

# The Influence Of Civil Society Organizations (CSOs) On East African Community (EAC) Policies

**Gilbert Kimutai**

Tutorial Fellow, Department of International Relations and Diplomacy, Maseno University - Kenya, PhD Candidate at the Department of History, Political Science and Public Administration, Moi University - Kenya

**Paul A. Opondo**

Senior Lecturer, Department of History, Political Science and Public Administration, Moi University, Eldoret - Kenya

**Ken Oluoch**

Associate Professor, Department of History, Political Science and Public Administration, Moi University, Eldoret - Kenya

*Abstract: As part of the findings of a doctoral study, this article presents an analysis of the influence of Civil Society Organizations (CSOs) on the policies of the East African Community (EAC). It presents a detailed discussion of the existing engagement frameworks between CSOs and the EAC. It further delves into an analysis of the actual influence of CSOs on the integration policy processes and policies of the EAC. The study notes a general trend of CSO inclusion in the EAC policy processes and a fairly established framework of engagement. CSOs in the region are keen on their involvement in Community policy processes as a way of ensuring people centred policies. However, hurdles still exist which must be addressed by all the stakeholders in the EAC integration process for the aspirations of the Community to be fully achieved.*

**Keywords: civil society, regional policies, regional integration, East African Community**

## I. INTRODUCTION

The study of regional integration, of how national units come to share part or all of their decisional authority with an emerging international organization, is one of the areas of political inquiry in which a cumulative research tradition has developed (Schmitter 1970). Equally important has been the increasing importance of Civil society organizations in world politics over the past few decades and the subsequent growth of academic interest in the drivers of this development (Bohmelt *et al* 2013). Nation states are considered to be the dominant actors in global governance and regional integration initiatives. Whereas they may be primary players in integration schemes by virtue of their features, other non-state

actors including CSOs play important roles. Generally, states are the initiators, negotiators, and authors of integration schemes (Kivuva 2018). Consequently, they are key in determining the depth and width of integration arrangements. However, in the current neo-liberal world order which has called for a minimal role for the state and a strong private sector (Clayton *et al* 2000), CSOs and other interest groups play key roles in shaping and influencing integration policies. The rise of market neoliberalism has seen an increasing reliance placed on third sector partnerships with government and business, and the increasing convergence and blurring of boundaries between the state, market, and third sector (Taylor 2010). States are not the exclusive and may no longer be the predominant actors in the international system which is

currently characterized by multiple, diverse, and changing actors who also build transnational coalitions (Niemann and Ioannou 2015).

CSOs as conventionally understood in the contemporary world possess certain features stemming from their origins and purpose that accord them an important role in integration schemes. As representatives of diverse societal groups and interests, they attempt to influence governmental decisions and processes at domestic and international levels for the benefit of their respective constituencies. In contrast to earlier perceptions, their role has evolved in complexity beyond the one defined in terms of resistance and now includes actual participation in governance as well as multi-faceted contributions to legitimizing and democratizing global and regional governance (Armstrong *et al* 2011).

Debate on the role of Civil Society Organizations (CSOs) in governance has gathered momentum since the end of the cold war and the collapse of the Soviet Union. Their significance in both domestic and international governance has gained prominence in academic and political discussions in the past three decades. Nonetheless, civil society debates have had a long history in political science. Ever since Tocqueville, associations and interest groups have been considered crucial actors in truly democratic systems (Saurugger 2008). With the rise of integration schemes and supranational governance arrangements, demands for democratic legitimacy have propelled CSOs to the center of regional integration frameworks. It is assumed that they are mechanisms for citizen participation and enablers of regionalism from below in these interstate arrangements. This has consequently enhanced the anticipation of their influence on regional integration policies and processes.

CSOs engaged in global and regional governance are assumed to be important channels of citizen participation in national and regional governance bodies, grassroots representatives addressing the democratic deficit in integration schemes, and providers of much needed legitimacy to regional organizations. Adar *et al* (2018) emphasize on their influence in addressing the democratic deficits within the communities' decision-making structures, bodies, and processes. They also argue that parliaments and civil society have influenced the reform of many institutional structures at the regional level. On the specific case of CSOs, they argue that with functions cutting across national boundaries, stronger participation of regional CSOs is seen as a way to further represent the peoples' voice and interests in Africa's regionalization processes.

While enhancing citizen participation, addressing the democratic deficit, and legitimizing regional governance are acknowledged as the anticipated roles of CSOs in integration schemes, their ultimate test of efficacy is in their actual influence on interstate integration policies. Sitting at the apex of regional organizations, states are the originators of integration ideas, drafters of integration charters, drivers of integration policies and ultimate implementors of decisions. Beyond simply satisfying the need for broader representation in regional governance, actual influence on states could significantly determine the trajectory of integration efforts. This is broadly validated by liberal thought which projects international diplomacy and foreign policy making as a

triangular exercise bringing together both states and other non-state actors. The state is no longer viewed as a unitary actor with the latitude to make unilateral decisions but rather a group player acting in concert with other actors on the foreign policy table. Whereas the societal dimension and participation that CSOs seek to enhance and assure is vital especially in the era of increased demands for democratic governance, their role can only be deciphered from their influence on nation states who are the ultimate decision makers in integration schemes. This influence is anticipated by scholars who have documented the roles of CSOs to include direct attempts at influencing state decisions and shaping global governance.

The International Criminal Court (ICC) is an often-cited example of the power and impetus of global civil society. The input of global civil society in the process which led to the adoption of the Rome Statute has been almost unprecedented in international treaty negotiations, rivaled only by its contribution to the Landmines Ban Treaty (Glasius 2006). Shoki (2009) argues that CSOs can lobby governments and the private sector to ensure that policy commitments are delivered and, where necessary, appropriate changes to policies and laws are made. According to Godsater (2015), civil society actors can pressure states to act in new ways and shape international policy since the identities, ideas and interests of state actors are not fixed or given but are socially constructed and therefore prone to change over time. Hence, the materially more powerful actors (states) do not necessarily control the better arguments and materially weaker ones (CSOs) can achieve considerable policy-making success by using ideational resources.

