

Research Memorandum

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The Achievements and Challenges of the New East African Community Co-operation

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Abstract

This paper presents the achievements and challenges of the new East African Community Co-operation, created in November 1999. A prior East African Community Co-operation collapsed in 1977 for various reasons that are not the subject of this paper. This paper has four sections: an introduction in section one, section two and three presenting the achievements and challenges of the new East African Community Co-operation, and by conclusions in section four.

The East African Community (EAC) is the regional co-operation that comprises the Republic of Tanzania, Kenya and Uganda. Its headquarters are in Arusha, Tanzania. These three East African countries cover an area of 1.8 million square kilometers with a population of over 90 million people who share a common history, language, culture and infrastructure.

Since the community's re-establishment in 1999, the community has recorded a number of achievements. The achievements include: success in establishing the organs of the community as stated in the EAC treaty, establishment of the EAC Custom Union, strengthening of an East African identity, harmonization of monetary and fiscal policies, improvement of transport and communications systems, the launching of the Lake Victoria Commission and deepening of co-operations in different sectors.

However, there are challenges to be addressed for EAC survival. These challenges are economic, global, political and social, with financial resources challenges.

The decision for re-establishing the East African Community is a right decision taken at the right time. It is a right decision that will enable East African partner states to withstand the forces of globalization, provide an enabling environment for attracting foreign direct investments and create a large market of over 90 million people. The EAC will remove barriers and obstacles for trade within East Africa, reduce the cost of doing business in East Africa, and eventually improve the welfare of East Africans.

Establishing the East African Community Co-operation is not a panacea. Deliberate efforts must be made to avoid the collapse of the new East African Community, as happened to the previous East African Community in 1977. Tanzanians, Ugandans and Kenyans must start thinking as East Africans and stop thinking as individual nations. Economic, political, global, social and financial resources challenges need to be addressed for the survival of the community.

The success of the East African Community will be achieved through political will, adherence to good governance, and market driven economic policies with the support of a strong private sector. This requires sustainable institutional development, the development of an efficient and effective compensatory mechanism and putting in place an effective system of raising resources for the community, from both partner states and other sources.

INTRODUCTION

This paper presents the achievements and challenges of the new East African Community Co-operation, created in November 1999. A prior East African Community Co-operation collapsed in 1977 for various reasons that are not the subject of this paper. This paper has four sections: an introduction in section one, section two and three presenting the achievements and challenges of the new East African Community Co-operation, and by conclusions in section four.

East African Community Partner States

The East African Community (EAC) is the regional co-operation that comprises The Republic of Tanzania, Kenya and Uganda, with its headquarters in Arusha, Tanzania. These three East African countries cover an area of 1.8 million square kilometers with a population of over 90 million people who share a common history, language, culture and infrastructure. The region's principal exports are agricultural products. These include horticulture, tea, coffee, cotton, tobacco, pyrethrum, fish, and hides and skins. Other exports include handcrafts and minerals such as gold, diamonds, gemstones, soda ash and limestone. Tourism is also one of the major sources of foreign exchange for EAC countries. The regions major imports are machinery and other capital equipment, industrial supplies and raw materials, motor vehicles and motor vehicle parts, fertilizer, and crude and refined petroleum products.

Prior to the re-launching of the East African Community in 1999, Kenya, Tanzania and Uganda enjoyed a long history of co-operation under successive regional integration arrangements. These included the Customs Union between Kenya and Uganda in 1917, which Tanganyika later joined in 1927; the East African High Commission (1948-1961), the East African Common Services Organization (1961-1967), and the previous East African Community that lasted from 1967 until its collapse in 1977.

Among the reasons cited for the collapse of the East African Community in 1977 were, among many, ideological differences, structural problems that impinged upon the management of common services, limited participation by people in decision-making, and a lack of compensatory mechanisms for addressing inequalities in the sharing of costs and benefits of integration.

