

**THE INFLUENCE OF CIVIL SOCIETY ORGANIZATIONS (CSOs) ON THE
INTEGRATION OF THE EAST AFRICAN COMMUNITY (EAC)**

BY

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DECLARATION

Declaration by Candidate

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DEDICATION

This work is dedicated to my family; my mum Gladys Kurui whose determination significantly shaped my academic journey, my dear wife Alice Kimutai for her constant encouragement and reminders, my siblings for their unfailing support, and to my young children, Edward, Sophie and Jemimah for understanding that dad was a student!

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ABSTRACT

The East African Community (EAC) in its renewed integration attempt appreciated the importance of Civil Society Organizations (CSOs) and formally included them in the treaty that re-established the community. However, despite their inclusion in the community effort, scanty attention has been accorded to studying their influence on EAC policies. The anticipation that their inclusion will play an integral role in the integration process occasioned the need to examine their actual influence in order to provide timely, appropriate and necessary advice to policymakers on the input of CSOs to the pursuit of community objectives. The purpose of this study, therefore, was to investigate the influence of CSOs on the integration of the EAC. It specifically sought to evaluate the influence of CSOs on the policies of the EAC; investigate the strategies adopted by CSOs in seeking to influence EAC policies; analyze the determinants of CSO influence on the EAC policy processes; and to examine the challenges facing CSOs in their attempts to influence EAC policies. The study was guided by the neo-functional theory and it adopted a mixed methods approach. The target population of the study was CSOs in the EAC, state officials from the member states involved in EAC affairs, and EAC officials. Multi-stage, purposive and snow-balling sampling techniques were adopted in the identification of respondents for the study. The study settled for a sample of the three original member states of the Community, that is, Kenya, Uganda, and the United Republic of Tanzania. Nine CSOs and five EAC officials were selected from the three members states and the EAC Secretariat. Data was collected through questionnaires, key informant interviews, and the review of existing literature. The quantitative data was entered and analyzed in a spreadsheet to generate aggregates and for graphical display. Qualitative data was subjected to thematic analyses and presented in discussions. The study findings indicate that CSOs are mainly involved at the implementation stage of the EAC policy processes whereas they are least involved in the agenda setting and formulation levels. Additionally, CSOs are mostly involved in gender issues and least participate in socio-cultural issues, science and technology and agricultural policies. In the pursuit of their objectives, awareness building ranked highest as the main strategy adopted by CSOs whereas consultation ranked lowest. Organizational strength emerged as the most significant determinant of CSO influence whereas resource endowment was identified as the least significant. Lack of local finance was identified as the most pronounced challenge facing CSOs in the EAC whereas pursuit of parochial interests by CSOs appeared as the least significant challenge. The study concludes that CSOs have moderately influenced integration policies in the EAC. However, the bureaucratic nature of the integration process at the partner states and Community levels largely excludes CSOs in the critical decision-making stages of the EAC policy processes which limits their overall influence. The study recommends that CSOs should collaborate closely with each other in support of EACSO to make it a formidable regional organization that can effectively engage with the EAC. Additionally, the EAC should move beyond creating space and a forum for the Community to engage with CSOs and foster closer working relations with these organizations.

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ABBREVIATIONS

ACDEG	-	African Charter on Democracy, Election and Governance
ACPF	-	African Child Policy Forum
ACSC	-	ASEAN Civil Society Conference
AEC	-	African Economic Community
AGA	-	African Governance Architecture
APEC	-	Asia-Pacific Economic Cooperation
APSA	-	African Peace and Security Architecture
ASEAN	-	Association of South East Asian Nations
AU	-	African Union
CBOs	-	Community Based Organisations
CCP-AU	-	Centre for Citizens' Participation in the African Union
CDF	-	Consultative Dialogue Framework
CET	-	Common External Tariff
CoE	-	Council of Europe
COMESA	-	Common Market for East and Southern Africa
CUTTS	-	Consumer Unity and Trust Society
CS	-	Civil Society
CSI	-	Civil Society Index
CSOs	-	Civil society organizations
EABC	-	East African Business Council
EAC	-	East African Community
EACJ	-	East African Court of Justice
EACSOF	-	East African Civil Society Organization Forum
EALA	-	East African Legislative Assembly
EALGA	-	East African Local Governments Association
EAMU	-	East African Monetary Union
EACSO	-	East African Common Services Organization
EASTECO	-	East African Science and Technology Commission
EASUN	-	East Africa Support Unit for NGOs