Pallas & Uhlin (2014) acknowledge that over the past two decades, CSOs have had widely recognized influence on environmental policies, international development strategies, debt relief for developing countries, and human rights regulations. Such influence has given rise to predictions among academics and practitioners that civil society is in the process of democratizing global governance. It is due to this significance of civil society that integration architects have considered them important partners together with states in regional integration schemes. According to the dominant narrative, CSOs facilitate direct stakeholder representation in international policymaking, diminishing the power of states and thus the power imbalances embedded in the state system. The growing competences and the institutional development of regional organizations encourage civil society to organize itself at their level, call for increased spaces for participation to influence their agenda, guide their action and reform them (Adar 2018).

In the case of the EAC, CSOs are unequivocally recognized in Chapter 25 (Art. 127-129) of the new East African Community Treaty (EAC Treaty 1999). In Article 127(1), partner states agree to provide an enabling environment for the private sector and civil society to take full advantage of the community. Article 127(2) expects states to promote an enabling environment for the participation of civil society in development activities within the community. Articles 127(3) and 128 (2) require the Secretary General and the Council to provide a forum for consultations between the private sector, CSOs, other interest groups and appropriate institutions of the community and to establish modalities that

would enable the business organizations or associations, professional bodies, and civil society in the partner states to contribute effectively to the development of the community, respectively. Article 5 (3) (g) states that the community shall ensure “the enhancement and strengthening of partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development” (EAC Treaty 1999).

These important sections of the Charter that establish the EAC simultaneously appreciate the significance of CSOs and anticipate that they will play important roles in the integration scheme. Beyond the theoretical acknowledgement of the expected contribution of CSOs to regional initiatives, little has been documented on their actual influence on regional policies in the EAC. In the more than two decades existence of the Community, little has been documented on the actual influence and contribution of CSOs to integration policy processes. The following discussion presents the findings of a doctoral study conducted to fill this lacuna. It outlines the influence of civil society organizations on the policy processes and policies of the EAC. The first part of the article is a presentation of the frameworks of CSO involvement in the integration policy processes of the EAC. This is followed by a discussion of the engagements between CSOs and the EAC outlining the role of EACSO, the regional CSOs umbrella body. The third, fourth- and fifth-parts present analyses of the actual influence of CSOs on EAC policy processes and policies. The final part is a conclusion of the article which provides a summary of the study.

The study area consisted of Kenya, Uganda, and Tanzania who are the founding members of the East African Community. The study adopted a mixed method approach by collecting both quantitative and qualitative primary and secondary data. The research objectives necessitated the use of this mixed method because and the study involved the collection of data through questionnaires, online surveys, conducting oral interviews, and examining existing documents. This permitted the researcher to better understand the influence of CSOs on regulatory frameworks, policies, treaties, and agreements. The researcher administered questionnaires to EACSO accredited CSOs, and surveyed the opinions of officials at the national and the EAC Secretariat levels. CSO officials in the three countries were also interviewed. The responses to the digital questionnaires designed through google forms were received electronically and systematically analyzed by the use of spreadsheets. The results of the qualitative data generated were then adopted, and presented appropriately in bar graphs showing frequencies and percentages. Qualitative data was analyzed by grouping themes and providing explanations and discussions.

## II. INVOLVEMENT OF CIVIL SOCIETY ORGANIZATIONS IN THE EAC INTEGRATION POLICY PROCESSES

In the East African Community (EAC), there is space for CSO involvement in the Community policy processes. The EAC as a regional economic community requires civil society participation in its organs, institutions and activities. There has

been a rising trend of the EAC and its partner states involving CSOs in their policy processes. This is institutionalized in a policy framework to ensure that the active participation and involvement of civil society is prioritized in the regional integration process. More-so, the East African Community (EAC) treaty and the East African Community Development Strategy take cognizance of the fact that the process of economic and social integration is complex and its attainment depends on the collective efforts of partner states, civil society as well as the individual peoples of East Africa.

The East African treaty in particular addresses the participation of non-state Actors, and the five partner states agreed to provide an enabling environment for the private sector and civil society to participate and undertake to formulate strategies to promote continuous dialogue at national and community levels. This is in an attempt to create an improved business environment for the implementation of agreed decisions in all economic sectors (EACSO 2010). On the other hand, CSOs are increasingly demanding involvement in the policy processes of the Community. CSOs feel that in order for the government to formulate policies that are citizen centred and appropriate for the region, their involvement is necessary. They argue that the involvement of CSOs in policy issues ensure that policies are appropriate to the needs of the people, feasible and implementable on the ground. They can use grassroots experiences and innovations as the basis for improved policies and strengthening local capacities and structures for ongoing public participation. CSOs pick the opinions of the public on a range of activities, policies and programs in the region. They exchange ideas with other CSOs in the region and beyond and consult with experts in the various policy areas of the Community. This is subsequently shared in the sectoral councils' meetings and the annual Secretary Generals' roundtable with CSOs. CSOs take these opportunities to shape the discourse and the agenda of the community. Through this process, CSOs are given an opportunity to influence the thinking of the community.

Civil Society Organizations in the region operate under the umbrella of the East Africa Civil Society Organizations Forum (EACSO). EACSO is an inclusive platform for Civil Society Organizations (CSOs) formed to facilitate dialogue among them and to foster sustainable and equitable development in East Africa through the participation of CSOs. It was initiated and coordinated by the East Africa Law Society in 2005 as the autonomous association for all CSOs and NGOs in the region and the channel through which these bodies can make representation to the regional governance institution, the East African Community (EAC). It is a space for shared learning and collective action, in pursuit of Article 127 of the Treaty for the establishment of the EAC with the vision of seeing an East Africa in which citizens are fully engaged and involved in all affairs affecting their lives. EACSO membership is over 39 organizations of which some are umbrella CSOs with an active membership of more than 400 CSOs, for instance, TANGO and UNNGOF. It has five national chapters (Burundi, Kenya, Tanzania, Rwanda, and Uganda), at different levels of getting registered nationally. EACSO has an established regional Secretariat with a President and a Governing Council in place. It has been able to mobilize CSOs in the region and kept them informed on the

various developments within the EAC integration process.

EACCSOF envisions an empowered citizenry in East Africa that has full ownership and control over their governance, security and development. Its mission is to provide a platform and catalyzes a critical mass of organized civil society in the region in order to foster their confidence in articulating grassroots needs and interests in the EAC and its various organs, institutions and agencies. It seeks to engage in a need-driven, people-centred East Africa integration by cooperating effectively and proactively for equitable and sustainable development. This is inspired by a desire to make integration work for citizens in the region by providing a platform for civic expression in a people-centred East African integration process.