Economic Performance of EAC Partner States

Table 1 indicates that Kenya's economy is larger than the economy of Tanzania and Uganda. However, it is worth noting that the economy of Tanzania has grown significantly, and that in 2002 it was 72 percent of the size of Kenya's economy, compared to 57 percent in 1990. The same growth trend has happened to Uganda's economy in comparison to Kenya's economy. This fact suggests that the Tanzanian and Ugandan economies have been converging towards the Kenya economy. On average, from 1990

to 2002 Tanzania's economy was growing faster than those of Kenya and Uganda.

Table 1. Comparative Macroeconomic Indicators: Kenya, Uganda and Tanzania

Indicator	1990	1994	2000	2002	1990 – 2002 (Average)
GDP (At Market prices, constant) US \$ million					
Kenya	8,360	8,664	9,883	10,098	-
Uganda	4,101	5,071	7,879	8,832	-
Tanzania	4,807	5,161	6,461	7,287	-
GDP Growth (%)					
Kenya	4.2	2.6	-0.2	1.0	1.8
Uganda	6.5	3.6	3.5	6.7	3.8
Tanzania	7.0	6.4	5.2	6.1	6.3
GDP per capita (US \$)					
Kenya	357	333	328	322	338
Uganda	236	260	338	359	293
Tanzania	188	176	191	207	186
Share of Industry in GDP (%)					
Kenya	16	14	15	16	15
Uganda	10	12	18	20	15
Tanzania	16	13	14	15	14

Source: World Bank (2004)

A study on competitiveness, conducted by the World Bank (2004) on 25 African countries (as summarized in Table 2) reveals that the public institutions of Tanzania and Uganda were doing better than public institutions in Kenya. On macroeconomic environment, Uganda performed better, followed by Tanzania, while Kenya performed better in adopting technology.

Based on the data above, the performance of the economy of EAC partner states is very similar. However, all partner states should focus on increasing the share of industry to overall GDP and on improving GDP per capita to increase people's standard of living.

Table 2. Competitiveness Ranking of EAC Member States out of 25 African Countries

Index	Kenya	Uganda	Tanzania
Growth	15 (3.21)	14 (3.25)	9 (3.49)
Macroeconomic environment	15 (3.10)	12 (3.20)	14 (3.12)
Public Institutions	21 (3.16)	18 (3.30)	9 (4.15)
Technology	8 (3.36)	10 (3.25)	12 (3.22)

Source: World Bank (2004) (The figures in brackets are the scores)

The Revival of EAC Co-operation

Wangwe (2001:170) notes that “After the collapse of EAC in 1977 the member states negotiated a Mediation Agreement for the division of assets and liabilities, which was signed in 1984”. The Mediation Agreement, among other things, established the provisions for exploring areas of future co-operation. Hence, in 1991, East African heads of state held a meeting in Harare and reached an agreement to revive the East African Co-operation. That decision culminated in the signing of the agreement for the establishment of a Permanent Tripartite Commission for East African Co-operation on November 30, 1993. As a result, the new East African Community was born, with the East African heads of state signing the Treaty for the re-establishment of the East African Community on November 30, 1999 in Arusha. The treaty entered into force on July 7, 2000 after being ratified by the three partner states.

Muthaura (2001:49) states that:

“EAC’s integration is process based on the experience of three partner states: firstly, on their previous efforts under the defunct EAC of 1967–1977 and the East African Common Services of 1961–1967; secondly, on no co-operation during the period 1977–1993, as well as the emergence of regionalism after the end of cold war in 1989; and on the challenges of the globalization of economic, monetary and information policies of the new world order.”

These three factors raised provide the foundations for the new EAC integration. The new EAC recognizes that it does not exist in isolation. The environment in which the new EAC operates poses challenges and requires a systemic approach in managing the community in order to avoid what happened in 1977 to the previous EAC.

The Objectives of EAC

According to EAC treaty (2002:12-13):

“The objectives of the community shall be to develop policies and programmes aimed at widening and deepening co-operation among partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.”

