

EAST AFRICA’S DANGEROUS DANCE WITH THE PAST: IMPORTANT LESSONS THE NEW EAST AFRICAN COMMUNITY HAS NOT LEARNED FROM THE DEFUNCT

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Abstract

This paper argues that while the framers of the new East African Community, cognizant of the problems of the defunct one, set out to create a new organization that would avoid the pitfalls of the old they were not bold enough to put in place legislation, institutions and processes that fully addressed them. Instead, they introduced bottlenecks that have impeded the realization of greater and faster cooperation through: 1) the creation of a complex and highly centralized decision-making process that is constrained by parochial issues of sovereignty and “zero-sum” national politics; and, 2) the reluctance by partner states to strengthen the Secretariat and other Community organs to respond to emerging issues. This notwithstanding, the Community is not yet in danger of collapse owing to important global and regional changes that make the environment for cooperation more conducive. However, if changes are not made, the community will stagnate.

Keywords: East African Community; cooperation; integration; sovereignty

Introduction

The collapse of the East African Community in 1977 did not end enthusiasm for cooperation in the region. Successive leaders of the three East African countries of Kenya, Tanzania and Uganda, made efforts to revive it, which unfortunately did not bear fruits until 1984 when the Mediation Agreement resolved key longstanding disputes over the division of the assets of the defunct Community. More progress was made in 1991 when the leaders, meeting in Nairobi, agreed to “seriously” work towards the re-establishment of formal cooperation. This was followed by the establishment of the Permanent Commission on Cooperation (the Permanent Tripartite Commission) in November 1993 and the Commission Secretariat. This was in operation until July 2000 when the three countries signed the new EAC

Treaty setting their goals as the creation of a Federation of East African States, which was to be achieved in four stages: a Customs Union (2005-2010)¹¹⁷, a Common Market (July 2010)¹¹⁸, a Monetary Union (2012)¹¹⁹ and, eventually Political Federation¹²⁰, whose date is not yet determined (Mugisa, Onyango, & Mugoya, 2009). The drafters of the Treaty were keen on addressing the problems that had contributed to the breakup of the earlier Community to ensure that the new one did not meet the same fate.

The collapse of the original EAC in 1977 was attributed to a number of social, political, economic and institutional factors. Kibua and Tostensen attribute it to three: inequitable distribution of costs and benefits, ideological differences, and, personality clashes (Kibua & Tostensen, 2005). Other factors associated with the collapse include: the centralization of administrative facilities in Kenya and the growing animosity between member states (McKay & Morrissey, 1998). Tanzania's pursuit of national interest, which was threatened by Amin, whose coup in Uganda sabotaged Nyerere's plans to isolate Kenya for the benefit of Tanzania (Lodompui, 2009), inadequate compensation mechanisms in the region (Hazelwood, 1975; UNECA, 2004), and imbalances in trade among the member states, which unfairly benefitted Kenya and its foreign owned industries (Robson, 1998; Maasdorp, 1999).

To ensure that the new Community did not face similar problems as the old, a number of institutions were established to provide safeguards. The new Community established the East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ) that if provided the right authority and powers, can reduce the overconcentration of decision making powers within the executives of partner states. Although the Summit of Heads of State still possesses enormous decision making powers, such powers can easily be sharable with, and checked by, the Council of Ministers, the EALA or a strengthened Secretariat with executive administrative authority (Wanyande, 2005; Mwapachu, 2012), if the Treaty is amended. Furthermore, unlike the old EAC where the Summit was made up of only three heads of state, the new one has been expanded to include

¹¹⁷ A customs Union is essentially a joint administration of a Common External Tariff (CET) in an environment of zero internal tariff as well as elimination of all non-tariff barriers to cross-border trade among the Partner States.

¹¹⁸ A common market calls for free movement of goods and services and other factors of production including labor. This involves the elimination of work permits as well as providing citizens from the region to establish businesses anywhere in the Community irrespective of their nationality.

¹¹⁹ A monetary union, by creating a single currency area, dramatically cuts cross-border transaction costs.

¹²⁰ This would lead to the formation of a unitary government, including having one East African President.

Burundi and Rwanda. Southern Sudan and the Sudan are interested in joining as well.

