Democratization of Regional Economic Schemes: The Case of The East African Community (EAC) And Lessons From European Union (EU)

Fred Jonyo, PhD.[1]

The discussions on regional integration have largely focused on the formal structures and institutions making the East African Community. Yet, very little attention has been paid to the democratization of the Community. Integration schemes aim at widening markets for member states, pooling of resources together and enjoying regional economies of scale. There are also a large and growing number of regional organizations that promote free trade and other forms of economic interchange. Some, are little more than shell organizations that barely keep their goals alive. However the very existence of each regional organization is a manifestation of its membership belief that going it alone would not be as advantageous as working together in the interest of greater economic prosperity.

Key words: Democratization, Regional, Economic Schemes, East African Community, European Union

[1] Lecturer, Faculty of Arts, Department of Political Science and Public Administration, University of Nairobi, Nairobi, Kenya
mfjonyo@yahoo.com

Introduction

The East African Community (EAC) is a regional intergovernmental organization established under Article 2 of the Treaty for the Establishment of the East African Community that came into force on 7th July, 2002. The treaty emphasized that it was establishing the East African Community comprising a common market. It was eventually to merge into a Monetary Union and finally a Political Federation. From the treaty, it was economics first, a monetary union, a common market second and eventually a Political Federation.

The membership of the Community included; the republics of Rwanda, Burundi, Kenya, Uganda and the United Republic of Tanzania. In its operations, the Community as stated in paragraph 1 Article 5, that the merger would strengthen and regulate the industrial, commercial, infrastructural, cultural, social and political relations. This is intended to accelerate harmonious, balanced development and sustained expansion of economic activities.

The Community operationalises the treaty incrementally. The first Development Strategy covered the period 1997-2000 and was basically about re-launching the EAC. The second Development Strategy was from 2001-2005 and covered the establishment of the EAC Customs Union. The third Development Strategy 2006-2010 focused on the establishment of Common Market and the fourth Development Strategy from July 2011 to June 2016 mainly aims at the implementation of the EAC Common Market and the creation of EAC Monetary Union. The fourth Development Strategy 2011-2016 emphasizes the consolidation of gains from the Customs Union, functioning Common Market and putting a firm foundation for the next stages of the integration process. Also taken into cognizance was the full inclusion of the Burundi and Rwanda as members of the EAC.

Other critical aspects of the fourth Development Strategy include;

- Guidelines of cooperation between EAC and other blocks like EU, USA
- Developing frameworks for relating with emerging economies like China, India, Brazil among others
- Participating in AU integration and governance frameworks
- Institutionalization of functions
- EAC, COMESA and SADC tripartite arrangements
- The socio-economic, political and environmental situation within the African region
- Finally, harmonization of common trade policies within the EAC

The EAC reiterated adherence to universally acceptable principles in democracy, the rule of law, observance of human rights and social justice as pre-conditions for admission of new members. The Community declared its objective in Articles 2 and 4 as, 'the development of policies and programmes aimed at widening and deepening cooperation among partner states in various fields such as political, economic, social, cultural, defence, security, legal and judicial affairs for their collective gains.

The operating principles were based on mutual trust, political goodwill, equitable distribution of benefits, and peaceful

settlement of disputes, peaceful co-existence and good neighborliness. The Community was to be people-centered and market driven. This implies that the Community adopted a neo-liberal agenda of the Washington Consensus whereby people centered cooperation was organized around the institution of the market.

The Community also borrowed the principle of subsidiarity from the European Union, which emphasizes on multi-level participation and inclusion of diverse stakeholders in the integration process. The idea of complimentarity among the partners was also asserted. The treaty provided for the following institutions:

i.   The Summit of Heads of States
ii.   The Council of Ministers
iii. The Coordinating Committee of Permanent Secretaries responsible for East African Cooperation in the Partner States
iv.   Sectoral Committees
v.   The East African Community Court
vi.   The East African Community Assembly drawn from the National Assemblies
vii. The Secretariat

The Community was anchored in collaboration within a liberalized trade economy and development was to be realized through a Common Market and Customs Union as an integral part of the integration journey. Measures aimed at addressing imbalances arising from the Common Market and Customs Union is found in Article 83 of the treaty.