Looking at EAC objectives, it suffices to argue that the community aims at increasing the social welfare of East African citizens through regional economic, social, political and cultural integration. EAC is the vehicle that is determined to transform the life of East African citizens from poverty to a better standard of living. In order to achieve the objectives of EAC, the treaty establishing EAC provides three phases of integration: Custom Union, Common Market and Monetary Union, and eventually, Political Union.

The Organs of EAC

There is a statement of the objectives and principles and organs of the East African Community in the treaty that established the community. According to EAC (2002:170), article 9 of the EAC treaty establishes the organs of EAC. The main organs of the EAC are the Summit of Heads of State; Council of Ministers; Co-ordination Committee; Sectoral Committee; Secretariat; East African Court of Justice; and the East African Legislative Assembly. The first five share executive powers. The East African Legislative Assembly and the Court of Justice share the Federal Legislature and the Federal Judiciary respectively.

THE ACHIEVEMENTS OF THE NEW EAST AFRICAN COMMUNITY CO-OPERATION

This section presents the achievements of the new East African Community Co-operation. The achievements presented are institutional achievements: the success of the EAC Custom Union, the strengthening of East African community identity, steps towards harmonization of monetary and fiscal policies, the implementation of transport and communications projects and the launching of the Lake Victoria Commission. Other achievements have been in areas of co-operation such as joint promotion of the tourism industry, collective employment and poverty reduction strategies and initiatives towards foreign policy co-ordination and fast tracking for EAC Federation.

Institutional Achievements

The first achievement of EAC was to put in place the organs of the community as stated in the EAC treaty (2002). The East African Court of Justice and the East African Legislative Assembly were formally launched in November 2001

and became operational pillars of the EAC. The East African Legislative Assembly comprises twenty-seven members of parliament. Each partner state is represented by nine members of parliament elected by the National Assembly of each partner state. Since the establishment of the East African Legislative Assembly, at least nine Acts have been passed and enacted including:

- The Community Emblem Act
- The EAC Legislative Assembly Power and Privileges Acts
- The Acts of the Community
- The EAC Customs Management Act
- The EAC Interpretation Act, and
- The Appropriation Acts for 2002 to 2005.

From November 2001 to March 2006, thirty-one questions have been tabled before the East African Legislative Assembly. Kenyan members of parliament raised five questions, Tanzania raised eight questions and Ugandan members of Parliament have raised eighteen questions. However, the East African Court of Justice has only received one case. However, it is envisaged that that the implementation of Custom Union protocol and the extension of the EAC Court's jurisdiction will create business for the court. The fact that the court does exist remains a major achievement for the EAC.

Custom Union

The most important achievement was the establishment of the EAC Custom Union. The Custom Union Protocol was signed in March 2004 and came into effect on January 1, 2005. According to EAC (2004:20), the Custom Union protocol requires that Kenya eliminate its tariffs on imports originating in Tanzania and Uganda respectively with immediate effect on day one of the Protocol implementation. However, charges of gradually declining taxes remain for 859 products originating from Kenya and exported to Tanzania and 426 products originating from Kenya and exported to Uganda, based on the asymmetry principle. These taxes started to gradually decline from 5% in 2005 and will reach 0% in 2010. Apart from the elimination of tariffs and non-tariff barriers among partner states, the Custom Union Protocol establishes three bands of Common External Tariff on imports originating from third countries. Stahl (2005:7) lists the three Common External Tariff bands as: "0% on raw materials imports; 10% on intermediate products; and 25% on finished products." Although coordinated by the Customs and Trade Directorate at the EAC Secretariat, the implementation of the EAC Custom Union is managed by revenue authorities of the partner states. Under Customs Union arrangements, goods produced within the EAC move across the border of partner states without taxation provided they qualify under rules of origin. In future, the implementation of the Custom Union Protocol will result in increased intra-trade among partner states, increased competition that will increase consumer's choice, reduction of costs, and attraction of foreign direct investments.