The study examines two bottlenecks that continue to constrain integration within the EAC: 1) the creation of a complex and highly centralized decision-making process that is constrained by parochial issues of sovereignty and “zero-sum” national politics; and, 2) the reluctance by partner states to strengthen the Community Secretariat (and other Community organs) to adequately respond to emerging issues. The study argues that, serious as they are, the two bottlenecks are not likely to put the Community into immediate danger of collapse but will stagnate it. This is because of a number of important global and regional changes have taken place making the environment for cooperation in the region more conducive.

The study uses documentary evidence—both primary and secondary—including government and Community documents. The study is guided by a neo-functional approach to integration. Neo-functionalism views integration as a continuous process of widening the scope on the areas of cooperation amongst members. It divides the areas of cooperation into two: those that are of low politics (mainly the non-political and the non-sensitive areas in economic and social sectors), and the high politics areas (areas that are sensitive such as issues dealing with sovereignty, immigration, identity cards or land).

Neo-functionalists present two main assumptions: One, it is easier and more encouraged to cooperate in areas of low politics than in areas of high politics; and, two, cooperation in non-political areas will have a spill over effects into other areas, even those of high politics. In other words, cooperation in economic and social areas will bring benefits to the members and will create friendships and good relationships that will entice them to want to cooperate in other more political areas.

The argument being made in the paper is that by concentrating decision making powers in the heads of state and governments and in other political units controlled by the member states, the EAC is driven more by issues of high politics and therefore hard to reach a consensus or establish common interests. Similarly, the paper argues that by not strengthening the Secretariat and providing it with executive administrative powers, it becomes hard for any disagreements among member states to be resolved since member states will be driven by domestic interests. The strengthening of the Secretariat enables it to pursue a “community interest” and to ensure that member states embrace it and align their domestic laws and policies to it.

Decision-Making within the EAC

One of the reasons for the failure of the defunct EAC was the overconcentration of decision making in the leadership of partner states. This

has not changed significantly. The same “parochial sovereignty” (Baregu, 2005) that bedevilled the old Community underpins the new one. There is still an overconcentration of decision-making and implementation powers on partner states—on the Summit, the Council of Ministers and other bureaucrats, who answer to the Heads of State. Like was the case with the defunct Community, the majority of key decisions of the new Community requires the direct involvement of the Heads of State. The political class in each partner state is afraid of losing power and have been reluctant to amend the Treaty to give executive powers to the Community’s Secretariat or any of its organs. State bureaucrat are also reluctant to implement decisions of the Community.

Integration is essentially a political process that is both driven, and also seriously challenged, by political interests. While political support is necessary for the success of any integration mechanism, its lack spells doom for integration. No regional integration can succeed unless the political class is committed to fulfilling their obligations to the group as well as aligning their national policies to regional ones. That is, as a political process, integration is an outcome of bargaining among nation-state power brokers ‘who bargain with one another to produce common policies’ (Sweet & Sandholtz, 1997). In this bargaining process, nation-state actors can either ‘slow down’ the integration or push it in directions that are favourable to their interests.

Within East Africa, political interests (pulling towards national control) and economic interests (pulling towards more cooperation) have often collided. The pull towards national control is strengthened when there is a perception that the benefits and disadvantages of integration have not been equalized. This explains why the collapse of the old EAC was associated with unfair distribution of benefits (Mwase, 1979; Kibua & Tostensen, 2005). The desire to establish the new EAC did not eliminate politics from the new organization. On the contrary, the Treaty has several clauses that put national politics at the very heart of EAC integration and placed national politics in command of the EAC’s decision making process (Mwapachu, 2012).

The impact of national politics in community decisions is reflected in the Summit of Heads of State, the Council of Ministers and the various Sectoral Committees whose decisions are by consensus, where a veto by any partner state means non-implementation of the issue by the Community. It also means that the absence of a partner state is reason to postpone a meeting or decision on any issue. Article 11.6 and 11.8 of the Treaty provides the Summit (of leaders of the EAC) the power to make laws. The Council of Ministers (another arm of the executive) has the sole power to initiate and submit bills to the Assembly (EAC, 1999: Art 14.3(d); Art 14.5).

