

**UNIVERSITY OF NAIROBI**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**  
**MASTER IN INTERNATIONAL STUDIES**

∪ **THE ADMISSION OF SOUTH SUDAN INTO THE EAST AFRICA**  
**COMMUNITY AND THE IMPLICATION FOR THE PRINCIPLES OF GOOD**  
**GOVERNANCE AND THE RULE OF LAW ∪**

**PURITY KINYA GITONGA**  
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**DECLARATION**

I declare that this is my original work and has not been presented for academic award or qualification in any institution of higher learning. In addition, appropriate referencing has been made where concerned.


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This research has been submitted for examination with my approval as the assigned University Supervisor.

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## **DEDICATION**

**This research project is dedicated to my lovely husband and children. Thanks for your inspiration, motivation and encouragement. I owe you a lot.**

## **ACKNOWLEDGEMENT**

I would like to acknowledge and extend my heartfelt gratitude to the following people who have made the completion of this Dissertation possible: My supervisor, Dr. Sabala Kizito, Lecturer: Institute of Diplomacy and International Studies, for all his guidance, encouragement, comments and discussions throughout the process.

## **ABSTRACT**

Generally, this study is about the admission of South Sudan into the East Africa community and the implication for the principles of good governance and the rule of law. Consequently, it analyzed the performance of regional organizations against the set principles, examined the extent to which South-Sudan fulfilled the EAC criterion of admission into the regional grouping and evaluated the implications of regional grouping violating their own principles and values for the future of regional integration in Africa. The study also set out two hypotheses namely that the admission of new member states into EAC is largely a function of other factors beyond rule of law and good governance and secondly that the observation of admission guidelines to EAC has implication on the regional development. The study, which depended on primary and secondary data with intermediate use of maps and tables including thematic approach to present the information, was situated within the Joseph Nye Soft power theory.

From the findings, it was revealed that the performance of regional organizations to set principals that govern international organizations was poor. EAC regional organization did not adhere to the rules of admission when admitting South Sudan into the regional bloc. South Sudan still faces many challenges in terms of observing the rule of law, governance and democracy. The findings led to a conclusion that South Sudan did not fulfill the EAC criterion of admission into the regional grouping. The country faces serious practical institutional and regulatory encounters that need to be addressed to actually implement free trade: for example, a system for the rules of origin. The inclusion of South Sudan's into the EAC was done by neglecting the relationship between the market, society, and that between land and citizenship. Beholding principals of good governance, rule of law, and democracy, the other things that regional organizations consider in admitting new members include transparency, accountability, inclusively, fiscal responsibility, good leadership, respect for human rights and fair competition for public offices. Now that South Sudan is already a member of the EAC, the respondents indicated that adopting a common currency, for instance, would translate into economic and social development. This will benefit the regional regulatory framework, lead to a stable financial region and lead towards cost sharing of regional projects. The several implications of regional grouping violating their own principles and values include lack of respect of good governance, lack of democracy, lack of respect for the rule of law and practice, arbitrary right detention, marginalization, corruption and human rights violation. The merger would lead to inefficient use of resources in that, the partner states will eliminate tariff of similar goods despite the import tariffs being constant.

The study recommends that the EAC should make sure they admit a country that observes human rights and strictly adheres to the rule and law that is in place. Now that South Sudan is already a member of EAC, The East Africa countries should immerse themselves more in search of peace, security and stability in South Sudan by involving themselves more in reconstruction of South Sudan. This may involve pacific settlement of disputes like mediation process between Machar and Kiir, capacity building among others. This will promote EAC image in South Sudan and reduce wars, increase peace and security that will allow EA traders penetrate the market further. The members of EAC should lobby further for observation of the agreements when admitting new members into EAC bloc.

## **ABBREVIATIONS**

<b>ACDEG</b>	<b>African Charter on Democracy, Elections and Governance</b>
<b>ASEAN</b>	<b>Association of Southeast Asian Nations</b>
<b>AU</b>	<b>African Union</b>
<b>COMESA</b>	<b>Common Market for Eastern and Southern Africa</b>
<b>EAC</b>	<b>East Africa Community</b>
<b>EACJ</b>	<b>East Africa Court of Justice</b>
<b>EALA</b>	<b>East African Legislative Assembly</b>
<b>EAMU</b>	<b>East African Monetary Union</b>
<b>ECOWAS</b>	<b>Economic Community of West African States</b>
<b>ECSC</b>	<b>European Coal and Steel Community</b>
<b>EEC</b>	<b>European Economic Community</b>
<b>EFTA</b>	<b>European Free Trade Association</b>
<b>ECB</b>	<b>European Central Bank</b>
<b>ESM</b>	<b>European Stability Mechanism</b>
<b>EU</b>	<b>European Union</b>
<b>IGAD</b>	<b>Intergovernmental Authority on Development</b>
<b>IGADD</b>	<b>Intergovernmental Authority on Drought and Development</b>
<b>IGO</b>	<b>Inter-Governmental Organization</b>
<b>RTAs</b>	<b>Regional Trade Agreements</b>
<b>SADC</b>	<b>Southern African Development Community</b>
<b>SPLA</b>	<b>Sudan People's Liberation Army</b>
<b>SPLM</b>	<b>Sudan People's Liberation Movement</b>
<b>SPSS</b>	<b>Statistical Package for Social Sciences</b>
<b>UN</b>	<b>United Nations</b>

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## **Chapter One**

### **Introduction and Background to the Study**

#### **Introduction**

For any country to be admitted in any regional bloc, it has to be assessed based on the admission rules. Entry requirements into a regional integration advance the scope and depth of cooperation of an organization but also promote certain values among the member states. The more serious the rules and regulations of an organization are, the more successful the realization of the purposes of the organization. A member wanting to be enjoined is needed to take on the requirements of being a member under the prevailing organizational law.<sup>1</sup> Organizations can decide to come up with guidelines for fresh admission without any timelines; even if it has never been done before.

The Copenhagen Standards presented fresh guidelines for admission into European Union (EU). The new members were needed to fulfill the necessities that the original members were not requested to satisfy. Though a group like Economic Community of West African States (ECOWAS) or Association of Southeast Asian Nations (ASEAN) might not had a given guidelines existing upon their establishment.<sup>2</sup> This can be fair since the organization has progressed and needs diverse preparation intensity before the members join can join with ease, otherwise it can be because of the decision of the existing members to impose new rules. Moreover, this should not mean that old members will be examined founded on these new principles and guidelines. The struggle by the European Union to resolve the racial minority predicament in candidate

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<sup>1</sup>Cowell, Frederick (2011). The Impact of the ECOWAS Protocol on Good Governance and Democracy. *African Journal of International & Comparative Law* 19(2): 331-342.

<sup>2</sup>Dumbuya, Peter A. (2008). ECOWAS Military Intervention in Sierra Leone: Anglophone-Francophone Bipolarity or Multipolarity? *Journal of Third World Studies* 25(2): 83-103.

countries in the 1990's did not signify that the existing members would be subjected to comparable inspection and necessities. This may perhaps appear discriminating, but the certainty is current members can set the rules.

East Africa Community (EAC) is not an exception in setting up rules of admission just like Intergovernmental Authority on Development (IGAD), Southern African Development Community (SADC), Common Market for Eastern and Southern Africa (COMESA) and Economic Community of West African States (ECOWAS).<sup>3</sup> An extensive criteria membership models can be follow on by Regional organizations. The most comprehensive model that have low admission norms and participation is the convoy model and it further permits the participation of all regional states. Though at certain instances they may inhibit the admission of a particular nation but they are not obligated to accomplish a set formal principles as a requirement of admission. To the intensive way, establishments may adhere to the club model, which is strict in its admission, which brings to the differentiation in the entry requirements. States may be required to have some criteria to enforce the fiscal and monetary policies and the methods of ensuring that corruptions as well as human rights are enforced. However, organizations have the choice to either the membership rules and the models and their variance.

Kenya, Uganda and Tanzania has taken decade since the signing of the EAC treaty for its establishment in ushering a provision for the elimination of taxes on goods amongst the republics of the community through a custom union. A standardized importation tax on all goods from outside the region was also applied; a universal market ensuring movement of people freely, services, labour, capital and their right to live

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<sup>3</sup>Hix, S. 2010. Institutional Design of Regional Integration: Balancing Delegation and Representation. *ADB Working Paper Series on Regional Economic Integration*. Forthcoming.

anywhere in the associate state; a political federation with a similar foreign and security as well as a monetary union with the a uniform currency and economic policy. If all countries in the section to begin with approved on the way of their collaboration and had no enticements to default from their agreements, then the membership guidelines would be insignificant. Nevertheless, it is certainly not that easy. The main challenge for regional teamwork and henceforth-regional assimilation is heterogeneity amongst regional members. This is why this study investigated the extent the EAC respected the principles of admission of states in EAC taking a case of South Sudan.

### **1.1 Location and Study Site**

This research will be based in East African Community (EAC), which is a regional inter-governmental group that is comprise of a six States Partners as shown in Map 1: these include Rwanda, Kenya, South Sudan, Burundi, Republic of Uganda and United Republic of Tanzania. The headquarters of EAC is in Arusha, Tanzania. The community is made up of population of 150 million, 22% of which is in urban area. The region covers 1.82 million Km<sup>2</sup> land area and has a mutual GDP of \$146 billion.<sup>4</sup>

The operations of the East Africa Community is steered by her Treaty that established the regional grouping. The agreement was appended to on 30 November, 1999 and was enforced on 7 July, 2000 following its approval by first three Partner States made up of Tanzania, Kenya and Uganda. Burundi and Rwanda assented to the East Africa Community Treaty on 18 June 2007 and became full members of the community with as from 1 July 2007. The South Sudan consented to the Treaty on 15 April 2016 and become a full Member on 15 August 2016.

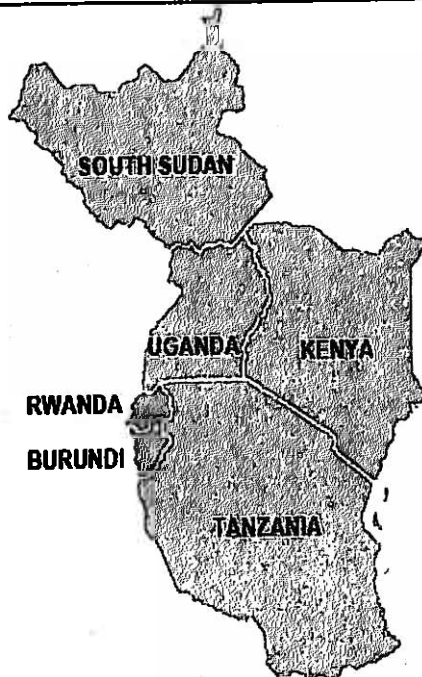
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<sup>4</sup> Protocol on the Establishment of the East African Monetary Union (2013).

East Africa Community is one of the regional blocs that is growing fast economically in the world; the East Africa Community is deepening and widening association amongst the partner members in several key domains for their common benefit. These domains comprise political, social, and economic.<sup>5</sup> Currently, the regional assimilation development is in full swipec as replicated by the inspiring progress of the East African Customs Union, the formation of the Common Market in 2010 and the execution of the East African Monetary Union Protocol. Figure 1 presents the map for East Africa Community.

**Figure 1: Map of the East Africa Community**

### East African Community



© DW

Source : Google maps (2018)

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<sup>5</sup> Protocol on the Establishment of the EAC Common Market and its Annexes (2010)

## **1.2 Statement of the Problem**

Since the creation of the East Africa Community by Kenya, Uganda and Tanzania in the year 2000, several principles and values have been put in place for partner states to respect as members of the community. In the same documents, the community has stated explicitly some of the values and principles that applicants should meet in order to be admitted.

Since its inception, the community has admitted Rwanda and Burundi in the year 2007. The recent entrant is South Sudan, a country that became independent in 2011 following a successful referendum that allowed it to succeed from Sudan. Over a period of time, questions have been raised whether EAC respects the principles of admission of new states. As soon as South Sudan gained independence in 2011, it applied for membership to join the EAC. Nevertheless, there are reservations on the prevailing questions around government rule of law and the general instability. It is understandable, then, to see the reason for its admission even if there was civil war which faced the country from the year 2013. The procedure of peace building let alone state building is still having a hard time to take shape and even those who have hope have to be realistic and know that the probabilities of creating a state that obeys the East Africa Community's principles and values is a unforeseeable.

The entrance of Rwanda and Burundi in the EAC did not raise questions around whether the two countries meet the criteria for admission like the way South Sudan, understandably so because at the time of admission the two countries were not experiencing serious conflict like the later. It is in this setting that the study proposes to



investigate the admission of South Sudan into the EAC and the implication for the rule of law and the principles of good governance.

### **1.3 Objectives of the Study**

The overall objective of the study was to investigate the admission of South Sudan into the East Africa Community and its implication for the principles of good governance and the rule of law. Specifically, the study aims;

1.3.1 To analyze the performance of regional organizations against the set criterion, norms and principles for admission and regulate relations among members.

1.3.2 To examine the extent to which South-Sudan fulfilled the EAC criterion of admission into the regional grouping.

1.3.3 To evaluate the implications of regional grouping violating their own principles and values for the future integration in Africa.

### **1.4 Research Questions**

This study had the following research questions:

1.4.1 What is the performance of regional organizations against the set principles?

1.4.2 To what extent did South-Sudan fulfill the EAC criterion of admission into the regional grouping?

1.4.3 What are the implications of regional grouping violating their own principles and values for the future integration in Africa?

### **1.5 Study Hypotheses**

This study tested the following two hypotheses:

1.5.1 The admission of new partner states into EAC is largely a function of other factors beyond rule of law and good governance.

1.5.2 Lack of adequate attention to admission criterion has implication for future of regional integration in Africa.

## **1.6 Study Justification and Significance**

This study has both academic and policy justification and significance.

### **1.6.1 Academic Justification**

The study contributes to research literature. It adds on the debate of the *significance of the rules of admission to regional organizations. Regional organizations in Africa differ significantly: there are a number that have an agenda focusing on economy integration having put strategies that were developed jointly amongst the partners to attain their purposes while others have shorter term political goals.*<sup>6</sup>

It also acts as a model to scholars who wish to carry out further research on the subject on admission of South Sudan into the East Africa Community and implication for rule of law and principles of good governance. The scholars understand the implications that observation of admission *guidelines to regional blocs has on the regional development.* The findings of this study can be used as a reference point to future researches on principles and values that govern regional organizations.

### **1.6.2 Policy Justification**

Multilateral and bilateral improvement partners have been progressively involved in backing of regional resourcefulness and policies.<sup>7</sup> They overall common objective is shared among all the partners that promote equity, sustainable economic growth and decrease of poverty in African countries. Although the states have their own areas of

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<sup>6</sup>Hix, S. (2010). Institutional Design of Regional Integration: Balancing Delegation and Representation. *ADB Working Paper Series on Regional Economic Integration.*

<sup>7</sup>The Main Bilateral Partners Supporting Regional Development and Covered Include, DFID, AFD, GTZ, USAID and JICA, while on the Multilateral Side the EC, WB and AfDB are the Principal Players.

interests and competence, which dictates their involvements. The study will help policy managers to understand the final decision of whether South Sudan met the requirements of admission into the EAC and the function of principles of admission as others are not in the textbooks.

The study findings also provides policy makers and other stakeholders on ways of handling integration among countries in admitting them in regional organizations. The study might also be of advantage to the legislative framework or legal by giving info required to integrate protecting laws in contrast to the admitting unqualified countries into regional groups. The results may also contribute to the national debate on the insights into more research on the causes, impacts and relationships of admission of South Sudan into EAC with other elements of economic and social well-being of the region.