The mandate of EACCSOF is to facilitate the citizens of East Africa to effectively shape and drive sustainable development and growth in the region. Through EACCSOF, CSOs aim at contributing to building the integration processes of the region. It has been operational since 2007 and the General Assembly decided to facilitate the set-up of country chapters in 2009. During the EAC first meeting of Civil Society Mobilization Experts held at Silver Springs in Nairobi from 25th to 27th November, 2009 where the experts formulated a draft Civil Society Mobilization Strategy, they recommended that EACCSOF should be fully recognized by the EAC as a mechanism for civil society engagement and mobilization. The experts further advised that a Memorandum of Understanding (MOU) between the EAC and EACCSOF be signed in order to start a formal working relationship with the East African Community (EACCSOF 2010).

EACCSOF was thus selected by the EAC Secretariat as the focal point for CSOs in integration processes. At the regional level, the Governing Council is at the helm of EACCSOF and its operations are executed through an independent Regional Secretariat. Currently EACCSOF Regional Secretariat office is in Arusha Tanzania while the EACCSOF Tanzania Chapter is hosted by TANGO in Dar-es-salaam. To streamline communication, coordination and program implementation, a similar structure is replicated at the national level albeit at that level the national board will be at the helm. The National Secretariat may be set up independently or can be hosted by a member Organization. In either case the National coordinator primarily reports to the National Boards while at the same time having linkages with the Regional Secretariat. The national chapters are independently registered as autonomous EACCSOF chapters linked to the regional Secretariat through the Governing Council.

### III. EACCSOFS ENGAGEMENTS WITH THE EAC

The Secretary General's forum is the apex institution that is crucial for interactions between CSOs and the EAC. The Annual Secretary General's Forum is organized based on an agenda developed by the Regional Dialogue Committee composed of representatives of the dialogue parties and is guided by the Rules of Procedure of the Forum. The vision of the Forum is "to be the platform of choice for an all-inclusive sustained engagement in the EAC integration process" (EACCSOF 2016). In its formative years of existence, EACCSOF

advocated for the creation of the Consultative Dialogue Framework (CDF) for engagement between the EAC, civil society organizations, private sector organizations and other interest groups, whereby it has been mandated as the focal point for CSO voices in the integration process. With support from the German International Development Agency (GIZ), the EAC approved the Consultative Dialogue Framework in 2012. It is a structured guide to ensure consultative participation and inclusiveness of the private sector, CSOs, and other interest groups towards realizing the Community's objectives. The structure has, among others, the EAC-CSOs Fora and the Regional CSOs representative (EACCSOF) which link to CSO national chapters and national CSO networks. The latter two link to grassroots CSOs working on a wide range of issues. At the top, the different components of the structure culminate into the EAC Secretary General's Forum (Kamatsiko 2017).

According to the dialogue framework for CSOs and Private Sector Organizations (PSOs,) EACCSOF is recognized as the voice of civil society in East Africa and the CSO platform for engagement with the EAC. It is the mandated official CSO's representative in the dialogue framework, which is a tripartite dialogue of CSOs, PSOs, and the EAC. The work of EACCSOF is bedrocked in the forum's overall goal which is to have an EAC integration process which is inclusive of the voices of and is responsive to the needs and demands of the people. It was created in response to provisions contained in Chapter Twenty-Five (25) of the Treaty establishing the East African Community (EAC) that comprises of Article 127, Article 128 and Article 129.

Since its founding, EACCSOF has been working to strengthen the institutionalization of the relationship between East African CSOs and the Community (EAC). It also works to ensure that East African citizens and their organizations work together to play a more effective role in the integration process through building stronger citizen organizations that respond to citizens needs and hold duty bearers to account (EACCSOF 2015). CSOs are participants in debates in the various fora of the Community. They have observer status in sectoral meetings and handle issues of human rights, climate change, environment, elimination of trade barriers, gender and youth affairs, and communication. The engagements with the EAC include regional dialogue committees in preparation for the SG forum, engagements with Ministries of East African Community Affairs (MEACAs), research programmes, dialogue during important regional events like the EAC celebrations, and consultations on regional bills. Interactions with the EACJ happen when cases are taken to the court. A major challenge, however, is that the decisions of the EACJ court are not usually respected by member states.

EACCSOF works towards the strengthening and institutionalizing of a relationship between East African CSOs and the EAC through an annual General Assembly for members of EACCSOF with the purpose of submitting recommendations to East African Ministers and Heads of State. Their submissions cover a wide range of topics including human security issues, auditing of legislative domestication and implementation of the EAC treaty protocols, development and peace in the region. EACCSOF has no political or religious affiliations, but operates within the



policy and legal frameworks of the Partner States of the East African Community. It also abides by regional and international protocols binding the people of East Africa. It uses the best practices in the organization and management of civil society for effective human development. These policies, laws and protocols include the UN Millennium Development Goals on Poverty Eradication, UN Habitat Agenda 21, Africa Union Charter on Human Rights, the treaty Establishing the East African Community, and the Visions promulgated by individual states of the East African Community.

EACSOF carries out capacity building, advocacy and lobbying activities for and on behalf of its member organizations in the areas of integration including but not limited to human rights, good governance, policy formulation, policy information, policy dialogues, trade negotiations, special interest groups representation, budgetary processes, promoting peace and security in the EAC, social and economic justice, promoting environment, natural resources and climate change mitigation, mainstreaming science and technology, education and youth engagement in good governance, and mainstreaming gender. EACSOF brings together CSOs and enables them to speak with one voice on integration agenda. It mobilizes CSOs and holds capacity building and training sessions for them like one held recently on the protection of civic space program under the FORD Foundation. It aims at strengthening the voice of CSOs in the face of the shrinking space, facilitating the sharing of thoughts and best practices among CSOs, training of CSO representatives on advocacy, lobbying and resource mobilization, addressing challenges and encouraging collaboration, networking for CSOs and holding of Stakeholder meetings. EACSOF has been following up the integration process of the EAC, with a particular interest in observing the implementation of the EAC treaty, protocols, and laws developed in EALA as well as policies, strategies, plans and programs and engaging with the East African Court of Justice (EACJ) on litigation issues.