The Development Strategy 2006-2010 was intended to form a foundation for the political federation. A number of issues to be considered in the process towards political federation included; enhancing good governance, democratization, peace, security and good neighborliness; promoting closer relationships with regional and international organizations, creating critical regional institutions like Parliament, Court among others. Equally the strategy envisaged timely and reliable early warning system mechanisms and conflict mitigation.

Towards this end, the EAC forum of Electoral Commissions has provided a platform of comparing experiences and challenges in managing democratic, free and fair elections in the region; emphasis on the protection of human rights in the region through National Human Rights Commissions forum; EAC annual conference on good governance, inter agency cooperation and partnerships in the region.

Until recently, discussions of the East African regional integration process have largely focused on the formal structures and institutions of the new EAC (later referred to as Community). Yet, very little attention has been accorded to the democratization of the Community. To what extent have civil society groups been active in pushing for the democratization of the Community? According to Kiondo, (2002:19) although Chapter 28 of the Treaty establishing the East African Community mentions civil society alongside the private sector as the Community's key pillars, more focus is placed on the private sector than civil society. "In fact, the Treaty has no clear understanding of the concept of civil society." Yet the same Treaty identifies the main reasons for the collapse of the

erstwhile EAC in 1977 as, inter alia, the lack of strong participation of civil society in the Community's activities. Nabudere, (2004:8) argues that the constitutional arrangements currently being fast tracked in the EAC Heads of States are not pro-poor. He contends that to date "no comprehensive plan has so far emerged to involve political parties of the region into the integration process". Kamanyi, (2006:23) argues that constitutional development in East Africa is hampered by the differential democratic traditions of the member states.

This paper compares and contrasts the democratic experience so far between the EU and the EAC. While the paper is based on the widely held assumption that the EAC is based on the EU model, it recognizes that the two regional blocs only share similarities in structures and institutions (Baregu 2010:16). This information is potentially useful for EAC policy makers interested in borrowing best practices from the EU and civil society actors keen on advancing the democratization of the EAC. The information may also be useful to scholars undertaking research on the prospects and challenges of the EAC process. This information is particularly useful in light of the regions myriad problems faced by globalization threats which make the integration process a matter of necessity. The article is motivated by the conviction that regional integration is a matter driven by the imperatives of global threats. The question is thus not whether, but how integration may be accelerated. In the balance of this paper, section two will provide a brief conceptualization of civil society and democratization. Section three discusses the EU democratic experience.

Section four discusses the EAC democratization process. The last section is a conclusion.

Civil Society and Democratization

Since the introduction of the civil society discourse in the context of the 1980s crisis of the state in Africa, disagreement still exists on the concept. Many academic contributors tend to argue that civil society is an ideologically-loaded concept. Traditional conceptions of civil society define it as all those institutions that play out in the political space between the family and the state. On the contrary, conventional definitions favoured by institutions of global governance embrace de Tocqueville's definition of civil society as encompassing civil and political associations organized in a competitive market place. Such associations include but are not limited to social clubs, churches, political parties, NGOs, private businesses and trade unions (Kisinga 2009:27).

On the other hand, democracy is also contested analytically and ideologically (Wiseman, 1996:26). Similarly, Joseph, (1989:21) contends that traditional approaches to democratization have been ethnocentric and thus are unable to illuminate political processes in Africa. Dahl's (1986:32) minimalist concept of democracy characterizes a democratic polity as featured by elected officials, free and fair elections, inclusive suffrage and the right to run for office. Furthermore, a democracy enjoys freedom of expression, alternative information, and assembly or associational rights, which are supported or protected by the government. Moreover, "the existence of such pillars of democracy in society presupposes the respect for basic

human right and the strict observance of the due process of the law [and] participation in the governance of society. Schmitter (2005:35) argues that a democracy is based on three dimensions: citizenship, representation, and decision making. Thus democratization essentially entails transitions from authoritarian to liberal democratic systems.