Strengthening of an East African Identity

There have been developments designed to foster the feeling of integration among the people of the EAC and to facilitate an East African identity. These have included the introduction of the East African Community flag, the launching of an East African anthem and the East African passport. The East African passport is issued in all three East African partner states. The holder of an East African passport can enter any East African country for a period of six months without the need to stamp his/her passport. The East African passport is a travel document designed to ease border crossing for East Africans. It is a document valid for travel only within the countries of the East African community and allows the holder a multi-entry, renewable, stay of up to six months in any of the three partner states. Modalities of internationalizing the East African passport are under discussion. In other measures to ease border crossing for East Africans, issuance of inter-state passes commenced on July 1, 2003 and the partner states have adopted a single immigration departure/entry card.

Harmonizations of Monetary and Fiscal Policies

Steps toward the harmonization of monetary and fiscal policies have included convertibility of the partner states' currencies, harmonization of banking rules and regulations, harmonization of Finance Ministries' pre- and post-budget consultations, regular sharing of information on budgets, and reading of budget statements on the same day. In capital markets, there have been changes in the policies and trading practices and regulations in the three stock exchanges. The committee for The Establishment of Capital Markets Development that oversees development of the capital markets in the East African Community aims to develop East African Community Capital Markets including managing cross-listing of stocks.

Transport and Communications

A Tripartite Agreement on Road Transport has been ratified by partner states. The main objectives of the agreement are to facilitate interstate road transport through reduced documentation for crews and vehicles at border crossing, harmonized requirements for operation licensing and customs and immigration regulations, among others. In order to fast-track decisions on transport and communications, the EAC established the Sectoral Council on Transport, Communications and Meteorology. The East African Road Network Project is currently working to improve East African Infrastructure. The East Africa Links Project Corridor includes the following transport network improvements:

Tanzania

- Dar-es-Salaam – Dodoma- Isaka- Mutukula- Masaka (2020 km)
- Biharamulo-Mwanza-Musoma-Sirari-Lodwar Lokichogio in Kenya (449 km)
- Tunduma-Sumbawanga-Kasulu-Nyakanazi (1121 km)
- Tunduma-Sumbawanga – Nyakanazi (1056 km)

Uganda

- Malaba/Busia – Katuna (636 km)
- Masaka – Mutukula (85 km)
- Kapchorwa –Suam – Mbale – Lwakakha (128 km)

Kenya

- Mombasa – Malaba
- Isebania – Lokichogio (954 km)
- Namanga – Moyale (128 km)

An estimated US \$1 billion has been utilized in the implementation of these projects with a target for implementation by 2008. Partner states directly implement components of the project within their borders with the support of the World Bank, European Union, and the African Development Bank among others, with the Secretariat coordinating the realization of the whole project on a regional basis through regular consultative meetings and conferences.

The task force is studying the harmonization of road transit charges, and addressing road safety issues in the region. On railway transport, projects are on going for the construction of the Tanga - Arusha - Musoma - Port Bell/Jinja Railways that would make substantial impact on the efficiency of the East African railway system. The partner states are currently working on modalities to establish an East Africa Railways Master Plan that aims at improving the railway network. The improvement of the railway network goes together with the improvement of the ports at Mombasa and Dar-es-Salaam that act as the gateway to landlocked East African countries. Other achievements in transport and communications include the implementation of the Cross-Border Telecommunication Conductivity, implementation of the East African Postal Automation Project, conclusion of a Tripartite Inland Waterways Agreement and completion of the study on the assessment of the status of Lake Victoria Ports.

Launching of Lake Victoria Commission

Lake Victoria is a common factor shared by the three partner states of East Africa. Lake Victoria is facing problems of persistent decline of water levels and increasing levels of pollution. East African partner states have taken a number of steps to preserve the lake through the implementation of the Lake Victoria Environmental Management Program. A draft of the Lake Victoria Transport Bill is under consideration and partner states ratified the Tripartite Agreement on Inland Waterways Transport in 2004 that provides a harmonized legislation covering Inland Waterways Transport in the EAC to enhance transport and safety on the lake. The establishment of the Lake Victoria Commission mandated by the East African partner states in ensuring sustainable use of Lake Victoria is vital for the sustainability of Lake Victoria. Furthermore, in the April 2006 Summit, the heads of state of East Africa agreed to hold a special Summit that will deliberate on key issues of controlling and managing the sustainable use of Lake Victoria.