#### IV. THE INFLUENCE OF CSOS ON THE POLICIES OF THE EAC

Generally, CSOs are involved at the different stages of the policy processes in the EAC. The increasing global trend towards democratization has opened up the political space for CSOs to play a more active policy influencing role in the region. They have been able to exert their influence to varying degrees at the various policy stages and in different community integration policy agendas. They contribute and use evidence in agenda setting, policy formulation, implementation and evaluation. The degree of their involvement is, however, determined by the nature of the matter under consideration. As illustrated in figure 1 below displaying the results of a perception survey conducted by the study, CSOs are mainly involved at the implementation stage of the EAC policy processes whereas they are least involved in the agenda setting and formulation levels.

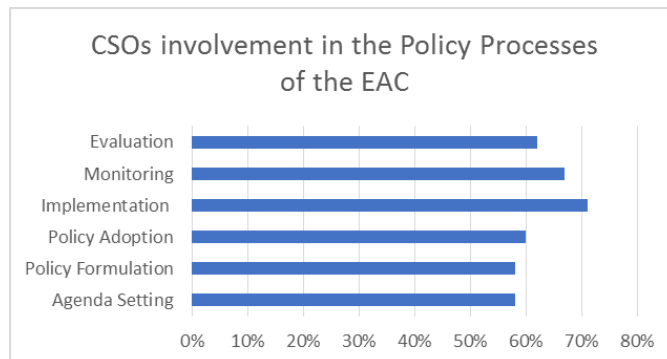


Figure 1: CSOs involvement in the policy processes of the EAC

At the agenda setting stage, CSOs channel views and positions into the process from the perspective of different collective interests in society in a way that is complementary to the political debate based on representation. They provide inspiration for policies which address the issues of the constituents whom they broadly represent and use evidence to build momentum behind certain ideas to influence agenda setting. At this stage, a key factor is the way evidence is communicated. It can help put issues on the agenda and ensure that they are recognized as significant problems which require policymakers' responses. CSO inputs can be even more influential if they also provide options and realistic solutions. This contributes to setting the agenda and to shaping the needed strategic approaches. Through these, CSOs provide problems' identification and suggest appropriate solutions based on their experience and knowledge.

During the formulation of policies, the forms of political decision-taking vary based on the national and regional context and the policy under consideration. At this step consultation with civil society is central to informed decisions. Evidence can be an important way to establish the credibility of CSOs and therefore influence the formulation of policy. CSOs through their proximity with communities and local groups and actors ensure that diverse perspectives and particularly those of the most marginalized groups who are often isolated and disconnected from decision making spaces and public policy arenas inform the development of regional policies that directly affect them. CSOs facilitate citizen participation in policy development for the realization of EAC objectives through CSO position papers, policy proposals and legislative drafting following EACSOF thematic areas, in collaboration with EALA, sectoral committees and the Secretary General's forum through the dialogue mechanisms. Avenues used in this stage include formal and informal lobbying, participation in official consultation processes and mobilization to keep public support. Because of their experience, expertise, and networks, CSOs can have an impact on the design of regional policies. This may mean that the ideas initiated civil society are integrated into regional policies, or systems designed by CSOs are used as inspirations in their design. CSOs involvement in this stage can have a profound impact on every aspect of the designed policy, including the scope of coverage, the scope of services it will provide, the inclusion They promote citizen centric collaborative governance and co-production (citizens produce or improve existing services, without relying too much on government

agencies) due to their reach and influence at the grassroots level. This is important in enhancing ownership of the EAC process especially among the cross-border business communities. They also offer technical and specialized input at higher levels – policy levels especially at the ministerial level and the summit. However, the final power of choice lies with the public authorities, unless the decision is taken by a public vote, referendum or a co-decision mechanism.

At the implementation phase, CSOs are important partners to ensure that the intended policy outcome will be reached. Access to and exchange of clear and transparent information between CSOs and public authorities is a crucial prerequisite to obtain public support and the most effective results. Evidence provided by CSOs is critical to improving the effectiveness of integration policy initiatives and therefore to influencing the implementation of policy. Making such evidence relevant across different contexts is vital. EACSOFF provides leadership to civil society and the citizens of East Africa through the dialogue mechanism in demanding for the execution of the EAC Treaty and existing policies, protocols, strategic plans and programmes, focusing on its strategic themes. CSOs have often been successful innovators in service delivery that informs broader government implementation. The key to influencing implementation of policy is often to have solutions that are realistic and generalizable across different contexts (Court., J. *et al* 2006). In the EAC, CSOs are relied upon by the Community for advocacy and awareness creation as witnessed in the enlisting of a cycling group which traversed the region in late 2021 to popularize the integration effort. They also participate in the implementation of certain projects in collaboration with international donors like the European Union.

Finally, CSOs play a crucial role in monitoring and reformulation. They monitor and assess the outcomes of the implemented policies, including the allocation of funds. CSOs inspire accountability of regional authorities and member state governments in the implementation of agreed upon policies. Through independent monitoring and evaluation, CSOs are important agents for holding regional and national in the EAC accountable. Furthermore, CSOs monitor and evaluate implementation of EAC policies, strategic plans and programmes, in order to provide feedback to the EAC Secretariat and partner states on successes, progress, obstacles, challenges and proposed solutions to the integration process. They assist in localizing the EAC integration agenda and monitoring progress. For instance, CSOs were requested to track the road construction from Arusha-Namanga to Nairobi. However, no funds were provided for this responsibility. The results of the monitoring phase constitute the basis for needed policy reformulation.