According to Kibara (2005:19) three categories/dimensions of democracy may be useful in measuring the extent of democratization: structural, functional and concrete indicators. The structural indicators refer to inequalities of fact or law (Gitonga, 1987 cited in Kibara, 2005:10). Functional indicators are defined as the amount of freedom of expression and the variety of alternatives that people can choose from when making decisions. The ability of people to hire and fire their agents, whether elected representatives are able to exercise effective control over their own subordinates, especially executive agents, public bureaucracy, and representation by the peoples agents are referred to as concrete indicators.

The European Union

Rhinard (2002:13) investigated the operations and democratic legitimacy of the EU committee system. He found that they are increasingly coming under attack for their lack of democratic credentials. This lack of democratic legitimacy is attributed to the poor balance struck between system effectiveness and democracy. Yet Moravcsik et al. (2000) disagrees with such arguments regarding the EU. He observes that there is little evidence that the EU suffers from a democratic deficit. According to him,

therefore, judged by existing nation-states' practices and in the context of the multilayered EU system, rather than an ideal plebiscitary or parliamentary democracy, the EU enjoys support across the member states' publics. According to Eriksen and Fossum (2002:18), 'strong publics' (European Parliament, the committee system, Charter convention) – defined as institutionalized bodies of deliberation and decision-making – vary in their status and performance as strong publics yet they all inject the logic of impartial justification in to the EU system.

Yet other scholars like Schmitter (2003) disagree with such sanguine assessments of the EU's democratic performance. He states that the democratization project of the EU is still remote. To him, the EU is akin to a consociational democracy for four reasons.

- Small states are still overrepresented in the voting formula of its council of ministers
- In the distribution of seats in Parliament and
- In the assignment of high officials in its Commission
- Lastly, unanimity is still a requirement on a wide range of important issues (Schmitter 2003:71).

Furthermore, the absence of statutory guarantees specifying the powers attributed to supranational, national or sub-national governments has meant that not even a quasi federal consensus on the distribution of those powers has been achieved. Instead, only the principle of subsidiarity has been accepted as enshrined in the Amsterdam Treaty in which functional tasks are devolved to the lowest feasible level of aggregation. The

EU, according to proponents of this view is not a federation/confederation/state, but a system of multilayered and polycentric governance. Such a system is characterized by three key properties:

▪ A governance mechanism exists for dealing with a broad range of problems in which actors arrive at mutually satisfactory and binding decisions by negotiation and deliberation;

▪ A multilayered arrangement exists for making binding decisions involving politically independent and but interdependent actors – private and public - at different levels of territorial aggregation but doesn't assign exclusive policy competence to any level; and

▪ Polycentric delegation of authority over functional tasks to a set of dispersed and relatively autonomous agencies.

Hence any effort to democratize the EU must take into account the peculiarities of the emerging governance structures.

Yet disinterest from the public and the press implies there is not yet a European active population of democrats concerned with its supranational governance. Furthermore, the Convention disproportionately involved partisan European and national parliamentarians at the expense of interest group representatives, national civil servants, and the Commission's functionaries who earlier dominated EU policy making. The normal practice by earlier national governments was to enhance the visibility of their own delegates drawn from the

executive – at the level of Ministers – in order to diminish the importance of Civil Society representatives. Perhaps this asserts the inter-governmental nature of the integration process.