ECA	-	Economic Commission on Africa
ECOWAS	-	Economic Community of West African States
EPA	-	Economic Partnership Agreement
ECOWAS	–	Economic Community of West African States
ECOWARN	-	ECOWAS Early Warning and Response Network
EU	-	European Union
EWS	-	Early Warning Systems
FAO	-	Food and Agriculture Organization
FBOs	-	Faith Based Organisations
FTAA	-	Free Trade Area of the Americas
GBV	-	Gender Based Violence
GIZ	-	German International Development Agency
GLP	-	Great Lakes Civil Society Project
ICC	–	International Criminal Court
IEC	-	Information, Education and Communication
IGAD	-	Inter-Governmental Authority on Development
IIDEA	-	Incubator for Integration and Development in East Africa
LVBC	-	Lake Victoria basin Commission
LVFO	-	Lake Victoria Fisheries Organization
MERCOSUR	-	Southern Common Market
MOU	-	Memorandum of Understanding
MS-TCDC	-	MS Training Centre for Development Cooperation
NAFTA	-	North American Free Trade Agreement
NEPAD	-	New Partnership for Africa’s Development
NGO(s)	-	Non-Governmental Organization(s)
NTBs	-	Non-Tariff Barriers
OAU	-	Organization of African Unity
PALU	-	Pan African Lawyers’ Union
PSOs	-	Private Sector Organizations
RECs	-	Regional Economic Communities

RBA	-	Rights –Based Approach
RECSA	-	Regional Centre of Small Arms
SACU	-	Southern African Customs Union
SADC	-	Southern African Development Community
SSCA	-	Shining Stone Community Action
TAC	-	Treatment Action Campaign
TJNA	-	Tax Justice Network Africa
TMEA	-	Trade Mark East Africa
TOT	-	Training of Trainers
TRIPS	-	Agreement on Trade-Related Aspects of Intellectual Property Rights
TSOs	-	Third Sector Organizations
UHRC	-	Uganda Human Rights Commission
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations Children’s Fund
WANEP	-	West Africa Network on Peacebuilding
WASCOF	-	West African Civil Society Forum
WTO	-	World Trade Organization

OPERATIONALIZATION OF CONCEPTS

For the purposes of this study, the following terms and their given explanations were adopted:

Challenges – the structural, systemic and operational impediments that hinder CSOs in the delivery of their integration related mandates.

Civil Society Organizations (CSOs) – the organizations including Community Based Organizations (CBOs), Non-Governmental Organizations (NGOs), and trade unions arena where people associate to advance common interests.

Determinants of influence – factors that govern the realization of the objectives of CSOs engaged in the integration process of the EAC.

Policy - a purposive course of action followed by an actor or set of actors which goes beyond documents or legislation to include activities on the ground and changes in the behaviors of the key policy actors.

Policy influence - refers to how external actors are able to interact with the policy process and affect the policy positions, approaches and behaviors in each of these areas.

Policy process - this includes all the components of the policy cycle.

Regional integration – a process by which a group of nation-states voluntarily and in various degrees cede their national decision-making processes, roles and power to a regional supranational authority in order to minimize conflicts and maximize internal and external economic, political, social and cultural benefits from their interaction.

Strategies - the social and political acts and practices adopted by organizations in exerting power to achieve a predetermined outcome.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 Introduction

This chapter lays the foundation for the rest of the thesis which focuses on the influence of Civil Society Organizations (CSOs) on the integration of the East African Community (EAC). It analyses issues that form the basis of the study; statement of the research problem; objectives of the research project; and the specific research questions that are addressed in the course of analysis. In addition, the chapter undertakes a review of the literature relevant to the subject of study with a focus on the contribution of this research to the advancement of knowledge in the field.