The Council of Ministers—the policy organ of the Community—approves Community regulations, even those implementing mere details, yet it only meets twice a year. Since the implementation of collective decisions for the Community is left to bureaucrats in partner states who are influenced by the prevailing national interests and partisan politics, the process is slowed down and tends to promote national policies at the expense of Community ones. Further, these national technocrats involved in Community decisions have a high turnover, which erodes the benefits of institutional memory for continuity (Mwapachu, 2012). These bureaucrats also have a busy national agenda that keeps them away from Community affairs for months. Since many of them are either the Attorney General or Minister of Foreign Affairs, among the busiest public servants in each country, they have limited time for community affairs. This, undoubtedly, delays Community matters for months and, at times, for years.

The Community's Sectoral Councils, particularly the Legal and Judicial Affairs Council are also affected especially in states where the Minister for Justice is different from the Attorney General (who must also attend). In 2010 and part of 2011, for example, the Sectoral Council on Legal and Judicial Affairs did not meet, delaying the finalization of proposed amendments to the EAC Treaty (Mwapachu, 2012). The situation has become worse with the expansion of the EAC to five partners. Consensus by the five countries on every key issue is a laborious and cumbersome exercise. The EA Court of Justice has called for the Council to define consensus in a more flexible manner, through some form of qualified majority vote (Jacobs & Cordova, 2011).

In a case referred by the Council on whether consensus was needed on every issue or whether the principle of variable geometry could be used, the EAC Court of Justice determined that consensus does not necessitate unanimity of the partner states. This meant that no state 'need have a veto power' (Jacobs & Cordova, 2011). However, although the Council was required to come up with a more flexible view of consensus for the purpose of policy making, it has not yet done so, a factor that is sure to slow down the operations of the Common Market. This happened in the EU in 2001, when they signed the Treaty of Nice by introducing qualified majority vote (QMV) for decision making in the Council on the regulation of free movement of residence. The Lisbon Treaty expanded the QMV to budget matters (Jacobs & Cordova, 2011).

Other areas where integration has been slowed down by national politics include the finalization of the Customs Union Protocol that took three years due to the zero-sum positions held by the business community and private sector regarding certain products, the finalization of the Common Market Protocol which was held by Tanzania's politics of land ownership

and use of national identity cards for cross border travel. Tanzania's opposition to the two had to be accommodated for the protocol to be finalized. Despite, being new members, Rwanda and Burundi demanded for tangible national benefits for their cooperation. This forced the community to locate the EAC Science and Technology Commission in Kigali and the EAC Health Research Commission in Bujumbura. Thus, the signing of protocols and other EAC documents has been a cost benefit calculation by partner states at the national level. Further, bills in the EALA are moved by the Council of Ministers and when passed must be assented by the heads of state. In Council deliberations, national politics play an important part. The centrality of national politics in EAC decision making is further demonstrated by the Treaty's position that decisions of the Summit and council of ministers are to be by consensus (EAC, 1999).

The powers conferred to the Summit and the Council vis-a-vis law making has the potential to undermine the role of EALA on the same. EALA is further weakened by the powers conferred to the head of state of member states who can withhold assent to any bill from the EALA. If any East African head of state does not assent such a bill a second time, it lapses. Indeed, Article 63 even gives the heads of state power to reject bills passed by the Assembly. Article 14.3 provides for the Council with legislative powers to issue regulations and directives that are binding on the partner states. EALA is therefore weak and has limited non-executive role. This provides the Summit in particular and the executive in general a veto over the EALA, which is not able to provide the necessary checks and balances over the executive. Furthermore, EALA members are not fully representative of the people of East Africa, and the way members are elected in each country does not produce truly representative members. EALA members are elected by national parliaments, a process that has not involved the people directly, which deprives them an opportunity to influence those that represent them at the regional level.