Hence concerns about the EU's democratic deficit led the 15 member states to convene a convention on the future of Europe. The convention was charged with redesigning the institutions and decision rules of the EU (2001) - its mandate set in the Laeken declaration chaired by Valery Giscard d'Estaing. In 2003, they approved a consensual draft of a constitutional treaty to be considered by an intergovernmental conference (IGC) for revision and approval. According to Schmitter, this is evidence of the existence of overlapping consensus on certain basic norms and institutions of contemporary democracy, especially the myriad of civil society groups that participated. The convention was meant to deal with three issues:

▪ The anticipated decline in effectiveness of EU policy making due to the impending Eastern enlargement;

▪ The gradual decline in relative voting strength of large states due to overrepresentation of past and future small states;

▪ The decline in EU legitimacy among European publics due to excessively complex, remote and technocratic decision making rules.

Because the Convention dealt more effectively with the first two, it can be concluded it did not contribute much to the democratization of the EU. The EU has only thus entered into its "political

adolescence, the beginning rather than the end of its democratic evolution. Additionally, the EU project of federation is unlikely for the following reasons:

- *Constitutionalization*: the EU does not yet have a singular set of overarching rules but a set of treaties - considered by the public as inviolable except through formal and elaborate amendment procedures;

- *Multilateralism*: arrangements for making binding decisions involve politically independent but interdependent actors private and public at different levels of territorial aggregation but doesn't assign exclusive policy competence to any level;

- *Polycentricism*: the EU delegates authority over functional tasks to a set of dispersed and relatively autonomous agencies.

In addition, the above mentioned Convention highlighted the cleavages within the EU between member states of different orientation. These states correspond to real interest cleavages – countries with different levels of development, differential commitment to social welfare, government composition (left/right), balance between agricultural producers and consumers. In addition, with enlargement, threats exist to the French–German alliance and even control by the six founding members over their historical role in the creation of the EEC.

The widely held view is that the EU can fully democratize and eventually evolve into a federal system. To the extent that this is possible, it can come about through incremental changes. Schmitter (2000:71) attributed the EU's democratic deficit to lack of political will and functional need to democratize the EU. His discussion is embedded in the extension of new functionalism to the political context. According to this theory cooperation in functional tasks in one area will create pressures for cooperation in new tasks through spillover effects. In the event such spillovers occur, key institutions of democracy will have to be reinvented to take account of the three pillars around which a democracy revolves i.e. citizenship, representation and decision making procedures. Indeed, he assesses the EU along these dimensions. The key issue that remains is how the funding of the regional bloc will continue to be met in face one of the potential strain that enlargement by incorporating Eastern European countries is likely to bring to existing institutions and therefore, widen the democratic deficit.

Saurugger (2007:10) further contend that attempts to democratize the EU are likely to come up against divergent democratic traditions in a number of member states. Focusing on the comparison of the democratic traditions in France and the EU at the level of constitutional and institutional arrangements that influence inclusion of civil society participation in decision making structures, she concludes that in both France and the EU, participatory mechanism are mere extensions of existing practices, and are still undergirded by an elitist and functional tradition. Thus, in both cases, there is a tendency towards convergence in practices, although at first sight France's

statist's tradition is at odds with the emergent pluralist system of the EU.

The EU project of democratization is still remote. It is in fact a form of consociational democracy. Small states are still overrepresented in the (1) voting formula of its Council of Ministers (2) distribution of seats in its parliament and (3) the assignment of high officials in its commission. (4) Unanimity is still required among member states on a wide range of important issues.

The absence of statutory guarantees specifying the powers attributed to supranational, national or sub-national governments has meant that not even a quasi-federal consensus on the distribution of these powers has been achieved. What has been achieved is only acceptance of the principle of subsidiary enshrined in the treaty of Amsterdam. The Treaty stipulates that tasks are devolved to the lowest feasible level of political organization.

The East African Community

The Treaty establishing the EAC mentions key institutions that will further the cause of political cooperation. These are the Summit, the Council, the Coordination Committee, Sectoral committees, the EAC court, the EA legislative assembly, and the Secretariat. Similarly, in the EAC development strategy (1997 - 2000), levels at which political cooperation would be realized are identified as: Heads of State Summit, Ministries responsible for foreign affairs, ambassadors and high commissioners, provincial/district authorities and national parliaments (EAC Treaty Ch. 3, Article. 9 (1)).