1.1 Background of the Study

The study of regional integration, of how national units come to share part or all of their decisional authority with an emerging international organization, is one of the areas of political inquiry in which a cumulative research tradition has developed (Schmitter 1970). Equally important has been the increasing significance of Civil society organizations in world politics over the past few decades and the subsequent growth of academic interest in the drivers of this development (Bohmelt *et al* 2013). Nation states are considered to be the dominant actors in global governance, international cooperation and regional integration initiatives. Whereas they may be primary players in integration schemes by virtue of their features, other non-state actors including CSOs play important roles. Generally, states are the initiators, negotiators, and authors of integration schemes (Kivuva 2018). Consequently, they are key in determining the depth and width of integration arrangements. However, in the current neo-liberal world order which has called for a minimal role for the state and a strong private sector (Clayton *et al* 2000), CSOs and other interest groups play key roles in shaping and

influencing integration efforts. The rise of market neoliberalism has seen an increasing reliance placed on third sector partnerships with government and business, and the increasing convergence and blurring of boundaries between the state, market, and third sector (Taylor 2010). States are not the exclusive and may no longer be the predominant actors in the international system which is currently characterized by multiple, diverse, and changing actors who also build transnational coalitions (Niemann and Ioannou 2015). The fact that states possess residual sovereignty and, therefore, are the formal co-signatories of the treaties that typically constitute and punctuate the integration process is potentially illusory in that their presumed capacity for unitary and authoritative action masks the possibility that important sub-national groups can act independently either to reinforce, undermine or circumvent the policies of national states (Schmitter 2005). According to Taylor (2010), there has been a significant de-centering of the nation-state, such that its traditional status as *the* sovereign political unit has come under threat in two main regards: first, with a shift from government to governance, and second, with the rise of global civil society.

The term "civil society" traces back through the works of Cicero and other Romans to the ancient Greek philosophers (Carothers and Barndt 2000). Philosophers including Hobbes, Locke, Marx and Gramsci deliberated on the concept from their varying contextual observations. For de Tocqueville (1835, 1840), civil society limits the state; for Hegel (1821), civil society is a necessary stage in the formation of the state; for Marx, civil society is the source of the power of the state; and for Gramsci (1929-1935), civil society is the space where the state in alliance with the dominant classes constructs its hegemony (Chandhoke 2007). Hegelian, Marxian and Gramscian theories of civil society share one thing in common. They refer to the sphere of social life that falls outside the state though they do not see it as necessarily free from state interference.

Civil Society is therefore normally viewed as the site at which most interactions between the society and the state and happen (Mohan 2002). The concept was first employed in a systematic way by John Locke who referred to an association based on the rule of law and formed by men in a state of nature to protect their property, which he saw as consisting of life and liberty as well as 'estate'. Locke envisaged civil society as a force standing in opposition to oppressive state power, a usage it has continued to have to the present day, notwithstanding Marx's equation of civil society with 'bourgeois society', or the social relations emanating from capitalism (Armstrong *et al.* 2011).

CSOs as conventionally understood in the contemporary world possess certain features stemming from their origins and purpose that accord them important roles in integration schemes. As representatives of diverse societal groups and interests, they attempt to influence governmental decisions and processes at domestic and international levels for the benefit of their respective constituencies. According to Armstrong *et al* (2011), their role has changed in complexity beyond the one earlier defined in terms of resistance and now includes actual participation in governance as well as multi-faceted contributions to legitimizing and democratizing regional and global governance. Civil society, often loosely defined as the public realm and the associational life existing between the private sector and the state is seen as a platform where different associations can express their interests and engage with the state (Godsater 2015, Ibrahim 2015). The World Bank Group (2021) defines CSOs as the wide array of non-governmental and not for profit organizations that have a presence in public life, and which express the values and interests of their members and others, based on cultural, ethical, political, religious, scientific, or philanthropic considerations. Theoretically influenced by the liberal thought on individual rights, civil society has often been

understood as that domain of associational life that acts as a counterbalancing force to what is perceived as the natural inclination of the state to exceed its legal powers (Fioramonti 2005). They are primarily voluntary organizations that stem from grassroots efforts of citizens aimed at influencing government decisions and expanding the democratic space. According to the Pompidou Group (2015), CSOs in their wide array are complementary to representative democracy; represent the diversity of the society; and provide public opinion, knowledge, experience, and expertise to the process of decision making and policy implementation. CSOs enjoy trust from their members and society which enables them to represent their interests, voice concerns and gain involvement in causes. This inevitably empowers them to provide crucial input into policy development.

