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MASTER OF ARTS IN REGIONAL INTEGRATION

A CRITICAL ANALYSIS OF THE DECISION TO ADOPT A CONFEDERATION IN THE EAST AFRICAN COMMUNITY

BY

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DECLARATION

This research is my own original work and has not been presented for a degree award to any other institution.

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DEDICATION

This work is dedicated to my loving family, my parents, siblings and friends for their love, support, patience and encouragement. They gave me the will and determination to complete my Master degree. May the Lord, God Almighty bless them abundantly.

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I thank God the almighty for giving me the means, courage, strength and perseverance to complete my project.

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LIST OF ABBREVIATIONS

EAC	East African Community
MEACA	Ministry of East African Community Affairs
GATT	General Agreements on Tariffs and Trade
OEEC	Organization for European Economic Cooperation
EU	European Union
ASEAN	Association of South East Asian Nations
UN	United Nations
GDP	Gross Domestic Product
UNDP	United Nations Development Program
USAID	United States Agency for International Development
EALA	East African Legislative Assembly
AU	African Union
ICGLR	International Conference on the Great Lakes Region
UNHCR	United Nations High Commission for Refugees
BBC	British Broadcasting Corporation
GE	Government Effectiveness
MEARD	Ministry of East Africa Community and Regional Development.
MEACA	Ministry of East African Community Affairs

ABSTRACT

The aim of this study was to do a critical analysis of the decision to adopt a confederation in the East African Community. The study sought to examine the factors that contributed to the decision to adopt political confederation in the EAC, find out the views of EAC elites on the value of a confederation for political federation and determine the consequences of the decision for governance in the EAC states. The study adopted a case study design which is best suited for a single point of data collection for each participant, it was cheap to undertake and the results were inferred to the larger population. The study drew out a sample size of 28 respondents and data was collected from both primary and secondary sources. The study found that the decision to adopt a political confederation was based on the need by EAC member states to first address the underlying fears and concerns highlighted the findings by the Wako Committee. These include Loss of Sovereignty Fears and Concerns Ideological differences Regional disputes, Disparities in Governance, Lack of Clarity on Model of Federation, Fear of Loss of Land, and Economic fears like loss of revenue, loss of jobs for members of professional bodies, loss of investment and employment, loss of market. This study also found that a confederation if adopted in the EAC will have little impact on governance in the individual EAC member states. This is because confederation will not provide for an effective executive authority. The lack of viable central governance implies that the same norm of lack of rule of law, corruption, human rights violations, lack of transparency and accountability will still be the norm in the EAC member states. The findings show that while elites from both Kenya and Uganda agree that the decision to adopt a confederation is a good step towards achieving political federation in the EAC, the Kenyan counter parts showed some bit of skeptism that the East African Partner states are not ready, not just for political federation but even for the proposed confederation. Despite the above shortcomings, the elites within the EAC believe that it is possible to achieve a political federation.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Regional integration has increasingly become an important subject among international relations scholars and researchers. The emergence of realities like globalization has forced states to develop ways to remain relevant under this new dispensation (Opiyo, 2014).

Efforts at regional integration are not new in Africa; several experiments have occurred across the continent especially during the colonial period. Different scholars including Anyang' Nyong'o (1990); Senghor (1990) write that regional integration and cooperation among African States can enable the continent benefit from large economies of scale of the industrialization process.

Earlier efforts at integration through regional communities which were seen as a commitment to an African identity and unity either ceased to exist or failed, the EAC being one of them.

After nearly two decades since its collapse in 1977, the EAC was re-established, and Burundi and Rwanda joined the bloc.

Prior to its collapse, Mwaseba (2010) states that the previous EAC, founded in 1967, was considered among the biggest regional economic integration blocs on the continent.

Under the treaty that established the current EAC, the new body was set up to widen and deepen co-operation among member states with political Federation, being its ultimate goal after setting up the Customs Union, Common Market as well as Monetary Union (Article 5(2).

The discussion on fast-tracking political union of the East African Community was initiated in 2004 by President Museveni (Booth et al., 2007). There was majority consensus on the matter

among regional leaders paving way for the formation of a high-level committee to examine the possibility of speeding up the political federation process (Booth et al., 2007). Fifteen years after the suggestion was first made in 2004, there remains many doubts about its feasibility prompting discussions on the adoption of the East African Political confederation as a means to achieve the political federation. This study therefore analyzes what brings about the decision to adopt a confederation as a transition model towards achieving the ultimate goal which is a Political federation.

1.1 Background to the study

With the Euro coming into place in 1999, interest in regional integration has increased globally and several regional blocks around the world have been assessing the possibility of integrating (Bagumhe, 2013).

In Africa regional integration has for long been a political motive. McCarthy (1995) argues that Pan-Africanism, seen in the continent as a collective continental identity and coherence, sets African regional integration efforts apart from other regions in the developing world.

The power of Pan-Africanism as a guiding tool to Africa's development agenda is widely studied. Calestous and Mangeni (2018) argue that Pan-Africanism is often envisioned as a replication of European Union or federalism in American. African leaders including the EAC founding fathers, Nyerere, Kenyata and Obote initially foresaw the formation of a unified continent.

The EAC is a regional bloc uniting six partner states with the objective of forming a political federation. It was re-established on 30 November 1999, by the presidents of Tanzania, Kenya and Uganda in a treaty signed in Arusha after the collapse of the previous community in 1977

(Mughwai, 2010). Since then, it has become one of the most powerful regional economic blocs in the continent especially after the admission of Rwanda and Burundi as new members in 2007 (Mwaseba, 2010; Mughwai, 2010).

The Customs Union was set up in 2005 and common market came into being in 2010 to ensure the free movement of goods, service, labor as well as capital throughout the region. The monetary union and political federation are next on the EAC agenda. According to Balongo (2015; 3), if the political federation is formed, it would make the bloc the third-largest and second-most populous in Africa.

Post-colonial attempts at political federation date as far back to 1963 when Tanzania, Kenya, and Uganda signed the Nairobi Declaration of 1963 (Biira 2017). The declaration was signed by Prime Minister Milton Obote of Uganda, Jomo Kenyatta of Kenya and President Julius Nyerere of Tanganyika. This however, was never operationalized due to various factors. Uganda for instance was against the high degree of centralization of power, which other members had suggested for the federation (ibid: 158).

There were also other national priorities with the governments in the three member states caught up in struggles to dominate national politics and consolidate their regime thus focusing on national priorities and not regional one (Mukandala 2000:95). This compelled Mwalimu Nyerere to state that;

"*A federation of at least Kenya, Uganda and Tanzania should be comparatively easy to achieve. We already have a common market, and run many services through the common services organization which has its own central legislative assembly and an executive composed of the Prime Ministers of the three states. This is the nucleus from which a federation is the natural growth."(Ademola1999:91)*

Mwalimu Julius Nyerere made several attempts including offering to delay Tanganyika independence so that Kenya and Uganda could gain their independence in order to form a federation immediately (Biira, 2013). Despite this, the British denied his wish so the East African Countries attained independence at different times on territorial basis hence the federation did not happen.

"*We the leaders of the people and governments of East Africa assembled in Nairobi on 5th June 1963, pledge ourselves to the political Federation of East Africa. Our meeting today is motivated by the spirit of Pan Africanism and not by mere regional interests. We are nationalists and reject tribalism, racialism, or inward looking policies. ……. This is our day of action in the cause of the ideals that we believe in and the unity and freedom for which we have suffered and sacrificed so much……..We share a common past and are convinced of our common destiny. We have a common history, culture and customs which make our unity both logical and natural."(Hughes 1963:265)*

This declaration made by the leaders was a strong wish they had on the basis of Pan Africanism to lead East Africans into African Unity. The leaders believed that through a political federation, Pan African Unity would be achieved. And just as the new EAC leaders have done through devising means of seeing this dream to reality, thus decided to set a committee to lead the drafting of the East Africa federation constitution.

The second document which attempts to establish an EAC federation is the 1999 EAC Treaty (Biira 2017). Articles 123(6) and (7) respectively of the Treaty provide that the Summit is to initiate the Federation process through the Council.

In pursuant of Article 123 (6), the EAC Summit in 2004 set up the Wako Committee to come with mechanisms to speed up the integration process (East African Community Secretariat, 2017).

The Committee basing on their findings that East Africans felt that the political Federation was an idea, whose time had come, recommended the launching of the East African Federation by 1st January 2010. However, the Committee's assessment of the process of transforming the EAC into a Political Federation revealed that it was a delicate process due to the various fears and concerns among East Africans.

Similarly Krakowka and Hummel (2009; 3) explains that a political federation would require member states to surrender their sovereignty to a regional government which would manage the foreign, foreign, fiscal and monetary policies as well as defense. The regional government will also have legislative powers and an appellate court jurisdiction (Krakowka and Hummel, 2009). This setting according to Mwesaba (2010) will hardly work in the EAC given the regional politics characterized by ethnic differences and political instability in some member states attributed to tribalism and access to resources, particularly land.

Based on these, the Summit in 2009 instituted an expert team to come up with ways to address the fears, concerns and challenges raised by East Africans in the Wako Committee report (East African Community Secretariat, 2017; 3)

As a result, a Model structure of Political Federation was done by the Secretariat and considered by the 14th Summit in 2012. Owing to the report of the partner States -wide consultation on the draft EAC Political Federation Model, the 33rd Council meeting, upon further consultations, converged on Confederation as the model for the Federation. The Summit directed the Council

to set up a Constitutional Expert Team to draft the EAC confederation Constitution (Ministry of East African Community Affairs, 2017).

1.2 Problem Statement

The adoption of political confederation is and remains an attempt by EAC member states to forge a way towards achieving political federation. According to Glencross (2007:2) a confederation is an associations of independent states designed to last a long time, in which power is exercised by the state units. Using this definition, the East African Confederation will be a treaty-based union where the sovereignty of each nation will remain intact.

While some scholars including Elazar (1998); Lister (1996) have supported this approach of transiting from a confederation to political federation. They argue that confederations are best applicable in regions with great disparities in ethnicity, population, territory and economic power and their people would want to preserve that, but also see value in uniting with other states and people.

Others like Goldstein (2001) citing the example of 19th Century Switzerland, have , indicated that a transition from a confederation to a federation is a long process which may involve conflict to finally be achieved. Zimmer (2003) further stated that turning to a federal state from confederal state would require voluntary surrender of their state sovereignty. This is highly unlikely in the case of the EAC.