The objectives of the EAC are to:

- to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit;

- to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market , subsequently a Monetary Union and ultimately a Political Federation in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States; and

- to sustainable growth and development of the Partner States by the promotion of a more balanced and harmonious development, co-operation in agreed fields, sustainable utilization of the natural resources, consolidation of the long standing ties and associations between the EAC peoples, mainstreaming of gender in all its endeavours, peace and security and private sector and civil society partnerships (Article 5, EAC Treaty).

Yet, according to Baregu (2010:12) the objectives outlined in the Treaty are in no way innovative except for the goals of establishing a political federation, the objective are contradictory to those of the larger African Economic Community and the African Union and, lastly, there is no provision of a time-scale against which progress may be evaluated.

The following discussion will attempt to assess the extent to which this institutional

framework has facilitated democratization of the Community's affairs. Several comments can be made on the possibility of democratizing the Community. The first concerns the centralization of powers around the institution of the Summit. Notable is that the Summit is made up of the Heads of State of the member states. In essence the powers accorded the Presidents seems to imply that they hold veto powers over any decision they may object to. The decisions in question may include, for example, those perceived to go against national interests. Thus Chapter Four Article 10(8) states that any member of the Summit may record his objection to a proposal submitted for the decision of the Summit and, if any such objection is recorded, the Summit shall not proceed with the proposal unless the objection is withdrawn. Yet according to Mohabe Nyirabu (1998:6) a simple majority rule would be more useful unless the issue concerned involved extreme national survival.

Indeed, the significance of the powers given to the Summit is much more meaningful if it is considered that members of the East African Legislative Assembly are appointees of the respective national parliaments rather than directly elected by the wider East African electorate. Yet, the importance of grounding ownership of the community's processes within the population of East Africa, and bestowing a sense of legitimacy to the Assembly's decisions seems to have been neglected. The Assembly is one critical link between the community and the population. The Summit is relegated to procedural issues (Kiondo, 2006:19). Furthermore, he argues

that because the Assembly's members do not reflect the makeup of the East African population, let alone the small number of the representatives,

> "they will not have a constituency in the wider population to whom they will feel obliged to report back to, and to reflect their views in the Assembly. Also, since their election is a caucus process, it will not involve wide ranging campaigns that will educate arid even excite people on the Community (Kiondo 2006:19).

His conclusion is that trading off cost factors for democratic legitimacy is unhelpful in the long term. The Wako committee on Fast-Tracking the EAC integration in fact suggested that in the envisaged political federation, the Federal Parliament should be elected along the lines of the method used in electing the current East African Legislative Assembly or as may be recommended by the Constitutional Commission. It also suggested that from 2010 to 2012 the Electoral Commission and other institutions provided for under the Federal Constitution should be put in place. Federal Constituencies should also be delineated and between January and March 2013, elections for the President and the Federal Parliament should be held (Kamanyi, 2009).

While such suggestions are welcome, the possibility that acrimony between the Heads of States, which precipitated the collapse of the EAC in 1977 may yet occur again if the legislative assembly is not strengthened to step in the event of ideological and other disputes between the

Summit members. This is because as currently constituted the Assembly lacks a popular base from which it can claim to represent the wishes and aspirations of the larger East African electorate and the absence of its constitution by political parties standing for various ideological and/or policy platforms. These ideological and/or policy differences are a *sine qua non* for the pluralization of the Community's processes and hence the legitimation of its institutions.

Other concerns and worries over the different democratic traditions of the political systems in the three founding East African countries. While Kenya and Tanzania have multiparty political systems, Uganda runs a movement political system. Yet, the Treaty explicitly acknowledges among the fundamental principles guiding its workings as "good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and Peoples' Rights (Article 6 (d))."