Matanga (2000) posits that the history of the civil society concept has perhaps undergone three fundamental stages the first being the pre-18th century period when it was used by political philosophers such as John Locke and Thomas Hobbes to refer to the emergence of organized political society. Ibrahim (2015) notes that for this generation of writers, civil society stands for and is interchangeable with political society or the state. In this context, civil society was contrasted not with the political order but with a condition of nature, the state of nature. The second phase, from the 18th century, dressed the concept with another meaning reformulating it as the middle ground between private property and the state. This essentially detached civil society from political society and the state. The third phase is derived from the momentous political events in Eastern and Central Europe in the late 1980s that led to the collapse of Communism and the Soviet Union. Matanga argues that this third phase privileges civil society over all other movements or spheres of social life on the grounds that it furnishes the fundamental conditions of liberty in the modern world and its mission is

to defend civil from the aggressive powers which beset it: on one side, the political power of the state, and on the other, the economic power of money.

Kisinga (2009) argues that in the 21st Century, civil society will be an alternative center and advocate of participatory, democratic, and results-oriented leadership, especially in the absence of strong opposition parties. According to Fatton (1995) there exists a dialectical relationship between the state and civil society: civil society is transformed by a changing state and the state is transformed by a changing civil society. Civil society penetrates the state through the erection of protective trenches against political compliance, material extraction and coercive abuse. Chazan (1992) asserts that civil societies are a critical check on authoritarian rule. He avers that the nurturing of civil society is widely perceived as the most effective means of holding rulers accountable to their citizens, controlling repeated abuses of state power, and establishing the foundations for durable democratic government. Walker (1999) acknowledges that based on the evidence from the new wave of democracy that was sweeping through the developing world, "democracy makes sense" when civil society organizations are prepared to challenge the right of autocratic regimes to rule. She argues that for democracy to flourish it must be nurtured and sustained by a vibrant civil society.

Ebrahim and Weisband (2007) suggest that advocacy groups have a crucial role to play in global accountability. This may entail exposing publicly areas in which transparency is not forthcoming, appealing directly to leaders to explain the reasons for their actions, and publishing and disseminating information regarding areas where compliance has not been achieved (Armstrong *et al* 2011). Piewitt, Rodekamp & Steffek (2010) regard organized civil society as a civilizing and democratizing force in world politics. According to them, CSOs draw attention to injustice and human rights violations, thus becoming the 'conscience of the world'; represent the voices of marginalized parts of

the world's population that many national governments neglect; provide much-needed expertise and local knowledge for global governance; or contribute to the creation of a global public sphere by contesting global governance. Not least, they are also said to promote the accountability of global governance in that they render the conduct of state governments and public international organizations (IOs) more transparent.

On the flipside, however, Dembinski and Joachim (2014) point to the negative externalities of CSO involvement and their lobbying, such as the undue influence of special interests, the opacity of their consultation processes, and the structural underrepresentation of broad public interests and marginalized groups. They further contend that transnational CSOs are unable to represent any significant share of the world's population as they are populated by Western activists of a usually urban, white, well-educated background and warn against attaching high hopes to these 'unelected few'. Being dominated by Western elites and their political concerns, transnational CSOs may actually reproduce, rather than mitigate, global asymmetries in political participation and influence. Kasfir (2008) argues that the significance of CSOs in creating and maintaining democracy in Africa has been greatly exaggerated. According to him, donors and scholars idealize the Western practices from which they borrow and overlook the defects in the outdated pluralist argument they urge on Africa, particularly its difficulties in responding to problems of collective action, inequalities of access, and lack of local finance. According to Chazan (1992), it may also be possible, to judge from the mounting evidence of religious and ethnic conflict in Africa, that these groups, far from supporting democratic tendencies, foment particularism, fundamentalism, and ethnic nationalism. Piewitt, Rodekamp & Steffek (2010) point out that it is often argued that although CSOs seek to influence public policies and contribute to the making of fateful decisions, they are not accountable enough for their positions and strategies.