### **1.7 Theoretical Framework**

This research was underpinned on Joseph Nye Soft power theory.<sup>8</sup> Nye categorizes power into two classes: soft power and hard power. Soft power is exercised not only by the state but also by non-state actors for example multinational corporations or international organizations to name a few. Nye refers soft power as the 'second face of power' that indirectly permits a country to get anticipated outcomes. On the other hand, hard power focuses on a nation's or a political entity's capability to employ military involvement, economic sanctions and coercive diplomacy to implement nationwide

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<sup>8</sup>Nye, J. (2012). "*China's Soft Power Deficit to Catch up, its Politics must Unleash the many Talents of its Civil Society*". The Wall Street Journal. Retrieved 6 November 2018.

interests (Ernest, 2008).<sup>9</sup> As asserted to Nye, a country's soft power rests on 3 capitals: its political standards when it follows them at abroad and local, its philosophy in places where it is striking to others, and its foreign rules when others see them as genuine and possessing decent ability. This can be connected to the strategies under the EAC treaty that permits other members to join the regional grouping. These countries demonstration as per the rationale of self improvement, that mean nations such for for their own benefit and was not subsidiary their eagerness to the welfares of diverse conditions. The rebellious examination of norms of the global framework is devolved, that mean there is no official principal expert; each self-governing country is officially corresponding in this structure.<sup>10</sup>

Countries are needed at any rate to expected to assure their personal endurance as this is a fundamental to look for after changed targets. This primary purpose of survival is the fundamental factor influencing their direct and therefore ensures states make threatening military capacities for remote interventionism and as an approach to assemble their comparative supremacy.<sup>11</sup> Since nations can never make sure of other countries' forthcoming points, there is a nonattendance of trust between states, which anticipates that them will be caution against relative setbacks of impact which could enable diverse states to undermine their survival. This nonappearance of trust, in light of defenselessness, is known as the security tie. This can be related to the rules that governed the formation of EAC and the guidelines that inform the members to admit a new country in to the bloc. The theory adds that institutions are social structures that have

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<sup>9</sup>Ernest, J., & Wilson, III, (2008). "Hard Power, Soft Power and Smart Power," *The Annals of the American Academy of Political and Social Sciences* 616 no.1. 114.

<sup>10</sup>Mearsheimer, John J. (2014). *The Tragedy of Great Power Politics*. New York, NY: Norton. p. 3.

<sup>11</sup>Art, Robert, J. (2008). *America's Grand Strategy and World Politics*.

attained a high degree of resilience. This can be compared to the observation of the guidelines set by the EAC in admission of new members over time.

This theory relates to the norms, observation or ignorance of the rules and guidelines governing the admission of South Sudan into the East Africa Community. The regulations were formulated to guide the admission of new countries into the bloc but were not observed during admission of Southern Sudan.

## **1.8 Research Methodology**

### **1.8.1 Case Study**

Case study research is termed as a malleable framework that is usually used in social science study.<sup>12</sup> The methodological judgment centered towards case studies is likewise established on that the exploration can't give observations into causality and general conditions.<sup>13</sup> Case research are believed to be a serious examination, which is characterized as a nitty gritty research of couple of units with various factors. The reason for escalated investigate was to get as total an image as conceivable of a circumstance, a wonder or occasion. On the off chance that reviews, the emphasis is on one specific unit. A unit can be an individual, a gathering, an association or a nearby network. These units can be of various types and they can be characterized by both reality.<sup>14</sup> The utilization of case study is suitable when we need to appreciate the cooperation between a particular setting and a marvel. The picking of contextual analysis is on the grounds that its preferences exceed drawbacks.

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<sup>12</sup>Cope, D. (2015). Case Study Research Methodology in Nursing Research. *Oncology Nursing*, 42(6), 681-882.

<sup>13</sup>Lindvall, J. (2007). Fallstudiestrategier. *Statsvetenskaplig Tidskrift*, 109(3), 270-278.

<sup>14</sup>Jacobsen, D. I. (2002). *Vad hur och varför: Om metodval i företagsekonomi och andra samhällsvetenskapliga ämnen*. Lund: Studentlitteratur.

A case study design was adopted as a framework. The design was suitable when investigators are apprehensive with detailed interpretation of a phenomenon.<sup>15</sup> This study used the case study design in because the most suitable approach for this particular research proposal. The character of a case study is a framework that involves comprehensive and rigorous examination of a solitary item. Additionally, the case study is often linked with a research of a certain community or location. In this research, Southern Sudan as the “case” which is representative’s countries admitted in the East Africa Community.

### **1.8.2 Data Collection**

The data was collected from 16 respondents from the Kenyan Ministry to EAC and the 13 respondents at Kenyan Ministry of Foreign Affairs. Ten respondents from the Ugandan Embassy and 13 respondents from South Sudan embassy were interviewed on whether South Sudan qualified to be admitted in EAC. The findings were compared to the reality in South Sudan.

The instruments to be used was questionnaire for primary data and document analysis for secondary data. The study used one set of questionnaire. The semi-structured questions were asked together with some open-ended questions. It was necessary to use both the closed ended items and open-ended answer items. Majority of the questions adopted a Likert scale. The open-ended design permits more extemporaneity of reply and offers chances for individual response.<sup>16</sup> This tool is economically convenient in terms of

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<sup>15</sup> Bryman, A. (2008). *Social Research Methods*. 3rd Ed. Oxford: Oxford University Press, pg 21.

<sup>16</sup> Jwan, J. (2010). *Conducting Qualitative Research: Current Trends & Developments*: Moi University 5<sup>th</sup> Campus Wide Research Workshop, 2010.

time. Section A dealt with a general overview of the respondents. Section B dealt with the objectives of the study.

A letter of introduction for collection of data was first gotten from Postgraduate school of University of Nairobi. The researcher then sought permission from the management of the Kenyan Ministry to EAC, Kenyan Ministry of Foreign Affairs, South Sudan Embassy and Ugandan Embassy. The researcher further made appointments with scholars in matters regional integration and the other respective respondents. The questionnaires was administered by hand to respondents; the researcher was on standby for the respondents to fill them out and provided any clarifications whenever needed.

The information from the primary and secondary data covered the importance of the principles and values that regional organizations have set out as a test of admission. It also covered the extent to which South Sudan fulfilled EAC rules for it to be admitted to the region. The researcher probed from the respondents what it implies for the existence of the rules of admission.

### **1.8.3 Data Analysis and Presentation**

Data analysis is very important in any study as it helps to bringing meaning to the collected data. Statistical Package for Social Sciences (SPSS) version 23 was used to process and analysis the data collected. This research anticipated to produce both quantitative and qualitative data. The quantitative data was investigated descriptively and presented using frequency tables. The variables to be associated with admission of South Sudan into the East Africa Community and implication for principles of good governance and rule of law. Qualitative data was analyzed thematically. This was done through discussions in prose form as per the objectives.

Frequency tables and figures were used to present the analysed findings since they were user friendly and gives a better graphical representation of the respondents' opinions on admission of South Sudan into the East Africa Community and implication for principles of good governance and rule of law.

## **1.9 Chapter Outline**

This project contains five chapters. Instructively, Chapter One discusses; the introduction and the background of study, statement of the problem, objectives of the study, research questions, study hypotheses, study justification and significance both academic and policy justification, theoretical framework and research methodology. Chapter Two discusses the performance of the principles and values that regional organizations have set out as a test of admission. It covers the regional integration in international relations, principles and values governing regional organizations globally, principles and values governing regional organizations in Africa, regional organizations and sanctions against members and regional approaches to sanctions. Chapter Three presents the extent South-Sudan fulfilled the EAC criterion of admission into the regional grouping. This has been done by covering literature of how South Sudan adherence to the globally accepted principles and norms of governance, the rule of law, democracy, social justice and observation of human rights. Chapter Four looks at the implications of regional grouping violating their own principles and values for the future of regional Integration in Africa. The chapter has presented various cases that result if laws of treaties are not observed in the admission of new members into regional groupings. Finally, Chapter Five presents the summary of the findings, conclusions and recommendations.



## **Chapter Two**

### **The Principles and Norms: The Performance of Regional Organizations**

#### **Introduction**

This chapter reviews literature that links the practice and selected principles and values governing the behaviour of regional groupings. This chapter covers the principles and values governing regional organizations globally, principles and values governing regional organizations in Africa and principles and values governing regional organizations in sub-regional level.

#### **2.1 Principles and Values Governing the Performance of Regional Organizations**

##### **Globally**

Various principles and values govern different regional organization. For example, the creation of Regional Trade Agreements (RTAs) and additional types of regional collaboration in terms of security, social and cultural ends, have brought about focus on the importance of countries reinforcing their relationships with other nations putting in mind the advantages that the regional collaboration possess. This trend has been driven by the wide acknowledgement that regional cooperation is critical in tackling developmental challenges that would not be resolved at the state level.<sup>17</sup> The simple monetary foundation for the regional incorporation of the less established countries is a lasting economic one: Integration creates a chance for organizations that haven't been established as well as the industries that need to take advantages that come with the production in large scale to expand their markets and enhance their economy in the extended markets.

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<sup>17</sup>Magu, S. (2014). Dilemmas of Collective Action: Explaining East African Regional Integration and Cooperation. *International Journal of Science and Development* 2(4), 58 - 67.

The necessities for being admitted into European Union (EU) are covered in the 1993 'Copenhagen criteria'. The Copenhagen criteria involves a tested democracy, provision of free market economy, and observation of rule of law, and recognition of the entire European Union legislation, in addition to the Euro. Members that are interested in joining EU are needed to have established societies that guarantee practice human rights, democracy, observation of rule of law and protection and respect for of the minorities. They ought to have an operative market economy and have the ability to manage competition and the market forces in the European Union and the capacity to take on and implement successfully the responsibilities of membership, as well as observance to the objectives of political, economic and monetary union.<sup>18</sup> The European Union (EU), is acknowledged as a success model of integration regionally, that cover "a broader variety of social, political and economic issues, involving deeper policy coordination". Yet, the incongruities and problems of the organizational design and the welfares of the members in the states normally overcome the EU. The building of the EU has been continuous for more than 5 decades and still is an incomplete scheme.<sup>19</sup> More so, Great Britain's exit from the EU in 2016 was a challenge whose impact was known afterwards.

Successful regional integration that is sustainable could be found from the happenings of the EU that which was recognised in the year 1952 with the creation of the European Coal and Steel Community (ECSC) by 6 members that were; The Netherlands, Italy, France, Luxembourg, Britain, and the then West Germany.<sup>20</sup> This was preceded by

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<sup>18</sup>Members of the European Parliament (19 May 1998). "*Legal Questions of Enlargement*". Enlargement of the European Union. The European Parliament.

<sup>19</sup>Roy, Joaquín and Roberto Domínguez, eds. (2005), *The European Union and Regional Integration: a Comparative Perspective and Lessons for the Americas*. (Miami: European Union Center/Jean Monnet Chair, 2005); <http://www6.miami.edu/eucenter/books/The%20EU-Regional-text+coverfinal>.

<sup>20</sup>Laursen, Finn, ed. (2008), *The Rise and Fall of the Constitutional Treaty*. Leiden: Nijhoff/Brill.

the creation of the European Free Trade Association (EFTA) in 1960 and European Economic Community (EEC) in 1957.<sup>21</sup> The European integration procedure has brought about many achievements that include: Free trading inside the European Union by the formation of a customs union, with intra-European Union trade at 66%; the free movement of persons in fifteen main nations as citizens can determine the place that they need to work, live, do investment or visit without being restricted at the borders; European nationality, which is determined by the introducing a common currency in the Euro (€) in a large number of partner nations in the year 2002, the introduction of European passport (Schengen), the coordination of laws and code of practice on health, environmental, economic, social, and transport issues; the transfers of portions of countrywide self-rule to multinational European Union organisations.<sup>22</sup>

It is reported that European leaders and EU institutions answered to the Euro-zone predicament and required to stave off its contamination with a diversity of policy machineries. Formation of a lasting European Union financial aid facility was important. Among these was the European Stability Mechanism (ESM) that providing emergency help to Eurozone countries in financial difficulties; a pronouncement to have a single bank supervisor for the Eurozone, that will make the ESM to be able to put cash straight into sickly Eurozone banks and European Central Bank (ECB) determinations to settle the financial marketplaces by buying large shares of European independent debt and provide major portions of credit into the European banking system.

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<sup>21</sup>Beach, Derek (2005), *The Dynamics of European Integration: Why and when EU institutions matter*. Basingstoke: Palgrave Macmillan.

<sup>22</sup>Peters-Berries, C. (2010). *Regional Integration in Southern Africa, A Guidebook*.

The Association of Southeast Asian Nations (ASEAN), is a regional inter-governmental association involving 10 South-East Asian nations, that encourages inter-governmental collaboration and enables political, economic, military, security, educational, and socio-cultural assimilation amongst its memberships and other Asian nations. It is among the oldest regional organizations made up of 10 members states; Malaysia, Laos, Cambodia, Singapore, Indonesia, Myanmar, Philippines, Brunei Darussalam, Thailand and Vietnam. The union has been faced with various challenges including the causing tensions over territorial disagreements; political changeovers in some ASEAN member states as well as in trans-border regions.<sup>23</sup> Furthermore, ASEAN's 2015 goal of full execution of the ASEAN bloc has not been realized yet and openings in terms of both improvement and safety continue to be wide amongst and contained by its member states. The matter of Cambodia's admittance into South-East Asia's political organization flickered a ambassadorial argument. It was admitted into the regional block despite it not having fully carried out constitutional reforms. They were to be admitted after the coalition agreements. The organization needed the existence of political stability as a pre-condition for a new involvement request, which was ignored.

## **2.2 Principles and Values Governing the Performance of Regional Organizations in Africa**

All over Africa when it comes to admission of states, the process has been questionable. For example, although ECOWAS was formed to adopt mutual economic relations among the members, its admission of Morocco's into the West African regional bloc was questionable since no state of the 15 members who formed ECOWAS are near

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<sup>23</sup>Daniel, H., Levine and Dawn Nagar (2016). *Region-Building in Africa: Political and Economic Challenges*. Palgrave Macmillan.

or into the land or water borders with Morocco.<sup>24</sup> The major condemnation was the disagreement that followed in admission of Morocco, a North African country is as good as slaying the Commission which was stringently formed for republics of the West-African sub-region.

The Member States of COMESA are required to observe several undertakings for them to be members, under which they “shall, in the field of trade liberalization and customs cooperation, create a customs union, eliminate all non-tariff obstacles to trade among each other; co-operate in customs activities and procedures, establish a common external tariff”. This task is the theme of a given provision in Article 45, to the same end, advocating for the progressive founding of a customs union in a span of 10 years: that is, by 2004 since the COMESA Treaty entered into force in 1994. Article 46 specifically offers for the founding of a free trade area by the year 2000.<sup>25</sup>

COMESA joining, as demonstrated in the Preferential Trade Agreement Treaty of the year 1993, is focused on the business sectors coordination by the disposing of duty hindrances and non-levy and to venture and exchange to achieve finish financial co-activity through a relentless procedure of the arrangement of a free exchanging zone, the development of a typical market and in the long run a monetary network.<sup>26</sup> The entire guide of the COMESA joining motivation is given by the COMESA Treaty, which be that as it may, does not give clear due dates to the execution of the plan. A FTA was

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<sup>24</sup>Ibid, 17.

<sup>25</sup>The Report of the Twenty Eighth Meeting of the COMESA Council of Ministers, Document with Reference CS/CM/XXVIII/12, paragraph 593.

<sup>26</sup>Comprises of 19 members: Burundi, Comoros, Congo, DR, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe

launched in 2000 and the traditions association was set up in 2008.<sup>27</sup> Various conventions are connected to actualize the Treaty, to be specific the COMESA Protocol on the gradual relaxation and ultimate removal of visa necessities and labor, services, the right of establishment and residence and the COMESA Protocol on the free movement of persons.

African Union (AU) has two main requirements that new states have to observe for membership. The first need is that the nation ought to be in Africa for it to join the AU.<sup>28</sup> Secondly, the State ought to ratify and sign the African Union Constitutive Act. The admission of Morocco to the Africa Union seemed to be a fault. The AU wasted an opportunity to condemn the North Africa state from the violence with the Western Sahara. It was an indication how the African Union is having it difficult to make sure its principles and values are observed by the members. Even though the requirements are easy to follow, its implementation seems to be a challenge. The AU has been seen not to be serious in making sure the member are observing the requirements and finding out if the new applicants are sincere democracy as they join the body. No efforts are made to establish if the applicant country has the ability to enforce democratic norms and policies. This has not been a first for the AU to admit a state deprived of due thoroughness. It took a meagre eighteen days from the time South Sudan got independence to the period it gained admission to the African Union. This was a time when South Sudan did not have the most basic human and physical infrastructure to enforce the African Union principles and rules. This has made South Sudan to be a problem to the African Union (AU). This

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<sup>27</sup>FTA comprises of 11 countries: Burundi, Djibouti, Egypt, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Zambia and Zimbabwe.

