2019). *Business research methods*. Andover, UK: South Western Cengage.
- Ratha, D., & Zhimei, Xu. (2008). *Outlook for Remittance Flows 2008-2010: Growth expected to moderate significantly, but flows to remain resilient*. Washington, DC.: World Bank

- Ratha, D., Sanket, M., et al. (2011). *Leveraging migration for Africa: Remittances, skills, and investments*. Washington DC.: The World Bank Publication
- Reith, S., & Moritz, B. (2011). The East African Community Regional Integration: Between Aspiration and Reality. *Kas International Reports*, 9(10), 91-107
- Rusuhuzwa T., & Paul, R. M. (2012). *Design and implementation of a common currency area in the East African Community*. Toronto: University of Toronto Economics.
- Sandrey, G. (2015). *Intra-REC Trade and overlapping Membership: Review of COMESA, EAC and SADC*. Working Paper S15WP11/2015. Stellenbosch, South Africa: Tralac
- Sandvik, B. (2010). A legal history: the emergence of the African resettlement candidate in international refugee management. *International Journal of Refugee Law*, 22(1), 20-47
- Sepere, E., & Ignas, P. (2014). *The legal status of articles of the union in constitution making in Tanzania*. PhD diss. Dar-es-Salaam: University of Dar-es-Salaam
- Shivji, I.G. (2009). *Pan-Africanism and the Challenge of East African Community Integration. Paper to be presented at the EAC 10th Anniversary Symposium*. Arusha-Tanzania: ECDPM Publication
- Shivji, J., & Issa, G. (2009). *Pan-Africanism and the challenge of EAC integration*. Kathmandu.: University of Nepal Press
- Spaan, E., & David, M. (2006). *African exodus? Trends and patterns of international migration in sub-Saharan Africa*. Migration and Development Series. Bielefeld, Germany: COMCAD

Spooner, N., & Ngunyi, M. (2006). *Understanding the Political Economy of Integration in East Africa: Literature Review*. London: Enterplan

Tanzania Ministry of Home Affairs

The Citizen. (2014). *Coalition of the willing emerges again in EAC*. Available at:

www.thecitizen.co.tz Accessed on 10/23/2019

The East African. (2017). Kenya Goes it alone on e-passport as neighbors dither. Nairobi: *The East African standard*

The Secretariat, EAC 2018

The World Bank. (2014). *Building integrated markets within the East African Community: EAC opportunities in public-private partnership approaches to the region's infrastructure needs*. Washington DC: The World Bank

Transparency International. (2012). *Corruption perceptions index 2012*. Berlin, Germany: Transparency International Publication.

UN/ECLAC. (2014). *Regional Integration: towards an inclusive value chain strategy*. Santiago: United Nations Publication

Vriens, M. (2006). *The handbook of marketing research: uses, misuses, and future advances*. Thousand Oaks: Sage Publication.

Wiener, A. (2019). *European integration theory*. Oxford: Oxford University Press William, D., & Geoffrey, D. (2012). Underhill, eds. *Regionalism and global economic integration: Europe, Asia and the Americas*. London: Routledge Press

APPENDICES

APPENDIX 1: RESEARCH QUESTIONNAIRE

Dear respondent,

The bearer of this Questionnaire is a final year Masters student at the University of Nairobi's Institute of Diplomacy and International Studies (IDIS). Your response to this Questionnaire will facilitate his research project titled; "The impact of Immigration policies on the East African Integration Process. The Information collected in this study is purely for academic research purposes and your answers will be treated with utmost confidentiality. Remember, there are no correct or wrong answers. The study only seeks the opinion and your feelings about the East African Community.

Your time taken to respond to this questionnaire is highly appreciated.