It was based on these opposing views that the researcher sought to analyze the decision to adopt Political confederation as a means to achieve a federation; why was this decision made? How was it arrived at and what are the chances that it shall lead the region closer to a political federation

1.3 Purpose of the study

The study aimed at critically analyse the decision to adopt a confederation in the East African Community

1.4 Research Objectives

- To examine the factors that contributed to the decision to adopt political confederation in the EAC
- To find out the views of EAC elites on the value of a confederation for political federation
- To determine the consequences of the decision for governance in the EAC member states

1.5 Research Questions

- Why was a confederation proposed as a transition step towards achieving federation in the EAC?
- What are the views of EAC elites on the value of a confederation for political federation?
- What are the consequences of the decision to adopt political confederation for governance in EAC countries?

1.6 Justification and Significance of the study

The outcome of this research will be significant in many ways. The current available research work on political confederation in the integration of EAC is inadequate. This research fills the gap in the existing literatures. The study finding consequently contributes immensely to the literature that will inform academicians, future researchers and scholars on future studies of a related nature.

It will contribute to policies that would ensure prospects, opportunities are expeditiously exploited and impending challenges and concerns redressed to speed up the integration process. The study therefore is of invaluable use to policy makers in charge of regional integration and EAC affairs, the Secretariat and interested parties in the entire East African region.

1.7 Scope of the Study

1.7.1 Geographical Scope

Geographically, data was collected from Uganda and Kenya. The researcher used a case study method to select a given geographical area in this case Kenya and Uganda. This enabled the researcher contemporarily analyze real-life phenomenon through contextual detailed analysis of a limited number of events or conditions, and their relationships (Zainal, 2007). I narrowed down to Kenya and Uganda because of the convenience and proximity of the researcher to the respondents.

1.7.2 Subject Scope

The study majorly focused on analyzing the decision to adopt a confederation in the EAC by examining the factors that contributed to the decision to adopt political confederation in the EAC, found out the competing arguments and alternatives from EAC elites especially those that spearheaded the decision and established the consequences of the decision for governance in the EAC member states.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of literature and empirical findings on the subject of study. I reviewed literature on political confederation, political federation, EAC integration, the factors that contributed to the decision to adopt political confederation in the EAC and the consequences of the decision for governance in the EAC states. I obtained this literature by reviewing books, research publications, thesis and online journals.

2.1 Theoretical Framework

Theories explain how regional and International organizations are established and developed especially the conditions under which states deem it necessary to accord political authority to such regional establishments. Theories give further explanation on how the regional bodies expand their activities, competencies, and members, and their impact they have on members and societies. Moravcsik (1998) saw intergovernmentalism and Neofunctionalism as the major theories for integration development.

This study will be grounded on three theories of regional integration and I will borrow from other scholarly theories like Elazar's model of political organization that explains the nature of federations.

2.1.1 Intergovernmentalism

Intergovernmentalism views national governments as the building block in regional integration. National governments see integration as an opportunity to strengthen their economic interests

through collective bargaining as well as their national security through regional interdependence (Moravcsik, 1998). The outcomes of Integration arise from intergovernmental bargaining and reflect the regional preference and power constellations. According to this theory national governments delegate authority to regional bodies, but retain the power to control such bodies (Moravcsik, 1998: 38). In emphasizing the central role of governments, state sovereignty and national identity, intergovernmentalism brings out core assumptions of International realism to regional integration theories.

Intergovernmentalism shares its basic assumptions with rationalist institutionalism, first, states (or governments) are the major players in international relations and politics, and they are at least minimally or boundedly rational actors. Second, international interdependence creates demand and international institutions help to supply, international cooperation, demand interdependence and state preferences.

Realist and liberal intergovernmentalism make different but compatible assumptions about the demand for integration. Realist intergovernmentalism considers "national interest" defined by the government first and the need to safeguard state autonomy and security (Biira 2017:63). This assumption however, fundamentally contradicts regional integration as the state would put it national interest first before delegation of its sovereignty. For the smaller and weaker states, under regional integration, give up their formal sovereignty while integration is viewed as an alliance of pooled resources to provide external balancing against powerful states out of bloc (Rosato, 2011).

Within the region, it protects weaker from being exploited by more power states by binding them to collective decision-making processes (Grieco, 1996). The question of autonomy varies not only between member states but also policies. Consequently, realist intergovernmentalism

expects members not only to integrate in low-politics areas but must also desist from collusion and delegation in high-politics areas (Hoffmann, 1966).

2.1.2 Functionalist Theory

This theory was formulated by Mitrany and it suggests functional alignment of national and international life. This implies states with common goals and needs team up to perform activities leading to those goals (Effevottu, 2016). Thus, functionalism views individual or groups as the focus of international organization. Consequently Effevottu (2016) explains that integration in this context does not require states to surrender their autonomy, but rather encourages inter-governmental cooperation. Functionalism sees the emergence of functional organizations whose extension geographically and competently are derived through functions to be performed. This implies that an institution's coverage may encompass or extend beyond state boundaries. This requires flexibility for such organizations to be formed.

This further implies that at all times not all the members must be involved in all projects undertaken within the framework of such an institution. The functionalist idea of integration is inappropriate in the EAC given its emphasis on a defined geographical area. This is attributed to the fact that EAC member states are unlikely to accept an undercurrent of institutions which will undermine their power and authority by exposing the state incompetence, assuming that such institutions are more efficient (Zormelo, 1994).

Politically, if functionalism were to be the theoretical basis for regional organization in the EAC, there would be two effects. Individual state interest will make it difficult to accept functional institutions as forms of economic and social institutions. Even if this was not the case, the fact that East African governments view the state as the organizing unit and would thus protect from

interference at all costs implies functional organizations can't be the basis for integration (Effevottu, 2016).

Secondly, preceding the above reason, the involvement of governments implies foreign policy orientation will affect the establishment of geographical areas. Traditional ties, like common colonial ties, will be influential. Functionalism further holds that functions can be performed better individually. This implies the coverage of institutions is not visible to functionalists coextensively even though there may be a cobweb overlap.

Taylor (1990) criticizes functionalism for rejecting the lumping of functions in order to be solved by a single and competent institution within a single territory. The separation of high and low politics by the functionalism disqualifies it in the context of the EAC due to politicization of economic at all levels (Haas, 1964).

Also, the political realities of the EAC, were national interests are guarded jealously disregards functionalism as a basis for building institutions (Zormelo, 1994). Basing on the above arguments, functionalism though being an important theory for integration cannot be a basis for EAC integration.

2.1.3 Neo functionalism

By contrast, neofunctionalism refutes the control the integration process by governments; instead empowering institutions to shape the process leading to "spillovers" and path-dependencies beyond intergovernmental bargain (Tranholm-Mikkelsen, 1991).

Neofunctionalism developed from functionalist theories of international cooperation. Neofunctionalism stipulates ways to address the balance of power behavior and the recurrent

warfare considered by realists as the endemic features of international politics. The upswing of supranational economic integration in Europe of the 1950s seemed to contradict the realist assumptions regarding the primacy of state autonomy and power but it disputes that institutions continue to work reliably and efficiently according to the interests of their founders who are often unable to foresee or correct the unintended consequences of the institutions they created.

Neofunctionalism assumes a long-term positive feedback process, which strengthens actors beyond the state and pro-integration preferences. Initial integration creates and strengthens transnational interest groups, which benefit from the lowering of national borders and the relocation of authority to the regional level and supranational organizations, which have an organizational self-interest in expanding integration further and use their resources to influence intergovernmental negotiations in this direction. Moreover, the norms, rules, and practices of regional integration constrain the effect of state power on intergovernmental negotiations, socialize actors into integration friendly behavior, and may ultimately even transform citizens' identities and loyalties.

The Neofunctionalism theory assumes that common economic interests will ultimately lead to political union thus a shift from economic union to political union (Biira 2017:56). This theory is mainly founded on the notion of 'spillover' i.e. functional, political and cultivated spillovers (Tranholm-Mikkelsen, 1991)

Functional spillover arises when initial objective of integration is achieved through interdependence of sectors and policies. This is because such sectors and policies are often intertwined in modern polities and economies (Haas (1958: 297, 383).

Political spillover develops when elites nationally conclude that problems of substantial interest can't be addressed effectively at domestic level (Bergmann and Niemann, 2013). They thus shift their expectations, political activities and even loyalties to be addressed regionally thus promoting integration.

Cultivated spillover on the other hand arises when regional institutions as they become more powerful become agents of integration in order to benefit from the process (Bergmann and Niemann, 2013). Once established, such institutions stand on their own making it difficult for their creators to control them. Haas (1961) says this will ultimately foster integration. Basing on the above assumptions, this theory would be the basis for EAC integration

2.1.4 Elazar's model

Henry (2007) argues that the EU model of integration differs slightly from other integration models such as ASEAN, but the EU approaches, which to some degree originate from the theories put forward by Haas, are imitated in other regions around the world. In many respects, the East African Community set of rules follows the European Union model. There have been instances, for example, that the EU experts have been dispatched to Arusha, Tanzania to share their experiences with East Africa policy-makers.

Skillen (2016) states that the European Union (EU) is a unique body in many ways; it is simultaneously geographical, political, and economic, and is notable for the fact that it peacefully contains multiple nationalities and countries with an otherwise long history of warfare and conflict. Skillen (2016) points out that under modern definitions Elazar's and Watts' definitions of federal and confederal, as well as Elazar's nonhierarchical illustration of power distribution, states are supposedly exclusive in their sovereign powers, but in the case of the EU

there are multiple 'sovereigns' in some legislative areas, which share the same geographical territory. Elazar's conception of power distribution allows this issue to be more ably explored (Ogu, 2011).