For example, the constitutional making process continues to be at the center of the democratization process in Kenya. In August, 2010, Kenyans successfully voted for a new constitution in a referendum widely hailed as free and fair. Despite the threats to implementation by the elements of the old order, progress on key constitutional bills is remarkable. In Tanzania, the hegemony of Chama Cha Mapinduzi (CCM) as a political party both on Tanzania mainland and Zanzibar, was

in the last elections challenged in presidential elections with accusations from Opposition candidates of government sanctioned rigging. Indeed, in Dar es Salaam and Arusha, street protests occurred that clearly evidenced the awakening for the fight for democracy. Tensions with Zanzibar on the other hand continue to remain a thorn in the flesh for the ruling party over claims by the latter for independence. In Uganda, the stranglehold of NRM and its dislike for opposition has meant that elections are clearly a farce.

Government structures within the member states are also at odds. For example the national parliaments have differing sizes. Whereas the Ugandan has 375 members of Parliament, the largest in the nation's history, and the biggest in the East African region, Kenya has 216 MPs, Rwanda 105, Burundi 155 including senators, and Tanzania, 356. According to estimates, on average, one MP represents about 70,000 people in Uganda, 130,000 people in Tanzania, and 185,000 in Kenya. Yet, given resource scarcities in the region, some commentators have argued that the constitutional roles of the legislature: representation, legislation and oversight can be performed effectively with small numbers of MPs. Ndebesa of Makerere University argues that parliament is exploited by the President to secure regime legitimization and expansion of the patronage network. And "As a result, parliament has undermined democracy instead of promoting it and thereby hindered development."

The problem of the delays in remittances to the Secretariat by member states is also crucial in fast-tracking the integration

processes. Yet, according to Richard Sindinga, the director of Economic Affairs, Ministry of East African Community, "Delays in member states remitting their contributions is mainly due to the fact that the EAC contributions are not prioritized by member states." In the last fiscal budget, partner states pledged $30,748,369 but failed to fulfill their quota remittances hence a supplementary budget was presented for approval — an additional $18.7 million for projects and another $1.7 million for activities of the East African Legislative Assembly. The director also mentions the differences in exchange rates among member countries. According to him, the Kenyan shilling has lost value to the dollar within a short period which means the value of the country's contribution to EAC has altered (East African, 5 June 2011).

Thus there will be a deficit both on the side of the contributing country and the overall budget, which interferes with planning according to Sindiga. "Steps are underway to implement a new mode of payment — pegged on individual country's Gross Domestic Product (GDP). Yet the policy implication of this latter move may be that the country with the largest GDP in the region, and therefore the economic disparities in the region, will influence the nature of policies of the region. This latter prospect may yet rekindle the historical differences s over the role of the state in the economies of the region (East African, 5 June 2011).

The compositions of national parliaments in the region are also a critical factor in facilitating rapid decisions concerning the evolution of the EAC. The Kenyan Parliament has had the most active

experience with an organized opposition. Since the first multi-party elections in 1992, the ruling party KANU was basically a minority government elected by less that 40 per cent of the popular vote. By contrast the Kibaki regime came to power with over 60 per cent of the vote establishing a strong for mandate policy formulation and implementation. Yet recent contested elections in 2007 and the ensuing violence have pointed to the fragility of Kenya's political institutions. In Tanzania, the legislature has continued to enjoy the solid presence of CCM members of parliament albeit the fact that is has recently been experiencing loss of support in some parts of the country. Yet it can be argued that the Tanzanian Parliament currently enjoys a high level of political consensus as demonstrated by the overwhelming acceptance. In Uganda the movement system of government provides little room for organized opposition to government policies. This has tended to restrict the range of policies formulated especially due to the government's antipathy towards opposition.

The EAC Treaty also recognizes a "people-centered approach" to consolidation the regional integration process. Indeed, Article 4 Section 3(d) states that one of its objectives includes "strengthening and consolidation of associations between the people of the Partner States so as to promote-a people-centered mutual development. 'Yet, in practice, the Treaty leaves little room for the operationalization of people-oriented approaches. The top down nature of decision-making and the lack of public consultation in the Summit could potentially alienate the populations of East African from internalizing the integration

process precisely because of the tendency to portray the integration process as an intergovernmental activity rather than a popular process.