## V. PARTICIPATION IN SPECIFIC POLICY AREAS

EACSOFF has actively engaged itself in the actual policy processes of the EAC in seeking to ensure citizen centred policy development and implementation at national and regional levels in regards to democratic governance; peace and security; social and economic justice; agriculture, natural resources, environmental protection and climate change; and

mainstreaming science and technology (EACSOFF 2015). EACSOFF also sets priorities for collective action on constitutionalism, integrity, free movement, economic rights and social cohesion. Notably, EACSOFF prepared a draft gender protocol and a draft youth policy for consideration by the Council of Ministers, played a leading role in advocating for the HIV/AIDS prevention and management bill, lobbied for changes to the EAC Anti-counterfeit Bill aimed at protecting citizens' access to quality generic medicines, contributed to advocacy initiatives, defended EALAs mandate to raise private members' bills, collaborated with EABC to launch the EAC Health Forum and initial key issues with support from GIZ, initiated advocacy for free movement of Africans in Africa under the auspices of CCP-AU, undertook analysis of the CSO operating environment in East Africa, engaged EALA and EACJ on the deteriorating human rights and humanitarian situation in the Republic of Burundi and undertook a Right to a Nationality (R2N) in Africa Workshop to raise concern on statelessness and R2N (EACSOFF 2015). In these engagements, EACSOFF seeks to ensure citizen centred policy development and implementation at national and regional levels. It additionally monitors the implementation and regulation of policies such as the Customs union in which it (EACSOFF) strongly participated in the development processes of the same to ensure supremacy of good governance (EACSOFF 2015).

CSOs play a critical role in influencing the EAC policy space in a bid to advance the integration agenda in a variety of ways that includes but not limited to advocating for the poor including lobbying the government and spearheading women and youth empowerment initiatives. This is all done with the objective of inspiring, informing and improving policy provisions and narratives in order to increase uptake of opportunities within the EAC trading bloc. CSOs promote domestic resource mobilization, social justice and accountability and actively participate in policy work and the passing of bills in the regional assembly. They fight to ensure human rights of the EAC citizens are safeguarded in the integration process and activities like trading and cross border movement. They are well placed to articulate the pressing needs and demands of the citizens. CSOs engage in dialogues on a range of national and regional issues like Gender Based Violence (GBV). They participate in regional meetings from all partner states and various organizations to advocate for various issues such as human rights issues like child trafficking, child labor, and gender violence. They work with member states depends on the specific issue areas of their specialty. Some deal with governance/engagements ongoing to expand the narrow civic space and others seek to improve service delivery.

From study findings, a greater percentage of CSOs indicated that they were mainly involved in gender policies. The influence of their participation is least in socio-cultural policies, science and technology and agricultural policies as illustrated in figure 2 below.

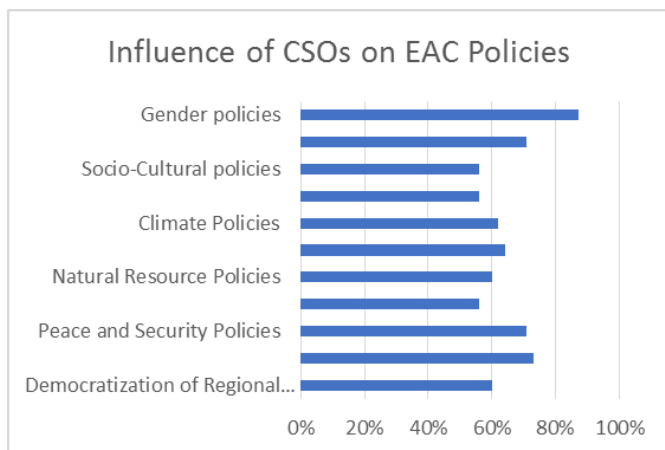


Figure 2: The influence of CSOs on specific EAC policies

#### A. DEMOCRATIZATION AND REGIONAL GOVERNANCE

The EAC Treaty (Article 3.3a), supports “adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice”, as one of the main criteria for admission into EAC membership. CSOs in the region have promoted peoples’ participation & democratic governance, advocating for transparency, accountability and defending human rights. As a result, democratic practices improved over the last 2 decades across Africa, including East Africa. Civil society sector plays a significant role in lobbying and pressuring governments to democratize politics and to complement policy changes. They deal with constitutionalism, democracy, accountability and the rule of law. CSOs provide needed opportunities for local communities to take part in the agenda of the regional Community and channel their views and concerns to the Summit and the governing council. The CSOs promote peoples’ participation in enhancing democratic governance, policy advocacy, promotion of transparency and accountability, and the defending of human rights in East Africa. This is because they are well placed to articulate the pressing needs and demands of the citizens. CSOs provide advocacy, identify issues and challenge governments on certain matters. They fight to ensure that the human rights of East African citizens are safeguarded in the integration process. The CSOs enhance and strengthen partnerships with the EAC in order to accelerate sustainable political development in the region and they have been actively encouraging EAC partner states to enter a Governance and Democratic Charter in order to operationalize Articles 3 and 6 of the EAC Treaty.

EACSOF is currently working on the implementation of the African Governance Architecture (AGA) and more specifically the African Charter on Democracy, Election and Governance (ACDEG). The African Charter on Democracy, Elections and Governance expounds upon the constitutive act, committing member states to the adherence of universal values and principles of democracy and respect for human rights. It promotes the adherence to the rule of law, the holding of free and fair elections, and the rejection of unconstitutional changes of government. It was adopted by the AU in January 2007 in Addis Ababa but did not come into

operation until 2012 because it needed a minimum of 15 countries to assent. EACSOF and ActionAid Denmark carried on the strategic meeting in Nairobi from 8th -9th April 2019 to train and advise the existing CSO platform to apply the capacity provided to promote the implementation of the AGA and especially the ACDEG. EACSOF in joint partnership with Tanzania Vijana Assembly Organized a two days’ workshop in Arusha, Tanzania to deeply train them on African Charter on Democracy, Election and Governance (ACDEG) including creating an influential space for youth to share their voices, their success stories, sharing the position and role of youth in the East African community, and guiding youth to submit their resolutions to be forwarded to the minister of youth for the establishment of the national youth council of Tanzania (EACSOF 2019).

EACSOF is taking note of the importance of promoting the African Governance Architecture (AGA) through democracy and human rights in EAC region and in creating space for the participation of civil society in advocacy networks to engage specific local communities, bridge their views to national, regional and continental policy discussions and open up public discussion through media channels (EACSOF 2018).