In visualizing Power Distribution Elazar suggests that typical illustrations of power-sharing arrangements as hierarchical are misleading, instead focusing on the notion of non-centralization of power (Hobolt and Tilley, 2014). This in turn is to be viewed as a matrix, rather than as a pyramid, as shown in Figure 1:

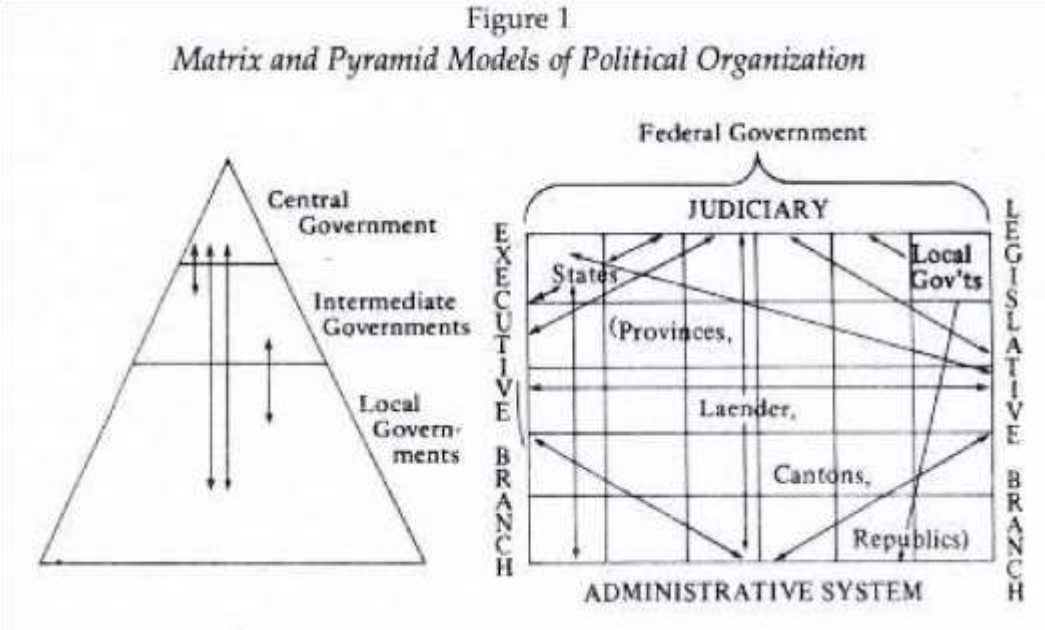


Figure 1: Elazar's models of political organization (Elazar, 1979, p.15)

Skillen (2017:5) suggests that in viewing power distribution as a matrix rather than hierarchical is useful in the instance of the EU, as it allows for discussion of the body as either confederal or as federal as intergovernmental as well as supranational. In a confederation, only those powers agreed upon are referred 'upwards' in a pyramid, but lacking the 'federal principle' of a federation means that in a confederation these powers are able to be recovered through (partial)

dissolution. Viewing a confederation in particular as having power distributed over a matrix, whereby weight may be gained or lost from any given area of legislature, is therefore more capably equipped than a hierarchical power pyramid to illustrate power distribution between the EU as a set of institutions and its Member States.

2.2 Confederations

Different scholars have highlighted on the development of the state that is how states are formed particularly the formation of government structures. In connection with this question, studying the features or forms of government structure is extremely important.

Historically, the three "classical" forms of government structures are unitary state, the federal state (federation) and the confederation. In modern law science, Nakisheva and Nurmaganbet, (2012:2) question a confederation whether it is a form of government or just a form of association, without state elements?

Confederation is a fairly rare form of government structure with just a few existent today and historically. In defining a confederation as a form of government, Nakisheva and Nurmaganbet, (2012) raise questions on the preservation of the sovereignty, the legal basis of creating the confederation, activities of the confederation institutions, creation of a unified economy, and a single currency and citizenship.

Glencross (2007) defines a confederation as associations of independent states designed to last a long time, in which power is exercised by the state units, or as associations of states in which the general government is subordinated to regional government. He views a confederation as a treaty-based union of equal, sovereign states (each recognized by the international community) that surrenders some power to a central authority but maintains the power to break away in principle (Glencross, 2007:2).

In addition, under a confederation, decisions are reached unanimity because of the desire to maintain equality and sovereignty of states. This requires every member state under the confederation to first agree before any change can be made in the union.

Grencross (2007) cites the United Nations as an example of a global confederation, with a weak government structure integrated to tackle global problems, notably peace, human rights, international development and environmental protection but maintains sovereignty of its members.

The challenges facing the UN today highlights the challenges with confederations characterized by the lack of a coercive authority to force members to comply except through armed force, unanimous decision making, the reliance on members to abide by UN imposed obligations (Grencross, 2007).

In his review of the New Europe, Elazar (1998) argues that "confederations are often used where the separate ethnic or national loyalties of constituent states are very strong and their people wish to preserve them, but at the same time see the advantage of long term or permanent links with other states and peoples."

Kalergi (2016) argues that confederations maintain the sovereignty of each nation intact, whereas a federation would necessitate relinquishing some sovereignty to a common authority. He cited the United States of America before 1787, Switzerland before 1848 and Germany before 1866 as past confederations and the British Commonwealth as a Good example of a modern-day confederation since where several sovereign states only combine around a few common institutions (Kalergi, 2016).

The Swiss confederation, 1815-1847

The Swiss Confederation, 1815–47 was made up of 21 cantons (small sovereign states) formed under the 1815 Federal Treaty, to 'defend the confederation's freedom and independence from any external attack as well as preserve internal order and peace' (Kolz, 1992–96: 193).

Church and Dardanelli (2005) note that the cantons were independent and sovereign states de jure and, to a large extent, de facto although there was some encroachment on their sovereignty despite the confederal nature of the Swiss system. Article 1 further stipulated that the supreme authority adopt the constitutions of each canton in line with the principles of the federal treaty.

According to Kolz (1992–96: 194), the institutional structure of the Swiss Confederation was built around the Diet made up of cantonal representatives. Each Canton had equal rights of a single vote regardless of its size, population or contribution to the confederal treasury.

Cantonal representatives in the Diet were delegates of their governments and voted accordingly. The Diet assembled once in a year, normally in July, in the capital of the managing canton (Vorort) chaired by the chief magistrate of that canton. The Confederation administration was rotated on biennial basis, to one of the Vororts when the Diet was not sitting. The Vorort would also host the confederal chancellery (a skeletal confederal administration,), appointed by the Diet. Voting in the Diet was based on a simple majority, except on vital decisions like military matters which required a three-quarters majority vote.

Church and Dardanelli (2005) stated that like other previous confederations, the Swiss confederation was also concerned with both internal and external security and defense set out in the Federal Treaty in article 4. The defence of confederation was ensured by military contingents

from the different cantons commanded by the confederal commander since there was no standing confederal army.

The Confederal government signed commercial treaties and external trade policy and (Church and Dardanelli (2005). Common external tariffs were set and collected by cantons at borders and remitted annually to the confederal treasury. This was source of revenue to run the confederation on top of contribution by the cantons.

The Treaty prohibited cantons from colluding with other cantons or reaching agreements with states that are not part of the confederations contrary to the norms or rights of the other cantons. On the issue of citizenship Article 7 of federal treaty stated that a person is only a citizen in his/her own canton but considered a non-citizen or 'foreigner' in another canton.

Moreover, the confederation lacked the power of enforcement at the central level implying cantons could easily ignore decisions made by the Diet (Aubert, 1974: 18).

Switzerland's transition from a confederation to federation could serve as a lesson from which the EAC could build a foundation for its own confederation.

The European Union

The analysis of the Swiss structure of government by Church and Dardanelli (2005) before and after 1848 in comparison with the EU arguably provides strong evidence to view the EU as a confederation.

Skillen (2017) posits that while the EU does not fulfill Elazar's requirements to be a federation, it is clear that it is more than a confederation, being that a confederation is essentially an intergovernmental, consensus-based body.

Likewise, Watts (2008) says the EU is designed for governance over ‘certain limited purposes’, though given the increased significance of the EU Parliament after the signing of the Lisbon Treaty, it is clear that the EU is not composed simply of delegates from constituent governments. Furthermore, the EU does have certain supranational powers, rather than being strictly intergovernmental (Watts, 2008).

The European Parliament uses varying forms of majority voting in legislative procedure, and while in practice consensus is the norm in the EU Council, qualified majority voting is an option (Skillen, 2017).

Within the EU, the EU Parliament is voted by the citizens, the Council is made of Heads of State of Member States while the Foreign Affairs Council is made up of foreign ministers of member states (Nugent (2010). Lastly, Commission staffs are composed of technocrats (civil servants and experts).

The Commission and European Council share Executive power with the former able to propose legislation while Parliament and Council share Legislative power (Nugent, 2010).

Skillen (2017) concludes that the outcome of this structure is that the two principles are represented within the EU, citizens as in a federation, and Member States as a confederation. The Legislative and executive functions are however, split across institutions. Like any confederation Powers within the EU distributed between the EU and Member States with the former responsible for some items ‘exclusive powers’, other responsibilities are shared between the EU and Member States ‘shared powers’. For instance foreign policy is largely managed at Member State level, with limited initiatives at ‘federal’ EU level (Skillen, 2017).

2.3 The proposition of a confederation in the EAC

The discussion on speeding up on political union was initiated during the summit in 2004 where the Heads of State raised concerns on the slow [progression of EAC integration and resolved to set up a Committee to carry out wide consultations to examine a fast track mechanism for the Federation. The committee ultimately presented a Report on its findings at the Summit Meeting on November 29, 2004 (Nabudere, 2016).

The findings in the report showed that the citizens in respective EAC countries unanimously wanted a Federation. The report however also highlighted the need for a cautious approach based on fears and concerns.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter presents the methods used in conducting the study including the research design, study population, the sample size determination and sampling procedures, data collection methods, validity and reliability of the instruments, measurement of study variables, data analysis and ethical considerations.

3.1 Research design

A case study design was adopted using qualitative method. According to Yin (1984:23) case study research involves an empirical inquiry through contemporary phenomenon investigation in a real-life situation. This method of study is useful for trying to. Case study research enabled the researcher validate existing theories in real world situations, and also review reports of past studies (Zaidah, 2007; Shuttleworth, 2008). Case study design further enabled the researcher to closely analyse data within specific contexts of Kenya and Uganda.

Meanwhile Qualitative method research enabled me categorize data and find patterns between categories (McMillan and Schumacher, 1993; p.479) using qualitative method, I was to make observations, interview, and review different document in order to build a holistic and narrative description of the findings (Prashant, 2013).

3.2 Target Population and sample size

The study mainly targeted the expert opinion on EAC integration process. These included officials in the Directorate of Social, Political and legal Affairs department and Directorate of

Economic, Production & Infrastructure in the Ministry of East Africa Community Affairs, Uganda and Kenya. The population further included scholars from department of Political Science Makerere University Uganda and The Catholic University of Eastern Africa including students of Regional integration at (CUEA), former EAC officials in charge of political department Arusha, ex officials Political federation department , secretariat Arusha and and former youth ambassadors to the EAC from both Uganda and Kenya .The target population was guided by cost and time consideration, and the number expert officials at the two ministries. Sampling enabled me to select elements from the population in such a way that elements selected represent the entire study population (Saunders and Lewis, 2009). I therefore first identified key respondents from each of the above mentioned categories as my target population which brought the number to 38 in the end I managed to interview 28 respondents.