In addition, the new Community has established in each partner state a ministry directly responsible for East African affairs. This has however turned out to be more symbolic than a sign of dedicated commitment to Community affairs. These ministries, rather than running the affairs of the Community in their respective countries, have acquired the less significant function of "coordinating institutions" (Mwapachu, 2012). Despite their establishment, no significant delegation of authority was made to them by the partner states in decision making. They do not represent their states at the EAC level, a role undertaken by the Sectoral Council or Ministries whose decisions are taken to be those of the Council of Ministers. Since they do not have powers separate from those of the Council, their appointment did not reduce the backlog of work waiting the action of either the Council or the

heads of state. Indeed, one wonders what value such appointments added beyond the symbolic. For example, although they were appointed as part of the fast tracking of EAC integration, the finalization of the EAC Development Strategy (2006-2010) delayed way beyond agreed timelines (Mwapachu, 2012). The launching of a common passport and tourism visa for the region had also delayed until it came into effect in January 2014 and even this was done by leaving behind Tanzania and Burundi. If they had had clear mandate they could have helped in speeding up Community decisions.

The regulatory system in the EAC is also 'top heavy' in both decisions authority and expertise, funnelling regulatory decisions upwards into the political institutions dominated by the national ministries. This top down control by the partner states at every stage of policy development poses a threat to closer cooperation in that Community voice lacks or is suppressed by nationalistic elements. The horizontal expansion of the Community (by the inclusion of Rwanda and Burundi) and the vertical expansion of its workload under the Customs Union and the Common Market have challenged it further making such a highly centralized decision-making mechanism untenable. This, according to Juma Mwapachu, the Community's third Secretary General, can be resolved by granting the Secretariat and the Council of Ministers more executive authority over administrative matters (Mwapachu, 2012).

Many of these political problems were identified as early as 2004 when the Committee on Fast Tracking East African Federation was tasked to examine ways and means to expedite and compress the process of integration (EAC, 2004). The Committee, popularly known as the Wako Committee, submitted its Report on November 26, 2004. The Report pointed to the fear of erosion of sovereignty among the political elite as a major threat to the EAC Federation and identified several political/governance and institutional hurdles to integration. These included: the absence of a politically accountable authority at the regional level, the lack of executive authority within the Secretariat and other organs of the Community that was undermining the abilities of the Secretariat to discharge its mandate, attempts by government ministries of partner states to micro-manage the Secretariat, failure to properly define the roles of key organs of the Community such as the EA Court of Justice and EA Legislative Assembly (EALA), and, the failure to accord them functional independence (EAC, 2004).

The overconcentration of powers in the partner states has affected the Community in other significant ways. For example, there has been reluctance among partner states in the domestication of the EAC Common Market protocol. By 2011 only Kenya had started the process with the publication of the miscellaneous amendment Bill 2011 which sought to amend laws that impinge on the Common Market protocol (Mwapachu, 2012). Other partner

states have just started the process. Worse still, the ratification of protocols even when they have been approved by the Summit of partner states is delayed.

Thus, while on paper, power seems to have been decentralized from the Summit to the Council of Ministers, and variable geometry mechanisms put in place in which countries that are ready to sign or implement an aspect of the protocol can do so as they wait for other members, the new EAC is still based on the same foundation stones of its collapsed predecessor. As Baregu contends, the new Community Treaty is underpinned by the same “parochial sovereignty” that had underpinned the old one and the same assumption that a common market can function in the absence of a common political authority. That is, a federation cannot be established unless the leaders involved resolve the question of how to share or “pool” sovereignty (Baregu, 2005) a lesson that the new Community does not appear to have learnt from the past (Ajulu, 2005). While the leaders talk much about fast-tracking the federation, they are simultaneously pursuing conflicting political agendas in their respective countries (Nabudere, 2005) yet are not ready to “confront the sensitive issue” of shared sovereignty (Ajulu, 2005).

Further the new Community is based on the same gradualist approach predicated on a step-wise movement from a Customs Union through a Common Market and ultimately to political federation, which the leaders of the region are unwilling to change. Despite the leaders agreeing to “fast track” the federation, they lack the political will to effect the necessary changes to achieve it. The leaders, for example, announced the formation of the Common Market before the three countries changed their laws allowing for the free movement of people across the region and hence the EAC Common Market does not guarantee people free movement across the Community. In addition, despite the formation of the Common Market, the region’s laws have not been harmonized to facilitate the free movement of persons, goods and services. Beyond the harmonization of laws, governance systems and structures have not been harmonized, while the necessary administrative and legal reforms required in the facilitation of intra-community mobility of labour and services possible are yet to be undertaken.