CSOs are actively pushing for the fast tracking of the EAC Regional Charter on Human Rights / Democratic Governance and the promulgation of one EAC Federal Constitution. Through their regional platform, they are pushing for the civic space protection and the establishment of a model form of the freedom of information law. CSOs explore opportunities in collaboration with member states and the EAC and partner with the EAC and through EACSOF to contribute to EAC affairs. They use the regional EAC platform to champion for the expansion of the civic space in individual member states. Through the dialogue committees which meet twice a year, CSOs that develop themes, contemplate and discuss what they want at the EAC. EACSOF sees opportunities in policy advocacy at EAC and AU level, election monitoring and engagement in negotiations and implementation of international agreements, especially those related to trade facilitation. Although there are disparities in strength of CSOs among EAC Partner States, as a combined voice they have great potential to influence public policy and practice in the region (EACSOF 2016a).

Civil society is also advocating for democratization of access to power across the region through a common EAC position on term limits, harmonized electoral laws and shared EAC Electoral Commission; promotion of active participation of CSOs in civic education and election observatory processes across boundaries, especially during general elections; and the restoring of presidential term limits in all partner states. To achieve these, EACSOF seeks to work in partnership with EALA to accelerate integration through legislation. CSOs together with EALA hope to promote legislative drafting at regional level and reach out to national parliaments in partner states to advocate for timely domestication of regional laws. The existence of enabling laws is expected to underpin clear guidelines and accountability mechanisms for harmonized implementation of integration processes to the benefit of East African citizens (EACSOF 2016a). In collaboration with the Regional Centre of Small Arms (RECSA) whose headquarters



are in Nairobi), CSOs have engaged in the promotion of peace and security through their participation in military and police weapons marking and registration throughout the five partner countries. The partner countries are receiving direct support for controlling light weapons according to the guidelines of the 2002 Nairobi protocol.

## B. SOCIAL AND ECONOMIC JUSTICE

CSOs seek to enhance the social and economic justice of the EAC integration processes through citizens' capacity, building and strong national platforms that effectively engage in political social and economic aspects of the EAC integration process. The Common Market and the Monetary Union are instruments designed to enhance socio-economic well-being of East African citizens. CSOs have been monitoring the progress of their implementation, the progressive removal of tariffs & non-tariff barriers (NTBs) and promoting cross border trade & SMEs. This is not only intended to take stock of gains made, but also identify obstacles and propose innovative solutions. Regional trading arrangements have spread, widened and continue to deepen due to this. CSOs engage in the monitoring of EAC protocols, commitments and programs to assess delivery of growth, improved livelihoods and development. They also complement local and regional pro poor/poverty alleviation programmes with community based tailored assistance using evidence based and sustainable solutions. The main concern of Civil Society is people's well-being - social indicators, living standards, social justice, equity, gender disparities, children's welfare and wealth distribution. CSOs are concerned whether growth in trade will improve the welfare of the people with regard to the social indicators. They therefore promote stakeholder and citizens' engagement in the development and implementation of trade related policies at EAC and partner state level to ensure that these processes lead to improved livelihoods of the people in the East African region. They also focus on enhancing inclusion of the marginalized groups in the EAC integration processes as provided for by the EAC Treaty by spear-heading the formulation, domestication of socio-economic related bills that empower marginalized groups including youth, women, disabled and people living with disabilities. CSOs further engage in monitoring the implementation of the Customs Union, progressive removal of tariffs & NTBs, promoting cross border trade & SMEs, with special support to women in cross-border business through information, education and communication (IEC) for empowerment and protection against corruption and sexual harassment (EACSO 2016a).

CSOs have been engaged in prioritising (at both the regional and partner state levels) enhanced investment in infrastructure development (with emphasis on energy, ICT and transport infrastructure to lower the cost of doing business in order to increase the competitiveness of the private sector) without losing sight of the regional imperative of maintaining macro-economic stability and a conducive environment necessary for optimising the region's competitiveness. Accelerating the implementation of the EAC Common Market and Monetary Union Protocols – with a view to optimising increased investment in the region, as well as expanding the

regional single market with free movement of all factors of production has also been a priority area for CSOs. CSOs focussed on the economic sector have been pushing for economic accountability in the region, curbing of illicit financial flows, sealing inequality gap, domestic resource mobilization, provision of services/service delivery for citizens and research. So far, they have drafted a motion on illicit financial flows in the extractive sector.

Through making trade works for development and poverty reduction in the EAC, the quest for industrialization and structural transformation is even stronger given the changing international trade landscape. Currently, international trade is being shaped by reciprocal and largely asymmetrical Free Trade Agreements. The EAC-EU Economic Partnership Agreement (EPA) is one of such agreements. Over the years, many trade analysts, civil society, farmers and manufacturers have raised concerns on the inherent dangers of the EPA on EAC's value addition, industrialization and structural transformation efforts. It is therefore important to reassess the nature of trade policies and agreements which can be able to promote industrialization and structural transformation for inclusive and sustainable development in the EAC.

## C. AGRICULTURAL POLICY INTERVENTIONS

Agriculture remains the bedrock of the Partner State economies, accounting for more than 25% of GDP, 65% of the volume of intra-regional trade, and over 70% of employment opportunities. More than 70% of the industries in the EAC are agro-based. However, the service sector remains resilient and continues to contribute substantially to the region's economic activities. Agricultural production and productivity in the EAC are largely constrained by natural factors, policy and adoption of technologies. Agriculture is the major economic activity across the EA region, which ultimately depends on the environment (land, water, climate), but despite this there's no protocol on agriculture within the EAC policy framework. CSOs both individually and through their umbrella body offer needed support to the agriculture sector. They enhance the legitimacy, transparency and equity of policy and decision-making ensuring that it takes into consideration the interests of all sectors of society and has their support, give a voice to stakeholders, particularly the region's poor and ensure that their views and opinions are taken into account, increase the effectiveness of the Food and Agriculture Organization (FAO) field projects and programmes by building on civil society experience in participatory approaches, poverty alleviation and sustainable agriculture, as well as their capacity to act quickly and flexibly targeting the most vulnerable groups, and build public support and political will to attain food security objectives. CSOs are seeking to contribute to the development of EAC agricultural policy which will enhance food security, tackle post-harvest loss and address agricultural value chains in the region.

## D. INDUSTRIALIZATION POLICIES AND STRATEGIES

CSOs have participated accelerating the implementation of the EAC Industrialisation Policy and Strategy. They played



important roles in enhancing investment and undertaking the necessary reforms in the strategic area of human capital development – with emphasis on skills development – whereby partner state governments shall ensure result-oriented partnership with the private sector and other non-state actors – to ensure bridging the existing skills gaps in the key priority sectors – including, inter alia, in agro-processing; minerals, oil and gas energy and transport infrastructure areas.