According to Botchway (2018), some social commentators and scholars as well as the general populace have argued that most CSOs exist to pursue their own narrow interests. To this group of people, CSOs are nothing more than a collection of self-serving individuals parading themselves with the clothes of civil and societal interests. Consequently, since they exist to pursue their own interests, their activities do not necessarily contribute in any meaningful way to governance. Hence, even when they do, it is just a byproduct or an offshoot or better still the spillover effect of their original motives.

Irrespective of whether CSOs have had a positive or negative influence, these robust scholarly debates on CSOs at the national and international domains underscore their inevitable role in governance. It is undeniable that CSOs have significantly evolved and eventually occupied a prominent position in governance in the contemporary world. Most importantly, these debates highlight the need for further research on the influence of CSOs on governance both at the domestic and international levels. According to Bohmelt *et al* (2013), existing literature highlights two motivations of governments to involve CSOs. First, states may expect to obtain useful information and expertise that they lack regarding the issue at hand. The second motivation focuses on legitimacy as governments opt for civil society participation as a means to mitigate the democracy deficit and to enhance the legitimacy of global governance.

CSOs engaged in global and regional governance are assumed to be important channels of citizen participation in national and regional governance bodies, grassroots representatives addressing the democratic deficit in integration schemes, and providers of much needed legitimacy to regional organizations. Adar *et al* (2018) emphasize on their influence in addressing the democratic deficits within the communities' decision-making bodies, structures, and processes. They also argue that parliaments and civil

society have influenced the reform of many institutional structures at the regional level. On the specific case of CSOs, they argue that with functions cutting across national boundaries, stronger participation of regional CSOs is seen as a way to further represent the peoples' voice and interests in Africa's regionalization processes. In the same vein, Amuwo *et al* (2009:3) propose "...an understanding of the dynamics of linkages among civil society, governance and regional integration in terms of the struggles between the state and nonstate actors and organizations." They train the focus of their study on CSOs on the goal of Afro-centric, integrated, popular, people friendly development through the agency of democratic governance.

While enhancing citizen participation, addressing the democratic deficit, and legitimatizing regional governance are acknowledged as the anticipated roles of CSOs in integration schemes, the ultimate test of efficacy is in their actual influence on interstate integration policies. Sitting at the apex of regional organizations, states are the originators of integration ideas, drafters of integration charters, drivers of integration policies and ultimate implementors of decisions. Beyond simply satisfying the need for broader representation in regional governance, actual influence on states could significantly determine the trajectory of integration efforts. This is broadly validated by liberal thought which projects international diplomacy and foreign policy making as a triangular exercise bringing together both states and other non-state actors. The state is no longer viewed as a unitary actor with the latitude to make unilateral decisions but rather a group player acting in concert with other actors on the foreign policy table. Whereas the societal dimension and participation that CSOs seek to enhance and assure is vital especially in the era of increased demands for democratic governance, their ultimate effectiveness can only be deciphered from their influence on nation states who are the final decision makers in integration schemes. This influence

is anticipated by scholars who have documented the roles of CSOs to include direct attempts at influencing state decisions and shaping global governance.

Citing several authors, Pallas and Uhlin (2014) underscore the potential for CSOs to influence International Organizations (IOs) and the potential for IOs to influence CSOs. The International Criminal Court (ICC) is an often-cited example of the power and impetus of global civil society. The input of global civil society in the process which led to the adoption of the Rome Statute has been almost unprecedented in international treaty negotiations, rivalled only by its contribution to the Landmines Ban Treaty (Glasius 2006). Shoki (2009) argues that CSOs can lobby governments and the private sector to ensure that policy commitments are delivered and, where necessary, appropriate changes to policies and laws are made. According to Godsater (2015), civil society actors can pressure states to act in new ways and shape international policy since the identities, ideas and interests of state actors are not fixed or given but are socially constructed and therefore prone to change over time. Hence, the materially more powerful actors (states) do not necessarily control the better arguments and materially weaker ones (CSOs) can achieve considerable policy-making success by using ideational resources.