<sup>28</sup>Constitutive Act (n 17) art 29(1).

calls for AU to stop focussing on geography and the vote of the majority. There must be mandate for stringent observance to essential democratic norms and values.

The Zimbabwean “putschists” without any doubt dreaded, in agreement with Article 30 of the Constitutive Act of the AU, a postponement and possible having to be sanctioned by the African Union, somewhat the entire members from various countries making the union need to apply. Given Mugabe who was had the presidency thirty-seven years, had previously been praised by his colleagues having fought for independence and respect for Africa. For this reason, the peers had to support him. Article 3(10) of the 2007 African Charter on Democracy, Elections and Governance (ACDEG) dictates the criticism and entire refusal of unlawful changes of government. Even though its only ten nations that have so far ratified and appended to it, this charter so far, the principle is permitted by African Sub-Regional bodies, that includes the Southern African Development Community (SADC), that Zimbabwe belongs to. Moreover, it’s difficult for a president of a country who is the same time a president of African Union to criticise his own undemocratic doings, which was also what happened to the Chadian president Idriss Déby.

The African Union asserts that it is promoting security, peace and stability but from the way its leaders keep on with their normal evasiveness on recent disorders and wars all over the countries in Africa, these principles and values seem to have been overlooked. Taking an example of Burundi, where president Pierre Nkurunziza defies the country’s constitution and clings to power, the African Union (AU) has largely remained quiet or flip-flopped on the issue, even as the country plummeted into chaos as a result, leaving more than 20 people dead and scores of others injured and displaced. The AU’s

limp-wristed response to Nkurunziza's actions may be because it lacks the moral authority to act given that in it appointed the then 91-year-old ruler of Zimbabwe Robert Mugabe to lead it. Mugabe, who had ruled his country for more than 35 years showed no signs of stepping down.

The African Union (AU), was founded in 1963 and conceived as a "loose relationship grounded on deliberate collaboration, whose resolves would carry moral rather than legal responsibilities".<sup>29</sup> African Union (AU), which adopted much broader goals for example the "advancement of viable growth and social justice, good management of power, good health and gender equality."<sup>30</sup> The failure to cogitate democratic standards as a requirement for AU to admit new members has negative effects. The lack of firm pre qualifications for new members has caused difficulty for Au to cope with wayward behavior amongst its members. The member has not only continuously disrespected the AU basic democratic principles but they have likewise declined to approve the common empathetic of the norms. They have also ignored at times when the AU structures recommend for sanctions for grave defilements of human civil rights, for example what happened in Burundi, a few member parties declined to vote in favor of shared military involvement. The members have revealed unwillingness to reinforce the democratic meanings of the African Union. Furthermore, they lack a mutual agreement on ways of changing the union past the verbal talk. With an austere pre-admission procedure, matters of obedience with African Union regulations and rules could be effortlessly solved, and the needed processes to address abuses followed. The

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<sup>29</sup>Karns M.P. and Mingst K.A. (2004), *International Organizations: the Politics and Process of Global Governance*, Lynne Rienner Publishers, p. 4.

<sup>30</sup>Ibid.



AU wasted an opportunity to condemn the North Africa state from the violence with the Western Sahara. It was an indication how the African Union is having it difficult to make sure its principles and values are observed by the members. This was not the first time the African Union has admitted a nation to its association by not being thorough in checking its qualifications. It took a mere 18 days from South Sudan's independence to its admission into the African Union. This was at the time when South Sudan did not even have the most rudimentary physical and human infrastructure to implement the African Union regulations. It has subsequently become a problem to the African Union.

The US Secretary of State Warren Christopher recommended the development of an African Crisis Response Force of upto 10,000 troops; this was finished amid an official visit to Africa in October 1996. The United States offered to pay a fourth of the anticipated \$US40 million expense of preparing a Pan-African power. Underneath the proposition, the power would be fatigued from military units of some African countries, and however orchestrated under UN sponsorships, it would be proficiently prepared by the African Union and its new US supported Conflict Management Center. The African Union and a some of African republics, containing South Africa have answered precisely to the proposition and have looked for additional information before favoring the proposition.<sup>31</sup>

As the African Union goes in the direction being a peacekeeper, the preliminary aim of non-interference in the internal businesses of member nations is no longer a feasible or needed one.<sup>32</sup> The Secretary-General of the Africa Union fully is in support of

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<sup>31</sup>Boyle, B, 'Mandela Cool on US-proposed African Peace Corps', Reuters, 12 October 1996; and 'US Calls for an African Crisis Force' in *The Sydney Morning Herald*, 12 October 1996, p. 19.

<sup>32</sup>Thomas, M., op. cit., p. 5.

the role of peacekeeper but pointed out that it was a new venture for the administration and that it would require the UN to help in management.<sup>33</sup> The Committee forestalls that these issues will reassure rearrangement inside the African Union and arouse unity and more regional participation by the administration. The Southern African Development Community bloc which is one of Africa's main trading blocks, was created to allow the free flow of goods, people, and services between the member nations, is deteriorating in many of its purposes. The reason is that many members simply ignore the rules. SADC nations have gotten backing from their Africa neighbors and are parties of organizations that symbolize all African nations. Specifically, SADC states are members of the AU, which were formed in the year 1963 to encourage solidarity and unity amongst African nations. This organisation had a significant mandate in the decolonization of African nations and leading to an end of the apartheid in South Africa.

Its part is largely one of arbitration and resolving of conflict. Significant regional assimilation in Africa will not be realized when SADC as a regional organisation cannot be able to make the disordered state of trade and venture between members to stop. The region is progressively observed as an ungovernable frontier where fair trade circumstances have become problematic and implementation is frequently marked as powerless and useless. There is a clear lack of collective responsibility by the SADC to ensure that its members adhere to commonly accepted business practice and we have seen continual problems around private property ownership in countries such as Zimbabwe. There has been a lack of accountability by SADC leaders from Angola to Swaziland when it comes to investment in mineral resources. Added to this, is the lack of

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<sup>33</sup>Fraser Named Envoy to Africa', in *Canberra Times*, 29 July 1996.

political accountability within the region, protected by the claim of sovereignty by its members. Until this culture is purged, investments issues will continue to take the back seat and the SADC is unlikely to benefit from its synergies.

### **2.3 Principles and Values Governing the Performance of Regional Organizations in Sub Regional Level**

Majority of the countries that make up EAC do not qualify in regard to the EAC principles and norms. Chapter 2 Article 6 (d) of the treaty of EAC indicates that the community principles are: “good authority comprising obedience of the philosophies of transparency, democracy, accountability, rule of law, equal opportunities, social justice, gender equality and also the protection, recognition and advancement of human rights in agreement with the requirements of the African Charter on Human and Peoples’ Rights.”<sup>34</sup> There exist dissimilar urgencies among the members of EAC.<sup>35</sup> This has led to the botch of guaranteeing that the entire nations take the advantage of the regional integration. For instance, the currencies of other countries’ depreciated as the currency of Kenya appreciated. The nations in the regional integration have also different speed of growth.

Membership of joining the Intergovernmental Authority on Development (IGAD) is only possible to states within Africa that fall under the subregion, the countries need to follow the aims, norms, principles, and objectives indicated in the treaty. New members are enjoined by an undivided resolution of the Association.<sup>36</sup> Request for admission is made through writing officially for a request to the Assembly. In Eastern Africa

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<sup>34</sup> Ibid, 26.

<sup>35</sup> EAC (2007). *Treaty For The Establishment of the East African Community* (As amended on 14th December, 2006 and 20th August, 2007). Arusha, Tanzania: East African Community (EAC).

<sup>36</sup> Irit Back (2016) IGAD, Sudan, and South Sudan: Achievements and setbacks of regional mediation, *The Journal of the Middle East and Africa*, 7:2, 141-155.

Intergovernmental Authority on Development (IGAD) came into existence in 1996 to succeed the former Intergovernmental Authority on Drought and Development (IGADD), that was formed in the year 1986. The key aim of the regional organization was to form an economic and ambassadorial collaboration among the members having an objective of ensuring realization of environmental protection, economic integration, food security, Security and peace in the region.<sup>37</sup> The Strategic plan of IGAD was expanded in the year 2003 and executed in Kampala, Uganda at the 10<sup>th</sup> Summit of Heads of States and Government. IGAD faces problems, for instance Sudan, Kenya and Ethiopia have criticized Uganda's military role in the South Sudan conflict with the trio accusing Uganda of fueling the crisis and working on its "self-interest." The IGAD was the body brokering on the peace talks between the two South Sudan warring parties. Earlier on the United Nations had warned of any foreign military intervention into the South Sudan crisis, fearing it will fuel the one case.

Despite progress over the years, there has been limited success and mount of challenges linked to regional assimilation in Africa. Scholars advance several reasons for this ineffectiveness.<sup>38</sup> The political pledges to African assimilation have been limited to a lesser group of senior technocrats and political leaders and henceforward the execution benefits, costs, and chances of assimilation are neither fully comprehend nor continued by all levels of administration or by a sufficiently extensive variety of public verdict.<sup>39</sup>

In addition, inadequate regional and national abilities and explicitly the inadequate of machineries and funds for operational planning, implementation,

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<sup>37</sup>Zerihun Getachew, "Ethiopia: IGAD Forwards Regional Development Bank Establishment," allAfrica.com, July 26, 2018, available at <http://allafrica.com/stories>.

<sup>38</sup> Ibid. 28.

<sup>39</sup>Mistry, Percy 2000. Africa's Record of Regional Economic Integration. *African Affairs*, 99:553–573.

coordination, monitoring and practical alteration of agendas in the countries have been also a disadvantage to the regional assimilation in African blocs.<sup>40</sup> A study on “Regional economic integration in Africa...” identified major reasons that generally hamper regional integration in Africa citing mainly issues of complementarities, compensation issues, revenue loss, and variation in initial conditions, sovereignty loss and absence of political obligation, multiple membership that cause overlapping, lowly private sector involvement and implementation problem of harmonization policies.<sup>41</sup> Another reason consists of the fact that the scheme of African integration blocs around insular development means that the economic costs of involvement for member nations are frequently concrete and immediate, and the economic paybacks are long-term and undefined and are often unevenly dispersed amongst the members.

Regional integration in Africa commenced from back in 1910s by establishing Southern African Customs Union (SACU) that was made up of countries including Namibia, Botswana, Swaziland, Lesotho, and South Africa. Moreover, regional integration within the African context could be referred back to “2 ways of reason that arose amongst sovereign States in Africa on the substitutes which were in place to the continent for its unification.”<sup>42</sup> On one side, the “Casablanca school of thought” led by Nkrumah, the 1st president of the newly sovereign Ghana in the year 1957, which encouraged a robust “federalist” opinion conferring that Africa had to come together or have it difficult. The latter called for a completely united association, answerable for

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<sup>40</sup>Mothae Maruping. (2005). *Challenges for Regional Integration in Sub-Saharan Africa: Macroeconomic Convergence and Monetary Coordination*.

<sup>41</sup>Alemayehu Geda and Haile Kibret (2002). *Regional Economic Integration in Africa: A Review of Problems and Prospects with a Case Study of COMESA*.

<sup>42</sup>Daniel H. Levine and Dawn Nagar (2016). *Region-Building in Africa: Political and Economic Challenges*. Palgrave Macmillan.

management of a common currency, defence, diplomacy and foreign relations. On the other side, the “Monrovia school of thought”, supported by a high number of political leaders in Africa, which favoured a more traditional, “confederal” tactic in which a particular state power could be conserved in the context of a mutual freeer procedure.”<sup>43</sup> Mozambique new membership would need assuming the SACU external tariff system of Most Favored Nation (MFN) applied on non preferential trade with non SACU nations. Mozambique cannot be allowed to enforce importation tariffs on its business with SACU members and would also receive duty free admission to the markets of the present member nations. In the future, Mozambique would no longer workout an independent regulator over tariff rule; it would instead be determined with the SACU. Nevertheless, as a member, it would take a role in deciding the SACU’s investment and trade policy policies. Membership apparently would also obligate Mozambique to partake in current or forthcoming trade treaties between World Trade Organization (WTO), SACU and the MERCOSUR, the United States or any nation or regional grouping. It might have serious inferences for Mozambique options for partaking with the European Union (EU) in the Economic Partnership Agreements (EPAs)

Despite their long history of existence, several regional communities in Africa are not very effective and their benefits seem limited. For instance, most Regional Trade Agreements (RTAs) between emerging states are inter-governmental with little indication that countries are equipped to yield authority to supranational organisations. Likewise, resource constraints and overlapping associations are listed amongst the key difficulties for the few benefits and slow integration by extension. Indeed, overlapping membership

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<sup>43</sup>Ibid. 29.

results to problem for the Member States to devise contending approaches of dissimilar Regional Economic Communities (RECs).<sup>44</sup> He also adds that apart from overlapping membership, regional integration in Africa suffers from lack of financial and institutional capacity. Thus, Member States often resort to donor funding as one way of filling in the above mentioned gap. This is particularly true for the East African Community (EAC), which constitutes the focus of this study.

The EAC Treaty explicitly acknowledges among the fundamental principles guiding its workings as “good governance that include faithfulness to the ideologies of the rule of law, democracy, transparency, accountability, equal opportunities, social justice, gender equality, and also the promotion, recognition, and protection of human rights in agreement with the requirements of the African Charter on Human and Peoples’ Rights (Article 6 (d)).” For example, the constitutional creation procedure remains to be at the middle of the democratization progression 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 equally on Tanzania land 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

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<sup>44</sup>Salvatore, D. (2006). *International Economics*. Chichester: Wiley.

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.<sup>45</sup>

## 2.4 Regional Integration and Performance of International Relations

Principles and values are the machine that directs the happenings of international integration in a broad perspective and cooperation economically.<sup>46</sup> The form of agreements linked to every Inter-Governmental Organization (IGO) builds the IGO herself, launches her governance structures, mandate in broad, and further precisely the depth and style of economic assimilation. For instance, agreements are adopted to found obligations amongst the members to enable shared elimination of tariff obstacles or introductory up borders so that labor and finance could move crosswise.

Regional integration has featured prominently in International Relations and International Political Economy discourses. Regional integration was envisioned to avert historical tensions and conflicts between countries, enable countries, which are small to be powerful on the global stage and foster a more dynamic cooperation among neighbouring countries on matters related to trade, politics, culture and other social aspects of international relations.<sup>47</sup> As asserted by Iyoha a significant characteristic of the greater heights of regional integration is members having free trade amongst themselves and it is aimed that it results to a speedy upsurge of trade that can likely result to

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<sup>45</sup> Nabudere, D. (2004). *The Fast-tracking of Federation and Constitutionalism in East Africa*, Dar es Salaam.

<sup>46</sup> Alter, K. 2008. Agents or Trustees? International Courts in their Political Context. *European Journal of International Relations* 14:33–63.

<sup>47</sup> Members of the European Parliament (19 May 1998). "Legal Questions of Enlargement". Enlargement of the European Union. The European Parliament.



accelerated economic growing.<sup>48</sup> However, achieving regional integration is not deprived of all sorts of challenges, among which features financial and institutional capacity.

Africa has faced various challenges in regard to adhering to the stipulated agreements of various regional organizations. Taking an example of Rwanda, which is a partner state of EAC, the Paul Kagame the president gets regular admiration for having led the Rwanda through a lengthy period of comparative prosperity and peace after the republic's ruthless genocide in the year 1994. However, Kagame's re-election with 99% of the votes, the alterations to the Constitution to allow him to possibly be in authority up to the year 2034, and allegations of suppression, have indicated that Rwanda may be descending into authoritarianism.<sup>49</sup> This has happened without any condemnation or warnings from the EAC. In current years, universal human rights associations and even associates for example the United States have supposed persecution, exploitation and seizure of political opponents of Kagame.<sup>50</sup> The AU also does not care who heads the union. Kagame was confirmed as the Chairperson of the African Union on 28 January 2018.<sup>51</sup> As Chair of AU, he does not respect the agreements that EAC needs its members to uphold.

