

UNIVERSITY OF NAIROBI

**RESEARCH TITLE: REGIONAL INTEGRATION AND ITS
IMPACT IN THE RELATIONS AMONG STATES:
CASE STUDY OF THE EAST AFRICAN COMMUNITY**

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DECLARATION.

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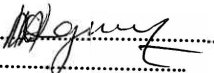

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Mr Martin Nguru

Date 30th Oct 2014

DEDICATION

This thesis is dedicated to my dad ,friends and lecturers who have molded me into what I am today. Above all I dedicate this paper to all East Africans who dream of a single state.

Thank you

ACKNOWLEDGEMENTS

God Almighty you are acknowledged. When I was weak, you gave strength; when hungry you availed food; when angry you extended composure; and when thick you supplied wisdom.

To Mr. Nguru – I thank you most profoundly for your brilliant comments on the various drafts. Without you, this philosophical piece would have been a mess. Finally I would like to thank my classmates, you were great and we had an unforgettable experience, I salute you all.

ABSTRACT

This research paper evaluates the possibility of the East African states uniting to form a single federated state. The paper commences with a historical approach tracing the origin of the East African community. After discussing the reasons why the bloc at one point collapsed the paper suggests that there are a myriad of reasons why states choose to integrate ranging from political, social and economic. In subsequent chapters the paper shows that there are challenges that face any integration effort and it takes more than political and public participation to overcome the said challenges. In the absence of political will then it is likely that the federation may fail.

This paper after analyzing the data collected concludes that the EAC as a political state that is federated is not a viable idea and many things have to be put in place if it is to succeed.

LIST OF ABBREVIATIONS:

AU	African Union
USSR	United Soviet Social Republic
WTO	World Trade Organization
E.G	For example
EU	European Union
CBK	Central Bank of Kenya
CET	Common External Tariff
CMA	Common Monetary Area
CMP	Common Market Protocol
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
EACB	East African Central Bank
EAMU	East African Monetary Union
EAMI	East Africa Monetary Institute
EASEA	East African Stock Exchange Association
FDI	Foreign Direct Investment
IGAD	Inter Governmental Authority on Development
GDP	Gross Domestic Product
IMF	International Monetary Fund
MoU	Memorandum of Understanding
MU	Monetary Union
OAS	Organization of American States
SADC	Southern African Development Community
WB	World Bank

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CHAPTER ONE: INTRODUCTION TO THE STUDY

1.0 Introduction

The East African Community is a Union of five political states of Kenya, Tanzania Uganda, Rwanda and Burundi as a single federated state. The EAC was first established in 1967, dissolved in 1977 and following lengthy negotiations re-established in 2000.¹ The proposed currency would be the East African shilling and it would be the third largest in Africa and the sixteenth largest in the world. Furthermore, it would be the most populous nation after Nigeria whose estimated GDP by IMF will be \$131, 772, 000 and the fourth largest in Africa and 55th in the world. The local language will be Kiswahili and the official language English. Its proposed capital and the current capital will be Arusha in Tanzania which is close to the Kenya border.

In 2010 the EAC launched the common market protocol for goods, services, labor and capital within the region. The idea of a federated East African Community sounds good but it is its practicality that begs the question. Often times the idea is mooted in closed door conferences that yield many great ideas yet end up as filed documents. The idea of a federated state sounds viable especially when we look at it in terms of the ease of movement; larger market shares that would lead to more negotiating power but then when we look at each of the five countries individually we are left wondering what necessitated such an idea to begin with.

The first dialogue on enhancing integration was held in November 2011 in Kampala under the banner "*Enhancing representation /inclusiveness in promoting East African Integration*. The idea of opening up the region for the greater economic good is more than welcomed but then which of these states would take a back seat to allow a foreigner to rule and dictate how their country should be run?

Kenyans are known for their capitalism, Tanzanians for their socialism, Burundi for the constant political unrest that seem to be synonymous with the state. Rwanda a small but fast rising in

¹The East Africa Community Treaty, Preamble: Dissolution of East African Cooperation, (Arusha: East African Secretariat 1999).p3

terms of development and raising quite a few eyebrows and Uganda is well known for human rights violations. Before we even think of a federated EAC let's take a step back and look at the Ujamaa propagated by the late former president of Tanzania, Mwalimu Julius Nyerere. At the time it seemed a viable and noble idea for the people of Tanzania but a closer look into the whole process unearths a lot of issues and the idea ended up as great but it could not be implemented and thus it makes one to wonder how then do the five states hope to unite.

Kenya and Kenyans in the region are known as being very aggressive and you can always set them apart from the rest. It is this aggressiveness that has gotten Kenya to where it is not caring who it elbowed to get there. It is this uncaring attitude that leaves a bad taste on the other four states especially Tanzania who have already shown some reluctance to the whole process of federation. So how then do we hope to form a united federation if the foundation is already shaky?

Burundi a much smaller state than Rwanda with its questionable leadership style leaves a lot to be desired and so one will ask why we want to form a union with such a state. Wouldn't such a union be detrimental to the other states? While still at it, let's look at the individual heads of state and their leadership styles. It would be hard to ignore South Sudan the newly independent state that is looking to be accepted into the inner circle of the five and also not forgetting Somalia which borders Kenya but seems to raffle feathers in the larger global world.

A lot of focus should not just be on this process but also on what the greater good will be for the region and what impact it holds for the five sovereign states, the neighboring nations; those who would want to join and those who care less about what happens outside their borders. This research will try to find out the viability of this process and if it is achievable. As much as the progress in the region should be the utmost concern what we should ask ourselves is; Is uniting the five states into one the way to go or there is a better way of enriching each of the sovereign states as individuals better than shielding them from their short falls by thinking that merging them will lessen their problems.

The fall of the Organization of African Unity (OAU) did not come as a shock seeing the region

was not united as the title purported to. Then the organization rebranded itself to the current African Union (AU) and the patrons remained the same leaving it with little credibility. Similarly the formation of an EAC federation will not be any different. The fact that the AU is funded by donors does not give much hope because its independence is compromised. Likewise a cash strapped EAC will not do much for the five member states if it is also dependent on donors. Nevertheless it is not a hopeless situation, that's why like-minded people or persons envisioned the idea of a united EAC as one sovereign state and so this research will try to find out if the idea of joining the five states is practical or one among many well-choreographed ideas which are never implemented and so the question I will try to answer is: Is the idea of uniting five (possibly six if Southern Sudan is admitted) states into one practical or it's just a myth?

Moreover in this study the author will borrow from other bodies that have come up from time to time. For instance the European Union (EU) has so far been cited as a model organization having had a relatively successful existence of over 50 years. Indeed the EU has established a common currency - *the Euro* (except in England) and often the member states pursue common policies with regard to development and human rights (EU parliament and EU court of human rights). However, on the contrary there are organizations that have failed miserably whether they were pursuing economic or social ends and the Old EAC of 1967 comes to mind. Since the collapse of the Union of the Soviet Socialist Republics (U.S.S.R), no political union has emerged strong enough to rival it when it was at its peak during the cold war period. Most states have instead sought to pursue regional security arrangements with organizations like North Atlantic Treaty Organization (NATO,) the African Union and the premiere of them all is the UN that includes over 190 independent states. This just goes to demonstrate that the objective of the EAC to form a political federation is actually a lofty one.

1.1 Background to the Study

Cooperation among the East African states has a very long history. Indeed the EAC has been touted as the oldest sub- regional bloc prior to its dissolution in 1977. The EAC historically has taken various forms, for example in 1917 Kenya and Uganda had a Customs Union which Tanganyika joined in 1927. Afterwards it became the East African High Commission (1948-1961) and then the East African Common Services Organization (1961-1967) before it finally

mutated into the East African Community 1967-1977. The breakup of the community was actuated by various reasons such as differences in economic models, social policies and personal differences of the leaders of the individual states.

It would take a long time for the then member states of the defunct EAC to resume relations in terms of forming a regional economic bloc. It is only in 1993 that new steps were taken to explore the possibility of integration when a Permanent Tripartite Commission for East African cooperation was formed. In November 1999, the treaty for the establishment of the EAC was signed but it would only come into force a year later on July 7 2000, taking Arusha as its seat. The membership of the EAC at this time was only that of the three states; Uganda, Kenya and Tanzania but in 2007 Rwanda and Burundi became members on their accession to the EAC treaty.

The overall objectives of the EAC is to facilitate the easier movement of goods, services, labour, capital and ultimately to be a single sovereign federated political state. Indeed the vision and mission of the EAC sums it all:

“The vision of the EAC is a prosperous, competitive, secure, stable and politically united East Africa and the mission is to widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments.”²

In addition to the foregoing, the EAC hopes that widening cooperation among the partner states in social, economic and political fields is for their mutual benefit. The EAC in line with the aforestated has established a Customs Union (2005), a Common Market (2010) and hoped to establish a Monetary Union 2012 and a political federation in 2015. The latter two have faced major hiccups but negotiations are at an advanced stage. Currently the EAC has the Summit of Heads of State which is the lead organ and its chairmanship is based on a rotational basis. It is this political arrangement that this study concerns itself with i.e. the ultimate goal of the EAC of establishing a political federation and the innumerable challenges that have to be overcome if

² The East Africa Community Treaty, Preamble: Dissolution of East African Cooperation, (Arusha: East African Secretariat 1999).p5. See also website at http://www.eac.int/index.php?option=com_content&view=article&id=1&Itemid=53 Retrieved 20:10Pm 23-05-2014

that noble dream is to be achieved.

1.2 Statement of the Research Problem

Globally states have always favored integrating for economic, social and political reasons. In Europe, the European Union (EU)³, in Africa, the African Union (AU)⁴, Organization of American States (OAS 1948), suffice as examples. Such states are motivated by various reasons such as the need to exploit the benefits that come with economies of scale, that is, larger markets, easier movement of capital, labor and goods/services, achieving peace and stability by pursuing common security policies. The EAC treaty also has similar objectives in its provisions.⁵ However because the reasons for integration range from economic, social and political. In this paper I will draw from the experiences of those organizations that attempted to integrate with a strong bias towards the formation of a political federation. Therefore in this quest I will endeavor to find the answers to the following questions.

- What reasons necessitated the creation of the East African Community?
- What are the merits or demerits of turning the EAC into a political federation?
- What challenges does such a political federation face?
- What probable mitigation measures to the challenges cited above have been put in place?
- What is the contemporary political relation between the member states of the EAC?
- How does regional integration affect intrastate and interstate relations?

In regard to the research problem, the researcher will proceed by evaluating bodies that attempted to transform themselves into a political federation. Using published material I will attempt to understand why they succeeded or failed with a view to understanding and informing the situation of the modern EAC better.

1.3 Objectives of the study

This study in line with the research problem and hypothesis has several objectives. The overall

³The EU Charter, Consolidated texts of the EU treaties as amended by the treaty of Lisbon: Article 3,(London, The Foreign and Commonwealth Office, 2008).p5

⁴The African Union, Constitutive Act: Article 3, (Addis Ababa:AU,2002).p5

⁵The East Africa Community Treaty, (Arusha: East African Secretariat 1999).p15

objective is to identify the reasons that necessitate the creation of regional blocs /federations generally but specifically what led to the creation of the EAC.

- Other objectives include to establish the merits/demerits of such regional economic, political blocs and whether they are of any benefit to the citizenry or the member states.
- To explore the challenges faced by the EAC and the various mitigation measures that have been put in place to ensure the successful creation of the EAC as a political federation.
- To evaluate the viability and practicality of the whole idea of a single sovereign federated state of East Africa before drawing conclusions that hopefully will be of benefit to all the stakeholders involved in the ongoing process.

1.4 Justification of the Problem

There two main justifications to the problem under study precisely academic and policy justifications.

1.4.1 Academic justification

As stated, the collapse of such unions as the USSR and the problems that the EU faces show that such organizations need a common purpose with committed visionary leadership to realize their objectives otherwise they will not succeed. The old EAC collapsed mainly because, for a start the economic policies in Kenya, Uganda were incompatible with the socialist ones propagated in Tanzania while at the same time the egos and leadership styles of Kenya's President Kenyatta put him at loggerheads with President Idi Amin of Uganda. Furthermore, Tanzania was wary of Kenya's economic might which was not helped by the fact that at the time of the collapse Kenya was demanding more seats in the EAC institutions.

Besides the Pan African ideals of Presidents Julius Nyerere, Jomo Kenyatta and Milton Obote as at the time of forming the EAC in 1967 were not tenable to a dictator such as Idi Amin and therefore they often acted at cross purposes. Therefore, if that was the situation then what makes East Africa believe that it could, this time around overcome such challenges and create a viable federation? This should be examined carefully considering small states like Burundi and Rwanda are hugely under developed whereas South Sudan and Somalia are post conflict

economies still faced with nascent problems in terms of governance and development *visa a viz* those of the founding EAC member states. Thus the question that immediately arises is who will take care of the interests of the weaker states, will they be left to the market forces or will political democracy prevail in cases of ideological conflicts?

More so, it has been stated that the old EAC was mainly driven by the states without proper public participation and that greatly contributed to its demise, however the 1999 EAC treaty recognizing this need calls for public participation in Article 7.⁶ This to wit, means that by studying this area I will be giving credence to that article of the treaty. On the other hand even though there is a vast literature on regional bodies throughout the world it is noteworthy that in the case of East Africa the materials are few. In fact the majority of the materials focus on economic aspects of integration whereas the political dynamics are left on the periphery. It is ascertainable that it is only recently that insightful materials, reports, books and journals etc. have started to be published particularly after the resurrection of the EAC in the late 1990's. In addition the EAC Secretariat has been compelled to undertake studies on various aspects of integration even as they undertake the process at hand.⁷ It is with this background that I am inclined to study this region as it will present me with an opportunity to observe at firsthand and possibly make vital contributions that may inform any practical or academic endeavors as regards integration of states with the EAC as a reference point.

More so it is with the realization that there is a lacuna of materials on the EAC (as my literature review will show) that motivates me to undertake this study with a view to filling a void that has hitherto been left unfilled. I also hope that my paper having observed the varying ideas on nationalism and federalism as stated by scholars⁸ as being mutually exclusive will show that their approach is not practical considering the impacts of globalization where most are now choosing to federate economically yet remain politically sovereign.

⁶The East African Community Treaty, Article 7: The Operational principles that shall govern the practical achievement of the objectives of the Community shall include: (a) people-centered and market-driven co-operation, (Arusha, 2000), p17

⁷Report of the Committee on Fast Tracking East African Federation, (Arusha: EAC Secretariat, 2004)

⁸Nabudere, D. "The Fast-Tracking Of Federation And Constitutionalism In East Africa" (Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society, Makerere University, Kampala, April 2006), pp2-3

1.4.2 Policy Justification

Moreover because the various processes of creating the EAC are ongoing I believe that my study will be relevant because it can inform the ongoing process hence it is a study that can be of immediate application. For instance the EAC has just established the East African Customs Union (2005), a Common Market (2010) and is just embarking on the creation of a Monetary Union and a political union although the latter two are already behind schedule. This means by undertaking this study at this time I will make use of the ability to extensively study the integration as it is a current issue that the states are faced with. The foregoing assertion should be contra-distinguished with the position of a researcher who studies a historical problem though both make important findings; I am of the opinion that one who studies a current problem is uniquely able to appreciate the context of the problem⁹ better thereby making recommendations that can be applied to solve such a problem.

The creation of a Monetary Union and political federation is the most difficult of all because states need to make concessions regarding their sovereignty¹⁰, acknowledge disparities in economic models and even their social policies. Already Tanzania is wary of allowing foreigners to own land, while Kenya despite having a new Constitution and its economic dominance is seen as a tribal state while Uganda, Burundi and Rwanda have questionable human rights records.

The researcher hopes that by utilizing this opportunity my study will not only be applicable in the current efforts to integrate but that it will be used by other regions, scholars etc. that intend to form or study political federations while assessing the practicality of such an idea. To underscore my point I believe that the words of Langeveld ring true that “*Educational* studies are a practical science in the sense that we do not only want to know facts and to understand relations for the sake of knowledge, we want to know and understand in order to be able to act and act ‘better’ than we did before.”¹¹

⁹ Abdullahi, M. “East Africa: Don’t Allow EAC to Crumble” The Star, (Nairobi) 17th May 2014 p3

¹⁰ Wikipedia. Available at <http://n.wikipedia.org/wiki/Federalism> Accessed 12:09 Pm 10 May 2014

¹¹ Langeveld in Bell J. How to Complete your Research Project Successfully; A Guide for First Time Researchers, (New Delhi: UBS Publishers’ Distributors Ltd, 1997)

1.5 Literature Review

There are several scholars that have "...explored the possibility and viability of an EAC political federation project"¹² some of whom have propounded arguments in favor of integrating while others have stated contrary opinions. The EAC treaty as per Article 5 priorities economic and social integration although it eventually hopes to mutate into a political federation.¹³ It follows that the member states while hoping to lay foundations for economic development they implicitly believe that a political union is farfetched hence it is put last in the list of objectives.¹⁴ This is because such an issue of uniting is seen to be divisive. In the calendar of events of the EAC the establishment of the Customs Union 2005, Common Market 2010, Monetary Union (2012 delayed) and a Political Federation 2015, are listed in that order. As the case of creating the Customs Union shows, the delay can at times be inordinate because the signing of the Protocol for the Customs Union was adjourned on three occasions and even after being signed by the Heads of State in March 2004 it only came into force in 2005.¹⁵ Another example of the delay is evidenced by the timelines stated in the Wako report¹⁶ on expediting the political federation by 2010¹⁷ and the prediction of President Museveni of Uganda¹⁸ which miserably failed. Finally, the citizens are then supposed to vote to accept such a federation in a referendum but from the look of things there is a division on what is the appropriate way to go regarding integration. In essence those who do not favor integration are called nationalists (sovereignty theories) and often dwell on the importance of not integrating, but on the contrary those who favor integration are closely associated with federalism.