Pallas & Uhlin (2014) acknowledge that over the past two decades, CSOs have had widely recognized influence on environmental policies, international development strategies, debt relief for developing countries, and human rights regulations. Such influence has given rise to predictions among academics and practitioners that civil society is in the process of democratizing global governance. It is due to this significance of civil society that integration architects have considered them important partners together with states in regional integration schemes. According to the leading narrative, CSOs enable direct stakeholder representation in transnational policymaking

hence diminishing the power of states and reducing the power imbalances embedded in the international system. The growing competences and the institutional development of regional organizations call for increased spaces for participation of civil society in order to influence their agenda, encourage CSOs to organize themselves at their level and guide their actions (Adar 2018). It is argued that increasing civil society participation and engagement in the policy planning and implementation process underlines the complementary relationship with representative democracy as CSOs bring knowledge and independent expertise to the process of decision making. This has led governments at all levels, from local and national to regional, as well as international organizations, to draw on the relevant experience and competence of Non-Governmental Organizations (NGOs) to assist in policy development and implementation (Pompidou Group 2015).

In the case of the EAC, the Community first came into being in 1967 after the heads of state of Kenya, Jomo Kenyatta, Uganda's Milton Obote, and Tanzania's Julius Nyerere, set aside their ideological differences together with their individual aspirations and resolved to establish the regional organization. The EAC allowed for inter-state commerce between the three countries and facilitated the free flow of goods across East Africa. As far back as pre-independence times, African nationalist leaders pursued the idea of forming an East African Federation as a step towards the United States of Africa. The idea of establishing the East African Federation, however, begun as a proposal of the British colonial government and despite the failures and challenges of the past, the quest has persisted (Ogola *et al* 2015). The collapse of the Community in 1977 ten years after its official establishment, was due to several reasons, key amongst which, was the perceived lack of strong participation by the civil society in the Community's activities (Kisinga 2009). Hence, one of the key plans of the EAC following its revival was to

have a people centered, private sector led regional economic integration and development. Participation of civil society and the private sector was deemed critical in the implementation of the EAC strategies (*ibid*).

Other factors cited for the dissolution of the Union include uneven levels of development and Tanzania's opposition to a zero-tariff regime, arguing that it would be unfair to treat the three countries equally as if they were at the same level of economic development. Some argued that integration would benefit Kenya to the detriment of Tanzania and Uganda. Inability to manage asymmetry proved fatal as the cooperative effort was eventually dissolved (Ogola *et al* 2015). In 1993, a Permanent Tripartite Commission for Cooperation was set up to oversee the drafting of a treaty for the re-establishment of the EAC, and in November 1999, it was signed by the heads of state of Kenya, Uganda, and Tanzania. The Treaty entered into force on 7th July 2000. Rwanda and Burundi, acceded to the Community in 2007 and the Republic of South Sudan in 2016, bringing its membership to six (Masinde and Omolo 2017). Since its re-establishment in 2000, the EAC's integration process has been accelerating based on political will, mutual interests, and the recognition of potential gains from the integrated economy (Ogola *et al* 2015).

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

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

These important sections of the Charter that establish the EAC simultaneously appreciate the significance of CSOs and anticipate that they will play important roles in the integration scheme. Beyond the theoretical acknowledgement of the expected contribution of CSOs to the regional initiative, little has been documented on their actual influence on regional policies in the EAC. In the more than two decades existence of the Community, little has been documented on the actual influence and contribution of CSOs to integration policy processes. Nothing much is also known on the strategies they employ in seeking to influence state actors and the determinants of their influence. Dur (2008a) argues that the increasing number of groups active in lobbying decision-makers for which influence is a major objective has even further increased the importance of understanding interest group influence for the purposes of explaining and normatively evaluating policymaking. The normative implications are particularly significant at a time when governments and international organizations aim at increasing political participation by societal groups. It was therefore considered a worthy academic expedition to study and fill these gaps in our understanding of the role of CSOs in regional integration efforts and the EAC’s effort of “widening and deepening of co-operation among member states in, among others, political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs...” (EAC Treaty 1999).