In Venezuela, the president election was held on 20 May 2018, with the incumbent Nicolas Maduro having been re-elected for his second 6-year tenure. Taken as an impulsive election, the original election had been slated for December 2018 but was afterwards drawn forward to 22 April before being pushed back to 20 May, 2018. A

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<sup>48</sup>Iyoha, A. (2005). *Enhancing Africa's Trade: From Marginalization to an Export-Led Approach to Development*. African Development Bank.

<sup>49</sup>Rwanda: Politically Closed Elections". *Human Rights Watch*. 2017-08-18. Retrieved 2018-10-11.

<sup>50</sup>Department of State, United States of America (2018). "*Background Note: Rwanda*". Background Notes. Retrieved 16 October, 2018.

<sup>51</sup>Mumbere, D. (28 January 2018). "*Kagame takes over AU leadership, commits to visa-free regime*". Africanews. Retrieved 2 November, 2018.

number of analysts labelled the election as a display poll, with the poll having the lowermost voter attendance (46.07%) in the country's self-ruled past.<sup>52</sup> Numerous Venezuelan NGOs, for example; the Voto Joven, Foro Penal Venezolano, Sumate, the Venezuelan Electoral Observatory and the Citizen Electoral Network, stated their apprehension over the anomalies of the election calendar, comprising the lack of the Constituent Assembly's capabilities to call for the polls, hindering contribution of opposition parties and the deficiency of period for typical electoral tasks.<sup>53</sup> Because of this, the European Union, United Nations, the Organization of American States, the Lima Group and nations for example United States and Australia rejected the election process. The Organization of American States (OAS) Permanent Council assumed a resolve that requested Venezuela government to reexamine the declaration of the presidential results and to present-day a new electoral timetable to make likely the performance of elections with all the assurances wanted.<sup>54</sup> The Organization of American States nearly approved a resolve that could cause a procedure for suspending Venezuela in the coming time if adequate votes are met. The nineteen nations that reinforced the resolve were Canada, Argentina, Colombia, Barbados, Brazil, Chile, Costa Rica, Bahamas, Guatemala, Guyana, Honduras, Panama, Jamaica, Mexico, Paraguay, Saint Lucia, Uruguay, Peru, the and US. IACHR specified that the procedure did not meet global values.

Such condemnation of countries that violate regional organization agreements has never been observed in the EAC region. The first nation-wide vote in Uganda was the

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<sup>52</sup> Venezuela's Maduro decried as 'dictator' after Congress annulled". *Reuters*. 31 March 2017. Retrieved 26 April 201885/72341'

<sup>53</sup> José Miguel Vivanco (31 March 2017). "Venezuela's crumbling façade of democracy". *Human Rights Watch*. This ruling is the end of Maduro administration's façade of democracy.

<sup>54</sup> Luis Alonso L, (2018). *OAS narrowly adopts resolution, could trigger process for suspending Venezuela*. Washington. The Associated Press. Published June 5, 2018.

Uganda National Assembly election held in the year 1962. An association amongst the Uganda People's Congress (UPC) and Kabaka Yekka (KY) acquired the bulk of parliamentary seats, and created Uganda's primary post-independence regime with Obote as the official Prime Minister.<sup>55</sup> A time of tyranny and political conflict, including the residencies of Yusuf Lule, Idi Amin and Godfrey Binaisa, fated no decisions occurred upto 1980 in December when presidential races were held. Obote was pronounced the victor in the midst of unpleasant contention and cases of discretionary misdirection. Every one of these abominations was never censured by the then OAU or EAC.<sup>56</sup> Yoweri Museveni, one of the presidential hopefuls, pursued a guerrilla war (the Ugandan Bush War) and proclaimed an equipped resistance to the legislature of Obote. Museveni's National Resistance Army (NRA) seized control in 1986 from the legislature of Gen. Tito Okello Lutwa who had a half year sooner toppled Obote's UPC government in a July 27, 1985 military upset, making him President. Museveni and his National Resistance Movement (NRM) made a type of 'no-party vote based system', forbidding political gatherings from handling hopefuls specifically in races. In the 'no-party' presidential race in 1996, Museveni crushed Paul Ssemogerere and Mohamed Mayanja by a surprising margin. Albeit global and residential eyewitnesses depicted the vote as substantial, both the losing hopefuls dismissed the outcomes. In the accompanying presidential decision, held in 2001, Museveni secured by a considerable larger part, with Kizza Besigye as the main genuine contestant. In spite of an objection against the result, implying significant voter apparatus and terrorizing, the Supreme Court of Uganda perceived the outcomes. In

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<sup>55</sup> Lorch, Donatella (22 March 1993). "*Kampala Journal; Cast Out Once, Asians Return: Uganda Is Home*". The New York Times. Retrieved 29 September 2011.

<sup>56</sup> Lamwaka, Caroline (2016). *The Raging Storm: A Reporter's Inside Account of the Northern Uganda War, 1986–2005*. Kampala: Fountain Publishers.

the 2005 protected submission, Ugandans upheld the reclamation of a multiparty political framework, lifting the 19 years limitation on the endeavors of political gatherings. The 2006 general race was the primary multi-party casting a ballot in 25 years. Museveni won 59 percent of the votes, and his gathering, National Resistance Movement, got the bulk of the parliamentary seats. Museveni has governed Uganda for thirty-one years that had 5 terms in presidential office. Yoweri Museveni tenure is made up of many polemics connected to human rights, allegations of nepotism, freedom of speech, and also the killing of Ugandan people. At age 72, all the same, he has 3 years to reach the constitutional age limit to serve as a president. However, he has changed the age limit so that he vies again.<sup>57</sup> All this disregard of rules and law was ignored by the EAC and he was even elected chairman of the EAC.

## **2.7 Analysis and Interpretation of the Data**

The results on the performance of regional organizations to set principals that govern international organizations revealed that majority of respondents think that that EAC regional organization did not adhere to the rules of admission when admitting South Sudan into the regional bloc.

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<sup>57</sup> AfricaNews. "Uganda: Pres. Museveni signs Age Limit Bill into law. *Africanews*". Africanews. Retrieved 2018-10-24.

**Table 1: Regional organizations adherence to the rules of admission when admitting states to the regional blocs**

	Yes	No	Total
Ministry of EAC	2	12	16
Ministry of Foreign Affairs	5	7	13
Ugandan Embassy	2	11	10
South Sudan embassy	7	6	13
<b>Total</b>	<b>16</b>	<b>36</b>	<b>52</b>

Source: Research data (2018)

Thirty six of the respondents revealed that the regional adherence to the rules of admission were not followed when admitting states to the regional blocs. A few 16 of the respondents agreed that the rules are followed when admitting new members.

One of the respondent was quoted saying;

“The requirements of joining East Africa Community were not followed when admitting the South Sudan. This is because the country still faces problems in terms of leadership and governance and yet it is integrated into other countries which are stable.”<sup>58</sup>

It was revealed that the EAC did not observe the stipulated principles when admitting new member into the regional block. The EAC was shown not to have observed in totality the governing principles of admitting states. It was opined that South Sudan still faces many challenges in relations to observing the rule of law, governance and democracy. It was recommended that the EAC should make sure they admit a

<sup>58</sup> Ugandan Embassy, Interviewer was recorded as 001, 15/10/2018

country that observes human rights and strictly adheres to the rule and law that is in place. A respondent was quoted saying;

**‘An EAC party nation is relied upon to stick to standards of good administration, democracy, the standard of law and recognition of human rights and social equity. South Sudan has battled with every one of these issues since the flare-up of the war in December 2013.’<sup>59</sup>**

There was a positive angle of admitting South Sudan into EAC. From the findings, it was revealed that South Sudan had long had strong ties to its southern neighbours Uganda and Kenya, even before its official independence in 2011. A lot of Ugandans and Kenyans, both firms and individuals, had come to South Sudan to do business or seek work this ranged from large corporates to enterprising small traders. Many South Sudanese study or work in the EAC. This makes South Sudan admission to be progressive and therefore maybe warranted.

There was a challenge on whether a common currency really works when economies are very different, or to what extent member states are obliged to bail out another country when it runs into self-inflicted trouble. This does not mean that regional economic integration does not have advantages but the EAC missed an opportunity here. So maybe South Sudan’s admission to the EAC would just make this de facto regional integration official, and ideally could nudge the country to sort out some of its issue. One of the officer from the Ministry of Foreign Affairs was quoted saying;

**‘It would take a country like South Sudan a long time to measure up to EAC standards even if it were at relative peace, but that relative peace should have been the very least that the EAC should have demanded before letting it in.’<sup>60</sup>**

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<sup>59</sup> Andrew Mu’jivano, Director, Ministry of Foreign Affairs, EAC Affairs Division, 11/10/2018.

<sup>60</sup> Ministry of Foreign Affairs, EAC Affairs Division, secretary, Christine M’kwenda, 12/10/2018.

**Table 2: Extent to which regional organizations observed principles when admitting new members**

Response	Frequency	Percentage
Strongly agree	4	9
Agree	7	13
Not sure	1	2
Disagree	8	15
Strongly disagree	32	61
<b>Total</b>	<b>52</b>	<b>100</b>

Source: Research data (2018)

Majority 32 (61%) of the respondents strongly disagreed that regional organizations observed the principles when admitting new members. A few 7 (13%) agreed that that regional organizations observed principles when admitting new members.

One of respondents from the Ministry of East Africa Community was quoted saying:

‘African regional organizations do not follow their own stipulated agreements when admitting the new states into the various blocs. This makes countries led by dictators to get admission and get to enjoy what other countries toiled for.’<sup>61</sup>

**Table 3: Issues that are vital for regional organizations in admitting new members**

Response	Strongly agree	Agree	Uncertain	Disagree	Strongly disagree
Good governance	4	7	2	7	32
Rule of law	10	12	1	19	10
Democracy	38	6	0	8	0

Source: Research data (2018)

<sup>61</sup> Interview with Mr. Kageta, officer, Ministry of EAC, 12/10/2018, Nairobi.

Majority 38 (73%) of the respondents indicated democracy to be a vital issue for regional organizations when admitting new members. A large number 32 (61%) strongly disagreed that good governance was vital for regional organizations. A few 10 (19%) revealed that rule was important in admitting new members into regional blocs.

One respondent from Ugandan Embassy was quoted saying;

‘Most of the time the admission of new countries into regional blocs is guided by the country’s friendliness with the other countries. In the case South Sudan, the neighbouring countries had interacted and even helped it in resolving its problems like wars. This made the EAC to ignore the requirements that it did not meet when admitting it to the EAC.’<sup>62</sup>

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<sup>62</sup> Interview with Bwanbale Kanyamozi, an officer in Uganda Embassy, 15/10/2018, Nairobi.



## Chapter Three

### South-Sudan Admission into EAC

#### Introduction

This chapter presents literature on the South-Sudan fulfillment criterion of admission into the East Africa Community. This has been done by covering literature of how South Sudan adherence to the unanimously tolerable principles of the rule of law, good governance, democracy, social justice and observance of human rights.

#### 3.1 Rationalizing South Sudan's Interest in EAC

South Sudan is looked with essential decisions concerning the pace, nature, and structure of local fuse approaches. It does as such in a setting of extreme requirements; institutional, infrastructural, physical, and in human asset connections; diminishing in no little caution from its position as a landlocked country, low pay economy, having a lengthy history of war. The extreme voyage South Sudan faces in obtaining a durable tranquility on its northern limit diminishes the osmosis openings displayed to it. The country requires a dependable security and political grapples who can help it free assets for its promising advancement technique. While the institutionalization of security and political relationship with its northern neighbor would give South Sudan its most extreme harmony reward, not slightest by lifting question over the utilization of the republic's predominant non-renewable energy source grants, figures of dependable harmony is as yet an issue to ponder.<sup>63</sup> Not incredibly, the topic of searching for connection toward the East African Community (EAC) and commitment in the local free merchandise on offer inside it has developed discernible early hold in South Sudanese approach circles. The

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<sup>63</sup>Juma V. Mwapachu. (2013). *EAC, Past, Present and Future*. First Magazine (pp. 10-13) Retrieved 01/April, 2018.

subject of EAC enrollment has likewise caused nervousness and produced a sparkling public policy discussion amongst main participants in the country.

Although South Sudan's admission to the EAC will increase its trade within the region, the structural differences between South Sudan's and the other EAC economies are profound enough that South Sudan should be skeptical about potential gains from joining East African Monetary Union (EAMU) at this point in time. The EAC is an inter-governmental organization, reorganizing 5 states from East Africa, established in the year 1967 to succeed the East African Common Services Organization. This unit purposes to strengthen the relations among members by establishing a joint customs tariff, a joint market and a variety of services to attain poised growth in economy inside the bloc.<sup>64</sup> The organization malformed in the year 1977 but was resuscitated in November 1999 with the agreement of a fresh treaty for the founding of EAC. The fresh assimilation schema strategies for the formation of a financial union before 2015 ends, having the shilling of East Africa as a common currency. It also suggests the creation of a political union and a joint market before 2010 ends, with an EA Federation and a common EA President.

States may be differing in their beliefs, information and their capabilities as well as their preferences but fundamentally, these aspects are not permanent.<sup>65</sup> Amongst the factors that can vary over time are the beliefs, information, capacity and state preference, which may be determined by the agreement of the cooperative institutions. Since the state preferences will influence the regional bloc on the technique of regional cooperation, correspondently the regional cooperation manipulate the preference of state in the region with time. Nowhere has this been experimented further than in Europe, where the

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<sup>64</sup> Jok, J. M. (2012). *Insecurity and Ethnic Violence in South Sudan: Existential Threats to State?*

<sup>65</sup> Ibid. 45.

European Union has strongly molded the states members and set forth-huge impact on contender states.

Asia is yet to be a great different area in various key degrees that contain limits, top choices and sentiments.<sup>66</sup> Converging in these zones will be tricky to accomplish and the reason for provincial incorporation is weaker than in Europe. Territorial evaluations should be made with copious wariness. Differentiating Europe, showcase powers, not political powers, have been driving monetary joining in Asia, and this leaves substantially less space for fantastic political arranging.<sup>67</sup> The supporting for digestion in Asia is again enfeebled by the locale's solid restriction to portion of power to worldwide associations.<sup>68</sup>

This difference and repugnance to multinationalism, directed with a standard of consensual procedures, makes it significant for Asia to contemplate the strategy of association guidelines in regional administrations. The extent it is likely to get about superior conjunction of capacities, preferences and principles, regional assimilation will be more probable to prosper. Moreover, this study probes if new member guidelines may assist bring about superior coming together since they can offer dissimilar openings for persuading the partialities, dimensions, and principles of states in the region as time goes by.

Discrepancy assimilation can form levels of membership inside a group of assorted inclinations. Nevertheless, inconstant geometry does offer methods for wider,

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<sup>66</sup> Haggard, S. (2010). *The Organizational Architecture of the Asia-Pacific: Insights from the New Institutionalism*. ADB.

<sup>67</sup> Asian Development Bank (ADB). (2008). *Emerging Asian Regionalism: A Partnership for Shared Prosperity*. Manila: ADB.

<sup>68</sup> Baldwin, R. (2003). *Prospects and Problems for East Asian Regionalism: A Comparison with Europe*. Speech delivered on 31 January at The Research Institute of Economy, Trade and Industry.

group like administrations to disrupt stalemates and progress collaboration. This need not continue on a permanently exclusionary foundation. Should some of the initial non-participants desire to join in future, such planning also generates leverage that the prevailing members can apply to endorse superior convergence before new states join.

Nations approve on a shared goal but have varied capabilities; multi-speed assimilation offers a means for countries to present membership necessities without whole prohibiting. Nations, which are not prepared to join, are allowed in taking a role in discussions and the formation of the collaboration. They can be observers and later get admission when prepared enough. Might EAC helpfully relate this concept in admitting Southern Sudan into the bloc? Some administrations at present award transitional phases for new members, but this notion can be applied when a number of current states inside an integration bidding to continue.