Table 3.1: Target population and sample size

Category	**Target Population**	**Interviewed**
MEARD Kenya	12	10
MEACA Uganda	13	9
Experts EAC matters	4	3
Secretariat Arusha	4	2
Scholars	5	4
Total	38	28

3.3 Sampling Procedure

The researcher employed snowball and convenience sampling for selecting the respondents to take part in this study. I used Convenience sampling to pick respondents because of easy accessibility and proximity during data collection and willingness to participate.

Given that the study sought for expert opinion on the subject, I used snowball sampling to recruit other research participants who were difficult. The sample built and became larger as the study

continued using initial participants to help identify additional study participants (Andale 2017).

3.4 Data sources

I used both primary and secondary data. The documents reviewed included policy documents from the EAC including EAC Treaty (1999), the protocol for the Common Market, Wako committee report, and EAC Governance reports, Reports of consultative meetings on political federation and confederation from both the Kenyan and Ugandan sides and Council meeting reports for my data analysis.

3.4.1 Primary data

The Respondents (EAC elites) were interviewed with the aid of a pre-tested interview guide prepared in advance for each category of respondents. The key respondents were individuals that were proficient and well-informed on the EAC political federation process in Uganda and Kenya The primary data enabled me to get accurate, basic and specific information directly from the population. It also enabled me to get the least and up to date information about the subject under investigation.

3.4.2 Secondary data

Secondary data was used for comparative purposes. I obtained secondary data by analyzing existing literature from reports, published articles in journals, available literature on the study topic from the internet, publications and dissertations on the subject. These provided information in regards to the area of study. Literature from secondary sources covering the area of study was reviewed to incorporate into the study the views of other Authors on the study subject to justify the research findings (Sekarani, 2003). .

3.5 Data Collection methods and Instruments

I was guided by the interview guide during interviews and the responses recorded there and then. As noted by Amin (2005), an interview is an appropriate data collection method, because the researcher is able to explain and clarify the questions being asked. This involved holding face-to-face interviews, interaction using a set, of planned questions in an interview guide which guided me in order to probe for more information. An interview guide enabled me get firsthand information and in-depth views of the respondents on the subject matter.

3.6 Research Procedure

I requested for an introductory letter from the University to secure permission to conduct research in the areas stipulated. The letter stressed the significance of the study. This eliminated suspicion from respondents who otherwise would have thought that I the researcher was in for some other reasons other than academics.

I then proceeded to the field prior to the actual time the study is supposed to commence to familiarize with the conditions where the study was to be conducted. I ensured informed consent by signing a consent form, privacy by interviewing one person at a time, justice and anonymity of respondents. Sensitivity to human dignity was observed to ensure that all information by the respondents will be treated with the highest level of confidentiality.

3.7 Data management and Analysis

Qualitative data was the only data collected and analyzed. Qualitative data is non-numeric data which can be gathered through interview scripts, notes, audio and video and recordings, images and text documents. I collected data by recording audios of respondents during interviews. Using narrative data analysis, the records of each respondent was reformulated and similar

patterns categorized together. I compared the findings of the interview with the findings of document review and discussed any variations and deviations differences between the two.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND DISCUSSION OF FINDINGS

4.0. Introduction

This chapter presents the study findings. The presentation is guided by the study objectives which were to; examine the factors that contributed to the decision to adopt political confederation in the EAC, find out the views of EAC elites on the value of a confederation for political federation and determine the consequences of the decision for governance in the EAC states

4.1 Response Rate

The study targeted a sample size of 28 respondents, but I only managed to interview 28 respondents.

Table 4.1b showing the response rate

	Frequency	**Percentage (%)**
Response	20	71.4
Non response	8	28.6
	28	100

Source: Primary Data, 2019

This implied that there was a 71.4% response rate which is higher than the recommended 70% (Amin, 2005) and could enabled the researcher draw conclusions on the study.

4.2 Findings on the factors that contributed to the decision to adopt a confederation in EAC

The discussion on speeding up the integration process was initiated during the summit in 2004 (Booth et al., 2007). Since then, there have been major and significant developments towards seeing the EAC federation come to reality is the Wako Committee that was established to spear head the fast tracking process (Nabudere 2016).

From its consultations, the committee found two arguments for fast-tracking .The first argument centered on integration being a catalyst of peace, political stability and security. The second argument was that political integration is a catalyst for economic integration. This is attributed to the fact that faster economic development can be achieved through a federation as compared to under totally separate governments.

The Committee basing on its findings reported that East Africans felt that the political Federation was an idea, whose time had come, recommended the launching of the East African Federation by 1st January 2010 and be achieved by 2013 with the election of a single president for East Africa which did not happen. Following this report by Wako Committee, a National Consultative process was initiated to sensitize and create awareness in the EAC states on key issues of the federation.

The national consultation committee was chaired by Njuguna Ngujiiri (Kenya), Besweri Akabway (Uganda) and Samuel Mwita Wangwe (Tanzania) Burundi and Rwanda later on established their own consultation committees led by Julius Bucumi and Anastasi Syaka respectively.

The report by the national consultation committees indicated that all the populations in the five member states were receptive to the idea of establishing a political federation, The findings were as follows; Burundi 71%; Kenya 83% Rwanda 96% and Uganda 87% before fast tracking and on fast tracking the political federation ,the findings were as follows Burundi 63% Kenya 66% Rwanda 91%; Tanzania 24% and Uganda 75%.It can be seen that the fast tracking idea received the lowest support in Tanzania.

The national consultations report revealed that that the citizens in respective EAC countries unanimously wanted a Federation though there a division on when and how. While some wanted an immediate federation, others were thought the need for a more cautious approach to avoid past mistakes. The respondents agreed that the federation should be people centered that is, from the bottom up and not top down approach. This would ensure that the federation remains a people's drive and not a politician's drive. These were fears, concerns and challenges that were reported to have emerged during the consultations.

Consequently in 2009, a Team of Experts was set up to come up with recommendations on how to address Fears, Concerns and Challenges raised in the Wako Committee report (East African Community, 2017; 3).

The reconstituted committee presented its report in October 2011 and inter alia recommended that to address the fears and concerns the following had to be done; The EAC to kick start negotiations to establish a monetary union; reform the different institutions in the community particularly the legislative Assembly, the court of justice, and the secretariat to have the capacity to manage further integration effectively.

The secretariat developed the draft EAC Political Federation Model structure aided by a group of selected regional and senior experts. The model is comprised of a two tier structure for the EAC federal state with the EAC partner states as its constituent states having a Bi-cameral Parliament and federal judiciary. The summit however directed that the proposal be studied further.

The 33rd Meeting of the Council observed that, upon further consultations, all EAC members had settled for Confederation as the federation model. Ultimately a team of Constitutional experts was constituted to draft the confederation Constitution (Ministry of East African Community Affairs, 2017). The study revealed that these were based on the following factors.

Loss of Sovereignty fears

The research findings from review of literature from the Wako Committee Report revealed that, under a political federation member states will no longer have significant powers and instead be relegated just provinces under the federation.

Field findings revealed that the fear for loss of sovereignty is still a very big issue among East African States. Just as presented in the Wako report, from my interviews, I discovered that member states still strongly holding onto their sovereignty with a great fear of losing their power politically and nationally.

One of the respondents from Makerere University Political Science Department stated:

"As much as East Africans agree with a united East Africa, there is fear that this is being frustrated by political leaders who would not want to lose power by ceding sovereignty to the federal government"

The Director Political Affairs, Ministry of East African Community Affairs, Kenya said that the rationalities of politics contributed to the decision to adopt a confederation because as it is now the EAC leaders are not ready to give up their power willingly cited in his own words :

"*Imagine the president of a country having to give up his powers when in his country he is the boss"*

This finding implies that the fear of loss of sovereignty is one big factor pointing to the new road map because a confederation calls for loss of sovereignty in only a few sectors unlike in the case of the political federation.

Economic fears

The study findings from the review of the Wako committee report revealed there that a number economic fears among member states. These include fear for loss of revenue, loss of jobs, loss of investment and employment, loss of market. The committee findings indicated that the Federal government would require finances which would have to be raised by different states and yet some are already financially constrained, indebted and heavily dependent on foreign financial aid. This implied they would have the capacity to raise the additional funds to fund the federal government.

There is also fear that with the common market in place, nationals from other countries with more advanced qualifications would flood the job market in countries with weaker academic systems. For instance Tanzanians are skeptical and fear the possibility of losing out on investment and employment once they become a part of the Federation.

This fear was confirmed by one of the respondents from the Political federation department, Arusha. She argued that:

"Tanzania is adamant because we stand to gain so little economically from the federation. Uganda and Kenya stands to gain free labour market while Kenya would expand market for its goods meaning Tanzania will only be a dumping ground for the two countries"

These fears arise from the fact that: Kenya has a more viable business environment with easier access to markets, and raw material accessibility. This would attract all the industrial and economic development. Kenya with a more developed education systems in terms of qualification would imply that bigger segments of unskilled workforce in Tanzania and Uganda would easily be substituted by a more skilled and qualified labor force from Kenya. This will negatively impact on employment in those countries.

There also fear of Loss of Market as a result diversion of trade to more competitive countries like Kenya. This concern is however currently being looked at under the Customs Union Protocol, requiring all exports from Kenya to Tanzania and Uganda should to be charged tariffs for a period of five years.

One of the respondents, from the Economic department Ministry of EAC, Kenya stated that the need to address these fears contributed to the decision to adopt the confederation. Quoting his own words:

"Look at the example of domestic taxes, the case of value added tax, where all the other countries in the region charge 18% while Kenya charges 17%."

This finding confirms earlier findings by Opiyo (2014) who observed economic related fears and challenges that have affected the realization of benefits of integration. Findings from literature reviewed according to Mwaseba (2010) further reveal that under current circumstances in the EAC, smaller and weaker economies like Rwanda, Burundi, could not rush to join the federation

as they will simply be less competitive. The federation will likely make them markets and raw materials for more competitive industries in Kenya.

Further Literature reviewed according to Himbara (2018) reveals that Kenya continues to economically stand out among other members in the EAC. The World Bank 2017 data, shws that Kenya's Gross Domestic Product (GDP) expanded to US$75 Billion in 2017. Kenya's per capita income increased from US$1,462 in 2016 to US$1,508 in 2017. This makes Kenya the only middle-income country in the EAC.