Reluctance to Strengthen the Secretariat

The overconcentration of decision-making powers on the Summit and on the Council has resulted in a reduced role of the Secretariat and that of other organs of the Community and created a lengthy and slow process of approval. The process goes through the Sectoral Committees, the Council of Ministers, the Summit and to the partner states. In each of these steps, approval of both decisions and protocols is by consensus, failure to which it is blocked. This has resulted in many sessions experiencing serious quorum

problems, leading to the postponement of meetings, yet they are hard to reschedule and delays in the finalization of Community protocols and projects. This has also led to delays in the finalization of community projects.

Although the Secretariat is the executive organ of the EAC responsible for the operations of the Community in reality it doesn't executive policy, and holds none of the real authorities or powers of the EAC. Rather than offering direction for national bureaucrats, the Secretariat has become a forum where technocrats from partner states negotiate to harmonize their national positions and interests. There is also no legal mandate for consultation in the EAC institution or any systematic method used to consult during policy making, which has remained unorganized, ad hoc (Mwapachu, 2012). The Secretariat is therefore unable to facilitate national bureaucrats adapt national positions to regional standards. As Mwapachu points out, the EAC Secretariat operates, not as an executive decision-making organ but largely as an agency for generating thinking ideas, projects and programs for consideration by partner states, which he considers a 'serious' drawback to the functioning of the Community (Mwapachu, 2012). The Summit needs to seriously move towards granting the Secretariat and the Council of Ministers more authority over administrative matters. Increasing the authority of the Secretariat and the Secretary General to make routine decisions is long overdue. Once this happens, the Council can delegate many of their routine decisions that have backlogged the community.

Partner states' failure to cede more authority to the Secretariat or adjust the strict quorum requirements has caused quorum problems in both Sectoral and Council meetings. Partner states have failed to appreciate the extent to which the EAC Secretariat has developed greater internal capacity and competencies to discharge more responsibilities (Mwapachu, 2012). Further, the Secretariat in its present form is unable to carry out the essential market functions required by the Common Market. There seems to be an unfounded fear among heads of partner states that a strong Secretariat or a strong Secretary General might usurp the powers of the partner states (Mwapachu, 2012). Thus, even though the responsibility of the Secretariat has expanded over time, there has not been a corresponding expansion of its authority or professional cadre of staff, which has overstretched the abilities of the secretariat to the point of inefficient service (EAC, 2004). Despite the Wako Report recommending that the Secretariat be granted executive powers to enable it act with authority on behalf of the Partner states on Community administrative matters, the political class has resisted it. The reluctance to cede national sovereignty to the EAC Secretariat leaves it without the supranational authority required to enforce community decisions.

This explains why there has been a persistent problem of non-harmonization of positions on Community protocols and other international obligations (Mwapachu, 2012).

The political class' fear of a strong Secretariat has been extended to the budgeting process. As the Wako Report further pointed out, the authority of the Secretariat in Community budgeting is being usurped by partner states' national technocrats. Contrary to Articles 132 and 133 of the Treaty mandating the Community Secretariat to initiate budget on the basis of agreed Community programs and projects for the partner states support, in practice technocrats from partner states formulate the budgets on the basis of ministerial ceilings in the national budgets (EAC, 2004). Member States have often not remitted in time their approved contributions to the Secretariat, which delays the implementation of Community projects and programs. Some countries are even in arrears (EAC, 2004).

This fear has been extended to other EAC organs. With the exception of the EA Court of Justice, which has some limited powers, no organ of the Community has supra-national authority (Jacobs & Cordova, 2011). Actions of these organs, including the EALA and the EAC Secretariat must be approved or adopted by partner states. Further, the major organs and institutions of the EAC have neither been harmonized nor coordinated and their regulatory framework not unified. Each works towards fulfilling their statutory functions and their cooperation. Sectoral Committees lack a shared perspective on the Community agenda, do not operate with any established procedures, transparency and their technical experts are either highly variable or unavailable (Mwapachu, 2012). The Community is also static on issues concerning important changes needed to the organs of the Community. Further, regional regulation is being developed through slow negotiated and inefficient harmonization efforts (Jacobs & Cordova, 2011).