### **3.2 South Sudan's Path to Admission into the EAC**

South Sudan requested for admittance to the East Africa Community in the year 2011, soon after getting independence from Sudan in the same year 2011.<sup>69</sup> The East Africa Community Treaty places out 6 issues to be measured when determining when to admit a new members; potential to strengthen regional integration; approval of the Community as recognized in the EAC Accord; existence of a market driven economy; contiguity to other Member States and interdependence with them; compatibility of social and economic guidelines with the East Africa Community's rules; and "obedience to

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<sup>69</sup>Sezibera Richard, (2012). *EAC States Endorse Defence Pact as Part of Integration*. [www.ieee.es/.../2012/DIEEBI67-2012\\_ManiobrasMilitares](http://www.ieee.es/.../2012/DIEEBI67-2012_ManiobrasMilitares).

unanimously acceptable ideologies of good authority, observance of rule of law, human rights the democracy, and social justice.”<sup>70</sup>

The East Africa Community led an assignment in July 2012 to witness acquiescence with the issues deliberated for admission; supplementary talks between the EAC and Member States were done during the whole of 2015.<sup>71</sup> The resolution to allow South Sudan to be a member was an alteration in the strategy. The EAC had originally planned to only grant South Sudan an observer status until the nation encounter the criteria under the East Africa Community Treaty agreement, principally concerning the principles of good governance.<sup>72</sup> East African Legislative Assembly members mentioned the possibility to encourage economic growth in the area through the country’s affluence of resources as a positive purpose of admission of South Sudan to the East Africa Community. Amongst South Sudan’s wealth is plenty of oil.<sup>73</sup>

### 3.3 Governance in South Sudan

Political authority is an important fragment of the *acquis communitaire* of the East Africa Community.<sup>74</sup> The majority applicable provision connecting to Human Rights within Article 6(d) of the agreement is good authority encompassing devotion to gender equality, the values of democracy, social justice, accountability, the rule of law, equal opportunities, transparency, in addition to the promotion, recognition, and defense of human rights in accordance with the provisions of the African Charter on Human and

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<sup>70</sup>Treaty for the Establishment of the East African Community, art. 3(3).

<sup>71</sup>Owino K. (2007). “Multilateral Relations and the East African Community”, in East African Scenarios Project Research Compendium. *Nairobi: SID*, pp. 277–298.

<sup>72</sup> *Ibid.* 48.

<sup>73</sup>Makame, A. (2012). “The East African Integration: Achievement and Challenges”. *Great Insights*. Vol 1 Issue 6.

<sup>74</sup> Ruppel, O.C. (2009). ‘Regional Economic Communities and Human Rights in East and southern Africa’ in JA Bosl & J Diescho (eds) *Human Rights in Africa* (MacMillan Education Namibia 2009) 304

Peoples' Rights.<sup>75</sup> To arouse good governance, effective machineries need to be recognized which methodically work in the direction of the required aftermaths of equitable justice, political stability and sustainable development. These machineries have to be purposely put in place and be accidental. Unless people experience actual change for themselves in these areas a maintainable peace will not only continue to be temporal it will remain indefinable. Clearly, these long-term goals will take long to be realized. But they are very important to peace that it is important that determinations start now to safeguard these mechanisms are entrenched in the peace procedure.

Good governance founded on the law needs a distinct separation of influences, comprising the separation of the security and military services from the management of the government, and distinction of the administration from the judiciary and legislative. This can happen only if there is reform and is reinforced by the philosophies and principles of efficiency, accountability, transparency, and participation. It will a longtime. But for the first, a governance 'plan of action' instantaneous steps is wanted now. These will allow space for the subsequent (participatory) development of self-governing organizations and monitoring outlines.<sup>76</sup>

The South Sudan varied shared individualities have progressively turn out to be a political armament in infighting and the power struggles and inside the governance and security organizations of the Sudan People's Liberation Army (SPLA) and Sudan People's Liberation Movement (SPLM) in the country. The interweaving of political differences and racial uniqueness can be seen in the republic's present internal crisis,

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<sup>75</sup> Charlotte J. Lundgren, Alun Thomas, H., & Robert, C. Y. (2013). *"Boom, Bust, or Prosperity? Managing Sub-Saharan Africa's Natural Resources,"* IMF, Departmental Paper No.

<sup>76</sup> Deborah H. (2018). *"Why Land Matters for Conflict Resolution,"* Devex, September 9, 2018, available at [www.devex.com/news/why-landmatters-for-conflict-resolution-81843](http://www.devex.com/news/why-landmatters-for-conflict-resolution-81843).

where political disagreement within the SPLA and SPLM have extended outward to the population in the country, leading to eruptions of wars along tribal positions.<sup>77</sup> These undercurrents the political conscription of supremacy centers along tribal positions is part of the unsettled political cracks that were also took part in the year 1991 SPLM dissenting split and its subsequent tribal wars.

Country's regulations have promoted and worsened the situation instead of leading to reconciliation of tribal wars in the nation. Disarmament procedures have regularly been carry out in a tribally discriminatory ways, letting the disarmed citizens susceptible to assaults by neighbouring group.<sup>78</sup> A number of country's level land guidelines have made tribal personality the foundation for admission to accustomed land. Local government guidelines have also caused tribal identity the foundation for local government components. The new state is managing of tribal assortment, amalgamation of joint distinctiveness is harshly disadvantaged by politicking, and militarization along tribal culpability outlines.<sup>79</sup>

### **3.4 Democracy in South Sudan**

South Sudan's vote to become an independent state in 2011 should have served as a shining example of freedom and self-determination. Instead, it tragically has turned into a humanitarian catastrophe. Since December 2013, South Sudan has been mired in violent conflict between rival tribes, beginning with those centered around former First

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<sup>77</sup> Hon. Betty Ogwaro, remarks at the *Gender Pre-Forum to the High-Level Dialogue on Democracy, Human Rights, and Governance in Africa*, held in Kigali, Rwanda, October 6–7, 2014.

<sup>78</sup> Larry D., & Jack, M. (2011). "Petroleum to the People: Africa's Coming Resource Curse—and How to Avoid It," *Foreign Affairs* 92, No. 5.

<sup>79</sup> Claire, M. (2014). "*When Does Service Delivery Improve the Legitimacy of a Fragile or Conflict-Affected State?*" Governance, March.

Vice President Riek Machar and President Salva Kiir, but which has now drawn in other ethnic groups. As a result, over 1.7 million South Sudanese, out of a population of 12.5 million have fled the country, nearly 1.9 million are displaced internally, and an estimated 100,000 have been killed. Of those that remain, at least 100,000 people are dying of hunger, and a further 1 million people are on the edge of starvation. The 2015 power-sharing agreement, as well as numerous other cease fire agreements that have been negotiated by the African Union, the United Nations, the United States, and other western actors have been violated and ultimately fallen apart. The violence has become so widespread, bringing in many of the country's other ethnic groups, and the atrocities so horrific, that the United Nations is concerned that the country is on the verge of genocide.

In the absenteeism of democratic decision-making procedures and public dissertation over countrywide strategies, verdicts tend to be delegated to a body that is political inexplicable. Drawing teachings from the European Union (EU), which inspired the EAC and the African Union (AU), Mamdani revealed that in the absence of a machinery to sanction political responsibility at the centre, the European Union has stooped towards market fundamentalism. Without make up the mind the underscoring matters which resulted to the fiasco of the ancient community, the East African Community is setting itself up for a comparable fortune.

### **3.5 Rule of Law in South Sudan**

As one of the countries making up the East Africa Community, South Sudan will be obligatory to assent to the East Africa Community Treaty agreement, and after it assents, the country will be a party to the authority of the East Africa Community



Justice.<sup>80</sup> The East Africa Community Justice (EACJ) is empowered to comprehend and enforce the East Africa Community Treaty agreement, as well as determining if a member has been unsuccessful to achieve a responsibility in the treaty. While the East Africa Community Justice directly don't have clear human rights expert, the court has tended to human rights contaminations in various cases that guarantee maltreatment of the duty to pursue to philosophies of majority rules system, great administration, and human rights under, guideline of law, basically, articles 6(d) and 7(2) of the East Africa Community Treaty assertion. First Instance Division, Judgment of 2007 finding, in an unlawful seizure and detainment case, those human rights misuses could be well thoroughly considered under the rule of principle of law despite the fact that human rights specialist as such does not exist. In addition, as the East Africa Community Justice held in a past case, since Article 6(d) signs that the advancement, acknowledgment, and security of human and people groups' rights as per the arrangements of the African Charter on Human and Peoples' Rights" is a vital standard of the EAC, the East Africa Community Jurisdiction may consider whether a country acted as per the African Agreement.<sup>81</sup>

The Treaty that formed the EAC was enforce on 7 July 2000. For South Sudan to assent to the East Africa Community the following criteria, set out in Article 3 of the Treaty, have to be obey the adherence to globally acceptable principles of good governance, the rule of law, democracy, social justice and observance of human rights. Secondly acceptance of the community as set out in the Treaty and lastly potential

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<sup>80</sup>Treaty for the Establishment of the East African Community, art. 27.

<sup>81</sup>East African Court of Justice, *Plaxeda Rugumba v. Secretary General of the EAC and Attorney General of Rwanda*, First Instance Division, Ref. No. 8 of 2010, Judgment of 1 December 2011, para. 37.

contribution to the solidification of integration within the East Africa Region and geographical proximity to and interdependence between it (the foreign country) and the East Africa Community partner members. The principal goal of the East Africa Community is to broaden and extend cooperation amongst the partner members in economic, social, political, and cultural arenas, defense, research and technology, judicial affairs, and security legal and for their joint advantage.<sup>82</sup>

The Article 7(2) of the operational standards of the EAC states that the accomplice part expects to acknowledge the standards of good administration, including the standard of law, adherence to the standards of popular government, the upkeep of generally acknowledged measures of human rights and social equity. Particular articles and sections, for instance Article 124 on provincial harmony and security or Chapter 22 on the job of ladies in financial improvement accentuation straight or by chance on human rights matters.<sup>83</sup>

The East Africa Community is managed by 7 noteworthy bodies; The Summit of the Heads of State which assembles in any event once a year gives general bearings. The Coordination Committee under the Council involves perpetual secretaries and is in charge of EAC undertakings. The Group additionally facilitates and the 18 Sectoral Committees which comprise of senior authorities. The Council of EAC Ministers under the Heads of State Conference is the fundamental basic leadership organ and survey body. It is responsible for local participation in every PS. Choices by the Council are official for all accomplice states aside from the Summit, East African Legislative

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<sup>82</sup>EAC Treaty Art 5 (1).

<sup>83</sup> Possi, A. (2015). 'Striking a Balance between Community Norms and Human Rights: The Continuing Struggle of the East African Court of Justice.' 15 *African Human Rights Law Journal* 192-213.

Assembly (EALA) and East Africa Court of Justice (EACJ). The EAC Secretariat is the official organ of the Community. EALA is the authoritative organ of the EAC, containing 9 chosen part states from each PS and 7 ex-officio part states. Its primary objective is to promote the objectives of the coalition. The East Africa Community Justice (EACJ) is the legitimate body of the East Africa Community. It ensures that municipal law is comprehended and executed inside the Treaty assentment.

The East Africa Community is a standards based arrangement. It has vivacious guidelines of lead, checked subjects that are the nationals of the system and the wellspring of its laws are essentially the settlement and standard worldwide law. The East Africa Community Treaty assentment has a flawless use equipment and it sets up the East Africa Community Justice. The EAC Treaty builds up a social event with law formulation bearings, the EALA (Article 9 of the Agreement). The EALA holds a definitive, operator and oversight arrange with the goals to drive the purposes of the EAC. The East Africa Community has made system law more vital to other close-by genuine structures. It offers in Article 8(4) that 'organize organs, affiliations and laws will eclipse for all intents and purposes indistinguishable state ones on issues identifying with the foundation of the Treaty understandings'.<sup>84</sup>

Nevertheless, state get together must be received to give it impact as far as Article 8(2) of the EAC Treaty. Accomplice nations need to support national prerequisites that approve the settlement in a year. The EAC additionally has the primer reference strategy cherished inside its bargain. Article 34 of the Treaty needs national courts to allude cases

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<sup>84</sup>Dagne, T. (2011). *The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country. CRS Report for Congress: Prepared for Members and Committees of Congress.* Congressional Research Service.

for understanding to the EACJ. The likelihood for human rights specialist over the East Africa Community is for the most part material since of South Sudan's constrained underwriting of other human rights understandings. It has consented to the protestations instrument of just a single human rights checking specialist. Whereas South Sudan is an individual from the AU it still can't seem to confirm the African Agreement on human rights, which could take it inside the locale of the African commission on human rights.<sup>85</sup>

In the comprehensive system, South-Sudan has embraced the Tradition on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention Against Torture, anyway has as of late perceived the Committee on the Elimination of Discrimination Against Women's wellbeing to think about particular accumulations of evidence against it.<sup>86</sup> In the year 2016 the Office of the UNHCR released a give insights with respect to the human rights situation in South Sudan, in perspective of an examination mission in the repercussions of an erupt of severity in December 2013. The report exposed models of bona fide and essential violence, comprising strikes, killings, and ravaging. Records of maintained vanishing, optional and illegal control, and calming authors and basic culture affiliations are moreover across the board.<sup>87</sup>

The Human Rights commissioner created a few proposals in the report, comprising that the administration bolster crafted by the prospective Hybrid Court for South Sudan and set up a "particular legal framework" to administer on human rights infringement and misuses. The High Commissioner prescribed that the Security

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<sup>85</sup>African Union, *Member States of the AU; African Commission on Human and Peoples Rights, Ratification Table: African Charter on Human and Peoples' Rights.*

<sup>86</sup>United Nations, *United Nations Treaty Collections: Human Rights.*

<sup>87</sup>Jeffrey S., & Warner, A. (2011). *EAC Foreign Service and Export Trade Promotion.* Milton Keynes: AuthorHouse, 2009, p. 20.

Assembly allude the genuine infringement of worldwide compassionate law to the International Criminal Court if the development of the Hybrid Court falls flat.<sup>88</sup> The East African Lawmaking Assemblage, which is the authoritative arm of the East African Community (EAC), on March 9, 2016, invited South Sudan on its entrance into the financial network subsequent to adding a take steps to let it be known into the East Africa Community. With the end goal to be perceived as the 6th part country, South Sudan needed to exhibit its traditionalism toward the East Africa Community's enrollment norms and take part in converses with the other 5 part states; Kenya, Tanzania, Rwanda, Uganda and Burundi.<sup>89</sup>

South Sudan is brought inside the ward of the EA Court of Justice through its participation in the East Africa Community.<sup>90</sup> While the East Africa Community Justice isn't plainly approved to decide on human rights grievances, the East Africa Community Treaty, which the court oversees, determines the Society's basic estimations of principle of law, great administration, and duty to all around perceived human rights; these prerequisites giving an establishment to lawful qualifications concerning human rights manhandles, that could be taken to the South Sudan government when it consents toward the East Africa Community agreement understandings.<sup>91</sup>

### **3.6 Analysis and Interpretation of Data**

South Sudan has a serious practical regulatory and institutional problem that has to be solved to essentially implement free trade: for instance, a system for the directions

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<sup>88</sup>United Nations High Commissioner for Human Rights, *Assessment mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan*, UN Doc. A/HRC/31/49, 10 March 2016, paras. 79, 83.

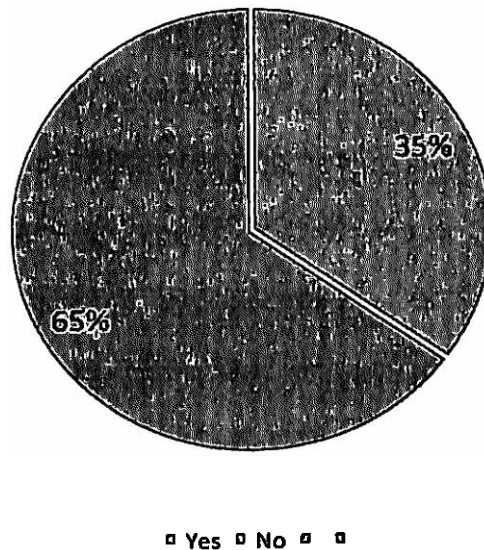
<sup>89</sup>Treaty for the Establishment of the East African Community, art. 3(3).

<sup>90</sup>Treaty for the Establishment of the East African Community (EAC Treaty), art. 27.

<sup>91</sup>*Id.* at art. 6(d) and 7(2).