The comparative performance of the region further reveals that Tanzania the second best performer with GDP of US$52 Billion, per capita income increased from US$878 in 2016 to US$936 in 2017. Evidently, with a per capita income of US$936, Tanzania is nearly reaching the middle-income status of Per Capita of US$1,045. The next three years should see Tanzania joining Kenya to become East Africa's second middle-income economy. Uganda is distant third with GDP US$26 Billion, per capita income of US$604, Rwanda fourth with US$9 Billion, capita income of US$748 while Burundi's GDP is US$3.4 Billion.

An interviewee in the political federation department Arusha said that the political confederation will enable the EAC member states time as they harmonize economic policies to come up with common trade rules. This implied that there is a need to first harmonize the economic policies which can only be possible under a confederal arrangement.

A review of Reinicke (1977); Opiyo (2014:92) shows a reluctance towards political federation, as Questions on how the joint resources will be managed, how the budget will the allocated, how taxes will be levied begin to arise over.

Disparities in Governance

In a report I reviewed entitled "Legal Analysis of the fast Tracking of the EAC integration from the Kenyan perspective, I gathered that Kenya has been taunted to have a better governing structure than the other EAC member states.

Although this report indicates that just as other EAC countries, it suffers from ailments associated with poor governance practices but to a varied degree however ,Kenyan citizens fear that these ailments from the other member states are bound to spill over .The fears of bad governance will undo the progress realized at the national level .The incongruence in political systems and partner states constitutions also raised a legitimate concern towards the realization of a political federation hence a confederation instead because this form of government is loose and so this can be managed.

One of the respondents interviewed from the Political federation department Arusha stated:

"*When you look across the region, the way our countries are governed vary widely. For instance while in Tanzania, the constitution states that the president can only rule for two terms, it is different in countries like Uganda"*

The decision therefore to adopt the confederation gives the EAC time to first address the question of poor governance in some countries, particularly the contentious issues on corruption, violation of human rights, lack of constitutionalism and failure to observe the rule of law (EAC, 2011). The study further found that East Africans are bothered by the fear that electoral violence like that seen in Kenya and Uganda, lack of peaceful power handover and militarization of politics witnessed in Uganda may cross borders to countries with better records on those scores.

Adapting a confederation will allow member states a transitional period to come up with a good governance protocol as was stressed by the director political affairs at ministry of EAC Uganda. This transitional period will allow EAC members to incorporate caps on harmonized electoral cycles, presidential term limits, and election management in their constitutions.

Confidence Building

This is the most presented response by majority of my respondents .Ten of my interviewees from both ministries pointed out that EAC member States are still not firm on taking on a political federation .Having a confederation therefore will give time for member states to respond to issues at hand and still participate in the confederation to build confidence preparing them for a fully-fledged federation.

Cautiousness

History of EAC integration efforts has left both good and bad legacies. Majority officials I interviewed at both ministries stressed that community does not want to repeat the same mistakes that caused its collapse in 1977 and failure to have a federation by that time.

While the Wako Committee found during their consultations that the citizens in respective EAC countries unanimously wanted a Federation, there was need to approach the federation cautiously. Research findings from Literature from Opiyo (2014) reveal that some member states especially Tanzania remains skeptical about political federation.

The Principal Regional Integration Officer, Ministry of East African Affairs, Uganda explained that a confederation will enable EAC members overcome issues that bring about skepticism. He again stressed that a confederation will build confidence among member states through this association.

Apart from the fears that point towards being the main reason as to why there were discussions on adopting a confederation, an official at the EAC stated that this is one way of preparing the partner states for a fully-fledged political federation. He goes ahead to explain that the EAC confederation will have more attributes from the ordinary confederation attributes to create a clear road map towards achieving a political federation with so much ease.

Talking to the commissioner Political Federation Kenya, he pointed out that:

"*The EAC is working to keep the dream of the fore fathers alive because they fought so hard to see Africa integrate and EAC in particular federate."*

Julius Nyerere the forefront advocate for federation of EAC went an extra mile to offer a delay of Tanganyika's independence so Kenya and Uganda could to attain independence in order to federate immediately. This however, did not happen with Tanganyika only joining Zanzibar to form current day Tanzania (Biira, 2017). The EAC is working to see this dream come to reality and so all the initiatives being put into place since the revival of the new EAC have an inspiration from this factor. The confederation therefore as a means to achieving a political federation as the EAC puts it is a transitional model to achieving the desired and long awaited political federation.

4.3 Findings on the views of EAC elites on the value of a confederation for political federation

The review of various literature including Glencross (2007); Nakisheva and Nurmaganbet, (2012:2); Kalergi (2016) shows that a confederation does not necessitate member states to surrender their sovereignty to a central authority. Qualitative data obtained from the interviews conducted revealed that the majority EAC elites agree under the circumstances that the decision to adopt the confederation is the best alternative to **e**nable the community achieve the desired

political federation. There were a few respondents that said no to the adaption of a confederation although there no was accompanied with recommendations. However Respondents from both Uganda and Kenya supported the decision by the EAC to adopt a confederation as a roadmap to achieving political federation.

Majority respondents from Uganda agreed strongly that the decision to adopt a confederation will lead to political federation in the EAC. One of the respondents, a practitioner at Makerere University in the department of political science stated that compared to a federation, a confederation is easier to achieve in the context of the EAC. This is because a confederation doesn't require a central authority to handle all aspects but rather EAC member states can retain their sovereignty and constitutions and can only come together on issues like trade basing their decisions on Consensus. In his words he stated:

"*The current leaders in the EAC are so divided. Everyone wants to front their own ideas. Imagine the president of a country having to give up his powers when in his country he is the boss"*

On whether, the confederation will enable the EAC achieve federation, another respondent from the legal department, Ministry of East Africa Community Affairs, Uganda cited past confederations like the American confederation which eventually became federal states. According to him,

"The EAC will benefit from the confederation through faster decision making mechanisms."

The collapse of the attempted federation in 1977 was attributed to the suspicions, hatred, political differences among EAC member states and EAC leaders. In her words, the assistant director political department ministry in Kenya stated:

"As much as leaders want to see the political federation, they do not also want a repeat of 1977 dilemma. Better it takes more time to be realized than rushing to only see the community collapse in the end."

In regard to the value of the confederation, a regional integration officer in the Directorate of Economic, Production & Infrastructure, Ministry of East Africa Community Affairs, Uganda explained that the greatest benefit of the confederation will be the maintaining of unity and harmonious a relationship among member states. Outing her words she said:

"Under the confederation integration will be progressive and sectoral based. The member states will maintain interstate relations which are vital for the ultimate goal which is a federation"

The respondent further stated that the confederation will harmonize the regulations which have hindered the full implementation of the protocols on customs and common market. Therefore the confederation will give time for non-tariff barriers to be eliminated. The respondent cited the example of a harmonized education system which will enable the free flow of labor within the EAC.

In support of the same argument, another respondent, a political confederation committee member from Kenya also stated that while a federation requires coming together at once which risks having challenges from all sectors because of the differences in political systems, education systems and legal systems in the EAC member states. She said that:

"A confederation will enable EAC member states achieve the desired federation in an easier way by harmonizing sector by sector which can prevent a fall out. However to Safeguard the confederation, there is need to develop a strong constitution that will ensure the effective governance.

The above findings from Uganda show that elites strongly support the decision to adopt confederation as a roadmap to achieving political federation. While similar views shared by their counterparts in Kenya, unlike other members that accepted to take on the confederation from the beginning, Kenyans had a bit of doubts. According to the 33rd council meeting report, the Kenyan delegation asked for more time to consult on the new idea. They later after consultations agreed with the rest that the confederation was the way to go.

A former political federation committee member from Kenya was skeptical that the East African Partner states are not ready, not just for political federation but even for the proposed confederation. In her words she said:

"I think East African Partner states are neither ready for a political federation nor the proposed confederation"

Citing the political differences among partner states like the most recent closing of the border between Uganda and Rwanda, with Rwanda accusing Uganda of training renegades to destabilize and the illegal detention of its citizens. She also cited the political woes between Rwanda and Burundi with later blaming Rwanda for the political turmoil in their country.

A former youth ambassador observed that the adoption of a confederation is an idea which should not be neglected as it can help speed up the integration process. Quoting her words, the respondent said:

> "*For someone who feels East African, I would prefer a federation because it can unite us but reality shows otherwise. A federation requires a lot of commitment which apparently East African states don't seem to be ready for"*

EAC Still has identity issues where state interests are put first before the regional interests. Confederation can be a solution to the past experiences and mistakes which caused the community to collapse.

She concluded by saying that the confederation will enable East Africans achieve the ultimate goal of political federation:

> *"If East Africa can confederate, then it is also possible that the region can also federate."*

Similarly another respondent, a Masters student in Nairobi argued that unlike political federation, a confederation does not require member states to ultimately give up their sovereignty to the confederal authority. She observed that the confederation will give the EAC time to first address the differences and fears that exist.

Like his counterpart in Uganda, an official in the political department, Ministry of East African Affairs (MEARD), Kenya Stated that a confederation will enable the member states first pool their resources sector by sector. He cited the example of the health sector, where he said that under a confederation, member states will cooperate improving the health sector fully before moving on to the next sector .This makes the integration process easier and the federation much easier to attain.

The Secretary General's office in charge of political federation reflected on the fact that the decision to adopt a political confederation is based on the recognition by EAC member states to address the underlying challenges that have hindered the realization of political federation under the current political discourse, the history of the EAC, disparities in political and economic systems of EAC member states

> "*EAC partner states put national interests before regional interests, thus the confederation will ensure just that since it maintains the sovereignty of member states"*

The Neo-functionalist approach as explained in my theoretical framework asserts a spillover effect from one sector to another in the integration process, The principle regional officer at the Directorate of Economic, Production & Infrastructure Ministry of East Africa Community Affairs Kenya (MEARD) confirmed this by asserting that the adoption is the right approach towards achieving a political federation as it will give a spill over impact to other sectors for a the federation to happen. He goes ahead to confirm that the EAC is not lowering its aspiration instead preparing for the final goal and this can be done best by attaining a political confederation first then ultimately a political federation.

> *"The confederation is a wise step for EAC integration as the way forward to address the challenges that hinder the realization of political federation. For instance we adopted the common market protocol after customs union yet the customs union challenges were not fully addressed"*

Another respondent at the Directorate of Social & Political Affairs Ministry of East Africa Community Affairs, Kenya explained that firstly the confederation will allow member states to harmonize policies to address the challenges that arise in the predecessor stages of federation.