The Treaty has no provisions that give executive powers to the EAC and its organs and as a result it is almost impossible for any of them to effectively implement the decisions of EAC. EAC organs and institutions are not well coordinated and the regulatory framework is not unified (Jacobs and Cordova, 2011: 2). The Report to fast track the EAC recommended that the EAC secretariat should be granted executive powers to enable it act with authority on behalf of the partner states on community administrative matters.

Frustrated with the forgoing, a situation has developed since 2013, in which those countries wishing to move fast on an issue or fast track their implementation of specific Community protocols have formed what has come to be known as the 'coalition of the willing' (Ramah, 2014) to implement Community decisions without waiting for a consensus with the rest. This has led to the exclusion of Tanzania and Burundi from certain

integration programs (ostensibly for dragging their feet). A number of meetings of the “willing” have taken place and programs launched which have excluded the two. For example, in August 2013, two meetings were held in Uganda and Kenya and a third in Kigali in October to deal with issues of security and immigration aimed at easing movement of citizens and tourist to boost cross-border trade. The three partners, Kenya Uganda and Rwanda again met in Kigali in January of 2014.

Contrary to Article 7 of the Treaty, the coalition of the willing did not notify Tanzania and Burundi, as demanded by the EAC Treaty. This was also not the case when Kenya, Uganda and Rwanda adopted the single visa for tourists and citizens among three countries in November 2013. Although the Heads of Government of the three countries pointed out that they did not lock out other members, who could join when they are ready, such a move has the potential to cause unnecessary rift within the Community since it might be a pointer to serious divergence in economic and political orientations (Goldstein & Ndung’u, 2001).

This emerging trilateral dealings and the apparent isolation of Burundi and Tanzania are the latest threats to regional integration. Though it might propel integration forward fast, such a move has the potential to sow seeds of suspicion, divisions and discord or re-introduce barriers to trade that might re-ignite mistrust, divisions and the same discord among the summit members which might lead to similar ends as was with the defunct community. There are still thorny issues that have not been resolved particularly on land ownership, political federation and citizenship.

Is the Collapse of the EAC Inevitable?

From the above one may want to ask whether the collapse of the new East African Community is inevitable. The answer to this question is a resounding *NO*. There are important changes that have taken place globally and in the region that make the environment for cooperation more conducive. By the time the new East African Community was established, numerous changes had taken place in the region and globally, that have had a positive impact on integration and that changed the region’s leaders’ thinking about regionalism.

At the global level, the end of the cold war, the collapse of the Soviet Union, the spread of neo-liberal ideas and globalization have drastically reduced the ideological polarization that had poisoned relations among the East African leaders. This has made cooperation more appealing than it had been during the era of the defunct EAC. Globalization has generally forced states into joining different regional organizations, while states have strengthened the already established organizations in the hope of overcoming the negative effects of globalization.

First, the post-cold war globalized international system remains a neo-liberal system, in which neo-liberal economic discourses predominate. Under a neo-liberal system, the role of the state is reduced to one of providing the “enabling environment” for the market. Under this system the role and goal of integration is to consolidate and integrate existing free trade areas and use them as a stepping stone towards the construction of a regional economy (Söderbaum, 2002). It is the de-emphasis on sovereignty and state security in favour of a more people centred regional economic organization that is responsible for the success of integration.

Second, globalization has led to the resurgence of interest in regional integration especially in the Third World, in which existing integration mechanisms have been reforecast and strengthened while new ones have been created. Under globalization the objectives and processes of existing regional economic communities have been redefined. In line with the democratization process experienced in the continent in the post-cold war period, regional economic organizations in the post 1990 period have become increasingly more people centred and representative. Many of the new or restructured regional integration mechanisms have established a Community Parliament. Efforts are also being made to establish and promote a strong regional civil society “so as to involve the people in regional decision making” (Mittelman, 1998). In addition, the reconstituted organizations have also included a number of social charters as part of the integration mechanism to provide legal, social and political rights to their citizens which are enforceable by the organizations’ courts (Quashigah, 1997). Indeed, community courts no longer just interpret the provisions of the treaty and settle disputes between partner states (Iheduru, 2003) but are empowered to enforce community decisions and protect peoples’ rights as well.