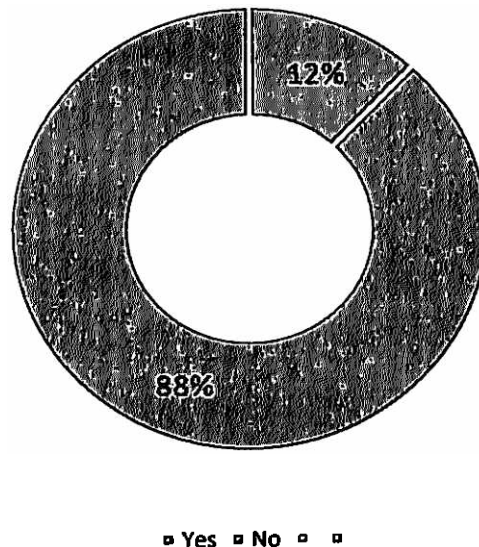
of origin. In addition, while tax fortification is not a main issue for the private zone, there is a necessity to progress its effectiveness before inaugural to free trade. The tariff scheme, which is indirect, is still greatly under developed, and longer period would be required to guarantee that the scheme is work before the tariffs are lowered.

**Figure 2: Regional organizations adherence to the rules of admission when admitting South Sudan**



Majority (65%) of the respondents disagreed that the EAC regional organization adhered to the rules of admission when admitting South Sudan. A few (35%) agreed that the rules were adhered to. They indicated that South Sudan still face issues in governance, democracy and observance of rule of law.

**Figure 3: South Sudan having fulfilled the criterion of admission into the EAC**



Majority 46 (88%) of the respondents indicated that South Sudan had not fulfilled the criterion of being admitted into the East Africa Community. The respondents indicated that South Sudan had a long and strong tie to its southern neighbours like Uganda and Kenya, even before its official independence in 2011. A respondent from the Ministry of foreign affairs said;

‘South Sudan has struggled with democracy, philosophies of good authority, rule of law and observation of social justice and human rights.’<sup>92</sup>

The consideration of South Sudan's into the EAC was finished by dismissing the taking a gander at the nation's market and atmosphere of working together. The EAC has a goal-oriented arrangement to embrace "a solitary money, fit financial and fiscal approaches, and eventually develop into a political alliance."<sup>9394</sup> The issue in question for

<sup>92</sup>Interview with an interviewer recorded as 001Ugandan Embassy, , 15/10/2018

<sup>93</sup>Zambakari, C. (2013). Post-Referendum South Sudan: Political Violence, New Sudan and Democratic Nation-Building. *The Georgetown Public Policy Review*.

South Sudan is power. Losing power to the league could mean lost command over cash and additionally financial and fiscal arrangements. At the point when governance lose power over their state money, the results can be not kidding for the natives who should stay with the outcomes, especially if choices are created by an autocratic administration that neglects to counsel with those it oversees.

In South Sudan, the political initiative embraced a decentralized vote based arrangement of governance. Article 1 (4) of the Transitional Constitution of South Sudan says South Sudan is administered based on a devolved just framework and is a widely inclusive country for its kin. It is a multi-lingual, multi-social, multi-ethnic, multi-racial and religious and substance where such assorted varieties calmly exist together. The basis causing this lawful structure is to concede an equivalent chance and thought surprisingly paying little respect to measure, sex, political shading and different elements to take an interest completely in the said decentralized law based administration. However, the assurance and execution of these guarantees is still a litmus test for equitable administration in South Sudan. One participant was quoted saying;

“Tragically, our legislative issues and administration in South Sudan are molded along ancestral lines and certainly now the premise of framing the legislatures and notwithstanding deciding the assignment of fundamental administrations.”<sup>95</sup>

Beholding principals of rule of law, good authority, and democracy, the other things that regional organizations consider in admitting new members include inclusively, transparency, accountability, good leadership, fiscal responsibility, respect for human rights and fair competition for public offices.

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<sup>94</sup>WamaDesktop/Africa Policy Journal complete/South Sudan’s Entry into the East African Community edited by Sarah Glavey 8 Feb 2013 copy (1).

<sup>95</sup>South Sudan Embassy, Nyagon Dinka, officer, 17/10/2018.



Now that South Sudan is already a member of the EAC, the respondents indicated that adopting a common currency, for instance, would translate into economic and social development. This will benefit the regional regulatory framework, lead to a stable financial region and lead towards cost sharing of regional projects.

**Table 4: Aspects of admission that South Sudan did not meet**

<b>Response</b>	<b>Yes</b>	<b>Maybe</b>	<b>No</b>
Democracy	41	7	4
Good governance	42	9	1
Rule of law	38	7	7

Source: Research data (2018)

A large number 41 (79%) of respondents indicated that South Sudan did not meet the democracy aspect when being admitted into EAC. A few 4 (7%) opined that they had met the democracy requirement. Majority 42 (81%) indicated that South Sudan did not meet the requirement of having a good governance before being admitted into the regional block. 38 (73%) also disagreed that it had observation of rule of law.

Article Three of EAC Treaty permits admission of States if deemed to have good social and financial arrangements with the coalition. Such States should exhibit advance in building a market-driven economy, capacity to reinforce area's economy, geological vicinity and relationship of the coalition. The Article says just candidate, which demonstrate adherence to all around worthy standards of good administration, vote based system, principle of law, regard for human rights and social equity can progress toward becoming EAC individuals.

In the situation where Ugandan merchants endeavored to deny South Sudan from being conceded into the East African Community, the dealers doing their business in South Sudan fought that the nation ought not be conceded since the security officers had on different events struck, tormented, assaulted, directed additional legal killings notwithstanding reallocating their stock. The 3 implied that the Partner States were in their last phases of conceding South Sudan as an individual from the East African Community and that the choice would have broad outcomes in breaking the EAC settlement assentions. They included "The EAC ought not give enrollment to the Republic of South Sudan in the EAC." Adding that the bloodlettings fits the bill to mishandling human rights. All things considered, South Sudan presented her application on November 11, 2011.<sup>96</sup>

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<sup>96</sup> Read more at: <https://www.standardmedia.co.ke/business/article/2000154026/ugandan-traders-fail-to-block-south-sudan-from-joining-eac>.

## **Chapter Four**

### **Non-Adherence to Principles and Norms: Implications of Regional Groupings and Future of Integration in Africa**

#### **Introduction**

This chapter discusses the implications of regional grouping not adhering to their own principles and values for the future of integration in Africa. The chapter presents possible consequences if laws of treaties are not observed in the admission of new members into regional groupings and generally, when they remain indifference when a member state violates the same.

#### **4.1 Implications of Observing Rule of Law and Practice**

Observation of the rule of law and practice treaty are a tripping block instead of being a building block for bilateral trade regimes. This is if not observed when admitting new members into the regional bloc. Countries need to observe various rules and regulations that leads to disagreements if not followed. Because the goal of the treaties understandings is to freed trade in the regional members group.<sup>97</sup> Therefore, if the agreements are not followed, it can cause disharmony among the member's states. These arrangements have biased concerns for trade formation. For instance, the similar product acquires dissimilar tariff action dependent on its source as members of the PTA give their parties better off treatment than they could treat nonmembers even if the same commodities from the nonmember was created at cheaper cost.” This multiple-bilateral and bloc trade arrangements destabilize the objective of nondiscriminatory worldwide

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<sup>97</sup>Bhagwati. J. (1998). Exchanging Preferentially in Theory and Policy. *The Economic Journal*. Volume 108.

trade under the WTO/GATT structure ever since they make procedures of source that differentiate across countries and products.<sup>98</sup>

One of the fascinating features of regional trade treaties is the degree of overlying association and numerous writers have contended that these intersecting associations weaken the efficiency of sub-regional trade.<sup>99</sup> Multiple membership might be constraining the entire ability of these provincial organizations in motivating intra-provisional trade. Dissimilarities in the RoO may destabilize the efficiency of the RTAs by forming warnings and discrepancies. Thus, multiple memberships and overlapping might weaken the members' inconsistent pledge that is an essential circumstance for the accomplishment of a given RTA.”

The inconsequential influence of the overlapping membership within sub regional trading partnerships shows that being a member of another RTA does not upsurge two-sided trade and a motive might be that the other provincial federation trade regulations and rules might weaken the entire execution of trade regulations and rules, for instance incompatible rules of foundation.” www.sardc.net points out that of the fifteen SADC member nations, 8 are again presently associates of the COMESA.<sup>100</sup> As such, overlays between COMESA and SADC do nevertheless make hesitation as to the type of tariff charges and guidelines of origin should be observed to trade amongst 2 nations that are in both organizations. COMESA is in the process of implementing a CU, and SADC

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<sup>98</sup>Panagariya. A. (2000). *Special Trade Liberalization: The Trade Theory and New Developments*. Financial matters of Literature.

<sup>99</sup>Afesorgbor. S., and Bergeijk. P. (2011). *Numerous Membership and the Effectiveness of Regional Trade Agreements in Western and Southern Africa*. A Comparative Study of ECOWAS and SADC. Working Paper. No. 520. Worldwide Institute of Social Studies.

<sup>100</sup>Stahl. M. (2005). *Covering Membership in COMESA, EAC, SACU and SADC: Trade Policy Options to Overcome the Problem of Multiple Membership*. Arusha.

also working towards a Free Trade Area FTA and CU.<sup>101</sup> to improve its FTA, SADC members are required to agree on their regional associations to protect the underpinning for the complete takeoff of the FTA. The greatest significant association resolution will be if the would stay in COMESA or SADC. The intended creation of SADC CU will make it impracticable for its memberships to also continue being part of the COMESA CU and though it has been recommended that these 2 establishments would be improved if they combine, this has attested to be politically delicate. Reasonably, determinations have been made to coordinate the exertion of the 2 organizations in order to stop replication or conflict between the programs, activities and projects. The two organizations from the year 2001 has cooperated on given areas for example capacity building, trade analysis, negotiations, transport matters and international relationships for instance arrangements for dialogues with European Union and the World Trade Organization.

The complexity made by memberships, which is overlapping, is a threat is reducing the speed of free trade in the assimilation region and hindering the influence on assimilation, for example, SADC were a number of members also belong to COMESA and EAC.<sup>102</sup> Twenty five percent of nationwide policy creators' reason that agreements in overlapping cause some difficulty in realizing the envisioned pledges in the integration and that 23 percent thinks that treaty overlaps as a cause for low performance execution.<sup>103</sup> In the case of overlapping CUs, the difficulty is as a result of dissimilar

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<sup>101</sup>Meredith, A. M. (2005). Trade Integration in East African Community: An Assessment for Kenya. *IMF Working paper, African Department*. WP/05/143.

<sup>102</sup>Magu, S. M. (April, 2014). Dilemmas of Collective Action: Explaining East African Regional Integration and Cooperation. *Academic Research Journal*. Vol 2(4), pp. 58-67.

<sup>103</sup>Ibid. 61.

tariff solicitations and non-tariff obstacles may pose a difficulty for nations which are parties for both the COMESA and EAC.”<sup>104</sup>

#### 4.2 Implications in Democracy

The EAC reiterated adherence to universally suitable values in democracy, adherence of human rights, rule of law, and social justice as requirements for admission of new members. The Community declared its objective in Articles 2 and 4 as, ‘the formulation of guidelines and programs meant to widen and deepen collaboration among member states in several arenas for example social, political, cultural, economic, security, defense, judicial and legal matters for their shared benefits.’<sup>105</sup> The operating principles were based on political goodwill, mutual trust, impartial delivery of gains, and diplomatic solving of clashes, peaceful coexistence and decent 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.

RIAs can be profitable devices to progress political associations. Exchange alliances with strong "club rules" can help grapple popularity based changes in part countries. Enrollment in a RIA can develop the probability of attaining or protecting popular government, particularly if the organization involves enormous and progressed law based nations. More up to date or less politically settled republics may progress from being an individual from RIA that contains a vast propelled republic or republics if understanding is a piece of a methodology to seek after political, social or monetary changes or avert backsliding that would not be conceivable without the contingency

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<sup>104</sup>Taveres, R., & Tang, V. (2011). Provincial Economic Integration in Africa: Impediments to Progress. *South Africa Journal of International Affairs* 18:2.

<sup>105</sup> Ibid. 63.

represented in the RIA's. Those rules regularly include human and majority rule government rights. Mercosur incorporated its then easygoing vote based system rule in the year 1996 when the authority of Paraguay military was affirmed to think about a military topple. The coalition's 4 presidents supposedly smothered the said topple with a solid regular presentation that majority rules system was a requirement of enrollment in the organization. After two months Mercosur corrected its contract to officially prohibit any nation that relinquishes the full application of republican organizations.

Conditions for majority rule government and human rights will be legitimately real just if the disciplines for breaking them are extreme and their usage dependable. It is trying to bring up exactly what invigorates reliability, however, to create states an unmistakable explanation of the 'club rule' seems basic, and an unmistakable and sensible arrangement for its usage to a great degree fundamental. In the lack of such settings, it is trying to see how the outcome will be attained, and, particularly, how it will be acknowledged deprived of the necessity to option in contrast to the variety of express political weight assigned in the previous section yet one.<sup>106</sup>

The enforcement of 'club principles' depend on mutually the benefit of having a place with the territorial association and the reliability of the threat of activity. Concerning the benefit of having a place with the local coalition, new gatherings who get critical compensations when entering a major territorial alliance, involving admission to a substantial market and greater arranging power with whatever remains of the world, are far fetched to defy the guidelines or break faith and hazard prior the advantages of being a part. The facts demonstrate that individuals threatening vote based system probably

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<sup>106</sup> Sewastynowicz, J. (1986). "Two-step" Migration and Upward Mobility on the Frontier: the Safety Valve Effect in Pejibaye, Costa Rica", *Ec. Dev. Cul. Change*. 34: 731-53 (July).

won't be terrified by such musings, yet ordinarily monetary arbitrators will be thus the circumstance will make it more hazardous to make bolster for rebellion. Second, the trustworthiness of the peril of result is likely to be bigger if disregarding 'club principles' by new individuals incorporates an expansive expense to alternate gatherings. That outcome may be immediate and financial, or possibly more probable, backhanded and political, for example a showing impact.<sup>107</sup>

#### **4.3 Implications of Violating the Principles of Governance**

The deliberate ignorance of following the laid down agreements of admitting new countries into regional bodies can cause governance issues within the new state. The tendency for politics to drive the demand for regional integration and cooperation can be inferred from regional experiments as diverse as the European Economic Community (EEC). The EEC was built on the ashes of the Second World War but represented, more importantly, a concerted response to the perceived threats from the ensuing Cold War. Cold War dynamics were equally central to the founding of the Association of South-East Asian Nations (ASEAN) in the late 1950's, a grouping whose economic vibrancy only began to be felt in the mid-1990's. The North American Free Trade Agreement (NAFTA) was itself motivated in no small measure by the desire to arrest the various forces fueling North-bound illegal migration at the U.S. - Mexico border. It marked an important qualitative deepening in trade- and investment-led integration processes when it entered into force in 1994.

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<sup>107</sup> Ricupero, R. (1998). "*What Policy Makers Should Know about Regionalism*," keynote address presented at the World Bank Conference on What Policy Makers Should Know about Regionalism, Geneva (May).



Trade refraction is a hole for exporters that need to exploit various duty rates inside a FTA by imports to the republic with the lowermost taxes for development reexportation to other FTA enrollments.<sup>108</sup> Having RoO would be an answer for the issue of exchange avoidance and by controlling the beginning of the items entering a nation, it is ensured that the correct levy is being connected to the products. The issue with such a large number of guidelines and excessively strict principles of starting point, in any case, is that the exchange techniques turned out to be convoluted as the generation is frequently restricted in various territories. For instance, SADC has profoundly prohibitive principles of source in a few parts, as an outcome of specific interests with the PTA. The COMESA somewhat covers with SADC and had at first very straightforward standards of birthplace."<sup>109</sup> COMESA has started to receive tenets of inception that are more similar to the SADC exchange routine in multifaceted nature." For nations that are individuals from both SADC and COMESA, the expanded unpredictability of principles may make it hard for strategy producers to actualize understandings legitimately and make it difficult to receive rewards from particular coordination.