¹²Kasajja P.A, "Regional Integration: A Political Federation of the East African Countries?" African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004) pp. 21-32:21

¹³The East Africa Community Treaty, (Arusha: East African Secretariat 1999),p15

¹⁴The East Africa Community Treaty, (Arusha: East African Secretariat 1999),p15

¹⁵Kamanyi.J."The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006).p3

¹⁶East African Community, 2004 See also 'Report of the Committee on Fast Tracking East African Federation' (Arusha:EAC Secretariat. 2004) commonly known as the Wako Committee Report

¹⁷Kamanyi.J. "The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006).p6.

¹⁸Mukasa, H., "Kikwete Arrives". The New Vision, (Kampala) 23 March 2006, p.2

In the article President Museveni is quoted as having said, "In 2013, there will be elections in the whole of East Africa to elect the leader. The President of Tanzania is also quoted as having said that the East African Federation would be achieved in two phases. The first phase would be triangulate, with annual alternate leadership.

In view of the position outlined above I reviewed several literature with a view to enriching this research. First, I considered the national Constitutions and other legislations of the EAC member states.

In Kenya, under the 2010 Constitution, Kenya is bound to honor its international law obligations as per Article 2 (5)¹⁹ without the need to domesticate such laws e.g. the EAC treaty, but in that same Constitution the sovereignty of Kenya (A1) as a republic is jealously guarded meaning that while Kenya is purporting to integrate it is also pursuing its own interests that are contrary to the spirit of Article 8 of the EAC treaty.²⁰ It should be noted that the Kenyan Constitution was drafted and effected long after the EAC treaty had come into force and it should have considered supporting integration if it is genuine. In fact the position of Kenya ignored even the advice of scholars who demanded that it be aware of its international obligations especially the EAC treaty.²¹

The same situation can be inferred from the Constitutions of the other states. For instance the Rwandan Constitution²² is clear that Rwanda is an independent, sovereign, democratic, social and secular Republic; a fact that does not sit well with Article 8(4)²³ of the EAC treaty. The same is true of the Ugandan Constitution of 1995²⁴ which in part 3 of its general provisions states that national sovereignty, independence and territorial integrity is paramount. Indeed it categorically says that the State and citizens of Uganda “...shall at all times defend the independence, sovereignty and territorial integrity of Uganda”.²⁵ Additionally, the citizens of Uganda shall endeavor to build and strengthen national institutions in political, economic and

¹⁹The Constitution of Kenya Rev Ed 2010. Article 2(4): any law, including customary law that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.(5) The general rules of international law shall form part of the law of Kenya. (Nairobi, the National Council for Law Reporting 2010).p13

²⁰The East Africa Community Treaty,(Arusha: East African Secretariat 1999).p18

²¹Report of The Third EAC Annual Conference on Good Governance, 17th - 18th August, 2011 (Kampala – Uganda) p5

²²The Constitution of The Republic of Rwanda,Article1:The State and National Sovereignty,(Kigali, 2003).p2

²³The East Africa Community Treaty, (Arusha: East African Secretariat 1999).p18

²⁴The Constitution of the Republic of Uganda, Chapter One, Political Objectives IV: National sovereignty, independence and territorial integrity,(Kampala 1995).p2

available at: <http://www.refworld.org/docid/3ae6b5ba0.html> [accessed 31 August 2014]

²⁵The Constitution of the Republic of Uganda, Chapter One, Political Objectives IV: National sovereignty, independence and territorial integrity,(Kampala 1995).p2 Constitution of Uganda, p2 available at: <http://www.refworld.org/docid/3ae6b5ba0.html> [accessed 31 August 2014]

social spheres to avoid undue dependence on other countries and institutions.

As for Burundi its 2005 Constitution²⁶ stresses that Burundi is an independent, sovereign, secular, democratic, and unitary Republic, respecting its ethnic and religious diversity. While under Article 2 it clarifies that the national territory of Burundi is inalienable and indivisible. Lastly Tanzania's Constitution is by no means an exception as it states that Tanzania is one State and is a sovereign United Republic.²⁷ Therefore as earlier insinuated the place of Article 8²⁸ of the EAC treaty is directly challenged by the national Constitutional provisions and from the onset the challenge is by no means a small one.

On the other hand, the only provision that is contained in all the Constitutions²⁹ cited above and which is in consonance with the EAC treaty is one concerning public participation in matters of the state. This then means that whatever the processes used to create an EAC political federation, such processes must be people centered as per Article 7 of the treaty.³⁰

It is important also to remember that the same states that comprise the EAC are also members of the African Union³¹ and the cited provisions do not augur well with the vision of the AU of "*An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena*". The same is true when it comes to the United Nations whose Charter is clearly either at odds with the national Constitutions or has contradicting positions when it comes to issues of sovereignty, where some matters are left to the national jurisdictions whereas others are delegated to this supra-national organization. For instance the right of the states to sovereign equality, territorial integrity and to wage war in self defence or to collectively defend a member implicitly means that as a federal unit complete

²⁶The Burundi Constitution Of 2005. Article 1: Of The State and Of The Sovereignty of the People, (Bujumbura, constituteproject.org 2005). p3

²⁷The Constitution of the United Republic Of Tanzania (Cap. 2). Article 1, Part I The United Republic and the People vide Act No.15 of 1984 Art.6, (Dar Es Salaam, 1977). p11 Available at <http://www.refworld.org/docid/3ae6b50c4.html> Accessed 28th August 2014 at 4:05Pm

²⁸The East Africa Community Treaty, (Arusha: East African Secretariat 1999). p18

²⁹The Constitution of the Republic of Uganda, Part II (1) (Kampala: 1995) and, The Constitution of the United Republic of Tanzania (Cap. 2). Article 8, 1(d) (Dar Es Salaam: Rev Ed 1985) and The Constitution of Kenya, Article 10(2)a (Nairobi: NCLR Rev Ed 2010)

³⁰The East Africa Community Treaty, (Arusha: East African Secretariat 1999). p17

³¹The African Union Constitutive Act: Article 3, (Addis Ababa: AU, 2002). p5

integration is not envisioned under Articles 3 and 31 of the AU Charter³² and Articles 1/2 and 42 of the UN Charter.³³

Having observed the foregoing, I now turn to the EAC treaty in detail. The EAC treaty according to Kamanyi³⁴ is unique from others as its objectives cover a wider spectrum of economic, social and political fields as opposed to those that focus on trade like the Economic Community of West African States (ECOWAS), Southern Africa Development Community (SADC) and North America Free Trade Arrangement (NAFTA), though it is slightly close to that of the EU. First the treaty is accused by Kamanyi³⁵ of being shallow and not exhaustively providing for any eventualities that may arise. For instance, it doesn't state the pre-requisite conditions for the creation of a political federation and what particular model it will be or is preferred.³⁶

Secondly and on the other hand, how the treaty structures its administration shows that it pays lip service to Article 7³⁷ of being people centered and involving them in decision making because its structure for decision making is at best cumbersome. To illustrate this assertion Mwapachu³⁸ says the treaty is inadequate hence unable to address all institutional issues and challenges³⁹ facing the EAC.⁴⁰ Its structure is bloated ostensibly for specialization but this has resulted in unnecessary bureaucratic red tape as far as decision making is concerned. In this regard the delay in implementing a Monetary Union and even the Customs Union will suffice as examples. As per Article 9 of the EAC treaty there are seven organs⁴¹ ranging from the

³² The African Union Charter, Constitutive Act: Article 3, (Addis Ababa:AU,2002),p5 & 17

³³ Charter of the United Nations, (San Francisco: UN, 1945),p3 & 9 Also available at available at: <http://www.refworld.org/docid/3ae6b5ba0.html> [accessed 31 August 2014 17:08Pm]

³⁴ Kamanyi.J. "The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006) p2

³⁵ Kamanyi.J."The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006)p4

³⁶ Kamanyi.J."The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006)p5

³⁷ The East Africa Community Treaty,(Arusha: East African Secretariat 1999),p17

³⁸ Mwapachu, J. Challenging the frontiers of African integration, (Dar Es Salaam E & D Vision Publishers 2012),p17

³⁹ Davoodi H.R. The State of East Africa: Deepening Integration, Intensifying Challenges,(Dar Es Salaam 2012)pp7-54

⁴⁰ <http://www.thecitizen.co.tz/oped/Structural-challenges-impeding-deeper-EAC-integration/-/1840568/2002542/-/12d6h0sz/-/index.html> Retrieved 12:05Pm 25- 04-2014

⁴¹ The East Africa Community Treaty,(Arusha: East African Secretariat 1999),p20

Summit, the Coordinating Committee, Sectoral Committees, The Council of Ministers, The East African Legislative Assembly, The East African Court of Justice, The Secretariat and others that may be created from time to time. Consequently there is need to simplify some of the processes and also disseminate more information to the general public about the inner workings of the EAC. From the preceding my observation at this point on Kamanyi's text is that; though she makes valid assertions on the treaty and prospects of the EAC, she does so in passing and dwells at length on Constitutionalism and governance matters (the subject matter of her paper) rather than address issues of an East African Federation.

A further text that is relevant in relation to the EAC treaty is the EAC draft protocol.⁴² Unfortunately though it underscores the objectives of the treaty nowhere does it express itself on matters of a possible federation but rather, it concentrates on capacity building and entrenchment of the principles of Constitutionalism in the member states. That notwithstanding there is no gainsaying that the gaps (legislative and institutional) pointed out by that literature on the treaty will ultimately affect the proposed regional integration and relations among the EAC members if not addressed.

In addition another insightful material reviewed is a book authored by a former Secretary General of EAC Ambassador Juma Mwapachu.⁴³ His book clearly enunciates the competing interests of states when it comes to integration. Mr. Mwapachu's book is respected because it not only comes from a respected source but it is detailed and contextualizes the existing EAC by tracing it from its formation. A key observation of the book is that the ongoing process though not perfect is a better attempt than the one in the 1960's as the citizens and leaders are more enthusiastic and informed than ever before. However this book even though it is written by an informed source it does not offer an honest assessment of the EAC situation as in some instances it appears to justify certain events or actions when there is incontrovertible evidence to the contrary. This deficit may be attributed to the fear of the author to take responsibility for certain actions especially delays and maladministration occasioned by the Secretariat or it may be a case of withholding information. To illustrate this point Ahmed Salim an author on East African affairs concludes that:

⁴²The East African Community Draft Protocol on Good Governance, (Arusha: EAC Secretariat 2011-2012)mm

⁴³Mwapachu, J. Challenging the Frontiers of African Integration, (Dar Es Salaam E & D Vision Publishers 2012),p5

“After reading the book, the reader is left with a sense of optimism towards the regional integration process. It should provide supporters of regional integration with more arguments to advocate for their cause, neutrals a concrete understanding of the debate, both the pros and cons and for detractors a sense of anxiety if they ever have to debate Mr. Mwapachu about the disadvantages of the EAC.”⁴⁴

Furthermore, Mwapachu’s book falls short because it contains mostly speeches and essays hence making it hard to evaluate the progress of EAC as it does not contain more analysis or reflections from the author. This is because it does not clearly state the challenges and opportunities presented by the EAC project as its title purports, and there is no firsthand account of what the leadership of EAC entails. Moreover basing on its style and presentation it is a book that targets the elite in government and does little for the common citizen. This is because it is hard to appreciate his message if one is ignorant of the workings of government and various state processes.

However on a more candid note Mwapachu is clear on the benefits of integration and aptly cautions against the dangers of nationalistic tendencies based on recent discovery of natural resources .He says, “...that regional integration is an important strategic vehicle for making poverty history in the region... however, the zero sum game and sovereignty mindsets continue to plague and hijack the regional integration process”.⁴⁵

Furthermore as a researcher I have noted that even though Mwapachu's book is out of the norm because political leaders and public servants in Africa rarely write about their experiences, hence by omission they contribute to the lack of awareness suffered by the citizenry in general, it is a step in the right direction that should encourage other leaders to do the same.

At this point and in the context of Mwapachu’s book it is evident that there is a lacuna or inadequacy of materials on the EAC because our leaders rarely publish or scholars often

⁴⁴Salim A. Endnote: “The Evolution and Reinvention of the East African Community”, The African Business Review, (San Diego, California) March-April 2013.p68-69

⁴⁵Mwapachu, J. Challenging the frontiers of African integration, (Dar Es Salaam E & D Vision Publishers 2012).p4

concentrate on issues of immediate concern and not “abstract notions” hence this motivates me to undertake this study with a view to filling a void, albeit in a small way, that has hitherto been left unfilled.

I also reviewed a status report published and co-authored by Ahmed Salim⁴⁶ which refers to Mwapachu’s book but it is more detailed and less biased as it is written by an outsider with the support of the Society for International Development (SID). In this text the conclusion is that the success of the EAC is depended on the informed public participation of citizens of the member states something that has not yet been actualized. Incidentally and with due respect, the president of SID is Ambassador Juma Mwapachu and this just shows how few experts in this area exist given that the same faces are involved everywhere. On other matters, the report states the achievements made so far in virtually all the sectors from trade, education to politics. Moreover it is clear that it is aimed at civil servants, non-governmental organizations and the scholarly world. It is thus ironical that despite its objectives it is not aimed at the local citizen. To the extent that its methodology is systematic and historically contextualizes the issues it does a good job of informing a researcher except for the fact that being an appraisal of the process so far it does little to address anticipated future challenges.

On the other hand as at now there are political leaders, authors and institutions that hold irreconcilable views on the integration process as the material churned out by them shows. For instance Uganda’s President Hon. Yoweri Museveni⁴⁷ and Deputy First Prime Minister, Hon. Eriya Kategaya, have been quoted stating that the EAC integration process is irreversible.⁴⁸ Furthermore, an article from the African Liberty appearing on the website of Trademark East Africa⁴⁹ clearly states the benefits of integration but fails to treat the pitfalls of such a federation. In fact this bigoted assessment of the issue at hand is identifiable in a majority of

⁴⁶Salim A. Endnote: “The Evolution and Reinvention of the East African Community”, *The African Business Review*, (San Diego, California) March-April 2013.p69

⁴⁷Kasaja P.A, "Regional Integration: A Political Federation of the East African Countries?"

African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004) pp.22,28-32

⁴⁸Report of The Third EAC Annual Conference on Good Governance, 17th - 18th August, 2011 (Kampala – Uganda)

p3

⁴⁹The benefits of integration: A Case of East African Community, <http://www.trademarkea.com/the-benefits-of-integration-a-case-of-east-african-community/> Retrieved 10:12Am 28-04-2014

the materials either for or against integration. For example Kamanyi⁵⁰ states that the EAC is here to stay and we must prepare for it, this to me is grand standing that closes debate on whether to integrate or not and if yes how best do we do it. In this regard a myriad of newspaper articles can be cited but what they certainly evidence is that even the journalists are not well informed on the issues and processes of the EAC. For instance in the cited article the journalist dwells only on the benefits of integration however on the contrary it is the intention of this researcher to treat the matter evenhandedly.

Moving forward and on a positive note, of all the scholars that have considered the possibility of an EAC political federation it is Rwekaza⁵¹, Kasajja⁵² and Nabudere⁵³ who in their independent works do a good job. They exhaustively contextualize all the matters, first tracing the history of EAC and then point out why the defunct EAC collapsed.⁵⁴ They cite the absence of political integration as an objective of the 1967 EAC treaty, the leadership styles and failure to involve the public. In my assessment though much has happened since their publications, they were correct to caution that the process will be slow and must avoid the blunders of the previous leaders at independence. To the extent that a long time has passed since their publications and the great strides made by the EAC since then, they have been proven right. Hence it is from the texts of Rwekaza, Kasajja and Nabudere that I intend to build my examination of the EAC political relations and integration.

Further afield the researcher managed to look at the most authoritative papers on federalism, *The Federalist Papers*.⁵⁵ The papers by the founding fathers of the U.S.A., J. Madison, Hamilton and

⁵⁰Kamanyi.J. "The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006).p17

⁵¹Rwekaza M., "Perspectives on Regional Integration and Cooperation in East Africa: (Proceedings of the 1st Ministerial Seminar on East African Cooperation, 25-26 March, 2000-Arusha, Tanzania) pp. 87-106

⁵²Kasajja P.A,"Regional Integration: A Political Federation of the East African Countries?"African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004).p32

⁵³ Nabudere.D."The Fast-Tracking Of Federation And Constitutionalism In East Africa"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006).p13-15

⁵⁴Oio et al., African International Relations. (London. Addison- Wesley Longman Limited. 1985).pp. 158-71

⁵⁵The Federalist Papers are a series of 85 articles and essays written by Alexander Hamilton, James Madison, and John Jay promoting the ratification of the United States Constitution. See also

<http://www.foundingfathers.info/federalistpapers/> Retrieved 18:06Pm 17-05-2014

J.Jay show how they held firm that a federal union was the best for the U.S.A. However the relevance of the theory of federalism as it then applied to the U.S.A is strictly speaking not applicable to EAC because by then the USA was faced with a civil conflict, coupled with issues of slavery and representation although it can be borrowed with modifications.