Collective Employment and Poverty Reduction Strategies

The partner states have adopted an action program that will focus on increased employment and poverty reduction in the EAC. Repinski (2005:5) points out that "EAC policies, projects and programmes intend to contribute implicitly and automatically to poverty reduction through their general focus on integration." The East African Sub-regional Conference on Employment and Poverty Alleviation was held in Zanzibar in May 2005 and adopted a plan of action. In this regard, the EAC projects and programs are assessed as to how they contribute towards poverty eradication in the region. Furthermore, the East African Community established an annual Ministerial Forum to focus on employment creation and poverty reduction.

Foreign Policy Co-ordination

Activities in the area of co-operation in foreign affairs are ongoing in line with the EAC Memorandum of Understanding on Foreign Policy Co-ordination. In the year 2002, the Ministers responsible for foreign affairs discussed the modalities and strategies for bringing about common foreign policy for East Africa. The modalities include collaboration in diplomatic and consular activities; collaboration in economic and social activities; liaison and exchange of information; and collaboration in administration and capacity building. In the meantime, the study on the implementation of Article 123 of the Treaty on the Establishment of Common Foreign Policy has begun.

Joint Tourism Promotion Initiatives

In April this year, the East African Community partner states signed important protocols that will promote tourism in East Africa. These protocols are: the protocol on Environment and Natural Resources Management and the protocol for the Standards Criteria for the Classification of Hotels, Restaurants

and other Tourist Facilities. The two protocols will help in promoting East Africa as a single tourist destination and will result in attracting more tourists and increasing the contribution of the tourism industry to the East African economy.

As part of the joint effort to promote East Africa as a single tourist destination, partner states have participated in major international travel markets forums including the World Travel Market in London November 2005 and the International Tourism Bourse in Berlin in March 2006.

Fast Tracking the East African Community Federation

In the course of implementation of the EAC Development strategy (2001–2005), the heads of state decided in 2004 to explore options for fast tracking the process towards achieving political federation, and set up a committee to work on this matter. The committee produced a report named the Report of the Committee on Fast Tracking East African Federation, November 2004. The prevailing view is that the determination of regional issues and the pace of the integration process would be more expeditious if conducted within a clear, definite and enabling political framework.

During the extraordinary Summit held in Dar-es-Salaam on May 29-30, 2005, the heads of state considered the report of the committee and reaffirmed their vision of federation. The heads of states established the post of Deputy Secretary General in charge of fast tracking the process of political federation. The April 2006 EAC Summit held in Arusha appointed a Ugandan to the post and extended the time for consultations among stakeholders in the region. The third EAC Development Strategy 2005-2010 places emphasis on consolidating the Customs Union and completing negotiations for a Common Market Protocol while laying the necessary conditions for monetary union.

CHALLENGES FACING THE NEW EAST AFRICAN COMMUNITY

The challenges facing the new East African Co-operation are presented in this section. The challenges are economic, global, political, social and challenges concerning financial resources.

Economic Challenge

One of the reasons for the collapse of the previous East African Community in 1977 was the perception of disproportionate sharing of economic benefits accruing from regional markets and lack of a formula for dealing with the problem. It is a challenge to the community to address problems arising from the implementation of the treaty. Partner states must recognize that, in the short run, benefits to accrue from implementation of the treaty will not all happen at the same time. However, eventually, all the partner states will benefit from the implementation of the treaty. The treaty provides safeguard measures that a partner state may take to remedy any adverse economic

effects arising out of the application of provisions on trade liberalization and co-operation.