South Africa have a trouble inherent in the configuration of the sub-region: south Africa is a country that is comparatively developed economically and supremacy of the regional market grips a danger of monetary polarization within the area, while the stride of South Africa's monetary restructurings could quicken or slow regional assimilation inventiveness. To house sub regional purposes such as 'balanced development' there is a requisite for counter-balancing or counter-vailing machineries, but non of the principal

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<sup>108</sup>Daldwin. R. (2006). *Multilateralizing Regionalism: Spaghetti Bowls as Building Blocks on the Path to Global Free Trade: The Economy*. Vol. 29: Issue 11.

<sup>109</sup>Flatters. F. (2003). *Africa and the Global Economy: Multilateral and Regional Approaches to Integration*. Contribution to UNECA Report on Regional Integration in Africa. Queens University.

nations is adequately rich for contemplation of introducing absolute compensatory machineries.<sup>110</sup>

Additionally, South Africa, and at a slant SACU, could maybe have an instigation to strengthen monetary connections and joint effort with industrialized nations and markets as opposed to in South to South local coordinated effort with the countries in the alliance and their obstinate interior challenges. The inquiry is: by what means can a territorial incorporation methodology give facilities the different dimensions of development in Southern Africa, which from South Africa's point of view look like progressively a North to South connection. Inside Egypt in COMESA, Eastern Africa, Kenya in the East Africa Community and could likewise be seen as helping a potential impetus job in the alliance, while promptly posing dangers for the basic republics in their specific RIAs.<sup>111</sup>

#### **4.4 Sovereignty of State Implications**

It is seen that there is no single reason that can be ascribed to the issues of EAC part states they looked in their battle to build up themselves politically and financially, as free administering bodies or sovereign states in world governmental issues of worldwide relations. In any case, as contended by H. M. Vidmar, various elements can be viewed as including useless provincial inheritances, legislative issues of the cool war period, impact and the job of the universal financial framework, and in addition the centralization of political power.<sup>135</sup> Additionally, the-se factors contributed collective as an inter-connected framework where broken neo-colonial heritages and the consequences of the

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<sup>110</sup> Hugh, M. (2003). "Global Governance and Conflict Prevention," in *Global Governance, Conflict and Resistance*, edited by Feargal Cochrane, Rosaleen Duffy, and Jan Selby (Basingstoke: Palgrave, 2003), pp. 59–77.

<sup>111</sup> Max du, P., Tiyanjana, M., & Annie, O. (2013). "Africa and the International Criminal Court," *International Law*, Chatham House 2013/01.

Cold War governmental issues made preparations to and appropriation of concentrated state control.

The intercession of the global community through international regimes like the IMF and the World Bank heightened the struggle for the EAC member states to found themselves as genuine sovereign nation-states within the world political arena. The coming to an end of the cold war coupled with IMF and World Bank failed Structural Adjustment Programs (SAPs) in the late 1980s created a renewed enthusiasm and impetus for EAC member states to determine effective governance that was to be a tool for response to economic and political crises so created. Regionalism was seen as the key solution and thus the revival of the defunct EAC, although national interests and sovereignty prevailed much strongly as each member country pursued her national interest in the international political arena.

The road map to determine effective governance has been inhibited by religious, ethnic, or political and social disintegration witnessed in most EAC member states. A case in point is the ethnic tension and conflicts in post-independence Uganda and post-cold war era Rwanda, Burundi and to a limited extent Kenya. On the other hand, socialism ideology still lingers in post-cold war era Tanzania as it struggles to adopt capitalism. These aspects have called for the political leadership in these countries to struggle with the basic requirement of establishing democratic sovereign states within the colonial inherited Westphalian system of statehood based on territoriality recognized under contemporary capitalistic system. However, this terrorization of state power has given increase of new political freedom for example region, permitting sovereignty to

flow across the nation state.<sup>112</sup> Ultimately it has become the major challenging aspect in the RIA's integration process.

#### **4.5 Regional Organizations and Sanctions against Members**

An enhanced comprehension of the reason regional blocs settled on dissimilar paths concerning sanctions permits a serious inspection of the importance of the regional part for modern international and worldwide politics. When the relationship amongst regionalism and universalism is branded by complementarity or tension is a standard subject of research that has principally fallen into forgetfulness in modern scholarship.<sup>113</sup> However, as writers of blocs sanctions governments and the progressively active onlookers to the dismissals of other performers, blocs are changing the worldwide playing ground of dismissals in manners that need methodical examination.

An important normative strain goes amongst foreign policy sanctions adopted by regional organizations' and external actors' usage of sanctions touching their own associates. Besides, regional organizations that evoke sanctions on nonparties, that is, as foreign policy instruments, are particularly susceptible to accusations of acting 'illegally' and have a status of missing impartiality, universality and expertise.<sup>114</sup> Conversely, region adoption of sanctions against member parties, as instruments of interior burden, has the ability to achieve over foreign policy dismissals exactly since they are predetermined, allegedly objective, and well conscious of regional settings. As articulated, regional provisions "can get directness of relationship that cannot be reached

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<sup>112</sup> Brenner, N., Bob, J., Martin, J., & Gordon, M. (2003, p12). "Introduction: State Space in Question" in *State/Space: A Reader* (Malden, MA: Blackwell Publisher).

<sup>113</sup> Wilcox, Francis O. (1965). Regionalism and the United Nations, in: *International Organization* 19/3, 789-811.

<sup>114</sup> Doxey, Margaret 2000: United Nations sanctions: Lessons of experience, in: *Diplomacy & Statecraft* 11/1, 1-18.

through worldwide organizations.” The mark’s refusal of sanctions is instinctive irrespective of the sender identity.<sup>115</sup>

The African Union's utilization of authorizations as opposed to unapproved variances of governance and the Arab Association's most current deferment of part parties for exercises done inside the state both imply disruptions with past legacies of non obstruction in local organizations. Prior as far as possible of the Cold War, territorial alliances connected authorizes just astoundingly, and never against gatherings for occasions restricted to across the nation limits.<sup>116</sup> The couple of earlier precedents of local assents against individuals were not seen as association in residential organizations but rather as reactions against occasions establishing a threat to different nations. The OAS encased its suspension of Cuba in the year 1962 in these understandings, and when the Arab Association dismissed Egypt, it was in response to the nation's change in outside strategy towards Israel.<sup>117</sup>

Besides, with the prohibition of the Arab Association's Israel connected authorizations on the third republics, the organizations inspected in this examination did not and also don't utilize endorses outside of their own coalition.<sup>118</sup> In any case, this exploration fights that the manner in which the recently made establishments managed dismissals of the non-individuals that were pondered some portion of the district assists clarify the reason their post-Cold War techniques to sanctions close by individuals

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<sup>115</sup>Padelford, Norman J. (1954). Provincial Organization and the United Nations, in: *International Organization* 8/2, 203-216.

<sup>116</sup> Francke B. (2009). *Security Cooperation in Africa: A Reappraisal*. Boulder, CO: Lynne Rienner, pp. 153–212.

<sup>117</sup>Acharya, A. (2009). *Developing a security network in Southeast Asia: ASEAN and the issue of territorial request*, Milton Park, Abingdon, Oxon: Routledge.

<sup>118</sup>Achcar, Gilbert (2010). *The Arabs and the Holocaust: the Arab-Israeli war of stories*, New York: Metropolitan Books.

digress. All the more decisively, discrete ideas of the district can be recognized from their treatment of worldwide blended (AU/OAU), (ASEAN), or possess prohibitions (Arab Association). It is battled that these genetic thoughts habituated post cold War reevaluating of non impedance, realize in an assortment of local techniques to penalties.

Investigation on decentralization was for lengthy euro-focused.<sup>119</sup> In a most current association, "despite everything we know next to no about local actorness past the EU or about the circumstances under which provincial associations rise as universal performing artists." For relative investigation of non European local endeavors, the European precedent regularly stands around as the principle perspective for what is "appropriate regionalism." Hereafter, advance is characterized as compromise to the European model and "contrasts" are characterized regarding distinction from the EU. In strong terms, "this prevalence of the EU on keen mental maps powers a cognizance of regionalism as being bound up with formal association".<sup>120</sup> By focusing on the South-East Asian, African, and Arab methodologies to sanctions. Narine enlightens: ASEAN has never endeavored to be an European Union.<sup>121</sup> Political and money related fuse is definitely not a whole deal objective. While the authoritative set up of the AU shows up vivaciously EU-breathed life into, its usage of approvals shows up not.<sup>122</sup> Finally, the Arab League was formed before European post war composed exertion had taken off and can thusly not have been invigorated by the European instance of decentralization.

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<sup>119</sup>Wunderlich, J. (2012). The European Union an Actor Sui Generis? A Comparison of EU and ASEAN Actorness, in: *JCMS: Journal of Common Market Studies* 50/4, 653-669.

<sup>120</sup>Breslin, S.H., & Richard (2003). New regionalisms in the worldwide political economy: Conceptual comprehension in recorded viewpoint, in: *Asia Europe Journal*. 1/2, 167-182.

<sup>121</sup>Narine, S. (2008). *Forty years of ASEAN: a Historical Review*, in: *The Pacific Review* 21/4, 411-429.

<sup>122</sup>Hellquist, E. (2012). *Making 'the Self' by Outlawing 'the Other'? EU Foreign Policy Sanctions and the Quest for Credibility*, PhD Dissertation, Florence: European University Institute.

By surveying three circumstances that are of enthusiasm for their very own right, the shadow of the European Union on the examination ought to be decreased.

Territorial alliances are continuously enthusiastic a donors of approvals in conditions that were in the past parleyed of extraordinary local concern. The move from exclusion to dynamic standard progression through authorizations began about the finish of the Cold War and has step by step extended to incorporate most provincial associations.<sup>123</sup> It implies a vital reevaluating of the idea of non obstruction, that has, if not changed, so in any event rebuilt the connection between the territorial, global, and the residential dimension of governmental issues. All things considered, to more readily understand this display, it is fundamental not exclusively to recognize the pattern, yet in addition the impressive decent variety inside the pattern. This segment will diagram the needy variable of this investigation: the ebb and flow decent variety in ways to deal with approvals of the Arab League, ASEAN and the African Union.

Amongst the large number of territorial alliances, the 3 circumstances for this exploration have been specific because of their developing political position in the current and relatively indistinguishable powers at the season of their formation. Each of the three associations started as post-frontier ventures – the OAU in the year 1963, the Arab League in the year 1945, and ASEAN in the year 1967, and both had firm autonomy as the overwhelming goal.<sup>124</sup> The securing of nation control and adjusting non-impedance in one another's organizations, in any case of routine sort, sensibly pursued

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<sup>123</sup>Patricia, W. (2008). *Natural Disasters in Latin America and the Caribbean: National, Regional and International Interactions*. HPG Working Paper, October 2008, [www.odi.org.uk/sites/odi.org.uk/files/odiassets/publications-opinion-files/3415](http://www.odi.org.uk/sites/odi.org.uk/files/odiassets/publications-opinion-files/3415). p. 22.

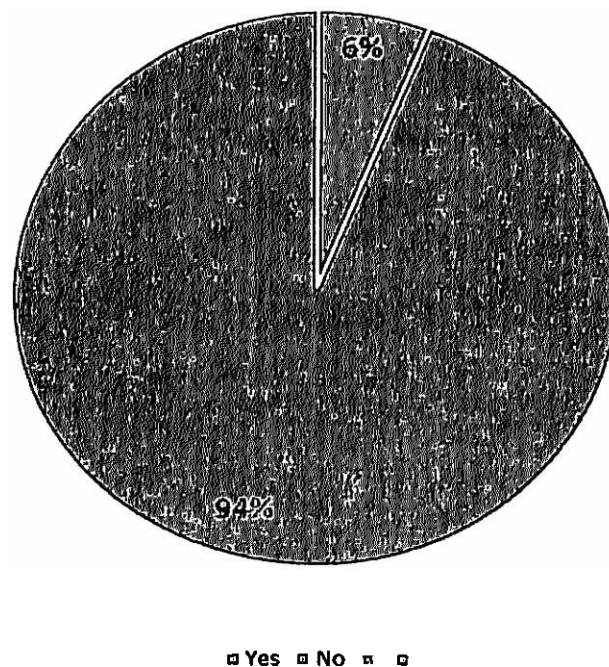
<sup>124</sup>Organization of African Unity (2000). *Constitutive Act of the African Union, received by the Thirty-Sixth Ordinary Session of the Assembly of Heads of State and Government, 10-12 July 2000*, in: [http://www.au.int/en/destinations/default/records/ConstitutiveAct\\_EN.pdf](http://www.au.int/en/destinations/default/records/ConstitutiveAct_EN.pdf); Retrieved 24 July 2018.

from this target. In the entirety of their arrangement, the specific post-war and post pioneer pasts of the states developed equivalent understandings of interior and outer specialist.

#### 4.6 Analysis and Interpretation of the Data

The research analyzed the findings on the implications of regional grouping violating their own principles and values for the future of regional integration in Africa. The findings are shown below.

**Figure 4: There being implications of regional grouping violating their own principles and values for the future of regional integration in Africa**



Majority 49 (94%) of the respondents disagreed that there are implications of regional grouping violating their own principles and values for the future of regional



assimilation in Africa. The respondents revealed that there were several implications of regional grouping violating their own principles and values. These include absence of observance of good governance, lack of democracy, absence of observance of rule of law and practice, arbitrary right detention, marginalization, corruption and human rights violation. They indicated that the merger would lead to inefficient use of resources in that, the partner states will eliminate tariff of similar goods despite the import tariffs being constant. Such losses cannot be bypassed since the locally produced goods are of a much lower quality than those imported from the outside.

‘Tariff exemption will also make the governments lose significantly in terms of tax income which is normally collected as import tariffs. Lack of sufficient revenue will in turn cripple the government’s spending programs thus negatively impacting on the development of an individual country.’<sup>125</sup>

Political issues, equality between members, redistribution of resources, and ways of dealing with economic disruptions are part of the challenges that may also manifest themselves as a result of EAC violating their own principles and values and admitting South Sudan to the regional bloc. Social stratification and the discrepancy between the haves and have-nots may be widened with the incorporation of other partner states into the EAC. Social inequality will be propagated further when some people lose their employment and no longer have any source of income. This will threaten national security especially with the escalation of lack of income, hunger, and suffering from the social division. Individual states may experience dire consequences on finances and currency value.

South Sudan joining EAC may begin small in terms of infrastructure, business, workforce and economic advantage. All partner states must endeavor to limit the negative

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<sup>125</sup> An interview with an officer in Uganda Embassy, 15/10/2018, Nairobi.

aspects, achieve more profit before the losses as well as take advantage of the positive side of the merger. Finally, the admission of South Sudan to EAC should be followed with appropriate measures to ensure stability then the advantages will outweigh the disadvantages of the unification. One participant was quoted saying;

“The implications are that the efforts to regional integration will fall because of lack of common values, norms and interests. For regional integration to succeed certain factors must be present. For example, same parity of economic development, common values especially political ideology. It was too early to admit South Sudan to the EAC.”<sup>126</sup>

One participant was quoted saying;

“South Sudan being admitted into EAC without observing the required principles and values will make the neighbouring countries to face various challenges. The insecurity in South Sudan will spill into its neighbouring EAC states making the situation worse.”<sup>127</sup>

Specialists and activists are raising worry over the absence of legitimate protected innovation laws in South Sudan, as the world's most up to date country's induction into the East Africa Community (EAC) goes expectation of expanded venture. “Without the laws, businesses are exposed and cannot exert rights related to a particular IP. That means the IP is completely lost,” said Wilfred Lusi, an advocate and patent agent in Kenya. “This has direct impact on investments, since investors will feel their businesses will be compromised,” Lusi said. “While the registration of companies continues, IP registration is not operating. They have suspended trademarks registration. In fact, we have returned some [trademarks] to their owners,” said Peter Kamero, a Nairobi-based intellectual property lawyer with knowledge of South Sudan’s IP situation. In the country, a process of forming a National Unity Government is in the final stages. In the new government

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<sup>126</sup> Mutinda K Mutisya. Lecturer School of Education, Kikuyu Campus, UON.

<sup>127</sup> Rodgers Wanyonyi Manana, examiner of law bar exams, lecturer of International law UoN [IDIS] & Advocate of the high court of Kenya. PhD student in international law at University of South Africa, Pretoria.