Third, in the post-cold war period, the process and the objectives of regional integration have been redefined and has led to the mushrooming of numerous non-state actors (Iheduru, 2003) that have emerged to make claims to the political space being opened up (Grant & Söderbaum, 2003; Cerny, 1998). This coexistence of formal and non-formal actors or state and non-state actors has changed the traditional state-centric notion of regionalism into one that is people centred, or “regionalism from below” (Iheduru, 2003).

Similar changes have taken place in the East Africa region making regionalism more appealing. Rok Ajulu has identified four such changes. First, the end of the cold war provided an ‘enabling environment’ in the region for cooperation. Second, the differences and ideological polarization experienced during the cold war have been replaced by an ideology of convergence (Ajulu, 2005). As a result, the ideological comradeship between Nyerere and Obote driven by the Arusha Declaration and Obote’s Move to

the Left and a desire to isolate Kenya has since been forgotten. The leaders of the other East Africa countries have embraced capitalism and their economic policies are not different from Kenya's. Third, the end of the single party and the introduction of multiparty politics in the region did introduce a degree of political convergence as well. Finally, Ajulu points to the widespread conversion of neoliberal (free market) economic policies in the partner states, which have ensured greater harmony both economically and politically. These changes provided the environment and the political space where new initiatives are possible (Ajulu, 2005).

To Kapstein (2010), the EAC region has changed in three important dimensions, which has changed the political and economic circumstances of integration. These include: the relative size of partner states, the regime types and the economic structures of members, each of which had been identified as a contributing factor to the collapse of the old Community (Kapstein, 2010). Kapstein argues that in the post 1990 period, both Uganda and Tanzania have grown in comparison with Kenya, that the two countries have not only narrowed the gap between them and Kenya but have given them confidence that they can mutually trade with her. Secondly, that the three countries have moved so close to each other politically that the ideological polarization of the 1970s has all been overcome. Finally, Kapstein argues that changes in the economic structures of the three EA countries, coupled with the growing middle class with its sophisticated lifestyles and product demands have increased the benefits of trade. To him, these three reasons offer promises of gain that the partner states would not want to lose and therefore favour integration.

Finally, the design of the new EAC offers more promise for its survival. Unlike in the old Community that was driven by the executive, the new one is supposed to be people centred and civil society driven. In line with the proliferation of CSOs in the region, the framers of the new EAC adopted rules aimed at enhancing civil society participation. In the treaty making process, for example, the leaders recognized the need for the new Community to not only involve the civil society but to ensure that the Community was people centred. Partner states agreed to “provide an enabling environment for the private sector and the civil society to take full advantage of the community”, to “formulate a strategy for the development of the private sector” and to dialogue with the private sector and the civil society (EAC, 1999: Art. 127). However, although the involvement of the citizens in the affairs of the EAC has also been wanting, a number of civil society organizations and business community have taken a keen interest in the affairs of the EAC and are reaping its benefits giving them a stake in its survival. Thus, even though the citizens of East Africa region have not been directly involved in the affairs of the Community, a number of civil society

and business community have taken interest in the Community affairs to a level that cushion it against the possibility of simple disagreements degenerating into threats to the community.

Conclusion

Without a dispute, the new EAC has consolidated and extended gains for the people of the region. It has structures and institutions that have gone a long way to further the process of integration while at the same time making it more stable than the defunct EAC. However, a number of lessons seem not to have been learnt; overconcentration of decision-making powers on the Summit and on the Council still continue; there still is a weak secretariat with no real executive mandate; slow decision making; and decisions that are determined by a one-state veto. Even though these problems are a cause for worry in the integration process, they do not cause an immediate threat to the stability of the EAC. This is because, in an age of globalization, there has been de-emphasis on sovereignty and state security in favour of a more people centred regional economic organization. In addition, there is a resurgence of interest in regional integration especially in the Third World. Existing integration mechanisms have been reforecast and strengthened while new ones have been created. These combined with a more involved civil society have made the new EAC more stable and not susceptible to collapse as the defunct one. The above notwithstanding, if left unchecked, these lessons not learnt may in time stall or even reverse the gains that have been made through the EAC. Clearly, the political elite have a much bigger role to play in a successful integration process. They must own the process and seize the opportunities to optimize integration.

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