Thank you in advance

SECTION A: BACKGROUND INFORMATION

Q1	GENDER OF RESPONDENT	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
Q2	EDUCATION LEVEL OF RESPONDENT Secondary level <input type="checkbox"/> Diploma level <input type="checkbox"/> Bachelors level <input type="checkbox"/> Masters level <input type="checkbox"/> PhD level <input type="checkbox"/>	
Q3	AGE OF RESPONDENTS 20-30 Years <input type="checkbox"/> 30-40 Years <input type="checkbox"/> 40-50 Years <input type="checkbox"/> 50-60 Years <input type="checkbox"/> Above 60 Years <input type="checkbox"/>	
Q4	NATIONALITY OF RESPONDENT Kenya <input type="checkbox"/> Tanzania <input type="checkbox"/> Uganda <input type="checkbox"/> Rwanda <input type="checkbox"/> Burundi <input type="checkbox"/> South Sudan <input type="checkbox"/>	Q5 RESPONDENT PROFESSIONAL BACKGROUND Government Employee <input type="checkbox"/> Private Sector Employee <input type="checkbox"/> Businessman/Business Lady <input type="checkbox"/> None <input type="checkbox"/> Others, please specify _____ _____

SECTION B: THE EAC's IMMIGRATION POLICIES AND HOW THEY

PROMOTE THE EAC INTEGRATION PROCESS

Q7. Have you travelled recently within the EAC region?

Yes No

(a) If yes what was your destination country:

.....

(b) What was the purpose of your travel?

(c) What are some of the requirements you were asked to meet by border agents before travelling?

What are some of the requirements you wish were changed?

(d) In question (d) above, explain why you think each stated requirement should be changed

(e) Are you aware of the Migration policy within the EAC community?

Yes No

(f) The following statements relate to the extent to which the migration policy promotes migration and integration in the East African Community.

On a scale of 1-5 Where **5=> Very large extent 4=> large extent 3=>No extent**

2. Small extend 1. Very Small extend, please tick as appropriate

No	STATEMENT	1	2	3	4	5
1)	Promotes movement of people, capital, goods and services					
2)	Promotes residence in any EAC state					
3)	Promotes foreign direct investment					
4)	Promotes elimination of cross border tarrifs					
5)	Migration policies contribute to other regional states GDP growth in EAC					

6)	Eliminates integration bottlenecks which hinder full economic integration					
7)	Promotes Cultural integration and religious freedom					
8)	Promotes healthy business competition among EAC citizens					
9)	Promotes access to markets within the EAC					
10)	Promotes peaceful coexistence among EAC citizens					
11)	Promotes the fight against corruption in the EAC					

(g) Do you think the EAC states' policies match the integration goals or priorities pursued by the EAC?

Yes No

(h) If yes, to what extent do you think the EAC's states' policies match the various goals of EAC integration on a scale of 1-5 Where **5=> Very large extent 4=> large extent 3=>No extent 2. Small extend 1. Very Small extend, please tick as appropriate**

No	STATEMENT	1	2	3	4	5
1)	The EAC Customs Union					
2)	The EAC common Market					
3)	The EAC Monetary Union					
4)	The EAC Political Federation					

(i) Name some of the development goals and priorities set by the EAC partner states which aim to harness the economic potential of the EAC

Based on the Migration policy, how would you rate the volume of trade between your country with the following EAC states

Country	Increased	Reduced
1. Kenya		
2. Uganda		
3. Tanzania		
4. Rwanda		
5. Burundi		
6. South Sudan		

(j) Please suggest any policy measures by the EAC states that can improve migration and EAC regional economic integration?

**SECTION C: THE STRATEGIES THAT THE EAC MEMBER STATES ARE
 APPLYING TO HARMONIZE THE IMMIGRATION POLICIES TO
 ENHANCE INTEGRATION IN THE REGION.**

Q8 (a) Do you think the EAC partner states harmonized immigration policies geared towards achieving integration in the EAC region?

Yes No

(b) If yes, state some of the key strategies

(c) Rate the success of each of the above listed strategies on a scale of 1 to 5 where;

1=>Very large extent, 2=>Large extent, 3=>none, 4=>Small extent, 5=>Very small extent

No	STRATEGY	1	2	3	4	5
1)						
2)						
3)						

4)							
5)							
6)							

(d) Suggest other strategies that you think could be more effective

SECTION D: THE CHALLENGES FACED BY EAC MEMBER STATES IN THE IMPLEMENTATION OF MIGRATION POLICIES IN THE EAC.