Secondly the confederation will ensure a paradigm shift from the top bottom perspective into a people centered integration.

He however, warns that the confederation should be reviewed basing on the African context and not be compared with the EU because the European countries are structured differently from the East African member states and our political aspirations and history is different.

4.4 Findings on the consequences of the decision for governance in the EAC states

One of the impending fears and concerns of many East Africans on the question of political federation has been the issue of governance. The differences in political structures and political agendas among member states in the EAC stands are one of the stumbling blocks in the political integration process. Krakowka and Hummel (2009) observed that EAC political federation would require member states to surrender sovereignty to a regional government. There is reservation among the East African citizens on the possibility of a spillover of bad governance structures from one state to another (Opiyo (2014: 94).

Citing the case of Uganda, Mwaseba, (2010) observed that governance challenges particularly the contentious issues like corruption, violation of human rights, lack of constitutionalism and failure to observe the rule of law (EAC, 2011). The study further found that East Africans are bothered by the fear that electoral violence like that seen in Kenya and Uganda, lack of peaceful power handover and militarization of politics witnessed in Uganda may cross borders to countries with better records on those scores.

This raises the issue of whether a confederation would rather be preferred as Kalergi (2016) explains that it maintains the sovereignty of each nation intact.

As seen in earlier discussions by both Lister (1996) and Elazar (1998), confederations are more suitable in regions with great disparities in ethnicity, population, territory and economic power and their people would want to preserve that, but also see value in uniting with other states and people. According to Hamilton et al. (2003) political representation in a typical confederation is a collective one (a people, a state). Thus a confederation is a contractual union of states (Forsyth 1981:3).

The concept of sovereignty affects democracy because a change in sovereignty status ultimately affects the democratic practices (Bartolini 2005; Bickerton et al., 2006). This is because in this democratic era, state sovereignty and popular sovereignty are intertwined and cannot be separated (Walker 2007). Thus, the decision to adopt a confederation will have a key implication on governance of EAC member states.

4.4.1 Governance in EAC member states

Governance is an important ingredient for the success of EAC regional integration. Article 3(3) (a) of the EAC Treaty stipulates that in order to be admitted to the EAC, the state should adhere to universally defined principles of democracy and good governance, rule of law, and must observe human rights and social justice.

The EAC (2018) reveals that political situation in the EAC region over the last decade has been marked by considerable democratic activity, characterized by the holding of multi-party elections in Kenya (2013); Tanzania (2015); Burundi (2015); and Uganda (2016). Rwanda and Kenya held their most recent elections in August, 2017. Indeed, the democratic environment in the EAC region has progressively improved over the years, with among other significant indicators, the multi-party elections held across the region having increasingly been free, fair and credible.

There has considerable improvement of peace and security in the EAC. The region has embraced the AU Agenda 2063 flagship projects 'Silencing the Guns by 2020: Pre-requisite for realizing a conflict-free Africa by the year 2020'. Furthermore, the EAC Vision 2050 sees peace and security as a sine qua non for the envisaged socioeconomic transformation of the region and, thus, states, inter alia, that: "A stable and predictable security environment is a prerequisite to the establishment of an enabling environment necessary for the germination of socioeconomic and political gains targeted by the integration imperatives". Also noteworthy is that the principle on which EAC political integration is based dictates that member states must harmonize and coordinate regional policy frameworks on good governance practices.

For integration to succeed, it should be supported by an enabling political framework. The EAC Treaty states clearly that the objective of EAC integration is to establish a Political Federation. The achievement of a political federation is aimed at advancing socio-economic and political development, and is also in line with AU aspirations. As a sign of commitment to the practice of good governance and democratic principles, EAC member Partner States signed the International Conference on the Great Lakes Region (ICGLR) protocol on the practice of good governance and Democratic principles (2006) of the. Good governance practices are linked to the practice of the rule of law, fight against corruption; ensuring the freedom of expression; inclusive participation as well as social protection. It is thus imperative the EAC develops regional values and practice of good governance to promote social cohesiveness to enable East Africans move together into the future as "one people."

Indeed, in line with the AU Agenda 2063 and Vision 2050, the EAC region must be defined by, inter alia, the following values: principles of democracy; respect of human rights; gender equality; rule of law and justice for all; timely access to affordable independent courts and

delivery of justice without fear or favor. Citizens should also be allowed to participate in socio-economic and political development without discrimination. This can be achieved through creating a democratic space which accords respect for democratic practices; and leadership which is transformative, as well as the promotion of ideological change at all levels from national to regional levels.

Despite this requirement, scholars like Manyinsa (2014) have documented that EAC countries continuously rank poorly in regard to governance. The region has over the years recorded incidences of human rights violations, Corruption, abuse of the rule of law, lack of transparency and accountability in government and isolation of the public in running the affairs of the nation as well as electoral malpractices.

For instance in Uganda USAID (2019) reported significant challenges to good governance especially lack of transparency and mismanagement of public resources, weak government institutions and civil society capacity.

On transparency and active participation of citizens**,** the study found out that Rwanda remains the least corrupt country followed by Tanzania and Kenya while Burundi is the most corrupt in the region (Transparency International Corruption Perception Index, 2018). Manyisa attributed the persistence of corruption in the region to **p**oor democracy and lack of political will.

The review of literature reveals poor governance due to lack of Transparency and participation of citizens in the EAC is associated with lethargy in government services, weak institutional support, unfavorable investor's environment and high cost of operations which discourages private sector input in the economy .

This ultimately results to unemployment, high consumer price as producers pass on the amount paid in bribes to consumers leading to low consumption thus affecting economic performance. Corruption undermines the economic development by introducing distortion and inefficiency in the economy. Further, corruption hampers fight against poverty leading to an increase in the wealth gap between the poor and erodes the purchasing power as cost is passed on to the poor.

There is however continuing regional campaigning for an East African Good Governance Protocol which is expected to contribute in fast trucking the signing of the African Charter on Democracy, Elections and Governance. This campaign is partly founded on the current concerns that several countries, East African Community (EAC) Partner States included, have over the years enacted legislation or nurtured political systems and taken actions (political and administrative) that restrict civic space.

Regarding public administration, human rights and the rule of law, Manyisa (2014:6) revealed that Tanzania outperforms the other EAC members in civil liberties. The country however, has been flagged for suppression of media and the opposition, lack of protection for vulnerable populations like albinos, violence against women and girls as well as female genital mutilation (FGM).

Kenya comes second to Tanzania in terms of political rights and civil liberties. Though the country has made strides, there are still great disparities in income levels. Kenya however, still suffers from historical injustice which influenced the 2008 political violence. There are high profile corruption cases which are yet to be resolved. Other challenges include infringement of media freedom, electoral violence attributed to rigging of elections, ethnicity, militias political assassinations which are yet to be resolved (BBC, 2009). The Kenyan government has also been accused of human rights violations abuses and the use of unnecessary force to silence militias

and secessionists (Independent Medico Legal Unit-IMLU, 2008). Furthermore the plight of the victims of the violence who are still internally displaced after 2008 elections is still yet to be addressed by the Kenyan government.

Uganda comes third after Kenya and Tanzania with scores of 4 and 5ci in regard to civil liberties in the country and political rights respectively. The country has significantly deteriorated between 1996 and 2002 with great disparities in income. The country in the past was rocked by rebellions with gross violations of rights of women and children. Rebel activities in Uganda displaced up to a million people. Violations of human rights is high especially suppression of the opposition, corruption and infringement on media freedom (Manyisa, 2014:5).The study points to security forces being the primary violators of human rights in EAC member states.

On matters of government effectiveness and accountability, the research observed that the organs of government responsible for interpreting and applying principles of good governance in the five EAC member states are the Parliament, the respective governments, the national courts. Other public institutions like Human Rights Commissions, Justice Ministries, agencies to fight graft and the National Audit Office.

There is however lack of independence of the various arms of governments for instance the legislature and the judiciary is in most times influenced by the executive which affects their responsibility to work for the society. This is the case in Uganda, Rwanda and Burundi.

A report by USAID (2019) observed significant challenges to good governance especially lack of transparency and mismanagement of public resources, weak government institutions and civil society capacity. The policy makers do not engage the private sector and individuals likely to be affected by policies before they are passed. Governments do not respect or exploit public

knowledge, expertise and creativity in rendering services. In countries like Uganda, Rwanda and Burundi, governments do not take lightly public scrutiny and are therefore not ready to listen or take public criticism and concerns. This is affecting governance in these countries.

Against the above background, a number of milestones have been achieved towards deepening integration in East Africa in the areas of leadership, peace and security, as well as legal and judicial affairs, including, among others: regional programs and mechanisms to provide early warnings and prepare for disasters; prevention, Conflict Prevention, Management and Resolution (CPMR); refugee management; and combating illicit small arms and light weapons should be institutionalized. A number of Protocols have also been concluded such as that on Peace and Security (2013) and Co-operation in Defense Affairs (2012); as well as the Protocol on Foreign Policy Coordination which has been adopted and is in ratification. With particular regard to legal and judicial matters, one of the pre-eminent objectives of the EAC is to come up with programs and policies to widen and deepen cooperation among members in legal and judicial matters for their benefit, as established by the Treaty. Cooperation includes, inter alia, harmonization of legal training and certification, as well as standardization of judgements of courts within the Community. Increasingly also, cooperation includes mutual assistance in legal matters, including extradition, that is provided for under the Protocol on Judicial Cooperation (2006) of the ICGLR.

Furthermore, the EAC Secretariat has been executing a range of major interventions in the area of Good Governance in general, and in pursuit of EAC Political Federation in particular – consistent with implementation of its mandate, provided for under Article 123 of the Treaty.

Among the major interventions, has been the EAC Program on Good Governance, which has, amongst allowed national institutions to share information, experiences and cooperation to

improve and standardize their own policies, strategies, laws and programs in line with other member states.

As regards Human Rights and Social Justice, the Forum of National Human Rights Institutions was set by the council to facilitate the Secretariat work. The Forum has so far done an evaluation of national constitutions in relation to renowned international instruments on human rights in order to standardize and adopt the best practices.

With regard to Democracy and Electoral processes, among the major developments under the auspices of the EAC, Electoral Commissions Forum was set up at regional level to share their experiences in organizing and conducting free and fair elections, as well as harmonize democratic practices.