1.2 Statement of the Problem

Not much attention has been accorded to assessing the influence of CSOs on integration policies in the EAC yet the treaty establishing the organization recognizes their role and anticipates their contribution to the integration efforts of the community. Additionally, grand theories of integration including neofunctionalism and liberal intergovernmentalism ascribe a significant role to interest groups (Dur 2008). These theories of cooperative behavior have as a central theme the need to understand and to develop a political consensus about the basis for the institutional arrangements within which such behavior emerges and evolves (Dougherty and Pfaltzgraff 1971). According to neo-functional thought, interdependence is bound to drive states into closer cooperation in certain functional areas eventually leading to pooled sovereignty at the apex of regional initiatives. This process involves both states and communities of people living within participating territories. Most scholars agree that states were and generally still are in control of international policy-making processes (Bohmelt *et al* 2013). States by virtue of their authority are regarded as authors, drivers, and influencers of integration efforts. Regional integration processes in Africa have all come about largely through state driven processes (Shoki 2009). The Treaty establishing the EAC gave the Summit and the Council the powers to make laws and submit bills to the East African Legislative Assembly (EALA) (Kivuva 2018).

Other non-state actors are however considered key players for successful and inclusive integration to be achieved. The participation of CSOs in political processes at the national and international levels is cherished by many as a way to improve both transparency and accountability and, more generally, as an enhancement of the democratic quality of the polity (Dembinski and Joachim 2014). The collapse of the EAC in 1977 after barely 10 years of existence was attributed to among other reasons

the failure by the Community to actively involve CSOs in the Community effort. This led to their inclusion in the second Community effort and the embedding of their role in the Charter. The drafters of the new EAC recognized the importance of civil society and agreed to provide it with an enabling environment to take full advantage of the Community and to formulate a strategy for its development (Kivuva 2018). However, two decades into the integration effort, the influence of CSOs on EAC policies is unclear yet it is understood that apart from interacting with governments to ensure that societal norms and interests provide the guidelines for the exercise of state power, CSOs also serve a key role in molding the basic values which inform the political sphere (Harbeson *et al*, 1994). Shoki (2009) argues robustly on the need for civil society actors to develop new strategies to engage governments and interstate bodies and foster regional integration processes. This is due to the global emphasis on globalization that has facilitated the expansion of civil society in as much as the transnational relations have encouraged the diversification of the collective bonds of nation-states. Pallas and Uhlin (2014) in acknowledging that state officials—including delegates, ministers, and parliamentarians—often wield considerable power over international policy-making negotiations posit that while CSOs aiming at influencing international policy can approach various departments and sectoral bodies of international institutions or individual management and staff members, they may also try to recruit state support. Despite this significance of civil society in shaping interstate relations and regional integration, the contribution of CSOs in influencing interstate policies in the EAC integration process remains under-researched. The strategies they adopt and the determinants of their influence also have not been documented. This is an academic lacuna that the study sought to be fill. Due to the ambitious inclusion of CSOs in the Charter and the anticipation that they will play an integral role in the integration

process, there was a need to examine their actual influence in order to provide timely, appropriate and necessary advice to policymakers on the input of CSOs to the pursuit of community objectives. Assessing their influence lends significant insight into the production of efficient policies and the conditions for both economic development and political legitimacy (Chalmers 2011). This study therefore sought to provide a theoretical appreciation of the influence of CSOs on interstate integration policies and explore how practical integration agenda can be fast-tracked through the enhanced understanding of the role of CSOs in regional integration schemes.

1.3 Objectives

1.3.1 Overall Objective

The overall objective of this study was to investigate the influence of CSOs on the integration of the East African Community (EAC).