In Europe the founding fathers of the European Union J. Monnet, V.Hugo, and W. Churchill all acknowledged the importance of integrating for economic, social and political benefits. The 1946 speech titled "*Astonish*" by Sir Winston Churchill illustrates how he favored the idea of European states federating.⁵⁶ In the speech he paints a rosy picture of federalism as this quotation shows:

If Europe were once united in the sharing of its common inheritance, there would be no limit to the happiness, to the prosperity and glory which its three or four hundred million people would enjoy. Yet it is from Europe that have sprung that series of frightful nationalistic quarrels, originated by the Teutonic nations, which we have seen even in this twentieth century and in our own lifetime, wreck the peace and mar the prospects of all mankind.⁵⁷

At the end of his speech he sums up with some propositions that:

Our constant aim must be to build and fortify the strength of the United Nations Organisation. Under and within that world concept, we must re-create the European family in a regional structure called, it may be, the United States of Europe. The first step is to form a Council of Europe. If at first all the States of Europe are not willing or able to join the Union, we must nevertheless proceed to assemble and combine those who will and those who can.

The sentiments of Sir Winston Churchill were indeed at the core of the 1948 European Federalist Movements founded in the aftermath of the 2nd world war. The same provisions

⁵⁶<http://www.churchill-society-london.org.uk/astonish.html> Retrieved 14:17Pm,12-05-2014

⁵⁷<http://www.churchill-society-london.org.uk/astonish.html> Retrieved 14:17Pm,12-05-2014

were contained in the Maastricht treaty⁵⁸ establishing a Constitution for Europe but were never adopted.

In the same breath a look at the Constitutive Act of the European Union will show that even though states choose to integrate for various reasons the process is a complex one and even after 50 years of existence in one form or the other the EU treaty has not been perfected. Article 1⁵⁹ of the said treaty shows that the process is a continuous one and challenging. That Article 1⁶⁰ recapitulates the resolve of member states to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity⁶¹ is evidence that the process is continuous and fraught with all sorts of challenges .

In that regard juxtaposing Article 1 and 3 of the EU treaty with the EAC treaty will immediately reveal that the operational principles of the community under Article 7⁶² are identical in that they emphasize the principles of subsidiarity, asymmetry, complementarity and public participation. The foregoing observation may raise questions of whether the EAC treaty is authentic, or whether the motivation and commitment to its realization are genuine and not just a public relations exercise by its political leaders.

Finally it is worthy to note that authors on integration or not tend to focus more on the economic or social reasons but do not give political reasons because it is silently believed that it is unlikely that independent states will cede their sovereignty to strangers considering the history of colonialism in Africa and the domination of smaller states by stronger ones in Europe. It therefore means that little focus is paid to formation of political federations by once independent states as such an endeavor is necessarily futile.⁶³ In conclusion having gone through the literature cited above I now proceed to identify the general theories that are identified by them regarding

⁵⁸The Maastricht Treaty, Preamble (formally, the Treaty on European Union or TEU was signed on 7 February 1992 and led to the creation of the Euro,(Maastricht 1992)p3

⁵⁹The EU Charter, (Luxembourg: EU Publications Office, 2012).p1 Also available at <http://www.refworld.org/docid/3ae6b3b70.html> Accessed 31 August, 2014 at 23:07Pm

⁶⁰The EU Charter, (Luxembourg: EU Publications Office, 2012).p7 Also available at <http://www.refworld.org/docid/3ae6b3b70.html> Accessed 31 August, 2014 at 23:07Pm

⁶¹The EU Charter, (Luxembourg: EU Publications Office, 2012).p4-5 Also available at <http://www.refworld.org/docid/3ae6b3b70.html> Accessed 31 August, 2014 at 23:07Pm

⁶²The East Africa Community Treaty,(Arusha: East African Secretariat 1999).p17

⁶³ Nabudere.D."The Fast-Tracking Of Federation And Constitutionalism In East Africa" (Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006).p2

regional integration.

1.6 Theoretical Framework

This paper considers the problem stated above through a framework that acknowledges the contribution of various scholars on political and economic integration and governmental policies on integration developed by the various EAC member states. The paper contra-distinguishes various theories that have a direct impact on whether to integrate politically or not.

1.6.1 Federalism

Federalism is a theory of political organization in which an organization is made up of more or less self-governing units. Indeed it is an approach to governance in which the constituent units may be distinct yet interdependent. In my paper I refer to the EAC treaty which envisions the individual states becoming constituent members of the EAC political federation. With this theory in mind it means that the existing states will only be units which will exercise political power as permitted by the centralized EAC government. It follows that experts refer to it as suitable for the EAC because it will ensure that the individual states retain their unique identity while at the same time enjoying benefits that come with being part of such a union. It is the benefits that accrue due to being federated that have a section of scholars routing for political integration. India, USA, Canada have been given as model examples. However it has to be pointed out that those states have a unique history (religion, language, economic models etc.), which may not be the same case for EAC. Instead the failure of European Union to turn into a political federation and the collapse of the former USSR is always cited as the examples of how the theory cannot succeed. Invariably this federalist approach is the only major theory that attempts to counteract nationalism/sovereignty theories or arguments.

1.6.2 Neo Functionalism

Neofunctionalism⁶⁴ is a theory of regional integration that is based on the works of Ernst B. Haas and Leon Lindberg. This theory states that the gradual integration of states in small areas will ultimately lead to a spillover effect thereby spurring integration in many other

⁶⁴ Rosamond, B. (April 01, 2005). The uniting of Europe and the foundation of EU studies: Revisiting the neofunctionalism of Ernst B. Haas. *Journal of European Public Policy*, 12, 2, p. 243

fields between or among individual states. Therefore through economic interdependence, organizational/institutional capacity and cooperation in resolving disputes and the use of similar supranational market rules may eventually lead to political integration or diminish nationalistic tendencies.

In the EAC, the process of integration according to its calendar of events seems to be aligned to this theory because since its inception it has gradually moved from being a Customs Union, to a Common Market, Monetary Union and hopes to become a political federation. Furthermore and in the meantime the EAC has supranational institutions such as the East African Legislative Assembly and the East African Court of Justice.

Generally neofunctionalism though is as being empirical although it has been criticized by the theory of intergovernmentalism⁶⁵ led by Stanley Hoffman who opines that it is only the individual governments that control the level and speed of integration and not the supranational organisations. To Hoffman the individual states determine the speed of integration according to their subjective economic and political goals. However notwithstanding the criticism neo functionalism is still used widely cited to explain European Union integration unlike intergovernmentalism which is unable to explain the dynamics of integration in a better way.

1.7 Hypotheses

- The creation of EAC was necessitated by economic, social and political reasons.
- The EAC has many challenges be they economic, social or political.
- The EAC has not put proper measures to mitigate the expected challenges.

1.8 Research Methodology

The researcher will carry out the researcher using particular methods as explained below.

1.8.1 Data Collection

The researcher will use both primary data and secondary data as an integral part of this study.

⁶⁵ Teodor Lucian Moga (2009). The Contribution of the Neofunctionalist and Intergovernmentalist Theories to the Evolution of the European Integration Process. *Journal of Alternative Perspective in the Social Sciences*
Also Available at <http://en.wikipedia.org/wiki/Intergovernmentalism> Retrieved 25 April 2014 8:06AM

1.8.2 Primary Data

Sampling will be of importance but specifically cluster sampling will be used to categorize the various stakeholders ideally from all the member states thus interviews will be on the citizens, government/EAC Secretariat officials and experts such as academicians. It is envisaged that the data collection will take four to six months.

Furthermore qualitative methods will be used in the collection of data in the field; this will include formal and informal conversations/interviews, case studies of other federation's etc.⁶⁶ Additionally quantitative information will be collected on different perspectives of the stakeholder interviewee regarding each theme of integration. Similarly descriptive data will be collected on the whole process of integration with a view to understanding the viability and feasibility of the proposed political federation.

1.8.3 Secondary data

Secondary data will be collected through library research on published and unpublished materials including books, journals, periodicals, newspapers, reports, bulletins, magazines, public documents, seminar papers, and electronic sources etc. and any other writings relevant to the study. Therefore the researcher will visit libraries and any other private or public research institutions.

1.8.4 Data analysis and presentation

The qualitative data collected using the various methodologies will be analyzed manually. Various themes will be developed as per the research objectives, questions and hypotheses. Such data will then be synthesized and triangulated. Where need be the quantitative data will be presented using tables and charts before being discussed in relation to the qualitative information obtained therein?

1.8.5 The Study Area

This study will be carried out in Kenya because of its proximity to higher education institutions

⁶⁶Mugenda O. M. & A. G. Mugenda, Research Methods: Quantitative & Qualitative Approaches, (Nairobi: ACTS Press, 1999).pp.36 - 39

and the fact that it is a regional hub which though not the seat of EAC can better expose the researcher to experts and both primary and secondary sources relevant to the study. Indeed, prior to the election of a new government in Kenya (2013) there was a Ministry of East African Community though under the new government it is scheduled to be the Ministry East African Affairs Commerce and Tourism.

The researcher will also endeavor to visit the EAC Headquarters in Arusha so as to appreciate the magnanimous task that the EAC faces and also to assist her avoid engaging in arm chair speculation of the role that the EAC plays in current relationships of the member states.

1.8.6 The Study Population

The study population will include the ordinary citizens of the member states, government officials, staff, experts and academicians conversant with the working of the EAC and other regional or international blocs such as COMESA, IGAD, AU, the EU and UN missions in Kenya. The researcher believes such an undertaking will play a key role in her understanding the research problem besides lending credence to her findings.

In pursuit of the foregoing, the researcher may be compelled to collect primary data by conducting a survey on key questions regarding how the process of EAC integration is perceived by the various stakeholders. Therefore; the research design will be both quantitative and qualitative, relying on formal and informal interviews. Theme oriented questions will be designed to provide a comprehensive understanding of the integration process.

The sample size for this study is not pre-determined as the researcher assumes minimal preset ideas about the field situation and how the citizenry in general appreciate the political integration process spearheaded by the EAC.

1.8.7 The Scope and limitations of the Study

The region from which the East African Community is to be formed from is a vast one but essentially it is to be composed of the states that are found on the eastern part of Africa. This means that as the EAC is currently constituted: Kenya, Tanzania, Uganda, Rwanda,

Burundi, and Southern Sudan. This region as of 2009 covered a land area of 1.82 million Square kilometers inclusive of water (i.e. 5% being water). Furthermore the proposed EAC will have an approximate population of over 135.4 million (2012) and a gross domestic product in excess of \$84.7 billion (2012).

In the case of Sudan, South Sudan and Somalia though not yet members a word about their status will be informative. Sudan applied to join the EAC, but its membership was opposed by Tanzania and Uganda, which contended that due to Sudan's lack of a direct border with the EAC, alleged discriminatory actions toward black Africans, its record of human rights violations, and its history of hostilities with both Uganda and a candidate country South Sudan were reasons to deny it membership. Eventually Sudan's application was rejected by the EAC in December 2011.⁶⁷

As for South Sudan it applied for membership in 2011 but, in April 2014, the nation requested a delay in the admission process, presumably due to the ongoing internal conflict.⁶⁸ Finally Somalia applied for membership in the EAC, but its application was rejected in December 2012 and the same reasons given for rejecting Sudan's application were given. It should be noted that the said states being post conflict society's worked against their applications.

This study realizing that the proposed union of EAC has economic, social and political facets as a matter of prudence it will restrict itself to the proposed political federation though it acknowledges that the afore stated areas are interlinked and interdependent. This means that the study will be examining the political relations of the member states and will not concentrate on the economic and social aspects. However the researcher is well aware that both economic and social aspects affect our politics which in turn affect them through policy and law thereby meaning that the researcher will be keen not to discuss the said political relations in a vacuum while ensuring an intricate balance is maintained as this is not an economic paper.

Where I will collect data it will definitely force me to use probability sampling techniques because the focus is on in depth information therefore the results of the study will be generalized or inferred to the whole population. This will mean that this being a practical area I will have to put in more man-hours in the field faced with constraints that include location and setting up

⁶⁷Why Sudan's EAC application was rejected". 2011-12-05. <http://focus.rw/wp/2011/12/why-Sudan%e2%80%99s-eac-application-was-rejected/> Retrieved 13:12Pm 2014- 22-04.

⁶⁸East African body rejects Sudan, Somalia membership bids"2012-12-04.Available at <http://www.sudantribune.com/spip.php?article44743> Retrieved 08:09Am 2014-22-04.

meetings with persons, experts who are not to be found at once place, city or state. I also anticipate language barrier when dealing with persons from Burundi, Rwanda and South Sudan which may necessitate the use of translators hence it can significantly increase the cost of the research

In addition where there is a need to interview local citizens if they are illiterate or semi illiterate I will have to formulate appropriate data collection modules to make the findings of the study relevant and more credible.

1.9 Chapter Outline

Chapter 1. Introduction

In this chapter the researcher lays down the foundation of the study and dispenses with preliminary matters such as the background of the study, the statement of the research problem, justification of the problem, literature review, hypothesis, and methodology etc. It is after the said areas have been addressed that the researcher will now consider the substantive questions of her study in the successive chapters

Chapter 2. From States to Supranational organizations

This chapter will dwell on how states that are relatively small in size, pollution, economy etc. are motivated to integrate thereby turning themselves into supranational organizations hence able to overcome their challenges. In addition in this chapter I will illustrate using real examples the process of integration and how this has informed and happened in the EAC case.

Chapter 3. Benefits and Drawbacks of Supranational organizations

In Chapter three I will use examples to demonstrate the benefits and attendant drawbacks of states federating. In particular in the case of the EAC, I will show to what extent and whether the process of integration has so far succeeded or failed.

Chapter 4. EAC as a Political Federation.

In this chapter I will critically analyze the viability of a single East African state. I will attempt to show why such a super state may or may not succeed by collecting, analyzing and presenting

data on the prevailing economic, social and political conditions of EAC states. It is also in this chapter that I will explain the application of my theoretical framework in the case of EAC.

Chapter 5. Summary, Conclusions and Recommendations.

In the last chapter of my study I will recap the salient findings and observations of this study with a view to drawing informed conclusions before finally making certain recommendations on the various aspects of regional integration particularly on how the ongoing process in the EAC can be positively influenced.

CHAPTER TWO: FROM STATES TO SUPRANATIONAL ORGANIZATIONS

2.0 Introduction

In this chapter, using local and international examples, I will focus on why and how states that are relatively small in size, population and economy etc. are motivated to integrate thereby turning themselves into supranational entities. In addition I will illustrate in general the merits of integration but in particular reasons that have necessitated the creation of the East African Community and consider if there are any merits in turning the EAC into a political federation? At the end of this chapter I outline the process of integration and how this has happened in the EAC.

Throughout history and the world over integration and trade agreements have generally been driven by economic, social, political and security considerations.

2.1 Economic Reasons

Economic integration⁶⁹ is the first reason that makes states integrate and it can be defined as a kind of arrangement where countries agree to coordinate and manage their fiscal, trade, and monetary policies for mutual benefit.⁷⁰ The ultimate aim of economic integration is to increase trade by facilitating the fast movement and utilization of the factors of production like capital and labor. Furthermore there are many degrees of economic integration, and often regional trade agreements (RTAs) exist mainly in the form of Free Trade Agreements (FTAs) and to a lesser extent preferential trade agreements (PTAs), Custom Unions and Monetary Unions.⁷¹

Generally speaking small states that favor integration have one or several of these characteristics.⁷² They usually specialize in production; they experience volatile rates of growth of GDP and consumption; they enjoy low barriers to trade; and the share of government

⁶⁹ Economic integration" which is much broader than trade integration encompasses migration, cross-country capital flows and cross-country sharing of institutions and infrastructure. Furthermore in integration matters, size does not matter because size and geography cannot be changed but integration can help overcome size and distance disadvantages.

⁷⁰ <http://benefitof.net/benefits-of-economic-integration/> Accessed 12-12-14.13:05PM

⁷¹ Festus Ebo Turkson, Centre for Research in Economic Development and International Trade, University of Nottingham No. 12/07

⁷² Economic Growth and Integration of Small States to the World Economy December 8, 2005

consumption in GDP is invariably high.⁷³ They as a group, have low incomes or lower than average growth rates. In addition, small states are mostly “young” (i.e. were founded after 1960), a fact that may have implications for the functioning of their institutions and on productivity. Such states may also be isolated from the main markets in the world. This isolation may be because of diverse factors like their geographic location, culture (language, race and other cultural differences), political instability, and domestic policies.

Therefore economic integration helps these economic dwarfs to increase their economic output by maximizing on economies of scale and specialization when it comes to markets and production respectively. For instance with economic integration countries can access a wide assortment of goods and services from which they can choose. Usually small states are able to acquire goods and services at lower costs. This is because trade barriers and tariffs are reduced or removed entirely. Reduced duties and lowered prices saves money which can then be used to buy more products and services. Normally, through economic integration ,states can inexpensively supply scarce products⁷⁴ or ensure that there is a ready market for surplus products which would otherwise fetch low prices locally . Therefore, through economic cooperation states take advantage of large regional markets and balance trade deficits with their partner states.