#### E. SUSTAINABLE UTILIZATION OF NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

The EAC Treaty (Art. 111) recognizes the fact that development activities may have negative impact on the environment; yet a clean and healthy environment is a pre-requisite for sustainable development. The partner states of the EAC have undertaken to co-operate and adopt common policies for the control of trans-boundary movements of toxic & hazardous waste, including nuclear materials. Sustainable management of trans-boundary resources is best regulated at the regional level. The establishment of the Lake Victoria basin Commission (LVBC) hosted in Kisumu, Kenya, and Lake Victoria Fisheries Organization (LVFO) hosted in Jinja, Uganda are remarkable steps towards achieving sustainability of ENR in the EAC region. CSOs play a critical role in improving conservation and natural resource governance in the EAC through the promotion of effective management and sustainable utilization. The Model Law on Mining, Community and Land in Africa is used by civil society organizations and policy makers to advocate for reforms to mining policies in different African countries and especially for communities to organize around the challenges that they face caused by extractive activities in their habitats. CSOs have participated in the mitigation of the effects of climate change by proposing a policy that prescribes statements and actions to guide Climate Change adaptation and mitigation. This is meant to reduce the vulnerability of the region, enhance adaptive capacity and build socioeconomic resilience of vulnerable populations and ecosystems. Adaptation to climate change is of priority to the EAC region in view of the high vulnerability of the region to the impacts of climate change, with the emerging and associated challenges especially in food security. CSOs are pushing for the establishment of a protocol on extractive industry initiatives within the East African region, valuing and accounting for environmental and natural resources. This will highlight policy and guidelines on exploitation of natural resources and equity in sharing costs and revenue with communities and EAC citizens. They are also monitoring and tracking the implementation of environmental and natural resources legislative instruments both at partner states and regional levels. They seek to enhance people's participation in managing their environment and natural resources so as to give them a sense of ownership. This is based on the awareness that natural resources are found within communities and they have the right to enjoy the benefits derived from their own resources. They are thus engaged in campaigns, lobbying for environmental services, sensitization and awareness-raising on environmental issues to help East African citizens

become more aware of the environment and natural resources. Additionally, CSOs network and collaborate with different environmental protection organizations at local, regional and international levels; and train and share knowledge to enhance capacity development on environmental matters. Being a lobby forum, EACSOFF seeks to contribute to the domestication and compliance of Partner States to environment and natural resource commitments and international conventions (EACSOFF 2016a).

#### F. SCIENCE AND TECHNOLOGY

Article 103 of the East African Establishment Treaty underlines the importance of Science and Technology as a key driver for Economic Development. EACSOFF too appreciates the role science and technology can play in transforming lives and enhancing integration. It has consequently promoted and coordinated the development, management, and application of science, technology and innovation to support regional integration and socio-economic development of the people in the region through the implementation of the regional Science and Technology policy via the East African Science and Technology Commission (EASTECO). CSOs also seek to promote joint scientific and technological research institutions on indigenous knowledge and technologies, advocate for the dissemination and internalization of new and emerging technologies for accelerated economic development and sustainable utilization of natural resources, promote gender equity and participation in the development and the application of science and technology, and have been advocating for formulation of EAC intellectual property policy, protection of plant varieties, public health, transfer of technology and financial support in regards to WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement (EACSOFF 2016a).

#### G. WOMEN EMPOWERMENT

The EAC Partner States recognize that women make a significant contribution towards the process of economic transformation and sustainable growth and that it is impossible to implement effective programmes for the economic and social development of the partner states without the full participation of women. To this end, the EAC has put the inclusion of women and girls at the centre of development programmes with partner states ensuring affirmative action, constitutional and legal reforms, development of national gender policies; institutional mechanisms for implementation and accountability; economic empowerment measures, and sector-specific policies. CSOs that champion youth affairs and those focused on gender and women issues have been actively engaged in these programmes. CCGD, a CSO from Kenya is involved in the construction of child care centers at the border markets. One has already been set up at the Kajiado/Namanga border. The CSO is also providing technical support for child care support at border markets and has proposed a cross border women traders market in Busia. The focus is on creating a safe trading environment for the women, educating them on trade laws and implications of border crossing both legal and illegal, and entrepreneurship training, safe trading,

and business plans development. The CSO has also participated in vetting and funding programs and actionable ideas from women groups engaged in cross border trade.

CSOs in the EAC focused on the gender thematic area base their advocacy and actions on the Maputo Protocol on Women Rights. Their aim is to follow up on its implementation in the EAC. They thus came up with the gender equality policy premised on the Maputo Protocol and action plan. They also participated in the validation of EAC gender equality bill and worked with consultants on comments which were considered in the Act. Their participation in the Sexual Reproductive Health Bill (SRHB) has also been immense.

## H. PEACE AND SECURITY

Growing polarization, tensions, protests, demonstrations, civil unrest & insecurity in the East Africa region make conflict management and peace building an emerging area of concentration for EACSOF and its member CSOs. Conflicts often arise as a result of perceived or real marginalization, domination and exclusion. Threats to peace and security are also fuelled by religious extremism, terrorism, ethnic violence armed conflict and class tensions mainly between the urban well to do and the increasing numbers of peasantry and jobless youths. These threats call for urgent intervention. Because CSOs are neutral, they are well positioned to broker peace and mend relationships between conflicting parties as well as tackle issues of marginalization, domination and exclusion. This presents the opportunity for CSOs to develop dialogue and negotiation facilitating competencies (EACSOF Strategy 2016a).

EACSOF has focussed on enhancing the capacities of the EAC CSOs to operationalize existing mechanisms for early warnings on violence and insecurity, and empower and facilitate civil society to take a leading role in monitoring and feedback on early warning systems (EWS) and peace brokerage, including the unique role of women in peace building and conflict transformation. It has sought to develop practical conflict resolution and disaster management competencies and preparedness in the EAC beyond military approach; and through its membership, conducted studies and promoted the sourcing of up-to-date information on underlying causes and drivers of conflict, in order to demystify peace and security in the East African region. Based on quality information, CSOs are working in collaboration with the EAC to improve the mapping of likely scenarios and EWSs for pro-active interventions that safeguard the EAC against erosion of peace, security and stability, especially before elections (EACSOF 2016a).