More critically is the fact that civil society participation has almost been non-existent. In chapter 28 where the civil society is mentioned alongside the private sector institutions and mechanism would be established to strengthen the EAC-public links in order to canvass as widely as possible the views of most East Africans. Instead, as alluded to earlier, the chapter is much more focused on the private sector - through the East African Business Council - than the civil society. In fact the Treaty has no clear understanding of the concept of civil society. "Rather, it seems to be market-oriented, pro-government and personality driven (Kiondo, 2006:9)." Indeed, while The East African Business Council is to be accorded observer status in the meetings of the Commission and its subsidiary organs, civil society groups have not been equally treated when it comes to consultation over public policy issues.

There exist attempts to incorporate women and youth groups but the process has been slow to recognize the importance of the critical inputs of civil society, although a draft mobilization strategy for civil society (March, 2010) to ensure sustainable and equitable development has been developed. The draft defines civil society as "A realm of organized social life that is voluntary, self generating, self-supporting, autonomous from the state, and bound by a legal set of shared rules." This was however modified in workshop of EAC civil society experts as 'A realm of organized social life that is voluntary, self-generating, and autonomous from the state, and bound by a set of shared values for the common good of the people.' Before this initiative no mechanism existed to integrate the roles of civil society in to the Community's functions.

It is however unclear how the operationalization of the mobilization strategy will impact on civil society participation. To date, only CSOs that transcend national boundaries can qualify for observer status. Such organizations include the *Kituo Cha Katiba*, and the EA Business Council. Applications for the same have been made by the EA Youth Council, the EA Magistrates and Judges Association and International Council for Social Welfare EA Trade Union Council.

To be sure, one notable improvement on the East African Community arrangement is the role given to the private sector. The role of the private sector in the development of the single market and investment area is based on the neo-liberal logic of the integration process in which intraregional trade expansion is driven by private capital while the role of the state is relegated to the maintenance of law and order and the guarantee of contracts. A regional apex body for women organizations is to be formed to champion women's issues, which are seen as important. Finally, regional based organizations will also be encouraged for youth and professional organizations in order to mobilize civil society in support of enhanced cooperation. Yet even if these bodies are formed at regional level, it is not clearly spelt out how they will be involved in policy making. There is also no mechanism to cause the formation of these organizations at a regional level.

Finally, the existence of a variety of conflicts in the EAC may derail the peace and unity that is necessary to consolidate democratic structures. Hence the Partner States are currently in the process of harmonizing their policies in order to "establish common foreign and security policies" (Article 131 Section 1). Yet security policies are highly controversial. This becomes much more important given the continued cooperation with members states with the USA on the war on terror in the region especially given that the region has experienced such terrorist attacks before. Other than Tanzania, all the other countries in the EAC are experiencing major conflicts (directly or indirectly) that pose a violent threat to many of their citizens. If the current efforts to establish region wide Standby Forces (e.g. EASBRIG) are fully implemented then, the recent expansion of the East African Community to include Rwanda and Burundi is one avenue that has opened up for enhancing regional security governance.

Intervention Strategies and Conclusion

It is important to quickly develop systems that will allow for open popular elections of EALA by the people. This has the potential of enhancing popular awareness and participation among the East Africans. It is quite critical to develop closer working relationship with between EALA and national parliaments to facilitate consolidation of gains and encourage complimentarity in the realization of a more inclusive and people based decision making process. Other intervention measures would broadly include:

i. Development of necessary guidelines and structural mechanisms for the attainment of political federation

ii. Harmonization of best practices in institutionalization and capacity building in promoting participatory governance, rule of law and protection of people's rights

iii. Encouraging programmes that truly nurture East African identity, unity and collaboration