In addition there are secondary reasons for economic integration such as the transfer of skills, technology, investment and intellectual property. This happens when the products like machinery are sold and experts to service and maintain them are offered or trained depending on the particular stipulations of a treaty. Moreover, because of the bigger market that trading blocs create, it cannot be denied that when states integrate they create or increase employment opportunities available to their citizens. This is because liberalization encourages trade resulting in market expansion as high amounts of capital are invested in a country's economy by foreigners. In turn this creates more opportunities for employment of all

⁷³Easterly, William and Aart Kraay (2000). “Small States, Small Problems? Income, Growth and Volatility in Small States”. World Development, Vol. 28, No. 11, pp. 2013-2027

⁷⁴Williamson, Oliver (1983). Using Hostages to Support Exchange, American Economic Review, Vol.73, No.4, September, pp. 519-540.

kinds for the citizens within the trading bloc. This explains the increased migration from one country to another in search of jobs or higher earnings.

On the other hand economic integration ensures financial markets benefit as borrowing of finances at low interest rate is easily achievable. This is because the large markets ensure cheap access and liquidity of capital thereby resulting in a diversification effect which in turn reduces the risks associated with high investment. In the same breath, economic integration helps to increase Foreign Direct Investments (FDI). Through FDI measures such as the creation of new operations or by merger, takeover, and acquisition, states can accelerate their development. Indeed President Museveni is on record as having said that "An investor would be more attracted to invest in a united East Africa than in Uganda alone because of the bigger market the former offers"

Lastly through economic integration, trading blocs have greater political influence as compared to the influence of a single nation. Indeed integration is a vital strategy for addressing the effects of political instability and human conflicts that might affect a region. Moreover it should be noted that economic cooperation is traditionally done through legal devices similar to a contract called treaties. Be they bilateral or multilateral, the treaties usually give the member states preferential treatment as opposed to non - members. The parties to treaties are often states and international organizations.

2.1.1 Bilateral Treaties

A bilateral treaty⁷⁵ is an agreement or contract between two (state) parties conferring rights and obligations on the members. Usually after the treaty has been ratified in accordance with the municipal laws then the parties are legally bound unless released from them by the provisions therein. Famous bilateral treaties that have been entered into to secure economic interest include:

⁷⁵Also called a bipartite treaty. It is a treaty strictly between two state parties. These two parties can be two states, or two international organizations, or one state and one international organization.

At the international level, the friendship treaty between India and Bhutan.⁷⁶ Locally Kenya Uganda, Tanzania have entered into various bilateral treaties between themselves and with countries such as the USA ,United Kingdom,France,Gernamy, Japan and China. In some instances the treaties have been with international organizations such as the European Union (EU) and the World Trade Organization (WTO).

The matters that are addressed by these treaties include double taxation.⁷⁷ Uganda on its part has concluded several bilateral investment treaties with Germany, Cuba and Zimbabwe.

2.1.2 Multilateral Treaties

A multilateral treaty or convention is an agreement or contract between three or more (state) parties conferring rights and obligations on the members. Usually after the treaty has been ratified in accordance with the municipal laws then the parties are legally bound unless released from performing by the provisions therein. Famous multilateral treaties that have been entered into to secure the interests of the members include;

The World Trade Organization⁷⁸ is an international organization formed pursuant to the multilateral treaty of Marrakech⁷⁹ with an aim of supervising and liberalizing trade. It achieves its objectives by developing frameworks for negotiation of trade agreements and dispute resolution. Currently the WTO has over 159 members.

The New Partnership for Africa's Development (NEPAD) is an economic development program of the African Union. NEPAD aims to provide an overarching vision and policy framework for accelerating economic co-operation and integration among African countries. However the NEPAD framework is not strictly limited to economic matters⁸⁰ as it also dwells on governance and politics at length.

Other notable international multilateral treaties that have an impact on economic integration include the International Covenant on Economic and Social Cultural Rights (ICESCR 1966)

⁷⁶Treaty of Friendship 1949, renegotiated 2007 A simplified version of the arrangement is as follows: India provides a loan at a subsidized interest rate to Bhutan to finance the hydroelectric infrastructure. In addition India commits to purchase electricity produced by the hydro facility it financed at a subsidized price.

⁷⁷Kenya and Italy Treaty on Double Taxation 1979.

⁷⁸<http://www.wto.org/> Accessed 11-12-14,15:05PM

⁷⁹1 Jan 1995 established the WTO as the successor of the General Agreement on Tariffs and Trade.(GATT 1948)

⁸⁰NEPAD Signs MOU with Japan (JICA) for development cooperation in Energy, Transport, Information Communication Technologies (ICT) and Trans-boundary Water, so as to better connect and integrate the continent.

and the United Nations Charter.⁸¹

2.1.3 Economic Cooperation in Africa and EAC

In Africa as stated above; there are various multi-lateral and bilateral treaties that have been concluded by the member states. The Constitutive Act of the African Union⁸² is one such treaty that covers many areas. Indeed, together with its predecessor, the Organization of African Unity Charter⁸³ they both list economic cooperation, including in transport and communications as a reason for their establishment.

Regionally there are regional blocs that have been formed to cater for economic interests of the members. In Sub Sahara Africa there are at least five main Regional Economic Communities (RECs). The main objectives of these regional integration efforts is to work for "collective self-sufficiency" for member countries/states through the establishment of single large trading blocs in the form of free trade areas and/or custom unions. Examples of these REC'S include the Economic Community of West African States (ECOWAS),⁸⁴ the Economic Community of Central African States (ECCAS), the Southern Africa Development Corporation (SADC)⁸⁵, the East African Community (EAC) and the Intergovernmental Authority on Drought and Development (IGADD). Others include, the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), and the Arab Maghreb Union (AMU). These blocs through NEPAD and CARD frameworks⁸⁶ have seen the African countries conclude important treaties such as the African Union Convention on Preventing and Combating Corruption (AUCPACC)⁸⁷ and undertake measures to increase agricultural productivity. In this respect there are many treaties addressing different aspects of economic

⁸¹Chapter VII mandates the Security Council to impose sanctions and embargoes as intervention measures.

⁸²The African Union Constitutive Act: Article 3, (Addis Ababa:AU,2002).p5

⁸³The African Union Constitutive Act: Art 3,c,i,l, (Addis Ababa:AU,2002).p5. SEE also the OAU Charter, Article ii,2b;(Addis Ababa:OAU, 1963).p3

⁸⁴Union Economique et Monetaire Ouest-africaine (West African Economic and Monetary Union) 1975 by the Treaty of Lagos. Approximate Population: 340 Million,GDPUS\$ 758.9billion

⁸⁵1980, Approximate Population: 277 Million, GDP US\$ 575.5 billion.

⁸⁶Millennium Africa Recovery Plan (MAP), Davos, January 2001, Omega Plan, Cameroon 2001 and the New African Initiative (NAI) 2001.CARD is a consultative group of bilateral donors and international organizations working in collaboration with rice-producing African countries.

⁸⁷July 2003 Maputo, ratified by 35 states as of 2014.

cooperation among African States.⁸⁸

In East Africa, the EAC treaty in Article 5 (1) states that the objectives of the community will entail economic co-operation. The treaty provides for wide economic integration by sanctioning the formation of a Customs Union, a Common Market, and subsequently a Monetary Union. As a matter of fact the treaty in its preamble refers to the long economic cooperation that has existed in the region since the colonial times. For instance, the treaty points out that formal economic integration in the East African Region commenced with, among other things, the construction of the Kenya Uganda Railway 1897 - 1901, the establishment of the Customs Collection Centre 1900, the East African Currency Board 1905, the Postal Union 1905, the Court of Appeal for Eastern Africa 1909, the Customs Union 1919, the East African Governors Conference 1926, the East African Income Tax Board 1940 and the Joint Economic Council 1940.

Historically the EAC treaty is informed by the fact that the members of EAC have had "Trade: [s]kewed as it may have been in favor of the settler community in Kenya, economic cooperation was an early fact of life in the sub-region". The economic cooperation included common tariff rates, free trade for local produce and few custom duties among the three territories. Indeed similar areas of cooperation have been retained or expanded by the EAC to include among others trade and finances.⁸⁹

2.2 Social-Cultural Reasons

The second reason that makes small states choose to integrate are social. International and local examples abound of small states that have populations split or living across borders choosing to integrate so that they take care of their interests. This happens where the communities of the two states share a common history, heritage geographical (location/features), language, religion and other cultural practices.

⁸⁸The Lagos Plan of Action (1980), the Final Act of Lagos (1980), Africa's Priority Programme for Economic Recovery (1986-1990), the African Alternative Framework to Structural Adjustment Programme (1989), the African (Arusha) Charter for Popular Participation and Development (1990), the Abuja Treaty (1991) and the Cairo Agenda (1994) etc.

⁸⁹The East Africa Community Treaty, Chapters 11-17,26-28 (Arusha: East African Secretariat 1999).pp57-88,117-120

Internationally through the United Nations framework of UNESCO⁹⁰, states have formed blocs that make them cooperate in the preservation of religious and cultural sites that are of historical significance. Through such measures the states work together if the sites transcend the borders of the states. Under this mechanism hundreds of cultural sites or activities⁹¹ have been declared to be important. This has often spurred greater cooperation in other sectors of their economies and politics. Several other states such as the Nordic countries⁹² Portugal- Spain⁹³, France and German have cultural cooperation arrangements⁹⁴ due to their past history and close geographical proximities. In Asia, Azerbaijan maintains close relations with the Arab League because they have related populations and religion.

In addition multilateral treaties such as the Universal Declaration of Human Rights (UNDHR 1948) International Covenant on Economic and Social Cultural Rights (ICESCR 1966) have served to underscore the need for cooperation in socio- cultural importance. Furthermore, because of religion, the middle east countries that are predominantly Islamic, through the annual pilgrimage to holy sites and performance of certain rites, have been forced to extend their cooperation to other areas of economics and politics.

The traditional cooperation of India and the Kingdom of Bhutan⁹⁵ is also another example of long standing social-cultural cooperation considering the latter is sandwiched in the Himalayan Mountain ranges. Regionally the African Union Charter⁹⁶ together with its preceding organization recognized the importance of social cultural factors when integration is considered. The preamble and several sections of the Act acknowledge the important facet of social cultural cooperation. Moreover, the AU has a long standing close economic and cultural cooperation arrangement through the framework of the Afro-Arab Cooperation.⁹⁷

⁹⁰The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972.

⁹¹The Cathedral of Latin America, the Great Barrier Reef in Australia, the Maasai Mara ecosystem that transcends Kenya -Tanzania borders

⁹²Nordic Treaty on Cultural Cooperation 1971 (Denmark,Iceland,Norway,Iceland and Finland)

⁹³Operational Programme for cross border territorial cooperation 2007-2013

⁹⁴Franco -German Friendship treaty (1963)

⁹⁵http://en.wikipedia.org/wiki/Bhutan%E2%80%93India_relations Accessed 09-06-14,11.01AM

⁹⁶The African Union Constitutive Act: Article 3, a, & j (Addis Ababa: AU, 2002).p5. See also OAU Charter, Article II, 1a,2c (Addis Ababa: OAU,1963).p3

⁹⁷1st Afro Arab Summit of 1977, Cairo, Egypt & 2nd Afro Arab Summit of 2010, Libya.

Indeed this is one of the oldest regional cooperation arrangement, with a specialized institute for culture and strategic studies. It should not be lost that the AU also harbors the idealistic dream of a United States of Africa, a dream predicated on the identity of Africans and their similar cultural practices and experiences.⁹⁸

In East Africa, the existence of trade and other forms of cooperation have existed since the colonial times. In the East coast prior to the 1884 Berlin Conference there was a vibrant trade between the Swahili's and the Arabs from Oman and Zanzibar. Through the trade interactions practices like Islam and use of Kiswahili language was developed. In his paper on why the East Africa should integrate, President Yoweri Museveni of Uganda averred⁹⁹ that already there are basic unity or linkages all over Africa. These linkages involve language and culture. For example the Luo language which is spoken by the Nilotes, who are found in Kenya, Uganda, Sudan, Tanzania and parts of Ethiopia and the Democratic Republic of Congo (DRC) would be a unifying factor. In terms of culture, he argued that the Bantu culture straddles East, Central and Southern Africa. It is not surprising that in the EAC treaty despite English being listed as the official language¹⁰⁰, and Kiswahili is the Lingua Franca.¹⁰¹

In his argument for integration President Yoweri Museveni argued that Africa must create a center of gravity, just like the USA is a center of gravity for Anglo-Saxon-Latin civilization. To him, the initial vanguard of the Union would be Uganda, Kenya, Tanzania, Rwanda and Burundi. The advantage of these countries is that they are geographically contiguous and share to a certain degree a common language (Swahili) and culture. Other countries would be encouraged to join, as long as they were geographically contiguous to the Union. Indeed in the EAC Treaty these long standing, social, cultural and traditional ties and associations between the peoples of the Partner States are to be promoted so that there is a people centered mutual development of these ties and associations.¹⁰² Furthermore the EAC treaty¹⁰³ dedicates a whole chapter to the social cultural factors which are duly recognized as important in any effort to integrate.

⁹⁸The African Union Constitutive Act: Article 3, (Addis Ababa:AU,2002).p5.SEE also The East Africa Community Treaty, Preamble: Dissolution of East African Cooperation, (Arusha: East African Secretariat 1999).p3

⁹⁹Kasajja P.A."Regional Integration: A Political Federation of the East African Countries? "African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004), pp. 21-34

¹⁰⁰The East Africa Community Treaty, Art 137(1) (Arusha: East African Secretariat 1999).p121

¹⁰¹ The East Africa Community Treaty, Art 119(d) and (137) (2)(Arusha: East African Secretariat 1999).p104 & 121

¹⁰²The East Africa Community Treaty, Art 5,3d,(Arusha: East African Secretariat 1999).p15

¹⁰³The East Africa Community Treaty, Art 119,(Arusha: East African Secretariat 1999).p104

2.3 Political reasons

The third reason why small states choose to integrate is for a myriad of political reasons. Local or geopolitical considerations often influence cooperation in areas such as administration, defence, security¹⁰⁴, legal and judicial affairs for the mutual benefit of partner states.¹⁰⁵

2.3.1 Administration/legal affairs

Small states will prefer to unite so that they may easily address complex administrative matters that would otherwise be uneconomical to address individually especially if they involve common or shareable resources such as lakes, water ways and harbors etc.

In the Caribbean for example, the small states have an arrangement where they share legal institutions particularly High Courts. This ensures a stronger justice system may be obtained by an agreement with a more developed country. Kenya for instance, through various laws and treaties has established mechanisms for administering justice and mutual legal assistance¹⁰⁶ in the realm of international law particularly on, recognition of foreign judgments¹⁰⁷, apprehension of fugitives¹⁰⁸ extradition treaties¹⁰⁹, and also by the domestication of statutes and ratification of instruments setting up international institutions like the United Nations and the International Criminal Court.¹¹⁰ Furthermore the constitutive acts of supranational organizations such as the European Union and the Organization of American States cover wide areas be they political, economic, and social-cultural.

Historically, in East Africa, the colonial government for administrative and legal purposes unified the management of the territories affairs by establishing the Court of Appeal for East Africa in 1902, a Postal Union in 1911, a Customs Union in 1917, and the East African Currency Board in 1920 etc. Tanganyika and Zanzibar were gradually absorbed into these institutions by

¹⁰⁴The African Union Constitutive Act: Article 3b/f, (Addis Ababa:AU,2002,2002).p5

¹⁰⁵The East Africa Community Treaty, Art5(1), (Arusha: East African Secretariat 1999).p15

¹⁰⁶The Mutual Legal Assistance Act No. 36/2011, The Rome Statute 1998, and the International Crimes Act 2008, The Four Geneva Conventions 1949 & Additional protocols of 1948(Kenya Red Cross Act 1965 Cap 256)

¹⁰⁷Foreign Judgments Act (Reciprocal Enforcement 1984) Cap 43 & Civil Procedure Code (2010) Cap 21, at S9

¹⁰⁸Kenya Extradition Act Commonwealth Countries Act No 20/1968 & Extradition Regulations of 2010

¹⁰⁹Extradition treaty between the United States of America and Kenya (Kenya agreed to be bound to the United States of America by the 1931 U.S.A - United Kingdom Extradition Treaty)

¹¹⁰The Rome Statute 1998, and the International Crimes Act 2008

1963.¹¹¹ Currently the EAC treaty as an administration measure allows for the formation of The East African Court of Justice and The East African Legislative Assembly.¹¹² On the other hand the individual states of the EAC have individually or collectively concluded agreements whose objectives is to facilitate easy administration of economic or legal affairs. Kenya for instance has extradition, mutual legal assistance and double taxation treaties with fellow EAC members.

2.3.2 Geopolitics and Collective Security

Furthermore for strategic geopolitical reasons such as collective defence, states always enter into defence pacts or associate with stronger neighbors or allies. This arrangement will entail joint exercises, training and research in defence matters. The best examples of these include the League of Nations 1919¹¹³, the defunct Warsaw Pact, the Triple Alliance, during and after the first world war 1 and currently the United Nations and the North Trans-Atlantic Treaty organization (NATO) after the second world war.

In India after its independence, it entered into a friendship treaty (1949) with the tiny territory of Bhutan through which it guarantees the security of the little territory from external aggressors. Consequently India gives foreign and military aid¹¹⁴ to Bhutan but in return it gets exclusive access to the immense natural and strategic resources of Bhutan.