President Salva Kiir will remain the head of state, while Riek Machar, his former deputy former turned rebel leader will be the vice president.

Nevertheless, there are positive implications of South Sudan joining the EAC. Its Customs Union will change the country's economic landscape and customs autonomy. The Customs Union will bring States together to create one single market and, therefore, the Common External Tariff (CET) will be applicable to all the Partner States. South Sudan's current tariff line will be changed (increase or decrease of tariff depending on the type of product) to align with other Partner States on imports coming from a third country. While the internal zero tariff for trade within the EAC Customs Union will open the markets for South Sudan and will strengthen the intra-EAC trade.

## **Chapter Five**

### **Summary, Conclusions and Recommendations**

#### **Introduction**

This chapter presents the summary of the findings and also it shows the conclusions and recommendations of the objectives of the study. The objectives of this study were to analyze the performance of regional organizations against the set principles, examine the extent to which South-Sudan fulfilled the EAC criterion of admission into the regional grouping and evaluate the implications of regional grouping violating their own principles and values for the future of regional assimilation in Africa. The study set out to test two hypotheses; first, the admission of new member states into EAC is largely a function of factors that are beyond rule of law and good power and secondly, the observation of admission guidelines to EAC has implication on the regional development.

#### **5.1 Summary**

The findings on the performance of regional organizations to set principals that govern international organizations revealed that majority of respondents think that that EAC regional organization did not adhere to the rules of admission when admitting South Sudan into the regional bloc. The respondents strongly disagreed that the EAC observe the stipulated principles when admitting new member into the regional block. The EAC was shown not to have observed in totality the governing principles of admitting states. The respondents indicated that South Sudan still faces many challenges in relations to observing the rule of law, governance and democracy. The is recommended that the EAC should make sure they admit a country that observes human rights and strictly adheres to

the rule and law that is in place. There was a positive perspective of admitting South Sudan into EAC. From the findings, it was revealed that South Sudan had long had strong ties to its southern neighbours Uganda and Kenya, even before its official independence in 2011. A lot of Ugandans and Kenyans, both firms and individuals, had come to South Sudan to do business or seek work this ranged from large corporates to enterprising small traders. Many South Sudanese study or work in the EAC. This makes South Sudan admission to be progressive and therefore maybe warranted. Another problem was whether a common currency really works when economies are very different, or to what extent member states are obliged to bail out another country when it runs into self-inflicted trouble.

This does not mean that regional economic incorporation does not have advantages but I think the EAC missed an opportunity here. So maybe South Sudan's admission to the EAC would just make this de facto regional integration official, and ideally could nudge the country to sort out some of its issue. Majority of the respondents disagreed that the EAC regional organization adhered to the rules of admission when admitting South Sudan. Majority of the respondents strongly disagreed that regional organizations observed the principles when admitting new members. Majority of the respondents indicated democracy to be a vital issue for regional organizations when admitting new members. A large number strongly disagreed that good governance was vital for regional organizations. A few revealed that rule was important in admitting new members into regional blocs.

The findings on whether South-Sudan fulfilled the EAC criterion of admission into the regional grouping indicated that South Sudan did not fulfill the EAC criterion of

admission into the regional grouping. The country faces a serious practical institutional, what's more, administrative test that should be routed to really actualize unhindered commerce: for instance, a framework for the tenets of starting point. Additionally, while tax insurance is certainly not a central point for the private part, there is a need to enhance its intensity before opening to facilitated commerce. The aberrant assessment framework is still especially a work in progress, and time would be expected to guarantee that the framework is working before the levies are lessened. Majority of the respondents indicated that South Sudan had not fulfilled the criterion of being admitted into the East Africa Community. The respondents indicated that South Sudan had a long and strong tie to its southern neighbours like Uganda and Kenya, even before its official independence in 2011. The consideration of South Sudan's and being admitted to EAC was finished by dismissing the connection between the market, society, and that among land and citizenship.

Precisely when governments lose impact over their national cash, the results can be totally genuine for local people who should live with the outcomes, especially if choices are made by an undemocratic association that neglects to coordinate with those it directs. In South Sudan, the political authority got a decentralized law based strategy of government. Article 1 (4) of the Transitional Constitution of South Sudan says 'South Sudan is overseen reliant on a decentralized law based framework and is a wide country for its family. It is a multi-ethnic, multi-social, multi-lingual, multi-religious and multi-racial part where such middle of the road arrangements delicately exist together. The side interest behind this lawful system is to give an equivalent plausibility and figured incredibly paying little identity to evaluate, sex, political shading and different variables

to take an interest absolutely in the said decentralized bigger part rule organization. However, the assurance and execution of these guarantees remains a litmus test for vote based administration in South Sudan. Beholding principals of good governance, rule of law, and democracy, the other things that regional organizations consider in admitting new members include fiscal responsibility, transparency, inclusively, accountability, good leadership, respect for human rights and fair competition for public offices. Now that South Sudan is already a party of the EAC, the respondents indicated that adopting a common currency, for instance, would translate into economic and social development. This will benefit the regional regulatory framework, lead to a stable financial region and lead towards cost sharing of regional projects.

The study findings on the implications of regional grouping violating their own principles and values for the future of regional integration in Africa indicated that respondents disagreed that there are implications of regional grouping violating their own principles and values for the future of regional assimilation in African continent. The respondents revealed that there were several implications of regional grouping violating their own principles and values. These include lack of respect of good governance, lack of democracy, absence of observance of rule of law and practice, arbitrary right detention, marginalization, corruption and human rights violation. They indicated that the merger would lead to inefficient use of resources in that, the partner states will eliminate tariff of similar goods despite the import tariffs being constant. Such losses cannot be bypassed since the locally produced goods are of a much lower quality than those imported from the outside. Political issues, equality between members, redistribution of resources, and ways of dealing with economic disruptions are part of the challenges that

may also manifest themselves as a result of EAC violating their own principles and values and admitting South Sudan to the regional bloc. Social stratification and the discrepancy between the haves and have-nots may be widened with the incorporation of other partner states into the EAC. Social inequality will be propagated further when some people lose their employment and no longer have any source of income. This will threaten national security especially with the escalation of lack of income, hunger, and suffering from the social division. Individual states may experience dire consequences on finances and currency value. South Sudan joining EAC may begin small in terms of infrastructure, business, workforce and economic advantage. All partner states must endeavor to limit the negative aspects, achieve more profit before the losses as well as take advantage of the positive side of the merger. Finally, the admission of South Sudan to EAC should be followed with appropriate measures to ensure stability then the advantages will outweigh the disadvantages of the unification.

## **5.2 Conclusion**

The study concludes that the performance of regional organizations to set principals that govern international organizations was poor. EAC regional organization did not adhere to the rules of admission when admitting South Sudan into the regional bloc. The EAC did not observe the stipulated principles when admitting new member into the regional block. South Sudan still faces many challenges in terms of observing the rule of law, governance and democracy. The participants recommended that the EAC should make sure they admit a country that observes human rights and strictly adheres to the rule and law that is in place. There was a positive perspective of admitting South Sudan into EAC. Democracy to be a vital issue when admitting new members.



The findings led to a conclusion that South Sudan did not fulfill the EAC criterion of admission into the regional grouping. The country faces a genuine pragmatic institutional and administrative test that should be routed to really execute unhindered commerce: for instance, a framework for the guidelines of starting point. South Sudan had a long and solid attach to its southern neighbors like Uganda and Kenya, even before its official freedom in the year 2011. The incorporation of South Sudan's into the EAC was finished by ignoring the connection between the market, society, and that among land and citizenship. Observing principals of good administration, standard of law, and majority rule government, alternate things that local associations consider in conceding new individuals incorporate straightforwardness, responsibility, comprehensively, financial duty, great authority, regard for human rights and reasonable rivalry for open workplaces. Since South Sudan is as of now an individual from the EAC, the respondents indicated that adopting a common currency, for instance, would translate into economic and social development. This will benefit the regional regulatory framework, lead to a stable financial region and lead towards cost sharing of regional projects.

There are implications of regional grouping violating their own principles and values for the future of regional assimilation in African continent. The several implications of regional grouping violating their own principles and values include lack of respect of good governance, lack of democracy, absence of observance for law and practice, arbitrary right detention, marginalization, corruption and human rights violation. The merger would lead to inefficient use of resources in that, the partner states will eliminate tariff of similar goods despite the import tariffs being constant. Political issues, equality between members, redistribution of resources, and ways of dealing with

economic disruptions are part of the challenges that may also manifest themselves as a result of EAC violating their own principles and values and admitting South Sudan to the regional bloc. South Sudan joining EAC may begin small in terms of infrastructure, business, workforce and economic advantage. All partner states must endeavor to limit the negative aspects, achieve more profit before the losses as well as take advantage of the positive side of the merger. Finally, the admission of South Sudan to EAC should be followed with appropriate measures to ensure stability then the advantages will outweigh the disadvantages of the unification.

### **5.3 Recommendations**

#### **5.3.1 Strict adherence to laid down principles**

The EAC should make sure they admit a country that observes human rights and strictly adheres to the rule and law that is in place. Now that South Sudan is already a member of EAC, The East Africa countries should immerse themselves more in search of peace, security and stability in South Sudan by involving themselves more in reconstruction of South Sudan. This may involve pacific settlement of disputes like mediation process between Machar and Kiir, capacity building among others. This will promote EAC image in South Sudan and reduce wars, increase peace and security that will allow EA traders penetrate the market further.

#### **5.3.2 Grace period to be provided for adherence to the principles**

The members of EAC should lobby further for observation of the agreements when admitting new members into EAC bloc. By doing so, a raft of issues and measures that South Sudan should have fulfilled including peace, security and stability should be stressed that they fulfill to remain a member of the bloc. This can consequently open up

**trade opportunities for member countries in South Sudan and exploitation of natural resources in South Sudan.**

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## APPENDIX I: QUESTIONNAIRE

This questionnaire is to collect data for purely academic purposes. The study seeks to investigate **The admission of South Sudan into the East Africa Community and the implication for the principles of good governance and the rule of law.** All information will be treated with strict confidence.

*Answer questions as indicated by either filling in the blank or ticking the option that applies.*

### **PART A: Background Information**

1. Please tick in the box corresponding to your work occupation or work designation by Ministry or embassy.

Kenyan Ministry to EAC

Kenyan Ministry of Foreign Affairs

Ugandan Embassy EAC

South Sudan embassy

Other

Name –

Position-

Place of Work-

### **PART B: Performance of Regional Organizations to Set Principals That Govern International Organizations**

2. In your view, do you think regional organizations adhere to the rules of admission when admitting states to the regional blocs?

Yes [ ] No [ ]



3. Do you think in your view EAC observe these principles when admitting new members?

Strongly agree [ ]

Agree [ ]

Not sure [ ]

Disagree [ ]

Strongly disagree [ ]

If so, to what extent does EAC observe its governing principles when admitting states?

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4. Did the EAC heads of member states strictly adhere to the principals of rule of law, democracy and governance when admitting South Sudan into the EAC?

Yes [ ] No [ ]

If No, which principals were not considered seriously and why?

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5. Are there any other considerations that should be put in place?

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6. Please indicate which of these issues are vital for regional organizations in admitting new members.

Principal	Strongly agree	Agree	Uncertain	disagree	Strongly disagree
Good governance					
Rule of Law					
Democracy					

How are the above principals important?

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**PART C: Extent to Which South-Sudan Fulfilled the EAC Criterion of Admission into the Regional Grouping**

7. Do you think South Sudan fulfilled the criterion of admission into the EAC?

Yes [ ] No [ ]

If yes, please indicate the aspects of admission that South Sudan did not meet.

	Yes	Maybe	No
Democracy			
Governance			
Rule of law			
Any other			

Behold principals of good governance, rule of law, and democracy, what are the other things that regional organizations consider in admitting new members?

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From the table above, seems South Sudan did not fully meet the criteria for admission in EAC. Now that South Sudan is already in EAC, what should be done for them to fully meet the requirement of admission?

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**Part D: Implications of Regional Grouping Violating Their Own Principles and Values for the Future of Regional Integration in Africa**

8. Are there implications of regional grouping violating their own principles and values?

Yes [ ] No [ ]

If yes, which are implications of regional grouping violating their own principles and values for the future of regional integration in Africa?

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*Thank you very much for taking your time to fill this questionnaire*

APPENDIX II: LETTER FROM THE UNIVERSITY



**UNIVERSITY OF NAIROBI**  
College of Humanities and Social Sciences  
Institute of Diplomacy and International Studies

Tel : (02) 318282  
Telefax : 254-2-245868  
Fax : 254-2-245868  
Website : www.uonbi.ac.ke  
Telex : 22085 Varsity Ke Nairobi, Kenya  
E-mail : [office@uonbi.ac.ke](mailto:office@uonbi.ac.ke)

P.O. Box 30197  
Nairobi  
Kenya

August 2, 2018

TO WHOM IT MAY CONCERN

RE: PURITY KINYA GITONGA - R50/86947/2016

This is to confirm that the above-mentioned person is a bona fide student at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi pursuing a Master of Arts degree in International Studies. She is working on a research project titled, "THE ADMISSION OF SOUTH SUDAN INTO THE EAST AFRICA COMMUNITY AND IMPLICATIONS FOR THE PRINCIPLES OF GOOD GOVERNANCE AND THE RULE OF LAW".

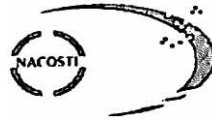
The research project is a requirement for students undertaking Masters' programmes at the University of Nairobi, whose results will inform policy and learning.

Any assistance given to her to facilitate data collection for her research project will be highly appreciated.

Thank you.

Professor Maria Nzomo,  
Director, IDIS  
&  
Professor of International Relations and Governance

## APPENDIX III: LETTER FROM NACOSTI



### NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone + 254-20-2213471.  
2241349,3310571,2219420  
Fax - 254-20-318245,318249  
Email: dg@nacosti.go.ke  
Website : www.nacosti.go.ke  
When replying please quote

NACOSTI, Upper Kabete  
Off Wawaki Way  
P O Box 30623-00100  
NAIROBI-KENYA

Ref No **NACOSTI/P/18/94842/25613**

Date **8<sup>th</sup> October, 2018**


Purity Kinya Gitonga  
University of Nairobi  
P.O. Box 30197-00100  
NAIROBI.

#### **RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on "*The admission of South Sudan into the East Africa Community and the implication for the principles of good governance and the rule of law*" I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for the period ending **8<sup>th</sup> October, 2019**.

You are advised to report to the **Principal Secretaries of selected Ministries, the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit a copy of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

  
**BONIFACE WANYAMA**  
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The Principal Secretaries  
Selected Ministries.

The County Commissioner  
Nairobi County.

## APPENDIX IV: PERMIT FOR COLLECTING DATA FROM NACOSTI

**THIS IS TO CERTIFY THAT:**  
**MS. PURITY KINYA GITONGA**  
of **UNIVERSITY OF NAIROBI, 15931-100**  
**GPO NAIROBI,** has been permitted to  
conduct research in *Nairobi County*

Permit No : **NACOSTI/P/18/94842/25613**  
Date Of Issue : **8th October, 2018**  
Fee Recieved : **Ksh 1000**

on the topic: **THE ADMISSION OF  
SOUTH SUDAN INTO THE EAST AFRICA  
COMMUNITY AND THE IMPLICATION FOR  
THE PRINCIPLES OF GOOD GOVERNANCE  
AND THE RULE OF LAW**

for the period ending:  
**8th October, 2019**



.....  
**Applicant's  
Signature**

  
.....  
**Director General  
National Commission for Science,  
Technology & Innovation**

### THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is guided by the Science,  
Technology and Innovation (Research Licensing) Regulations, 2014.

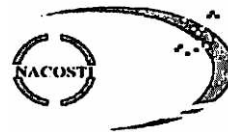
#### CONDITIONS

1. The License is valid for the proposed research, location and specified period.
2. The License and any rights thereunder are non-transferable.
3. The Licensee shall inform the County Governor before commencement of the research.
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies.
5. The License does not give authority to transfer research materials.
6. NACOSTI may monitor and evaluate the licensed research project.
7. The Licensee shall submit one hard copy and upload a soft copy of their final report within one year of completion of the research.
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice.

National Commission for Science, Technology and Innovation  
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