Furthermore, Principles on Election Observation and Evaluation were developed to guide observation of elections in the EAC. Other major initiatives and developments have included: of Preventing and Combating Corruption Protocol was imitated, and it is in its final adoption stages; Chief Justices Forum was set up to formulate policies to uphold the rule of law, enhance access to justice; the EAC Annual Conferences on Good Governance; as well as the initiation of university student debates under the Nyerere Centre for Peace Research (NCPR) to promote dialogue among the youth.

The governance and political development context of the region has implications for socio-economic transformation. A democratic, peaceful, secure and stable EAC region will advance the course of sustainable socioeconomic development of the Partner States, in line with the AU aspirations. Therein, among other benefits and enablers, a peaceful and stable EAC will be able to attract foreign investments, as well as to facilitate the success of local investments.

Accordingly, this Development Strategy is cognizant of this prerequisite and is also largely informed by the above ideals and aspirations of the East African people as emphasized by the EAC Vision 2050 and related continental and global agendas.

4.4.2 Consequences of the decision for governance in the EAC states

As has been seen in this research, the confederal approach to integration in the EAC is rather a more attractive and feasible alternative to the many East Africans who would want to see a more integrated EAC than already it is. Throughout the EAC, East Africans seek reforms to the present governance in their countries. However, the ruling class and their allies have continuously frustrated such efforts in order to maintain the illegitimate status quo for their own economic and political interests.

As such, I observed that the reasons for advocating for a confederal approach to integration in the EAC include, among others, the unanswered unity question. The confederation of the EAC will minimize the cost burden on individual states since each country will generate and manage its resources to foster its development. Under the proposed confederation, EAC states will maintain their sovereignty, implying officials elected by electorates will be answerable to their voters. Such criminals will therefore not be protected by confederal authority. This implies that to some degree the confederation of the EAC will ensure accountability.

This study also reveals that EAC member states under the confederation will maintain sovereignty returns and the confederal authority will only exist at the expense of the individual states and not the other way round. While the federation may have a central authority which may become too powerful and arrogant and unaccountable to the people, the EAC confederation will decentralize power among EAC member states and therefore transfer of responsibility and

commensurate authority to constituent units for better administration of the various sovereign polities within the confederation. This implies that to some degree the confederation will ensure proper administration of member states.

While the domestic democratic systems in EU member states are stronger than it is in the EAC, and citizens are able to hold individual representatives or parties accountable by voting them out at the polls like the case in Britain (Skillen,2017), I find the domestic democratic systems in member states in the EAC very questionable. Citing Mwesaba (2010) there have been concerns of rigging of elections and militarization of politics in countries like Uganda and Kenya in 2007. This implies that the hope that the confederation of the EAC will positively influence governance in member states is nothing but void due to the weak democratic systems in some of the EAC member states. The lack of a central authority to enforce protocols on governance means member states may not promote governance in their individual states.

Moreover, when I reviewed the EU policies I found out that for the EAC to form a confederation, the EAC Parliament would have to use varying forms of majority voting in legislative procedure. However, in practice, consensus would be the norm in the Council of the ministers, and qualified majority voting would be an option. Member states have continuously been ranked poorly in governance despite using the principal of majority voting. Unless provision for no collusion between or among member states is provided for in the confederation, the study shows there will be no improvement on governance in EAC where member states most notably Uganda whose parliament uses the vote of the majority without any consensus or regard for governance, constitutionalism and the rule of law. It is evident that this has led to poor governance in the country (Uganda).

A review of Skillen (2017) shows that a confederation in the EAC will simply be a voluntary association of independent states coming together to achieve a common goal reached through consultation or deliberation. The current stand in the EAC shows that member states are not yet ready for any interference in their domestic politics. There is evidence of interstate bickering and disputes between member states with little or no deliberation. Even the common market and customs union that have come into play are yet to be fully implementation despite being in place for 14 and 9 years respectively. A confederation in its nature will not have so much impact on governance on EAC member states because there is no effective executive authority.

This implies that EAC member states will still retain their existing military establishments and further be accorded equal status with a right to secede from the confederation.

Further still, decisions made by the confederal government in a unicameral legislature, a council of the member states, require subsequent implementation by the different member states under the confederation to take to effect. Such decisions are therefore not laws acting directly upon the individual, but instead have more to do with the character of inter-state agreements as in the literature (Madison, James, Hamilton et a l., 1987). This implies that the same norm of lack of rule of law, corruption, human rights violations, lack of transparency and accountability will still be the norm in the EAC member states.

Decision-making under the confederation usually proceeds by consensus (unanimity) and not by majority, which makes the confederation a slow and inefficient government (Glencross, 2007). According to the scholar Glencross whose literature I reviewed, states that are "given the need to respect state equality and sovereignty, decisions in a confederation especially over reforming the treaty of union are taken by unanimity this means that all members must agree before the powers or purposes of the union can be altered".

The confederation also provides means through disgruntled member states within the union can secede through a referendum. In regard to governance, this may in some ways be counterproductive as politicians in member states may exploit this provision to reflect their will and not the will of the people. I therefore conclude that such a feature in the EAC confederation will be problematic as it will limit the effectiveness of the union in regards to implementing governance.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the discussions and summary of findings, conclusions and recommendations. These are based on the study objectives stated in chapter one which were to: Examine the factors that contributed to the decision to adopt a political confederation in the EAC, find out the views of EAC elites on the value of a confederation for political federation and determine the Consequences of the decision for governance in the EAC states.

5.1 Summary of findings

5.1.1 Summary of findings on the Factors that contributed to the decision for the adoption of the confederation in EAC

The study revealed that the decision to adopt a political confederation was based on the recognition by EAC member states to address the underlying challenges that have hindered the realization of the political federation that points to the current political discourse, the history of the EAC since its inception in 1968 to the new EAC, disparities in political and economic systems of EAC member states. The study found that the EAC member states deemed it necessary to first address the underlying challenges mentioned in the findings that are a serious barrier to federation. Adopting a confederation therefore would give the EAC member states time to solve some of these serious issues but also participate in this form of cooperation that they believe will eventually lead to the ultimate goal which is the political federation.

The fear by member states to give up their sovereignty is still a major factor hindering the realization of a political federation therefore a confederation allows for member states to build confidence so that they will give up their sovereignty with no doubts. In as much as East Africans think a "marriage" like one of my respondents called it is a good thing the EAC members are just not yet there .In other words if they are not willing to lose their sovereignty they are far from being ready hence opting for a looser federation hoping that they can build confidence and keep united through a confederation.

The study confirms that the confederation will allow for member states a transitional period to expedite and conclude a protocol on good governance. During the transitional period individual state constitutions can be harmonized to ensure caps on presidential term limits, harmonized electoral cycles and electoral process management.

Research findings reveal that regional disputes among member states stand as a stumbling block to the realization of the East African Political federation. The study found out that while member states strive for a federation, some have locked in disputes. These political differences among partner states like the most recent closing of the border crossing between Uganda and Rwanda I therefore conclude that the confederal approach to integration in the EAC is rather a more attractive and feasible alternative to the many East Africans who would want to see a more integrated EAC considering the reality on the ground.

In a nut shell, a confederation is only a middle ground for the EAC to achieve the ultimate goal of a federation. This decision was informed by the challenges that hindered the realization of a political federation and pointed at member states not being ready yet. There was a need to first address these challenges as they participate in a confederation to prepare them transit to a fully-fledged federation.

5.1.2 Summary of findings on the consequences of the decision for governance in the EAC states

From the research findings, I observed that integration efforts whether through a confederation or federation remain another attempt to address the regions problems. The study revealed that confederation if adopted will not significantly improve governance in the individual EAC member states.

The discussions reveal that a confederation of the EAC will simply be voluntary associations of independent member states who will come together for a common goal like trade or defense. So it does not provide for an effective executive authority this means that a confederation in its state lucks a viable central governing authority. Member states therefore still have a right to secede as they will be accorded equal status.

In summary, the decisions that will be made by the East African confederation if it comes to place will require subsequent implementation by the member states to take effect which may not be guaranteed because it is voluntary in nature hence the EAC member states are not compelled to. This implies that the of lack of rule of law, corruption, human rights violations, lack of transparency and accountability will still be the norm in the EAC member states.

5.2 Conclusions

The study shows that the ultimate aim of the EAC is to establish a regional political integration which will be achieved gradually through economic integration. The Customs Union is operational and the EAC common market has been established. The Monetary Union will be in place by 2023 and, eventually, Political Federation.

Fifteen years after the proposal for fast-tracking the political federation, questions have risen among the elites and East Africans at large about the feasibility of the political federation. The study found that the decision to adopt a political confederation was based on the need by EAC member states to first address the underlying fears and concerns highlighted in the findings.

A confederation if adopted in the EAC will have little impact on governance in the individual EAC member states. This is because a confederation will simply be voluntary associations of independent member states with no central executive authority. The lack of viable central governance will have less impact on issues of governance in the community.

What is more encouraging however is that the people of East Africa find this attempt of great value and strongly believe that the EAC can achieve a political federation through a confederation. As indicated in my study findings, the greatest number of elites that I interviewed commended this attempt by indicating that if the member states are willing to work towards the achievement of the ultimate goal, they should show it by making the confederation work and the starting point would be to draw a charter of the confederation demarcating the powers and areas that the confederation government would cover.

Suspicion being the main challenge facing the formalization of the confederation among partner states, the confederation will certainly face the same challenge however, since all partner states have adopted a common position on confederation, this challenge could easily be overcome. Moreover, the existing organs and semi-autonomous institutions of the EAC would make the formalization of the EAC confederation quite easy. A Confederation government therefore could act as a soft landing /catalyst for the partner states to overcome their fears and move towards a federation.

5.3 Recommendations

The EAC has concluded a number of protocols which have deepened the integration process and these include the protocol for cooperation in defense, protocol for cooperation in peace and security, protocol of foreign policy coordination, customs union protocol and common market protocol. However, a lot of time and effort is still required to complete the harmonization of policies, laws and programmes that cover all areas of cooperation .Effort should be put on strengthening and fully operationalizing the customs union, common market and monetary union because these are important pillars of integration on which the confederation will be built.

The East African Court of Justice should be empowered to resolve disputes between members of the EAC. The court should also have the capacity to interpret the provisions of the confederation especially the location of power to enable the confederation to work effectively.

It's generally observed that despite an enhanced sense of East African identity arising from modern communications, there are still reservations attributed to lack of awareness among the East Africans regarding the progress made and the benefits of the integration process. This makes the integration vulnerable as it begins to affect issues of mass concern such as jobs and pensions. I therefore strongly recommend that there should be mass sensitization of the population by their respective governments on the progress that has been made and the benefits of the integration.