In Africa notable political treaties for security and peace include the 1978 Camp David Accords between Egypt and Israel.¹¹⁵ In Liberia peace was restored after the Accra Peace Agreement was signed in 2003 while the Comprehensive Peace Agreement¹¹⁶ provided for the cessation of hostilities in Sudan. Although the cited agreements did not provide for integration they were concluded as a measure to manage recurrent political conflict and were initiated by regional

¹¹¹Ojo et al., African International Relations, (London, Addison- Wesley Longman Limited, 1985).pp. 158-71

¹¹²The East Africa Community Treaty, Art 23 and 48, (Arusha: East African Secretariat 1999).p30-41

¹¹³The Treaty of Peace between the Allied Powers and Germany Signed at Versailles, June 28th 1919, (LONDON: His majesty's stationery office,1919).p1

¹¹⁴As of 2012-13 fiscal, India's budgetary support to the Kingdom country stands at USD 600 Million, about one-third of India's overall annual foreign aid

¹¹⁵See also the 1979, Egypt Peace Treaty and the Oslo Accords of 1993.

¹¹⁶Comprehensive Peace Agreement 2005 signed at Naivasha, Kenya

and international bodies. This shows that individual states benefitted from collective regional efforts to restore peace.

2.4 Merits of integration in East Africa

From the preceding literature, it is clear that the EAC countries want to obtain not only economic and social advantages but also political harmony. Socially the EAC hopes to unite the peoples of East Africa who are historically and geographically related and set a foundation for the idealistic dream of a United States of Africa. The use of Kiswahili as the Lingua franca by over 130 million people will make it be among the most spoken language. Furthermore social integration can be fostered through sports, religion and cultural practices of communities that transcend borders. For Instance the EAC region has the second largest population of the Friends Society members (Quakers) other than the USA.

On the political front through integration the EAC will easily defend its interests, and tackle problems that come with politically unstable neighbors such as Somalia, the Congo, Central Africa and Sudan. The EAC will easily address strategic issues such as the use of Nile waters¹¹⁷ and persistent travel advisories due to terrorism etc. The political alliance will help to address issues of good governance, Constitutionalism and democracy in the individual member states by sharing and implementing common solutions that will bring about a harmonized political landscape. As cited elsewhere President Museveni states that a political federation would also enhance the EAC bargaining strength in multi-lateral institutions, as well as bilaterally.¹¹⁸ This is a geopolitical reason. The argument is that in cases where there is an existing economic integration structure there is need to impose a political superstructure to better manage the economic aspect.

In the paper President Yoweri Museveni further argued that a Union of Central and Eastern Africa states would command more respect from the world. He concluded his remarks by observing that a union would command more defence potential to guard African interests against encroachment by foreigners because *'the present small African states individually, do not possess much defence capacity'*.

¹¹⁷The 1999 Nile Basin Initiative (NBI) is a partnership among the Nile Riparian states that "seeks to develop the river in a cooperative manner, share substantial socioeconomic benefits, and promote regional peace and security".

¹¹⁸Kasajja P.A. "Regional Integration: A Political Federation of the East African Countries?" African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004), pp. 21-34

On the economic front by economic integration the EAC hopes to stop a culture of dependency and under development. Over all the EAC believes that through progressive implementation, transparency, fiscal discipline and equitable distribution of resources the region can develop. More so if the EAC prioritizes development, good governance policies and takes advantage of economies of scale, the region can grow exponentially. In its outlook; if the region can integrate areas such as securities, pensions, insurance markets and liberalizes its capital markets then its citizens can participate in trade through the cross-listing of market shares at the national level. Moreover if restrictions on capital flows are removed then the capital market development will be accelerated. All in all the EAC believes that economic development depends on its ability to regionalize its financial sectors. It is acknowledged that integrated markets offers important attractions like mutually beneficial scale effects that encourage urbanization. In addition greater international prominence is attractive to foreign direct investment.

In its progressive integration process the EAC will move from a Customs Union, then to a Monetary Union which the member states hope will make them enjoy the benefits of a single currency like eliminating bilateral foreign exchange risks and reducing accounting and transaction costs. Moreover the single currency will expand regional trade due to a larger market, and integrated financial markets. Generally the benefits of a monetary union outweigh the costs, which would include issues like contagion effects, moral hazard problems, and loss of control on some of the national policies.

In addition, by having a Monetary Union, because of uncertainties in the global market, the union could insulate the EAC from crisis as it takes advantage of regional integration provided there is coordination at the regional level in order to encourage the private sector to participate and invest. It also makes economic sense for the EAC to share infrastructure than to rely only on trade cooperation. This is because it is cheaper to attract and finance mega infrastructure projects collectively which in turn open up and serve large areas. The other economic reason for this is that governments can serve as a check on each other, so that an EAC commitment is seen as more credible than a national commitment when it comes to obtaining credit. This collective financing makes sense because three EAC members are landlocked and dependent upon the infrastructure of the two coastal members. Naturally this will improve the business climate, and enhance the human development capacity of the citizens.

Finally if the EAC economies integrate then they could benefit from sharing good practices in business regulation and linking reform initiatives on a regional basis. It is believed that if each country were to adopt best practices for ease of doing business then East Africa would rank 19th on the ease of doing business index-comparable to Germany.¹¹⁹ Indeed now that the EAC has been in existence for some time; the above aspirations can be attested. For example, because of consistent strong macroeconomic policies since 2005, average per capita income growth in EAC countries was 3.7 percent, compared to 3.2 percent for most of the states in sub-Saharan Africa. Inflation has generally been well contained. After averaging more than 20 percent in the 1990s, inflation averaged 7 percent in the last decade. On the other hand foreign direct investment in the five EAC countries has also doubled to \$1.7 billion during the past decade.

In terms of trade and investments compared with other regional blocs, the EAC ranks better than the Common Market for Eastern and Southern Africa (126th) and the Organization for the Harmonization of Business Law in Africa (167th), but falls slightly behind the Southern Africa Development Community (114th).¹²⁰ Moreover with the coming into effect of a Customs Union, Monetary Union and with a combined population of more than 130 million, the EAC as a bloc has created a large market for producers and opened many trade opportunities. Nevertheless the region is faced by a myriad of challenges that come with integration as the next chapter will show. It is also evident that poverty levels although high, they are reducing significantly. Notwithstanding the foregoing EAC as a region is faced by myriad of challenges as the next chapter will show.

2.5 Levels and the process of integration

There are several processes and levels of integration. The process usually involves intense lobbying and negotiations by political and diplomatic leaders. Due to the complexities of the matters under negotiation often the process takes a long time. Scholars have identified several types or levels of integration. Belaisa has categorized them from the lowest to the highest as:

¹¹⁹For instance Rwanda is among the places where it takes the least amount of time to start a business. Kenya has some of the most business-friendly regulations for dealing with construction permits while Ugandan courts resolve insolvency relatively efficiently.

¹²⁰Performance across the EAC economies varies. Rwanda is ranked 45th globally in the ease of doing business, followed by Kenya (109th), Uganda (123rd), Tanzania (127th), and Burundi (169th).

Free trade area, Customs Union, Common Market, Economic community and Political Federation.¹²¹ In the first level of a free trade area, tariffs and quotas are eliminated among the members of the bloc. In the second level of a Customs Union is established and is characterized by the elimination of discriminatory tariffs and quotas. This can be extended to non members that set up common external tariffs. The third level of integration involves the establishment of a common market in which obstacles to the free flow of the factors of production, namely labour and capital are eliminated.

The fourth level encompasses the establishment of an economic community or union, and is characterized by the harmonization of economic policies which may involve the introduction of a common currency.¹²² The fifth and the highest form of integration is a political union, where the structures and political institutions which harmonize policies themselves become harmonized and unified. Generally the integration process needs not follow all the above stages sequentially and often it may involve several characteristics of the different levels.

To put the foregoing in perspective let us consider the process that led to the creation of the EU. The EU had its origins in the treaty of Paris ,after the World War II, through which former steel industries in Europe formed the European Coal and Steel Community (ECSC) in 1951. By 1957, with the conclusion of the Treaty of Rome ECSC became the EEC setting the foundation for the formation of a Common Market. A decade later in 1967, all the independent organs merged i.e. EEC, ECSC and EURATOM to form a single set of institutions: the European Commission, European Council and the European Parliament (with members selected initially by national parliaments).

After the 1979 legislative changes there followed a long hiatus but in 1992 The Treaty of Maastricht was signed, thereby creating the European Union. This treaty introduced new forms of cooperation between member state governments –for example, on defence and justice and home affairs issues. An undertaking was also given by the EU leaders to create an Economic and

¹²¹Ben Belassa identified five ideal types of integration in Ojo et al., African International Relations, (London, Addison- Wesley Longman Limited, 1985) pp. 158-71

¹²²Kasaija P.A. 'Regional Integration: A Political Federation of the East African Countries?' African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004), pp. 21-34

Monetary Union, with a single currency managed by a European Central Bank, within a decade. The existing single market was also formally completed.

In 1999 a single monetary Union with a single currency *the euro* was launched and became a reality in 2002. In 2004 the EU undertook to consolidate all its treaties into one document -the Constitution Treaty and this was followed by national referenda to ratify it.

From that brief account of the EU it is evident that the process that the EU followed mixed the order of integration as suggested by Belaisa. For instance the EU moved from a common market to a common legislature, and then fostered closer political cooperation. In its final stages it created a monetary union and sought to consolidate a Constitution for itself through a referenda. To expound on this we must compare the EU process with the proposed EAC process.

After the dissolution of the former East African Cooperation Treaty in 1977 there was a period of inactivity but in 1984 a mediation agreement was signed by the former members. Later on in 1993 a Permanent Tripartite Commission for Co-operation was established to explore possibilities of integration. A year later in 1994 a Secretariat was formed to serve the Permanent Tripartite Commission through a protocol. In 1997 the East African Cooperation Development Strategy for the period 1997 - 2000, was approved and directed the Tripartite Commission to embark on negotiations for the upgrading of the Agreement establishing the Tripartite Commission into a Treaty; the treaty finally became a reality in 1999. In the treaty the stages of integration are sequentially ordered as; Customs Union, 2005, Common Market, a Monetary Union and finally a Political Federation.

The process is thus strikingly different from that of the EU in the following ways: The EAC Treaty provides a straight forward step by step process of integration and its ultimate goal is a political federation. On the contrary the objective of the EU Treaty is avoidance of violent conflict through economic cooperation. Even though the EU has cooperation in the political spheres with a rotational presidency it has not objectively considered the probability of forming a total political federation with a single presidency. It is noteworthy that the EAC countries have not had a violent conflict among them except the intervention

of Tanzania in Uganda to overthrow Idi Amin and the Uganda's the simmering conflict with Rwanda. However there exists a fractious relationship between Rwanda, Burundi and Uganda because of the demographic compositions which transcend borders. Nonetheless the EAC treaty abhors conflict but it is not formed as a consequence of it unlike the EU.

The treaties also differ in that the EAC Treaty is comprehensive and establishes at once i.e. the East African Legislative Assembly and the East African Court of Justice among others. The EU on the contrary made several treaties to provide for the establishment of the European Parliament and the European Court of Human rights etc.

However a key similarity is that the citizens are involved or will be involved in the ratification of the treaty. The EAC citizens will decide on the fate of a political federation although currently the process depends on the goodwill of the respective governments /leaders. For instance EALA members are elected by the national parliaments a module that the EU used, although currently the citizens elect their representatives to the EU Parliament.

It is also clear that despite the EU process taking a long time it has succeeded in attracting many members despite its challenges. On the other hand the EAC is fairly young and despite the size of its membership it is already running behind its calendar of events. For instance the realization of the Monetary Union by 2010, and a Political Federation by 2014. Ultimately any process of integration will involve huge resources, skilled diplomats and the general goodwill of the citizens and their governments/leaders. However even as the next chapter focuses on these challenges and drawbacks to integration it cannot be denied that successful integration creates richer, powerful states and supranational organizations.

2.6 Summary

In this Chapter I have demonstrated using regional and international examples why small states opt to integrate be it for strategic economic, social and political reasons. The most important motivation is that there should be mutual benefit for the states choosing to integrate.

Secondly in this chapter with regard to the EAC, there is no gainsaying that the member states will get an array of benefits. These benefits will increase if the EAC manages to become a political federation although this is a herculean task.

Lastly in this chapter from free trade areas to political unions, I have outlined the general process and levels of integration and shown the stage at which the EAC has reached.

CHAPTER THREE: CHALLENGES AND DRAWBACKS OF THE SUPRANATIONAL ORGANIZATIONS

3.0 Introduction

In this chapter I focus on the challenges and drawbacks to integration. Using examples I demonstrate the attendant drawbacks of states federating and will dwell at length on the EAC as an example.

The limitations of regional integration all over the world tend to be similar but only with slight variations. Regional integration all over the world is a continuous process that refers to various types of political and economic agreements that form closer ties between sovereign countries. Such processes normally vary from trade agreements to more extensive treaties in which individual member countries sacrifice part of their national sovereignty to a higher entity known as a political federation. However this sacrifice will always be accompanied with dissatisfaction among certain members taking part in the process.

The elimination of tariffs, import quotas and preferences on most goods traded between these countries is usually accompanied by a number of limitations which disadvantage the less developed states in any given free trade area.¹²³ These disadvantages normally range from economic, to political then lastly to social. It should also be noted that a consideration of the advantages and disadvantages of integration is necessarily an argument between sovereignty and federalism theories alluded to in my theoretical framework.

Therefore in this chapter the demerits cited will easily resonate with those given by critics of federalism. Key among them include; that integration results in inefficiencies, redundancy and policy failure. Moreover integration permits state policies that may undermine the interests of nearby states where there are subtle differences be they economic, social or political. In fact integration is criticized for creating a political environment that can result in a race to the bottom in terms of goods and services provided by the competing states. This will happen where the individual states produce similar goods and services. Lastly

¹²³East African Community Development Strategy 2006-2010, (Arusha EAC Secretariat :2006)

regional integration is also blamed for taking democracy far away from the citizens as the decisions that affect them are made in faraway places and through complex processes.

3.1 Economic Factors

Among the more common economic disadvantages of integrating that have been cited in the case of the EU include the cost of joining and maintaining membership in the regional body. Moreover other mandatory contributions are usually prohibitive and may be burdensome to a less developed economy. For instance the cost of EU membership to the UK is estimated to be £15bn gross (0.06% of GDP) – or £6.883 billion net.¹²⁴

The second reason is that at times these regional blocs are the main cause of inefficient policies that result into corruption and wastage. An example of the Common Agricultural Policy initiated by the EU will suffice. For many years this CAP distorted agricultural markets by placing minimum prices on food consequently leading to higher prices for consumers and encouraging over-supply hence there is a wastage of produce.

Thirdly where a single currency has been initiated other economic problems may arise such as low rates of economic growth and high unemployment. Across the EU these problems have been attributed to the Euro. Ostensibly this is because the EU has placed a lot of emphasis on the Euro.

Fourthly depending on the nature of the economic integration, some states may lose their economic independence as they are forced to pursue a common economic agenda. For instance the austerity measures that were imposed by the EU on many southern European countries during the global recession. This included spending cuts to meet budget deficit targets, but it is believed that in the middle of a recession these austerity measures contributed to prolonged economic stagnation.

¹²⁴See UK government spending. (UKIP claim that the cost of EU membership in total amounts to £83bn gross if you include all possible costs, such as an 'estimated' £48bn of regulation costs–or £1,380 per head [1] <http://www.economicshelp.org/europe/disadvantages-eu/> Accessed 14-06-2014 at 13:07PM

Fifthly because of free movement of labor it has been observed that regional integration does not necessarily solve unemployment and overcrowding as argued by those in favor of federalism. In the UK the population is set to rise to 70 million over the next decade, partly due to immigration. Consequently this has led to high house prices and congestion on roads. The UK Conservative government has argued that it is powerless to prevent large scale immigration because EU rules allow free movement of labor. Even though this process is believed to solve unemployment, observers argue that trade liberalization, giving an example of NAFTA more specifically, has led to decreases in certain types of employment and more generally to erosion in the quality of work. This comes about as a result of the rising numbers of informal workers who are unprotected by social security and health benefits.¹²⁵

Sixthly regional integration has also been blamed for increasing bureaucracy and adversely affecting democracy. In the case of the EU, it is often said that it has created extra layers of bureaucracy and taken away decision making processes from local communities. In the UK for example, the British Chambers of Commerce estimates that the annual cost to the UK of EU regulation is £7.4bn. In the EU, it is widely believed that the introduction of qualified majority voting (QMV) may mean that on many decisions votes can be taken against the public interest of any particular country.

Seventhly and more importantly is the allegation that states do not favor integration because of either uneven economic development at the time of integration or suffer from an imbalance in natural resources. In North America a good example is the Mexican economic growth compared to the Canada's' and United States' economies. For Mexico to maintain a sustained and robust economic growth a number of problems have to be solved. Mexico must grow at a level of 6-7 per cent in order to prevent further unemployment. This rapid growth has to be financed by increased exports and a higher rate of domestic savings. However there is a significant challenge especially now that the Mexican exports are being displaced from the important sectors of the USA and the Canadian market by more competitive Chinese products.¹²⁶

¹²⁵Daniel, L. et al., *Lessons from NAFTA: for Latin America and the Caribbean* (New York: New York University Press, 2005).p222.