Q9. To what extent do you think the following challenges hinder the implementation of migration policies in the East African Community? On a scale of 1-5 Where **5=> Very large extent 4=> large extent 3=>No extent 2. Small extend 1. Very Small extend, please tick as appropriate**

No	CHALLENGES	1	2	3	4	5
	POLICY CHALLENGES					
7)	Long Business registration process time					
8)	Diversity in laws and regulations					
9)	Internal Tariff barriers					
10)	Application of different external tariffs					
11)	Different trade laws among member states					
12)	National and Legal Laws					
	ECONOMIC CHALLENGES					
13)	Different taxation regimes					
14)	Business Competition					
15)	Unequal economic development among the EAC states					
16)	Unequal distribution of EAC benefits					
17)	Different Currency systems					
18)	Market accessibility					
19)	Large and unregulated informal sector					
20)	High cost of doing business					

	POLITICAL CHALLENGES					
21)	Political conflicts					
22)	Refugee crisis in EAC					
23)	Lack of political goodwill					
24)	Government control					
25)	Lack of democracy					
26)	Human rights violation					
	SOCIAL CHALLENGES					
27)	Language barriers					
28)	Different Cultural beliefs					
29)	Religious differences					
30)	Lack of entrepreneurial skills					
31)	Corruption					
32)	Low return on social investments					
33)	Crime prevalence and lawlessness					

Thank you

APPENDIX 11: The Interview Schedule (Ministry of Foreign Affairs officials and Truck drivers)

What is your age? _____

What is your highest level of education? _____

Which is your native country in the EAC region? _____

Are you aware of a national immigration policy developed by the Kenyan government?

If yes, do you believe the immigration policy encourages you as an East African to immigrate into Kenya? _____

Does the immigration policy of Kenya facilitate your movement in and out of the country's borders? _____




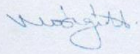

Do you think Kenya's immigration policy facilitates acquisition of property locally and settlement in the country? _____

Give examples of benefits you have enjoyed following in the EAC regional integration _____

What are some of the challenges you face moving between different EAC countries _____

Suggest solutions to some of these challenges _____

APPENDIX 11I: LETTER OF NACOSTI

 <p>REPUBLIC OF KENYA</p>	 <p>NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION</p>
Ref No: 494501	Date of Issue: 22/November/2019
RESEARCH LICENSE	
	
<p>This is to Certify that Mr.. WILLIAM LEWELA of University of Nairobi, has been licensed to conduct research in Nairobi on the topic: THE INFLUENCE OF IMMIGRATION POLICIES ON THE EAST AFRICAN INTEGRATION PROCESS for the period ending : 22/November/2020.</p>	
License No: NACOSTI/P/19/2914	
494501 Applicant Identification Number	 Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
	Verification QR Code 
<p>NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR Code using QR scanner application.</p>	

THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is Guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014

CONDITIONS

1. The License is valid for the proposed research, location and specified period
2. The License any rights thereunder are non-transferable
3. The Licensee shall inform the relevant County Director of Education, County Commissioner and County Governor before commencement of the research
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies
5. The License does not give authority to transfer research materials
6. NACOSTI may monitor and evaluate the licensed research project
7. The Licensee shall submit one hard copy and upload a soft copy of their final report (thesis) within one of completion of the research
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice

National Commission for Science, Technology and Innovation
off Waiyaki Way, Upper Kabete,
P. O. Box 30623, 00100 Nairobi, KENYA
Land line: 020 4007000, 020 2241349, 020 3310571, 020 8001077
Mobile: 0713 788 787 / 0735 404 245
E-mail: dg@nacosti.go.ke / registry@nacosti.go.ke
Website: www.nacosti.go.ke

APPENDIX 1V: PLAGERISM REPORT