During the consultation process, there was no indication whether consultations, the mobilization and sensitization were to be done in the rural communities and in what form? Who would be in charge of mobilization and sensitization, whether the governments or parties in power or inclusively all parties? This raises questions on the legitimacy of the consultation processes.

Therefore, if East Africans are not given the right to discuss this dispensation, how the political confederation will be negotiated in order to make it their project, such a neglect will tantamount to surrender of their sovereignties to the Heads of State eventually. This will allow the politicians to manipulate the process to their advantage by placing their interests above those of the people.

I urge The Committee not to repeat the mistakes that were made when the first Community was formed. It is important to understand these historical factors, instead of rushing to expediting and accelerating the process of integration based on the same false premises adopted in 1963-1966 period without going into a deep and clear analysis of why the first East African Community had failed, it would be foolhardy to proceed along the lines proposed. This is based on a number of arguments that point at the EAC not having learnt from what happened in the past.

Placing economic considerations a head of political unity as a basis for an eventual federation will not lead to any success. Looking at the experiences we have had since 1968, at that time, not only was a federation not formed and the process of constitution making abandoned, two neighboring countries-Tanzania and Uganda went at war in 1978-79. This experience suggests that a decision to federate must not be an economic one but a political decision, which can lead to economic consequences later. I recommend that the different stakeholders in the integration process take into consideration political integration which will eventually come along with economic integration.

The issue of drafting the constitution should be taken seriously. The East African Community has been accused by its people for "copying and pasting" from existing models around the world instead of devising means of creating our own that suits our integration process. Unless the community can stop reading the EAC integration from another lens, especially the EU model of

integration, EAC integration will continue on a slow pace. In this context I urge the community and its experts responsible for drafting the constitution to take into consideration the unique attributes of the EAC integration and the community to come up with the valid constitution. This does not mean that they cannot look at the existing models and confederations that existed; they can only do so to be informed.

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APPENDICES

Appendix I: Interview Guide

Introduction

My name is **AYEBALE DOREEN**, a research student of Master of Arts in Regional Integration of Catholic University of East Africa, Nairobi. As partial fulfillment of the requirements for this award, a research is conducted and a dissertation written on a topic and research proposal approved by the University. This particular research is entitled: "***A Critical Analysis of the Decision to Adopt a Confederation in the East African Community***."

You have been identified as a key player in the integration process of the East Africa community with immense knowledge and information on this topic. You are kindly requested to spare time to contribute to this study by answering a few questions along the interview guide.

This interview guide has been designed to identify the factors that contributed to the adoption of the confederation in the EAC. It also finds out the views of EAC elites on the value of a confederation for political federation. It then examines the form that the confederation should take in order to lead to federation. Your personal information personal views provided will be treated with utmost confidentiality and will only be used for academic purposes. Please feel free to discuss with the researcher if you have any concerns on the study.
Thank you for accepting to contribute and share your knowledge and experience on this topic.

Date …… **Signature ……..**

SECTION A

FACTORS THAT CONTRIBUTED TO THE ADOPTION OF THE CONFEDERATION IN THE EAC

This section seeks to identify the factors that contributed to the adoption of the confederation in the EAC

1. Asa policy maker/expert/government/development partner, are in in support of the East African political federation?
2. If No/Yes above, why are you in/not in support of East African political federation?
3. In your own view do you think the East African community will benefit from the political federation?
4. What are the likely benefits of political federation of the East African community?
5. In your own view, why do you think the East African political federation process is taking longer earlier presumed?
6. In your opinion, how will the EAC benefit from the confederation?
7. What factors could have contributed to the adoption of the confederation in the EAC?
8. What are challenges likely to affect the confederation of the East Africa community?
9. In your own view, what measures should be taken by member statesin the East Africa community to ensure the effective implementation of the confederation?
10. What is the implication of the adoption of confederation in the East Africa Community?

SECTION B

FORM THAT THE CONFEDERATION SHOULD TAKE IN ORDER TO LEAD TO FEDERATION

This section seeks toexamine the form of confederationthat the EACshould take in order to lead to federation

11. During the 18th Summit of the Heads of State of the EAC, held on 20th May 2017, in Dar es Salam, United Republic of Tanzania, Political Confederation was adopted as a transitional model towards achieving the East African Political Federation
12. In your own opinion, do you think the adoption of the Confederation will fast track the political federation of the EAC
13. In your view, what form of confederation should the East African Community adopt in order to achieve political? The Swiss model, EU, confederation of the U.S.?
14. Under the Confederation, in your own opinion do you think member states shouldmaintain the constitutions or conform to the articles of the confederation once enacted?
15. Should member states of the EAC under the confederationhave equal say, each having same voting rights regardless of the size of their population or their contribution to the confederal treasury?
16. In the event a vote, should voting be done on the basis of a simple majority or very important decisions such as military matters should require a given percentage? If so why do you think?
17. What are your reasons to justify the above?
18. In your own view, do you think the general administration of the EAC Confederation should be on a rotationalbasis among the member state heads of states?
19. If you are/not in support of the above, why do you think so?
20. Whatare the impending challenges of the adoption of the confederation in the East Africa community?

SECTION C

CIVIL SOCIETY/DEVELOPMENT PARTNERS/GOVERNMENT OFFICIALS/EMBASSY OFFICIALS

This section seeks to find out the views of EAC elites on the value of a confederation for political federation.

1. What is your view on the adoption of a confederation as a means to apolitical federation in the EAC?
2. Do you think the adoption of aconfederation will enable the EACachieve the desired political federation?
3. In your view, what factors contributed to the adoption a confederation as a means to a political federation in the EAC instead of forming a political federation directly?
4. How will the on the adoption of a confederation as a means to a political federation in the EAC?
5. What are the different forms/models of confederations that the EAC can adopt?
6. Of the different forms of confederations, which form will likely lead to a confederation of the EAC?
7. During lessons from the past experiences with confederations, what are the challenges that the EAC is likely to face under a confederation?
8. What measures can be taken by EAC member states under a confederation to address these challenges experienced by past confederations?
9. In your own opinion, why should the EAC first become a confederation before becoming a political federation?
10. In your own view, how will the EAC benefit from the confederation

Thank you for accepting to favor us with your valuable time

Appendix II: Krejcie and Morgan table for determining sample size from a given population

Table 3.1

Table for Determining Sample Size of a Known Population

N	S	N	S	N	S	N	S	N	S
10	10	100	80	280	162	800	260	2800	338
15	14	110	86	290	165	850	265	3000	341
20	19	120	92	300	169	900	269	3500	346
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	354
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	191	1200	291	6000	361
45	40	170	118	400	196	1300	297	7000	364
50	44	180	123	420	201	1400	302	8000	367
55	48	190	127	440	205	1500	306	9000	368
60	52	200	132	460	210	1600	310	10000	370
65	56	210	136	480	214	1700	313	15000	375
70	59	220	140	500	217	1800	317	20000	377
75	63	230	144	550	226	1900	320	30000	379
80	66	240	148	600	234	2000	322	40000	380
85	70	250	152	650	242	2200	327	50000	381
90	73	260	155	700	248	2400	331	75000	382
95	76	270	159	750	254	2600	335	1000000	384

Note: N is Population Size; S is Sample Size *Source: Krejcie & Morgan, 1970*

Appendix III: Target Population

MEACA

DIRECTORATE OF ECONOMIC, PRODUCTION & INFRASTRUCTURE.

1. **Job Title: Director/ Economic, Production & Infrastructure**
2. **Job Title: Commissioner/ Economic Affairs (1)**
3. **JOB TITLE: Assistant Commissioner/Economic Affairs**
4. **Job Title: Principal Economist**
5. **Job Title: Regional Integration Officer**

1. **JOB TITLE: Commissioner / Production & Infrastructure (2)**

   Reports to: Director/Economic, Production & Infrastructure

2. **JOB TITLE: Assistant Commissioner/Production and Infrastructure**

   Responsible for:

   (i) Principal Regional Integration Officer Infrastructure & Energy

   (ii) Principal Regional Integration Officer Agriculture.

   (iii) Principal Regional Integration Officer Environment.

3. **JOB TITLE: Principal Agricultural Officer**
4. **Job Title: Principal Environment Officer**
5. **Job Title: Senior Regional Integration Officer**
6. **JOB TITLE: REGIONAL INTEGRATION OFFICER**

Directorate of social & political affairs

Job Title: Director / political Affairs /legal affairs

Ass director political affairs/legal

Reports to: Permanent Secretary

Directly Supervises: Commissioner Political Affairs & Commissioner Social Affairs

Job Title: Commissioner/ Social Affairs

Job Title: Assistant Commissioner/Social Affairs

Job Title: Principal Gender Officer/ Social Affairs

JOB TITLE: Senior Regional Integration Officer/Social Affairs

Job Title: Regional Integration Officer/Social Affairs

Job Title: Commissioner/ Political Affairs

Job Title: Assistant Commissioner/Political Affairs

Job Title: Principal Regional Integration Officer/Political Affairs

Job Title: Senior Regional Integration Officer/Political

Job Title: Regional Integration Officer/Political Affairs

Scholars……..Makerere University Political Department and CUEA Regional Integration

Legal Practitioners (Ministry of EAC Legal departments)

Experts on EAC Integration (Former Political Federation Committee Members (2 Members One From Kenya And 1 From Uganda)

Deputy Secretary General Political Federation

Political Federation Department Arusha (2)

Appendix IV: Table for Respondents

MEARD

	Interviewed respondents	No of interviewed
MEACA (UGANDA)		
Directorate of economic, production & infrastructure	• Principal Economist • Regional Integration Officer • Assistant Commissioner/Economic Affairs • Senior Regional Integration Officer	4
Directorate of social & political affairs	• Regional Integration Officer/Political Affairs • Senior Regional Integration Officer/Political • Principal Regional Integration Officer/Political Affairs • Assistant Commissioner/Social Affairs • Commissioner/ Political Affairs • Regional Integration Officer/Social Affairs • Assistant Commissioner/Political Affairs	6
MEARD (KENYA)		
Directorate of economic, production & infrastructure		
Directorate of social & political affairs		

Scholars	• Political Department , Makerere University • Masters Student at CUEA	2
	Former youth ambassadors	1
	Political federation department Arusha	2
Experts on EAC integration	• De puty secretary general political federation, • for mer political federation committee members one from Kenya and the other from Uganda	3
Total		**28**