¹²⁶Gustavo, V.C., *Towards North American economic and security space, in big picture realities: Canada and Mexico at the cross roads*, (Ontario, Canada: Wilfried Laurie University Press, 2008). p61

This economic reality has adversely affected the economic integration of Mexico, USA and Canada. In the EAC there are sharp differences in the level of economic development between the EAC states. Kenya is viewed as the most economically advanced compared to the rest of the East African states. According to the provisions of the Customs Union protocol, each country is required to restrict imports from outside the Union, which could affect member infant industries producing similar products. Kenya, for its part, is obliged to eliminate trade restrictions on goods exported by Uganda and Tanzania in a period of not less than five years and in contrast, the two are permitted to impose tariffs on Kenyan goods for the first five years of the agreement after which the restrictions will be abolished.

What is surprising in the EAC case is the fact that each member country has its own interpretation of the Customs Union¹²⁷ Protocol a fact that analysts fear could threaten the success of the new EAC. According to the World Bank Basic Indicators of Human Developments and GDP, Kenya is strong economically¹²⁸ than its neighbours. In terms of GDP per capita, Kenya leads in the region with US\$ 1586, followed by Uganda with US\$ 1088, Rwanda with US\$ 893, Tanzania with US\$ 732 and Burundi with US\$ 507 (World Health Organization figures). Other economic data sources like the World Trade Organization shows a sustained annual growth between 1996 and 2005 in the EAC in which the Ugandan economy averaged 6.1 percent annual growth, while Kenya grew by 2.8 percent, Tanzania by 5.4 percent and Rwanda 7.5 percent. Evidently this imbalance is a subtle threat to the integration process as it indicates the differences in the level of development.

It is therefore not surprising that the East African states are trying to spread their influence into neighboring states because of the predictable falling prices in a regional market. Thus Kenya is diversifying into South Sudan and Somalia while Tanzania withdrew from the Common Market for East and Southern Africa (COMESA) in favor of the Southern African Development Community (SADC) in 2000. Uganda on its part has concentrated on its Central African

¹²⁷Mugisa, E. et al., East African Community, An Evaluation of the Implementation and Impact of the East African Community Customs Union (Arusha: EAC, 2009).

¹²⁸UNCTAD, Economic Development in Africa: Strengthening Regional Economic Integration for Africa's Development (2009).

neighbors, Rwanda, Burundi and Eastern Democratic Republic of Congo where it has secured markets for its manufactured goods. Therefore each country is looking to secure its economic interests even though they purport to integrate.

Another important demerit of regional integration is the imbalanced flow of trade, which to a large extent normally, favors the more developed states at the expense of smaller partners. This breeds mistrust among the member states and can contribute to the break-up of such trade areas. A good example is the East African Community in which by 1967 Kenya seemed to enjoy much of the largest share of the benefits as compared to the other two partners. Many African countries focus on the removal of tariff barriers with an aim of increasing trade exchange. With the encouragement from the Economic Commission for Africa, the purpose of integration is to build Customs Union and Common Markets with a single goal of eventually forming a continental Common Market. However this initiative has not been effectively realized due to low levels of industrial development and cooperation. From an African perspective the gap in project identification and financing is larger hence preventing further industrialization and integration.

Furthermore regional integration also faces policy and logistical challenges. For instance the Lome initiative for development of industry and institutions is constrained by the lack of international donors who are willing to favor projects designed to produce for regional markets. In addition, some governments may not be willing to accept private sector involvement in promotion of national and regional projects.

On the other hand many regional integration blocs have poor and inefficient infrastructure. Almost ninety percent of the resources deployed under the transport and communications Decade Program have been devoted to national rather than regional or sub regional projects. However, few regional schemes have accorded greater priority to this sector. For example the Southern Africa Development Coordinating Conference (SADCC) which gave explicit priority to improved communications as a prerequisite for increasing regional trade.

Shortage of foreign exchange is another challenge that faces most African countries that want to integrate. Most of these countries use a lot of resources on imports rather than exports, hence exposing them to deficits in intraregional trade. The developing countries have a greater capacity

of producing goods for exports but they lack better equipment and technology. It is this inability to process goods that poses an imbalance in the regional trade.

Furthermore the foreign exchange of small states that want to integrate is also affected by the use of differing currencies. The reality is that countries in a particular region tend to use different currencies. However some countries which have a higher GDP are not be able to use their neighboring country's currency. This creates a stumbling bloc in terms of exchange. In addition, many of the monetary harmonization programs in the different African integration sub-regional blocs have been slower or not in line with the African Monetary Cooperation Programme (AMCP) which aspires to have a single continental currency and Central Bank by the year 2025.

In the EAC economic bloc integration requires uniform standards because partner states have differing trade capacities and differing development strategies. Therefore compromises and harmonization are necessary. Uganda, for instance, was forced to adjust its export-oriented growth model to comply with the CET while Kenya and Tanzania, in contrast, were forced to reduce protective external tariffs in response to CET. This scenario for a potential member, South Sudan¹²⁹ means a lot because though reservations and exemptions are possible, South Sudan may need to at least partially adjust its trade, investment, and development policies in response to common EAC goals. In addition, conversion to the CET and elimination of intra-EAC tariffs could result in lost tariff revenues and limit South Sudan's ability to implement autonomous trade and investment promotion programs. As a result this necessary changes for South Sudan may cause it to second guess its proposed membership to the EAC.

The other obstacle to regional integration is the view that it fosters corruption and the misuse of funds. The allegation is that the management does not use the funds for the appropriate purpose. This has forced the African Development Bank or the Economic Commission for Africa to serve as an auditor to the regional secretariats. Indeed many governments have undermined the logic of the regional market by installing tariff and non-tariff barriers to protect domestic enterprise or have dragged their feet in implementing the trade liberalization measures to which

¹²⁹Jackson, J., "South Sudan, Ethiopia Sign MoU," The Citizen (JUBA), 4th March 2012, also available at <http://allafrica.com/stories/201203051139.html>. Accessed 10-06-2014, 11:00AM

they are nominally committed.. This has been a hindrance to the movement of goods from one region to another.

Generally given the sluggish progress among many sub-regional groupings, emphasis is being placed on “fast-tracking” the establishment of regional monetary unions ahead of the AU’s 2025 continental target. For COMESA, it is hoped that a Monetary Union status will be achieved by 2018. However, rushing prematurely to a Monetary Union without adequate preparation could pose problems in the end.¹³⁰ At this point it is clear that some African blocs do not have macroeconomic convergence criteria, while many that do are still attempting to converge, partly due to differences in: socio-economic environment, governance and political will especially regarding the ceding of sovereignty to a supranational entity; policy implementation constraints, including lapses and reversals; perceived or real benefits and costs, which has adversely affected commitment to integration; regional and national financial markets that are generally not harmonized, are undeveloped or only just emerging, and so lack the depth, liquidity and currency convertibility required to fully fund the public and private sectors and cross-border investment in a pro-integration manner.

Furthermore on a continental basis and also within sub-regions, many African countries belong to several groupings or sub-groupings that sometimes compete, conflict or overlap amongst themselves rather than complement each other. This adds to the burden of harmonization and coordination, and is a wasteful duplication in view of constrained resources. In EAC the states belong to several regional groupings such as SADC and COMESA. This could mean that they will have to agree to belong to one regional grouping or withdraw from all of them in favor of EAC due to a conflict of interest. This implies another hurdle given the economic and political benefits each country derives from these other organizations. Burundi, Kenya, Rwanda and Uganda are members of COMESA while Tanzania is a member of SADC because historically, Tanzania is more connected with its Southern neighbors than it is with the other EAC members.

The other demerit of integration is occasioned by the inconsistency or incoherence at the macroeconomic level which has inhibited the systematic implementation and “internalization”

¹³⁰Kabeera, E., “East Africa: EAC Monetary Union Negotiators Set for EU Study Tour,” New Times (Kigali) 14th January 2012 also available at <http://allafrica.com/stories/201201161223.html> Accessed 14-06-2014 at 15:14PM

of the regional integration agenda into national programs. It has been impossible to integrate regionally where there has been continuously glaring policy, implementation and information inconsistencies at the national level. Therefore there is need for an appropriate policy mix and coordination at the national level that targets low inflation and fiscal discipline. For instance in Rwanda and South Sudan when there was an increase in prices of critical consumption goods like rice, fresh and concentrated milk, maize, sugar, and wheat they were designated as "sensitive" and thus faced higher CET tariff rates.¹³¹

Indeed the higher CETs on imports of such fundamental consumption goods is likely to increase their prices and therefore the general cost of living. This effect occurred in Rwanda, especially in urban areas hence it is needless to say, a higher cost of living could make EAC membership politically unpopular among the population of potential member states. Other trade problems that come with integration include competitive disadvantage of domestic producers and entrepreneurs from the more developed states vis à viz the new members, trade diversion rather than trade creation, and limited gains from trade.

A more specific drawback to EAC integration as alleged by commentators who have questioned the utility of EAC trade integration generally, states that the partner states' economies are neither very complementary nor very competitive.¹³² As a result, they predict, trade gains from regional trade will be the result of trade diversion rather than trade creation. If these commentators' predictions are correct, not all EAC members will benefit from greater trade integration and Burundi, as a less developed EAC member, may be particularly susceptible. Furthermore some partner states have questioned whether regional markets in the EAC are large enough to support economic growth in the region. Tanzania, Rwanda and Kenya, for instance, have begun to explore parallel opportunities in other regional blocs like COMESA and SADC due to a realization that the EAC market alone may be too small to sustain economic growth for all the members.

The lack of mechanisms and resources for effective planning, coordination, implementation, monitoring and pragmatic adjustment of programs on the ground have been another constraint to

¹³¹Support to Rwanda's Accession to the East African Community: Final Impact Report (Arusha: 2007).

¹³²Musonda, F., Regional Integration in Africa: A Closer Look at the East African Community (DAR ES SALAAM: 2004).

regional integration. In the area of trade and mobility of factors of production, African integration has been relatively more outward-looking at the expense of intra-regional trade. Xenophobia has partly hampered labor movement among members, while capital mobility has been constrained by largely under developed financial markets.

Domestic, regional and international financial and investment constraints have also hampered regional integration, which requires considerable resources to plan, coordinate, implement, and monitor progress in its implementation. There are low savings as a percentage of GDP, while foreign direct investment (FDI) remains elusive and eschews Africa. Furthermore, official development assistance (ODA) has also been dwindling.

Finally the lack of full private sector involvement at both planning and implementation stages of integration has not elicited maximum deliberate input from this important sector, which usually has the financial resources and owns productive capacity. In most countries the private sector remains weak and is still not well organized. Civil society involvement has also been wanting. All the above economic reasons together with a high degree of vulnerability to exogenous shocks, including heavy and unsustainable external debt burdens (the majority of HIPC are in Africa), inadequate and erratic external resource inflows, adverse weather patterns, natural disasters, unfavorable terms of trade (witness the current oil price shocks affecting non-oil exporting countries amidst declining primary commodity prices), while civil strife – itself a result of abject poverty and other forms of socio-economic – and political instability have also had their toll on the regional integration.

3.2 Social Factors

The other factors that pose serious challenges to integration are social and relate to matters such as language, education, health etc. Indeed according to UNESCO'S Institute of statistics, for the period 1991-2004, there were significant differences in the levels of education between the EAC states with Kenya leading the region. There is no gainsaying that the differences in education inevitably affect the quality of human resource and employability of certain citizens. This perceived inequality has thus led to some opposition to the process of integration. Therefore there is need to improve the quality, harmonize the levels of enrollment and transition in education institutions of the EAC states. The disparity in education between the nations is undoubtedly a problem for future integration. It seems that a highly educated

population with the added feature of free movement of persons will be able to exploit the federation to the advantage of a state's elite and possibly stifle local entrepreneurs.

The other social problem is that of language. English will be the official language for EAC. For Kenya and Uganda this poses no problem but for Rwanda and Burundi, this is a big problem. As at now Rwanda is trying to be a bilingual¹³³ state whereas Burundi is still officially using French. Thus the adoption of English as the language of business will undoubtedly disadvantage Burundi leaving it behind while others progress.

These social problems also extend to other areas such as social support programs, free healthcare, health insurance, pension schemes and retirement benefit schemes which differ from state to state. It follows that because these areas are linked to the economic status of a state, they will not be easily harmonized and as such pose a serious threat to any integration effort.

3.3 Political Factors

The other factors that affect the process of integration are political. Politically regional blocs offer preferential treatments for firms within a region, but this discriminates against firms outside the region thus undermining global integration. This is because regional deals emerge as realistic alternatives. Furthermore regional integration ultimately results in some loss of sovereignty. For example the 12 EU members adopting the euro can no longer implement independent monetary policies. A good example is illustrated by Norway and Switzerland for their refusal to join EU even though they are part of a regional deal. They sometimes choose to stay out of certain areas. For example the three EU members, Britain, Denmark and Sweden have refused to adopt the Euro as a common currency.¹³⁴

Generally the process of integration takes a long time due to drawn out political negotiations and this may serve to discourage probable members. For instance the EU process is over 50 years old and it is still faced by germane issues to do with its Constitution and the best way of choosing the President of the EU Commission. As of June 2014, the UK

¹³³Support to Rwanda's Accession to the East African Community: Final Impact Report (Arusha: 2007).

¹³⁴Peng, W.M., Global Business Update, (Mason: Cengage Learning, 2009). p217

Premier Hon David Cameron was opposed to the choice of Jean Claude Juncker as the EU Commission President because the latter is pro EU while clearly UK has a cautious approach towards the EU. In the case of the EAC, the process is falling behind its schedules as per the Wako commission on fast tracking the integration. This is because notwithstanding the fact that the process is now over 14 years old a political federation by 2014 is improbable.¹³⁵

Moreover in the case of the old EAC, political reasons were given as the main reason for its dissolution.¹³⁶ Indeed in the EAC there is no gain saying that there are political and economic tensions within the EAC which consequently reduce the benefits of integration. The domestic political interests in EAC partner states may complicate EAC integration efforts. In the words of one commentator, "[t]he EAC still suffers from significant institutional weakness, lack of political will and the absence of a shared common vision for its future integration". In South Sudan and Tanzania implementation of certain regional integration programs of potential benefit to locals has been delayed because of domestic political resistance. For example, resistance from local political groups has obstructed implementation of the Common Market Protocol and the resulting free movement of skilled and unskilled labor across partner state borders. Implementation of infrastructure cooperation programs has also been slow because they lack technical support. Indeed as of 2014, there is a simmering dispute concerning Tanzania's proposed Bagamoyo Port and Kenya's LAPPSET (Lamu) and Standard Gauge Railway projects.¹³⁷

On the issue of bureaucracies, economics and politics; regional cooperation has been intensely affected by politics contrary to the hopes of neo-functionalists theorists and the logic of 'spill over'-in which integrative activities in Customs Union and Common Market spread freely from one sector to another-has been interfered by national governments which guard their sovereignty. Many governments tend to support schemes where there are clear limits to their

¹³⁵East African Community Secretariat, Report of the Committee on Fast Tracking East African Federation "Wako Report", (Arusha: EAC,2004)

¹³⁶Fitzke, S., The Treaty for East African Cooperation: Can East Africa Revive One of Africa's Most Infamous Economic Groupings?, (Minn. J. Global Trade 127 1999). p17

¹³⁷Kiragu, P., "Lamu Port Not a Boon for EAC - US Report," The Star (Nairobi), 20th July 2012, available at <http://www.the-star.co.ke/business/local/85916-lamu-port-will-do-little-for-eac-trade-us-report>. Accessed 11-06-2014 at 8:00AM

commitments. In addition, some of this functional arrangements are bigger and hence create political rivalries with national bureaucracies. However, in the case of SADCC, it emphasizes that its administration relies primarily on national bureaucracies rather than on the regional secretariat. This contradicts the argument of neo-functionalists, who favor strong regional secretariats, believing that they will be instrumental in providing the impetus for further integration.

In addition, regional political tensions could also limit the actual benefits of EAC membership. In other words, even if partner states eliminate formal barriers to cross-border trade, the positive effects of such actions may be limited because of disagreements and disputes across borders. Some, for instance, have argued that some South Sudanese harbor a strong distrust of Ugandan traders. Specifically, commentators note that many South Sudanese feel that they are unable to profit from trading opportunities because the market is dominated by Ugandans. Thus, even if formal barriers to trade between Uganda and South Sudan were eliminated, such distrust and animosity could constrain the efficient flow of goods between the two countries.

Moreover these internal political tensions may also militate against integration, for instance in northern Uganda there is a twenty year old civil war with the Lord's Resistance Army (LRA). However with a peace process and negotiations underway in Juba this conflict seems to be ending. Kenya on its part was adversely affected by post-election violence in 2008 an issue that seems not to have been adequately addressed. All these tensions inevitably work against integration

Indeed political differences coupled with economic disparities could eventually lead to the unwinding of regional integration programs, as happened with the first EAC. While integration efforts have been promising, some harmful competition between EAC partner states remains difficult to eliminate. If the diverging interests of EAC partner states become irreconcilable, reversal of certain integration programs may become necessary. As in the first EAC, this could result in significant costs for EAC partner states.

The other political related reason is the exclusion of citizens in the process of integration yet they are supposed to eventually vote for or against such integration when a referendum is called. In fact the EAC treaty of 1999 has deliberately stated that the

current process must be people centered. In the EU the citizens are now actively involved in the major decisions through regular votes on contentious matters. More over the EAC citizens are perturbed by the notion of a single President among others because supposedly the first President will be whoever has been in office the longest.¹³⁸ President Museveni fits this criterion and undoubtedly raises fears among other states given his regimes' human rights and governance record and tendency to interfere with the internal affairs of other states.¹³⁹

Lastly the other political reasons that work against integration include the personalities of the political leaders. It has been argued in this paper and elsewhere that the leadership and personalities of the Presidents of the old EAC were incompatible.¹⁴⁰ Both Presidents Kenyatta and Nyerere could not stand Idi Amin whereas Tanzania followed a socialist philosophy that was contrary to Kenya's and Uganda's capitalism. Currently there are fears that President Museveni is keen on the new EAC integration because he is after political power and is the more senior politician than President Uhuru Kenyatta of Kenya and President Jakaya Kikwete of Tanzania.