## VI. OTHER POLICY INTERVENTIONS

### A. LOBBYING FOR CHANGES TO THE EAC ANTI-COUNTERFEIT BILL

The perception that makers of substandard medicines use without authorization well-reputed pharmaceutical firms' trademarks to sell their insufficient, often dangerous products

in the market led to initiatives at both the EAC and partner states' levels to address the issue of substandard drug quality through a new set of rules on the enforcement of IPRs. In 2010, the EAC Secretariat made available to Partner States an EAC Anti-Counterfeit Bill as drafted pursuant to a consultancy by two Nairobi-based law firms (UNCTAD 2016). The aim of the policy was to be a basis for a robust legal framework for the protection and enforcement of intellectual property rights in the region that combat counterfeits and pirated products (CEHURD 2010). The 2010 version received comments from partner states' governments and underwent a number of minor modifications. Consultations between the EAC Secretariat and partner states then proceeded on the basis of the 2011 version of the Bill. The enforcement of trademark rights, according to this approach, would thus indirectly benefit public health. This indirect approach caused considerable concern in the region and elsewhere, as "anticounterfeit" initiatives could - if misguided - potentially affect activities by the local generic industry by obstructing access to them, and thus undermine public health in the region. In April 2015, therefore, the EAC Council of Ministers decided to discontinue the enactment of a separate law on anti-counterfeiting and instead placed draft provisions on counterfeiting within an amendment to the 2006 EAC Competition Act. The amendment applies anti-counterfeiting measures to protect trademarks and copyright, but not patents. Local civil society together with other concerned stakeholders played an important role in amending a previous version from 2009 to better reflect concerns related to public health and generic competition (UNCTAD 2016).

### B. THE RIGHT TO NATIONALITY AND ERADICATION OF STATELESSNESS

In advancing the Right to Nationality and Eradication of Statelessness agenda, the East Africa Civil Society Forum (EACSOF), Pan African Lawyers' Union (PALU) in partnership with Open Society Foundation Africa Regional Office and International Refugee Rights, organized a forum for CSOs at the East Africa Hotel, Arusha Tanzania, on the 26th November, 2015. The meeting accorded CSOs the opportunity to share information on the recent findings and recommendations of continental studies indicating a need for a protocol on the rights to a nationality in Africa. Additionally, due focus was paid to gender, Burundi Crisis and the concept of accelerated regional integration agenda, which is hampered by policies of exclusion at the regional level. A key outcome of the meeting was the need for CSOs to in one voice and with relevant stakeholders minimize the cost of statelessness and come up with new rules and policies on the issue, furthermore CSOs should push for the Right to Nationality and Eradication of Statelessness agenda by sharing their technical expertise and advocating for political goodwill for instance at EAC level CSOs should advocate for Enriching Draft Gender Equality Bill to incorporate Right to Nationality (EACSOF 2016).

On 17-18 December 2019, UNHCR and UNICEF co-convened a regional advocacy workshop on childhood statelessness in Nairobi, Kenya. The event was organized as part of the two agencies' regional joint strategy to address childhood statelessness in Kenya, Tanzania and Uganda,

developed under the umbrella of the UNHCR-UNICEF Coalition on Every Child's Right to a Nationality. The workshop gathered more than 30 participants from civil society organizations (CSOs) from Kenya, Tanzania and Uganda. These CSOs work on issues related to statelessness, human rights and child protection and were eager to strengthen their advocacy related to the right of every child to acquire a nationality. As a result of this workshop, most of these civil society organizations formalized their membership to the Coalition and agreed to strengthen their role in an emerging regional network and started developing an advocacy strategy to address childhood statelessness in their respective country, which includes the realization of universal birth registration in their respective countries. Participants improved their knowledge on existing gaps in domestic nationality legal framework and practices, as well as systems relating to nationality, birth registration and documentation. The importance of the 1961 Convention on the Reduction of Statelessness was highlighted, especially with regards to how this instrument can prevent childhood statelessness.

#### C. ENGAGEMENTS WITH THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Civil Society in the region under the aegis EACSOFF is keen to take collaboration with the East African Legislative Assembly a notch higher. Consequently, linkages between both organisations are expected to be strengthened following the development of a collaboration framework. EACSOFF officials and individual CSO leaders engaged in close interactions with EALA speakers in the development of the collaboration framework. The EALA appreciates that the EAC Treaty has placed a premium on the role of the civil society in the integration process and is keen to work more closely with the civil society. This, EALA acknowledges, is not a favor but a responsibility. Under the envisaged collaboration, EACSOFF hopes that an institutional structure with clear linkages at national and regional levels shall be established and that with it, a fora for continuous dialogue between the parties will also be realized. The areas of engagement include participation in the EALA Plenary Sessions and in the annual regional meetings such as the Inter-Parliamentary Relations Seminar (Nanyuki Series), engagement with EALA National Chapters and the establishment of an annual CSO-EALA (Speaker's) Forum where ideas and best practices are exchanged. EACSOFF believes that the proposed civil society-EALA relationship would boost policy and legislative initiatives as civil society is keen to contribute to research and thus enhance the work of the regional Assembly.

#### V. CONCLUSION

CSOs participate in the policy processes of the EAC and assert their influence to a moderate extent. The study findings indicate that CSOs participate in all stages of the EAC policy processes. Their input is however more significant in policy implementation and least in policy formulation. This is explained by the political nature of the policy processes of the Community which favor the inclusion of state actors in the

formative stages of the policy process. The bureaucratic nature of the integration process at the partner states and Community levels largely excludes non-state actors including CSOs in the critical decision-making stages of the EAC policy processes. This has therefore limited the participation of CSOs in certain levels of the policy processes of the Community. Implementation is however generally open to many stakeholders. This is because of the expertise and resource requirements at this level of the policy process. Consequently, CSOs find more relevance at this stage and an opportunity to participate. The input of CSOs is critical in all the thematic areas of the EAC integration process. They bring a citizen-centred perspective to the Community policy processes and contribute to the democratization of the regional endeavor. Furthermore, they enhance the potential of the Community realizing its objectives by providing needed support to the regional body through the creation of awareness, provision of expert input and resource mobilization.

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