Globalization Challenge

The East African Community does not exist in isolation; it exists in the world of global competition. In order to withstand the challenges of globalization, the EAC needs to unite and participate in the World Trade Organization negotiations as a block, participate in European Union trade arrangements as a single trading block, and take advantage of the United States of America - African Growth and Opportunity Act and European Union initiatives of Everything but Arms.

Furthermore, in order for the EAC to benefit, then globalization must improve supply conditions. Deliberate efforts must reduce the cost of doing business, ensure availability of business services, and improve EAC infrastructure. Improving the performance of major ports such as Mombasa and Dar-es-Salaam, and the East Africa Road Network and East Africa Railway Network are key challenges facing the East African Community. Improving supply conditions will enhance EAC capacity to withstand the forces of globalization.

Political Challenge

The sustainability of the East African Community and the achievement of a political federation will depend on a level of political goodwill. That is why there is a need for sustaining political goodwill and public support. The implementation of the EAC treaty requires successful negotiation of a number of protocols. In order for negotiations to succeed quickly, political goodwill is essential. It is a good thing to note that currently all three partner states believe in market-driven policies, good governance and rule of law. These factors help to shape common political ground that will help in shaping economic, political and social integration and eventually the establishment of a political federation. However, the EAC report on Fast Tracking (2004:81) reports that the fear of loss of sovereignty is an issue in the minds of some members of the political elite of East Africa. The fear is that as a Federation, the nation states would cease to have any meaningful powers; that they would be relegated to mere provinces within the Federation. This fear cannot be ignored and a mechanism is needed to eliminate such fears. This is a political challenge for East Africans.

Social Challenge

Participation by citizens is at the core of the new East African Community. The treaty advocates the need for people-driven and people-centered development. East African people should play an active role in determining the progress of the new community. The Community will therefore have to live up to the expectations of the peoples of East Africa through implementing the treaty's provisions for the creation of an enabling environment for the private

sector and civil society participation, the strengthening of the private sector; and enhancement of co-operation among business organizations and professional bodies.

Financial Resources Challenge

Experience indicates that contributions to the EAC budget always arrive not only late but also that partner states contribute less than their requirement. Inadequate financing is one of the main barriers to regional integration in Africa (Odhiambo, 2005:150 and Lwarukwa et al, 2002). Furthermore, donor contributions for studies/research do not only come with strings attached they also take too long to access and are inflexible for short-term requirements for the community. A substantial amount of resources is required to implement the treaty. In addition to internal mobilization of resources, there will be a need for a sustained mobilization of external resources, especially for the development of infrastructure. In addition, substantial resources will also be required for adequate funding of the organs and institutions of the community. In April 2006, the EAC Summit held in Arusha in Tanzania established the EAC Fund. The fund will help in financing projects that will benefit partner states and to some extent the fund will act as a compensatory mechanism for those at the periphery of the community with poor infrastructure, and those with an underdeveloped industrial sector. The question that remains is whether the partner states will live up to their commitment of contributing the agreed amount of funds to the community.

CONCLUSIONS

The decision for re-establishing the East African Community is a right decision taken at the right time. It is a right decision that will enable East African partner states to withstand the forces of globalization, provide an enabling environment for attracting foreign direct investments, create a large market of over 90 million people, remove barriers and obstacles of trade within the East African Community, reduce the cost of doing business in East Africa, and eventually improve the standard of living for East Africans.

However, establishing the East African Community Co-operation alone is not a panacea and requires deliberate efforts to avoid the collapse of the new East African Community, as happened to the previous East African Community. Tanzanians, Ugandans and Kenyans must start thinking as East Africans and stop thinking as individual nations, and economic, global, social and financial resource challenges need to be addressed for the survival of the community.

The success of the East African Community will be achieved through the application of political will, adherence to good governance, and the implementation of market-driven economic policies. This will happen with the support of a strong private sector, sustainable institutional development, the development of an efficient and effective compensatory mechanism and

putting in place an effective system for raising resources for the community, both from partner states and from other sources.

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