Additionally, political will has been wanting. Indeed the lack of political will is not just a problem for the EAC but actually most supranational organizations face it. Whether it is in the United Nations or the EU, states put their own interests as a priority, often at the detriment of the collective organization. The history of the old EAC shows that national and political differences lead to its dissolution. However even after the re-establishment of the EAC there are still issues about sovereignty that need to be ironed out. For instance, of concern is how the process of integration should proceed.

In fact due to low political commitment and/or perceived or real losses and sacrifices involved, a number of countries have been reluctant to fully implement integration programs on a timely basis. This has been partly caused by the lack of prior cost-benefit analysis and broad internal

¹³⁸ Kabeera, E., "East Africa: EAC Political Federation Draws Mixed Feelings," New Times (KIGALI), 9th January 2012, available at <http://allafrica.com/stories/201201090957.html>. Accessed 19-06-2014 at 9:07AM

¹³⁹ Kamanyi.J. "The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development:"(Paper presented at The 10th Annual Sir Udo Udoma Symposium Makerere Law Society ,Makerere University, Kampala , April 2006)

¹⁴⁰ Kasajja P.A."Regional Integration: A Political Federation of the East African Countries?" African Journal of International Affairs, Vol. 7, Nos. 1&2, (2004), pp. 21-34

consultations on the part of the member countries concerned. In some cases, changes in the socio-economic and political dynamics within the member states involved have also militated against implementation of regionally agreed programs, especially where socio-economic sacrifices are concerned.

3.4 Summary

In this chapter I have outlined the main challenges and drawbacks of integration. The economic, social and political challenges enunciated here will differ from one state to state. IN the case of the EAC membership is likely to confer both benefits and costs for any state. It is up to the individual state to evaluate whether the benefits outweigh the costs. Thus a careful study of costs and benefits must always be done in advance in order to position the country to negotiate membership terms that maximize the net benefits of joining a regional body.¹⁴¹ In Kenya it seems that Nairobi is highly supportive of increased economic integration but is wary of political integration. For instance the Kenyan ambassador to Rwanda, Alex Ketter, in an interview was very optimistic and welcomed efforts to increase regional economic integration but was dubious on the question of political integration. The reasoning is that political integration between fragmented societies is unfeasible.¹⁴² Rather a slow and progressive method of integration based on the European Union is a more acceptable and applicable model. On the contrary the EAC leaders are optimistic that a political federation is feasible, in fact according to Beatrice Kiraso, the EA Deputy Secretary-General in charge of fast tracking the EAC says that the present political leaders are undoubtedly determined to develop the EAC into an East African Federation.

Furthermore for full political integration, regional interests must be addressed.¹⁴³ This is necessary if the ultimate goals of a fully integrated East African Economic Community and a continent wide Economic Union as advocated in the Abuja treaty of 1991 are to be met. Therefore for any meaningful integration all the obstacles stated in this chapter must be addressed in a pragmatic and mutually beneficial manner.

¹⁴¹Products Market Access (NAMA) Negotiations: "Implications on the East Africa Community Customs Union" .Institute of Economic Affairs Research Paper Series No. 23, (August 2009).

¹⁴²Natha, B., "Road to Political Federation 'Still Long,'" The Citizen (DAR ES SALAAM), 20th April, 2011, available at <http://allafrica.com/stories/201104200400.html> Accessed 13-06-2014 at 14:11PM

¹⁴³ Yang, Y. & Sanjeev G., Regional Trade Arrangements in Africa: Past Performance and the Way Forward (Nairobi 2005).

CHAPTER FOUR: POLITICAL FEDERATION IN EAST AFRICA

4.0 Introduction

In this chapter I critically analyze the viability of a single East African state. I will attempt to show why such a supranational state may or may not succeed by collecting, analyzing and presenting data on the prevailing economic, social and political conditions of EAC states. Chapters 2 and 3, have analyzed the attendant benefits and challenges that states keen on forming a federation face. In light of those two chapters this chapter will evaluate the overall viability of the EAC as a political federation.

4.1 EAC'S Economic Viability

Through economic integration as explained in chapter 2 the EAC hopes to increase their economic output by maximizing on economies of scale and specialization. In addition the EAC will gain secondary benefits such as the transfer of skills, technology, investment and intellectual property. Economic integration will ensure financial markets benefit as borrowing of finances at low interest rate will easily be achievable.¹⁴⁴ Furthermore the EAC hopes to stop a culture of dependency and under development, prioritize development and good governance policies.

Generally the EAC compares favorably than other regional economic blocs.¹⁴⁵ The population is forecasted to reach 150 million by 2015, GDP growth is expected to average at 9%, which is a big achievement considering that the EAC has a diversified non-oil based economy. The EAC economies are said to be growing faster than ever before.¹⁴⁶ Furthermore, both North and South Sudan and the DRC have expressed interest in membership, making the EAC likely to expand

¹⁴⁴Eastern Africa Regional Integration Strategy Paper 2011 - 2015 Regional Departments – East I & East II (OREA/OREB) September 2011 P5 "There has been progress in integrating the financial market in Eastern Africa, especially within the EAC. Liberal access to foreign banks and cross-border bank ownership are allowed in most countries. For example, Kenyan banks operate across the region, with subsidiaries in Rwanda, Sudan and Uganda".

¹⁴⁵The Global Competitiveness Report 2011–12', World Economic Forum and 'Economy Rankings', Doing Business, Jun 2011 .Kenya, ranked number 98 globally among 133 countries, was the top performer in entire Africa. It performed especially well in the areas of financial market sophistication (37), labor market sophistication (40), innovation (48), business sophistication (59) and goods market efficiency (73). The EAC ranks better than the Common Market for Eastern and Southern Africa (126th) and the Organization for the Harmonization of Business Law in Africa (167th), but falls slightly behind the Southern Africa Development Community (114th)

¹⁴⁶ <http://www.trademarka.com/eac-economies-grow-faster/>. In April, the IMF forecast sub-Saharan Africa's growth at 5.6 per cent this year and 6.1 per cent in 2014 in its World Economic Outlook.

further.¹⁴⁷

Moreover the EAC as currently constituted in terms of economic size¹⁴⁸, the member states compare favorably as they are not worlds apart. The landlocked members such as Burundi and Rwanda are placing regional integration at the center of their economic strategy and are taking an active role in driving progress forward. In its calendar of events the EAC has completed the Customs Union phase and has successfully managed to introduce a common external tariff, duty free trade between members, and common customs procedures. The next step that the EAC has now embarked on is the Common Market phase and it is hoped that on its completion; there will be free movement of labor, a single currency, and the realization of the right of establishment and residence etc. These economic advancements and intra-regional trade have led and will sustain the significant increase in levels of FDI¹⁴⁹ despite threats posed by persistent conflicts and governance issues.

In addition despite all the encouraging economic developments the EAC still needs to overcome challenges such as prioritizing community initiatives above those of the individual countries and creating the institutional capacity to drive reforms if it is to attract foreign and domestic investors, increase economies of scale, enhance efficiency due to greater competitiveness, and reduce poverty, contain inflation and avoid global economic shocks.¹⁵⁰ Known economic problems such as budgetary constraints, variation in regional and partner state development planning, and inadequate national-level capacities to develop regional policies, weak legal regulatory, and dispute settlement mechanism, fragile institutional infrastructure, and poor

¹⁴⁷<http://www.grailresearch.com/pdf/ContentPodsPdf/Grail-Research-The-East-African-Community.pdf>

¹⁴⁸Eastern Africa Regional Integration Strategy Paper 2011 – 2015 Regional Departments – East I & East II (Orea/Oreb) September 2011 P5. In 2008-2009, The Average Share Of intra-regional trade in Eastern Africa was 9 %. Among the three regional groups, the EAC countries dominated intra-regional trade with a share of 71.82 %, followed by the Horn of Africa (27.74%). Kenya is the regional trade hub accounting for 33% of intra-regional trade, attributed to its larger private sector, followed by Uganda (21%) and Tanzania (11%).

¹⁴⁹ 'Trend of Direct Foreign Investment in Kenya Compared to EAC States', National Assembly Official Report, May 2011; foreign direct investment in the five EAC countries has doubled to \$1.7 billion during the past decade.

See also

¹⁵⁰Eastern Africa Regional Integration Strategy Paper 2011 – 2015 Regional Departments – East I & East II (OREA/OREB) September 2011 P (I). Over The Decade (2000-2009), economic growth has been strong in East Africa, with regional real GDP growth averaging 6.6% annually. The EAC partner states (6.1%) and countries in the Horn (6.9%) demonstrated strong growth performance, but the island countries (2.9%) lagged behind. Other macroeconomic indicators show mixed performance. Inflation remained at a single digit level, real export growth rates were positive, and external debt was sustainable, while debt servicing burden was relatively low. Since 2005 average per capita income growth in EAC countries was 3.7 percent, compared to 3.2 in most Sub Saharan states.

See also Global Financial Crisis Discussion Series Paper 7: Kenya', Overseas Development Institute, May 2009

enforcement machinery need to be addressed urgently.¹⁵¹ The multiple membership of EAC states¹⁵² in other regional economic blocs also raises concerns, for instance Tanzania's membership in the SADC and EAC may create complications¹⁵³ given that the multiple memberships mean that human capital and other resources get divided between Unions.¹⁵⁴ In the case of the EAC Common market and a single currency which is in the pipeline of being initiated vital lessons ought to be learned from the case of the Euro and EU which have enjoyed mixed fortunes. Failure to observe pre-existing bilateral relationships among members may also lead to unnecessary tensions as happened between Kenya and Uganda when the former opted out in favor of a Chinese construction company. The EAC is also aware that Non-Tariff Barriers (NTBs) are a serious obstacle to trade as they cause delay and increase costs, which ultimately results in the hindrance of free movement of goods.¹⁵⁵ Additionally there is need to prioritize, harmonize and align the needs of the EAC states. For instance rail access to the coast by the landlocked¹⁵⁶ states, is not a priority for Kenya and Tanzania. Limited resources also mean that governments are constrained and often have to choose between capital intensive long term regional projects and local projects meant for their electoral constituencies.¹⁵⁷ Lastly regional threats to peace and security such as internal conflicts, terrorism, and piracy¹⁵⁸ create additional challenges to economic and trade development.

¹⁵¹[http://www.grailresearch.com/pdf/ContentPodsPdf/Grail-Research-The-East-African community.pdf](http://www.grailresearch.com/pdf/ContentPodsPdf/Grail-Research-The-East-African%20community.pdf) accessed 13th July 16, 2014 at 12:10 PM

¹⁵² Eastern Africa has the largest number of RECs and intergovernmental regional bodies in Africa. South-Sudan, recognized by the African Union (AU), has indicated its commitment to be an active player in regional organizations. The 12 other countries are members of six of the eight RECs recognized by the African Union, with most of them belonging to 2-4 RECs/regional intergovernmental organizations (IGOs), notably IOC and IGAD. This multiple membership feature is counter-productive and often results in duplication of resources and conflicting goals and policies. The CES Tripartite Arrangement is a bold attempt aimed at addressing this multiple membership issue.

¹⁵³ Institutional Arrangements in the Region: In addition, these countries are also members of development finance institutions that span across different regional groupings. These include among other the PTA Bank, East African Development Bank, and Agency for Trade Insurance.

¹⁵⁴ The Abuja Treaty (1991), recommended the rationalization of RECs to address multiple membership issues.

¹⁵⁵ The Non-Tariff Barriers in Trading Within the East African Community', CUTS International, 2010 See also In Kenya FDI in the telecommunications sector has been limited to 30%; in Uganda non-citizens cannot trade outside cities; and in Tanzania the hospitality industry is limited for foreign participation

¹⁵⁶ East African countries constitute a diverse group: Kenya and Tanzania have access to the Indian Ocean while the other three are landlocked, (Uganda, Rwanda and Burundi).

¹⁵⁷ East African Road Map Project and the East African Railway Project

¹⁵⁸ Al Shabaab in Somalia, Mombasa: Republican Council in Kenya, Democratic Forces for the Liberation of Rwanda (FDLR), the Lord Resistance Army in Uganda, Front Nationale Pour la Liberation (FNL) in Burundi and Zanzibar's dispute with mainland Tanzania.

4.2 EAC's Social Viability

The EAC may be said to be socially viable given the long history, close culture (language and religion of its inhabitants). In the East coast prior to the 1884 Berlin Conference there was a vibrant trade between the Swahili's and the Arabs from Oman and Zanzibar. Islam and the use of Kiswahili language was subsequently developed. Currently apart from Burundi English is an official language in all the other states.

Thus generally as a region there are few geographical barriers to integration and identical populations exist on either side of mountains, lakes and rivers. For example the Luo language which is spoken by the Nilotes, who are found in Kenya, Uganda, Sudan, Tanzania and parts of Ethiopia and the Democratic Republic of Congo (DRC) would be a unifying factor. In terms of culture, the Bantu culture straddles East, Central and Southern Africa. It is not surprising that despite English being listed as the official language¹⁵⁹, Kiswahili is the Lingua Franca¹⁶⁰ in the EAC Treaty. Therefore concerning social viability it is safe to conclude that the EAC is socially viable or at least it can build on the existing social factors to spur closer integration.

4.3 Political Viability

As indicated in preceding chapters, small states choose to integrate for a myriad of political reasons. Local or geopolitical considerations often influence cooperation in areas such as administration, defence, security, legal and judicial affairs for the mutual benefit of partner states.¹⁶¹

The EAC hopes to easily defend its interests, and tackle problems that come with politically unstable neighbors as well as address strategic trans-national issues such as terrorism, travel advisories and poaching etc. In general the political alliance will help address issues of good governance, Constitutionalism and democracy in the individual member states by sharing and implementing common solutions that will bring about a harmonized political landscape. Generally the process of integration takes a long time due to drawn out political negotiations and this may serve to discourage probable members. An example in the EAC is the fact

¹⁵⁹ The East Africa Community Treaty, Art 137(1), (Arusha: East African Secretariat 1999),p121

¹⁶⁰ The East Africa Community Treaty, Art 119(d) and 137(2), (Arusha: East African Secretariat 1999),p104&121

¹⁶¹ The East Africa Community Treaty, Art 5(1) (Arusha: East African Secretariat 1999),p15

that most of its activities have been delayed and it is now evident that a political federation by 2014 is improbable.

Historically the old EAC¹⁶² crumbled because of many, political reasons that included the personalities of the political leaders, resistance from local political groups, inadequate political will and failure of inclusion of citizens in the process etc. Currently as much as there is more political will and citizen awareness than in the case of the old EAC, still subtle differences and fears cloud the current process of integration. National competitions and priorities in project implementation abound e.g. in Tanzania's proposed Bagamoyo Port and Kenya's LAPPSET (Lamu)¹⁶³ and Standard Gauge Railway projects. In South Sudan a potential member, the South Sudanese harbor a strong distrust of Ugandan traders as they are unable to profit from trading opportunities because the market is dominated by Ugandans. Tanzania is also said to hold back on ownership of land and real property. Additionally regional threats and internal disputes due to political tensions are not helping matters either.¹⁶⁴ The case of Al Shabab, LRA, FDLR, MRC and Kenya's Post Election Violence of 2008 lend credence to these assertions.¹⁶⁵

The EAC also relies on donor support to undertake its projects something that is not encouraging because it simply means that States are merely transferring national problems to an international organization while pretending to be solving them. In fact most EAC states have huge budget deficits¹⁶⁶ and rely on donors. This is a contradiction to the spirit of African renaissance and just shows that the EAC are not financially sovereign, hence it's

¹⁶²Fitzke, S., *The Treaty for East African Cooperation: Can East Africa Revive One of Africa's Most Infamous Economic Groupings?*, (Minn. J. Global Trade 127 1999). p17

¹⁶³Kiragu, P., "Lamu Port Not a Boon for EAC - US Report," *The Star* (Nairobi), 20th July 2012, available at <http://www.the-star.co.ke/business/local/85916-lamu-port-will-do-little-for-eac-trade-us-report>. Accessed 11-06-2014 at 8:00AM

¹⁶⁴Al Shabaab in Somalia, Mombasa Republican Council in Kenya, Democratic Forces for the Liberation of Rwanda (FDLR), the Lord Resistance Army in Uganda, Front Nationale Pour la Liberation (FNL) in Burundi and Zanzibar's dispute with mainland Tanzania.

¹⁶⁵Eastern Africa Regional Integration Strategy Paper 2011 - 2015 Regional Departments - East I & East II (OREA/OREB) September 2011 P (i) "Consolidating Peace and Security and strengthening democratic process remain a key challenge in the region. Over the decade, Eastern Africa, especially the Horn of Africa, has been plagued by civil wars, cross-border conflicts, social strife, and arms trafficking. Of late, piracy in Somalia has added a new dimension to the insecurity problem in the region, posing threats to ships navigating the Indian Ocean. The state of democracy also remains fragile".