iv. Streamline and strengthen the mandates and capacities of regional organs for efficiency

v. Create a common platform in conceptualizing development and democratic processes by ensuring the inalienable right of individuals to participate by means of free, credible and democratic procedures

vi. Involve and take advantage of the huge reservoir of diaspora by providing a conducive social, economic and political environment that will tap into their expertise in building the regional economies

vii. Encouraging partnership in fighting terrorism and intelligence sharing in containing crime

viii. Institutionalization of wider and inclusive stakeholder participation

ix. Developing a regional media house that would report, educate, highlight opportunities and create clearer awareness among the people

x. Conscious of the fact that the scourge of conflicts in the region constitutes a major impediment to the socio-economic development of the region and of the need to promote peace, security and

stability as a prerequisite for the implementation of the regional development and democratic agenda

xi. Facilitate the development of vibrant civil society organizations at the national, sub-regional and regional levels

This paper has demonstrated that both the EU and EAC model of democratization continue to suffer from democratic deficits. While the EU has evolved a multilayered and polycentric institutions, reflecting a modest agreement on democratic norms and institutions, the EAC is still plagued by the individual authoritarian pasts of the member states. Hence centralization of powers around the institution of the Summit, nomination of EALA members by national parliaments, different democratic traditions of the political systems, bloated government structures, non-remittance of member state fees, composition of national parliaments, lack of popular participation and internecine conflicts continues to undermine the democratization of the EAC. Although civil society is increasingly being recognized in the process, very little attention has been accorded to its role in the integration process. Hence in contrast to the EU, the EAC is still largely driven by the interests of the regions Heads of states. This therefore becomes a major challenge to the democratization of the Community and adequate space for the Civil Society.

The Community is thus faced with the uphill task of maintaining political cooperation among the Heads of partner states and establishing a culture and an environment for adoption and ratification of regional policies. Democratization of the region is also affected by inadequate capacity, weak institutions and lack of consensus on the EAC constitution. It is important for the region to embrace non-adversarial political competition and develop inclusive political systems.

References

Amir, A. (2001), Review: How to Democratize the European Union and Why Bother? in Philippe C. Schmitter Lanham, Rowman and Littlefield, 2000. Canadian Journal of Political Science, Vol. 34, No. 1 (Mar., 2001)

Amuwo, A. et al (eds) (2009), Civil Society, Governance and Regional Integration in Africa, Nairobi: DPMF

Baregu, M. (2010), The African Economic Community and the East African Community: Any Lessons from the European Community/Union? Kampala, Uganda

Deirdre, C. (2003), Private Interest Representation or Civil Society Deliberation? A Contemporary Dilemma for European Union Governance', Social *Legal Studies,* March, Vol. 12 no. 1

Finke, B. (2007), Civil Society Participation in EU Governance http://www.livingreviews.org/lreg-2007-2.

Fossum, J. and *Eriksen,* E. (2002), Democracy through Strong Publics in the EU? Journal of Common Market Studies, 2002, 40 (3)

Joseph, R. (1997), Democratization in Africa after 1989': Comparative and Theoretical

Perspectives, Comparative Politics, April, Vol.29, No.3

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

Kiondo, A, (2002), Political Cooperation as the basis for a sustainable East Africa, A Critical Look at the Draft Treaty for the Establishment of the East African Community' in Yahya-Othman, S. ed (2002). Politics, Governance and Cooperation in East Africa, Dar es Sallam: REDET

Nabudere, D. (2004), The Fast-tracking of Federation and Constitutionalism in East Africa, Dar es Salaam

Sabine, S. (2007), Democratic 'Misfit'? Conceptions of Civil Society Participation in France and the European Union', Political Studies, Vol. 55 No. 3

Schmitter, P. (2003), Democracy in Europe and Europe's Democratization, Journal of Democracy,Vol.14,No.4 http://muse.jhu.edu/journals/jod/summary /v014/14.4schmitter.html