¹⁶⁶Eastern Africa Regional Integration Strategy Paper 2011 - 2015 Regional Departments - East I & East II (OREA/OREB) September 2011 P (i) "On The Negative Side, The Fiscal, trade and current account balances were in deficit, thereby posing a challenge for macroeconomic convergence".

inevitable that even politically and regionally the EAC will be a puppet organization for its donors.

On the issue of the exclusion of citizens in the process of integration, the EAC treaty of 1999 deliberately states that the current process must be people centered, notwithstanding that, very few EAC citizens are aware of its processes which many term as complex and have no local impact. Moreover concerning the political will of the leaders, though the present EAC leadership supports the EAC project there are fears that long serving Presidents such as Hon.Yoweri Museveni and Hon.Paul Kagame are interested in serving as EAC's first president.

Indeed the feeling in Kenya and Tanzania is one of fear given their countries relatively advanced economies and democratic ideals.

4.4 Data Presentation and Analysis

From the questionnaires, several thematic areas were developed after clustering the questions that were put to the interviewees. These were as follows:

- 1.Demographic Information e.g. Nationality, Age, Gender, Profession and work experience.
- 2.Level of Knowledge on EAC matters
- 3.Frequency of interaction with EAC Organs e.g. Secretariat, etc.
- 4.The perceived advantages, disadvantages and Challenges faced by the EAC
- 5.The viability of the EAC as Political Federation
- 6.State commitment to EAC Integration

Factors affecting effective integration

Probable voting and outcome of a referendum on EAC

The data on these areas is presented below in tables.

Section 1 Research Questions 1, 2 & 3: Demographic Information of Interviewees.

Table 1. Nationality, gender and age of interviewees

Nationality	Nationality		Gender		Age			
		%	Male	Female	18-29 Years	30-39 Years	40-49 Years	Above 50 Years
Kenyan	22	22%	14	8	15	7	0	0
Tanzanian	19	19%	10	9	11	5	3	0
Ugandan	16	16%	11	5	12	3	0	0
Rwandese	20	20%	13	7	13	6	1	0
Burundian	15	15%	10	5	12	2	0	1
Rather not say	8	8%	3	5	3	2	2	1
Total	100	100	61	39	66	25	6	2
Percentages			61%	39%	66%	25%	6%	2%

Source: Diana Namalwa Lyambila

The interviewees were mostly Kenyans 22%, aged between 18 -29 years and male 14 %. The Rwandese were Second at 20% followed by Tanzanians at 19% , Ugandans at 16%.Burundians comprised 15% of the sample while 8% preferred not to indicate their nationality. The male gender at 61% outnumbered the female gender which was 39% as shown by the table above. When it comes to the age categories. 66% were aged between 18-29, followed by 25% aged between 30-39. Only 6% were aged between 40-49 and 2% were above 50 years.

Section 1 Research Questions 4 & 5: Profession and Work Experience

Table 2. Profession and work experience

Profession/Occupation	Work Experience				Totals
	1-5 Years	6-10 Years	11-19 Years	Above 20 Years	Totals
Government Officer	52	12	0	1	65
Private Business Person	10	4	1	3	18
Unemployed	5	3	0	2	10
Others	7	0	0	0	7
Percentages	74%	19%	1%	6%	100

Source: Diana Namalwa Lyambila

74% of the interviews were employed and had a work experience of between 1-5 years as shown below. 19% had an experience of 6-10 years whereas 1% had an experience of between 11 and 19. Finally only 6% had an experience of over 20 years.

Section 2 Research Questions 1&2 Interviewees knowledge on EAC

Table 3. Source of information on EAC

Rating	Source of Information				Totals
	Government	Educational Institutions	Media	Others	
Better	25	10	29	1	65
Good	2	6	15	2	25
Average	0	3	2	0	5
Little	0	4	1	0	5
Percentages	27%	23%	47%	3%	100

Source: Diana Namalwa Lyambila

The table above shows that a majority of the people sourced their information on the EAC from the Media or education institutions which was good or above average. Indeed those who had better knowledge on the EAC obtained it from either educational institutions or the media. Government agencies provided substantial information but other forms provided little information. Indeed those who had better knowledge on the EAC obtained it from either educational institutions or the media.

Section 2 Research Questions 3, 4 & 9: Frequency of Interacting with EAC Organs

Table 4. Frequency of interaction with EAC organs

Personal Interaction Frequency	Personal Commitment to EAC			Challenges Experienced	
	Committed	Not Committed	Unsure	Personal	None
Regular	25	20	5	55	0
Not Regular	15	5	2	20	1
Never	19	9	0	10	14
Percentages	-	-	-	85%	15%

Source: Diana Namalwa Lyambila

On the question of commitment, 12.2% of those who dealt with the EAC regularly are committed to it while 10% are not. 2.5% are unsure. 85% of this interaction involved personal challenges while 15% involved some other matter or challenge.

Section 2 Research Questions 5 & 6: Level of Integration and Benefits

Table 5. Advantages of integration

Ratings	Level of Integration				Advantages of Integration			
	Economic	Social	Political	Overall	Economic Benefits	Social Benefits	Political Benefits	Others
Very Poor 1	0	0	5	0	10	13	22	11
2	5	62	65	10	115	2	29	35
3	60	20	5	80	68	85	41	46
4	30	2	25	10	0	0	4	4
Very Good 5	5	8	0	0	7	4	4	4

Source: Diana Namalwa Lyambila

The data shows that the EAC gains more social benefits 62% followed by political benefits 17%, then economic benefits of 8% from integration. Interestingly 34% believe that the EAC is more politically integrated than economically and socially. This should not be confused with the perception that the EAC is more publicly (34%) integrated than economically or socially.

Section 2 Research Questions 7 & 8: Disadvantages of integrating and challenges faced by EAC

Table 6. Disadvantages of integration

Rankings	Disadvantages				Biggest Challenges of EAC			
	Economic	Social Disadvantages	Political	Others	Economic	Social	Political	Others
by Few 1	5	15	12	20	15	10	15	10
2	25	75	14	30	10	50	55	3
3	60	6	50	30	35	20	20	73
4	5	2	12	10	35	5	5	8
by Many 5	5	2	12	10	15	15	5	6

Source: Diana Namalwa Lyambila

From the data it is clear that economic and social disadvantages at 20% are the most followed by political challenges at 10%. Furthermore the biggest challenges of the EAC are economic at 20% equal with only other UN identified challenges. Political challenges are second at 15% while social challenges are not much which may be attributed to the common history of the inhabitants.

Section 2 Research Questions 10 & 11: Government response to challenges and publicity of EAC matters

Ratings of Performance	Government/EAC response to Challenges				Effectiveness of Publicity by Institution on EAC Matters			
	Economic	Social	Political	Ignorance/Misinformation	Govts Agencies	EAC Secretariat	Media	Others
Very Poor 1	10	10	0	2	1	1	0	0
2	2	3	81	75	90	45	4	83
3	2	87	9	15	1	46	82	7
4	80	8	6	5	8	8	7	5
Very Good 5	6	0	4	3	0	0	7	5

Table 7. Response to challenges and Publicity

Source: Diana Namalwa Lyambila

To address the Challenges faced by the EAC it seems that the government agencies (22%) do a better job than the EAC Secretariat (11%), with the most focus being on economic challenges 23%, social 11% but no effort is directed to political challenges. Moreover ignorance and misinformation is a major challenge (22%) that is prioritized by both the state institutions and the EAC Secretariat.

Section 3 Research Questions 1, 4 & 7: Optimism levels on EAC Federation, quality of inter State relations and overall viability of EAC

Table 8. Quality of interstate relationship

Ratings	Optimism for an EAC Federation	Quality of Interstate Relationship of EAC States	Overall Viability of EAC
Low/Poor 1	39	0	3
2	58	5	4
3	0	76	83
4	0	15	7
High/Good 5	3	4	3

Source: Diana Namalwa Lyambila

20 % of the interviewees think that interstate relations and viability of the EAC is low; 23% say it is average while 27% think it is satisfactory. Only 20% say it is good while 10% state that it is high.

Section 3 Research Question 2: Political will and commitment of leader

Table 9. Commitment by leaders to EAC

Political will Ratings	Leader				
	Museveni	Kenyatta	Kikwete	Kagame	Pierre
Very Poor 1	65	2	90	0	0
2	30	2	2	0	16
3	1	8	8	0	76
4	2	74	0	5	4
Very Good 5	2	14	0	95	4

Source: Diana Namalwa Lyambila

From the data it appears that President Kikwete of Tanzania at 5% is the least committed to the EAC followed by Uganda's Museveni at 15%, followed by Pierre at 17% then Kenya of Kenya at 20% while Kagame is the most committed at 40%

Section 3 Research Question 3: Political will and commitment of government

Table 10. State commitment to EAC

Rating	State Commitment				
	Uganda	Kenya	Tanzania	Rwanda	Burundi
Very Poor 1	0	0	85	0	0
2	5	82	10	0	6
3	80	18	5	0	80
4	15	0	0	5	14
Very Good 5	0	0	0	95	0

Source: Diana Namalwa Lyambila

Rwanda and Burundi are the most committed at 37% and 33% respectively to the EAC. Kenya and Uganda 12% each are second while Tanzania is the least 6%

Section 3 Research Question 5: Gravity of matters hindering effective Integration

Table 11. Factors affecting integration

Ratings	Economic Matters	Social Matters	Political Matters	Public Participation/Knowledge
Least 1	0	0	0	0
2	0	0	0	10
3	5	80	17	87
4	85	20	83	3
Most 5	10	0	0	0

Source: Diana Namalwa Lyambila

Economic matters at 31% hinder integration followed by Political matters 23% and public participation 23%. However the biggest threat to integration are economic in nature at 31%

Section 3 Research Question 6 & 8 Probable Vote on EAC in a Referendum

Table 12. Referendum Voting

Referendum on EAC	Yes	Abstain	No	Undecided	Total
Voting	60	5	6	1	100

Source: Diana Namalwa Lyambila

The above data shows that if a referendum was held on the EAC: 60% would vote Yes, 35% would vote No, 5% would abstain and 4% would be undecided while 1% would abstain.

4.5 Summary

In this chapter the researcher has evaluated the EAC's its economic, social and political viability as a regional bloc. The analysis suggests that economic and social challenges may be overcome with proper strategy planning. However political challenges which are by far the most potent and fatally afflicted the old EAC such as personality and ideological differences of the leaders and little citizen awareness still exist albeit in a mild form. Moreover with the delay in the formation of the federation by 2014 as stated in the EAC's calendar of events simply underscores the fact that the EAC as a political federation may still be a pipedream. In this regard using the questionnaires in Appendix 1. I have also presented the data using tables from which conclusions for the next Chapter are drawn.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

In this chapter of the study, using all the previous chapters I draw several conclusions on the EAC as a political federation. Furthermore, suggestions, recommendations on further research are given.

5.0 Conclusions

This study concludes that:

States choose to integrate because of various political, social and economic benefits. However they similarly face political social and economic challenges in attempt to do so. Moreover the challenges will depend on many factors including the history and the knowledge of the people. In this instance the unique characteristics of the EAC at various points works for or against regional integration as explained in chapters 2 and 3.

In chapter 4 the data used indeed shows that there are many economic, social and political benefits that the region can get from integrating. However there are also challenges ranging from economic, social and political. The biggest challenges are economic and political. The social challenges are not significant a fact that may be attributed to a common history of the EAC inhabitants of which a majority are either Bantus or Nilotes.

The EAC has put in place measures to address those challenges however this is not effective as the levels of ignorance among the general public concerning EAC is still high. Furthermore this may be attributed to the fact that people are over reliant on the media and education institutions to gain information on EAC integration. Therefore the EAC secretariat needs to increase its visibility and disseminate information on its activities because very people deal with it on a day to day basis.

That the region is integrated more economically than politically. The commitment of certain leaders and states is wanting a fact that adversely affects integration.

The EAC is not a viable entity unless the challenges posed by integration are addressed effectively. Indeed the commitment of some states such as Tanzania and Rwanda is questioned.

That should there be a referendum on an EAC the majority of the people would approve of it but this should be understood in the context of the interviewees who were mostly Kenyans- who are often perceived by the rest as reaping economically from the Community

5.1 Recommendations

The EAC Secretariat and the governments should concertededly increase publicity on their activities concerning integration and stop being reliant on educational institutions.

The state leaders and institutions should double their efforts in integration matters if a political federation is to be a reality. The states need to harmonize most of their policies to accelerate the integration process by cutting down on bureaucracy.

Further studies should be done on economic and social integration to address such disparities that cannot be explained by the data in this study.

5.2 Summary

This chapter has summarized the major findings of the study and given recommendations on how the process of integration should be improved through publicity, commitment and harmonization of policies.

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7.0 APPENDIX 1

Questionnaire

Introduction

This study seeks to establish the factors influencing integration of the East African Community. It is important that the opinions you express are your own personal views. Please feel free to state your own honest views. Your views will be held in utmost confidence and will not be revealed to anyone. You do not need to fill your name, there is no right or wrong answer, what matters is your personal views.

To indicate your response, please circle the number (code) or tick appropriately as it best suits your opinion.

Section 1: Demographic Information

1. What is your Nationality

Kenyan _____

Tanzanian _____

Ugandan _____

Rwandese _____

Burundian _____

Rather not say _____

2. What is your age bracket?

a) 18 years -29 years _____

b) 30 years-39 years _____

c) 40 years-49 years _____

d) Above 50 years _____

3. State your gender _____
4. What is your occupation/Profession?
- a) Government officer _____
 - b) Private business person _____
 - c) Unemployed _____
 - d) Others _____
5. How many years have you served at your organization or business
- a) 1 year-5 years _____
 - b) 6 years -10 years _____
 - c) 11 years- 19 years _____
 - d) Above 20 years _____

Section 2: East African Community

1. In general, how good is your personal knowledge on the East Africa Community?
- Better _____
 - Good _____
 - Average _____
 - Little _____
2. How did you acquire knowledge on the East Africa Community
- Government _____
 - Education Institutions _____
 - Media _____
 - Others _____

3. How often do you deal with the EAC Secretariat?

Regular _____

Not Regular _____

Never _____

4. Which one of the following best characterizes your countries' commitment to the EAC?

Committed _____

Not committed _____

Unsure _____

5. Please rate how well your government is performing with regard to each of the following EAC issues?

	Very poor				Very good
Economic integration	1	2	3	4	5
Social Integration	1	2	3	4	5
Political integration	1	2	3	4	5
Overall integration	1	2	3	4	5

6. Looking at advantages of the EAC, how do you rate the following?

	Very Few				Very Many
Economic benefits	1	2	3	4	5
Social benefits	1	2	3	4	5
Political unity, democracy and development	1	2	3	4	5
Other benefits	1	2	3	4	5

7. Looking at the disadvantages of EAC, can you rate which are the most caused by the EAC?

	Very Few				Very Many
Economic disadvantages	1	2	3	4	5
Social disadvantages	1	2	3	4	5
Political disadvantages	1	2	3	4	5
Other disadvantages	1	2	3	4	5

8. Looking at challenges facing the EAC, what do you think is EAC biggest challenge?

	Very poor				Very good
Economic Challenges	1	2	3	4	5
Social Challenges	1	2	3	4	5
Political, legal/Administrative Challenges	1	2	3	4	5
Lack of awareness, ignorance or Misinformation	1	2	3	4	5

8. Have you ever encountered a personal challenge while dealing with the EAC Secretariat/Agent

Yes _____

No _____

9. How would you rate the effectiveness with which your government or the EAC addresses those challenges facing the EAC

	Very Ineffective				Very Effective
Economic Challenges	1	2	3	4	5
Social Challenges	1	2	3	4	5
Political, legal/Administrative Challenges	1	2	3	4	5
Lack of awareness, ignorance or Misinformation	1	2	3	4	5

10. How can you rate the following in their role of enhancing awareness on EAC matters?

	Very poor				Very good
Government Agencies, Ministries	1	2	3	4	5
EAC Secretariat	1	2	3	4	5
The Media	1	2	3	4	5
Others	1	2	3	4	5

Section 3: EAC as a Political Federation

1. Do you honestly believe that the EAC will one day be a single political federation with one President?

Definitely will _____

Probably will _____

May or may not _____

Probably will not _____

Definitely will not _____

2. How would you rate EAC leaders on their commitment/political will on EAC issues?

	Very poor				Very good
Hon Y. Museveni	1	2	3	4	5
Hon. U. Kenyatta	1	2	3	4	5
Hon. J. Kikwete	1	2	3	4	5
Hon. P. Kagame	1	2	3	4	5
Hon. Pierre Nkurunziza	1	2	3	4	5

3. How would you rate the individual EAC countries on their overall commitment to the EAC?

	Very poor				Very good
Uganda	1	2	3	4	5
Kenya	1	2	3	4	5
Tanzania	1	2	3	4	5
Rwanda	1	2	3	4	5
Burundi	1	2	3	4	5

4. How would you rate the quality of the relationship of the EAC countries among themselves?

Relationship quality	Very poor				Very good
Rate	1	2	3	4	5

5. Arrange the following in the order in which they affect EAC integration.

- a) Economic matters. 1 2 3 4 5
- b) Social matters 1 2 3 4 5
- c) Political matters 1 2 3 4 5
- d) Public participation/Knowledge 1 2 3 4 5

6. How likely are you to vote in a referendum concerning the formation of an EAC political Federation?

Yes _____

No _____

Abstain _____

7. How can you rate the overall viability of the EAC as a political federation?

Not viable	1	2	3	4	5	Very Viable
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8. Other comments regarding EAC integration

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Thank you very much for your cooperation. END OF SURVEY