1.3.2 Specific Objectives

The study sought to achieve the following specific objectives:

- i) To assess the influence of CSOs on EAC policies.
- ii) To investigate the strategies adopted by CSOs in seeking to influence EAC policies.
- iii) To analyze the determinants of the influence of CSOs on the EAC policy processes.
- iv) To examine the challenges facing CSOs in their attempt to influence policies in the EAC.

1.4 Research Questions

The study sought to answer four research questions:

1. What is the influence of CSOs on EAC policies?
2. What are the strategies adopted by CSOs in seeking to influence the policies of the EAC?
3. What are the determinants of the influence of CSOs on the EAC policy processes?
4. What are the challenges facing CSOs in their attempts to influence EAC policies?

1.5 Assumptions of the Study

The study's assumptions were that CSOs are important actors in integration schemes and their roles extend to influencing integration policies.

1.6 Scope of the Study

The study focused on the integration process of the EAC from 7th July 2000 when the treaty that officially recognized the role of CSOs in the community effort entered into force. Kenya, Uganda, and the United Republic of Tanzania which are the founding members of the Community were the primary targets of the study. The study concentrated on the East African Civil Society Organizations' Forum (EACSOF) which is a regional civil society umbrella organization founded in 2007 with national networks of CSOs from all EAC countries as members and which seeks to influence integration and development policies in the EAC. EACSOF is officially accredited by the EAC to represent East African CSOs in the Community. Apart from studying EACSOF at the Community level, its Kenyan, Ugandan and Tanzanian Chapters were also enlisted.

1.7 Justification of the Study

The dissertation sought to address studies in both regional integration and civil society by probing the influence of CSOs on EAC policies. Studies in integration are important because of the benefits expected to accrue to individual states and the international system from integration initiatives. Studies undertaken in regional integration have not attempted to analyze the role of CSOs in influencing interstate policies in the EAC. Gaps exist in our understanding of the influence of CSOs on state decisions, policies, and actions towards regional integration. The collapse of the EAC in 1977 after barely 10 years of existence was attributed to among other reasons the failure by member states to actively involve CSOs in the Community effort. This led to their inclusion in the second Community effort and the establishment of their role in the Charter. However, two decades into the integration effort, their influence on integration policies is unclear. It was therefore important to evaluate their role and contribution in order to inform EAC decisions on how to better harness their input.

The findings of the study will benefit the Community and the member states on understanding the role that CSOs have played so far in the EAC effort and how they can be better positioned for the attainment of integration objectives. CSOs will also acquire a better understanding of their influence, strengths, and challenges in their envisioned role in the integration effort. The study has further generated valuable scholarly information on the role of CSOs and non-state actors in state led integration initiatives that will benefit civil society and integration studies.

1.8 Theoretical Framework

There are several approaches to regional integration, both in actor's strategies and in academic analysis (Nye 1970). This study was guided by neofunctionalism; an intellectual descendant of David Mitrany's functionalism (Mitrany 1943). According to

Mitrany, the world of the twentieth century was characterized by growing numbers of technical issues that could be resolved only by cooperative action across state boundaries. Such issues, whether within or among states could best be addressed by highly trained specialists, rather than by politicians who, by their professional backgrounds, generally lacked technical skills. Mitrany believed that the emergence of issues requiring detailed knowledge and special skills would lead to the need for collaborative action devoid of political or conflictual content and therefore assignable to technical experts whose preferred solutions would be based on considerations clearly separable from the political-military, high politics issues of state-to-state relations. This perspective by Mitrany explains the basic foundations of cooperation among cross border communities.

However, Ernst Haas, Philippe Schmitter, Leon Lindberg, Joseph Nye, Robert Keohane, and Lawrence Scheinerman build on this functionalist thought to develop neofunctionalism which encompasses the political dimensions of international cooperation. According to this approach, integration is an essentially conflictual and irregular process, but one in which, under conditions of democracy and pluralistic representation, national governments will eventually find themselves increasingly entwined in regional pressures and end up resolving their conflicts by yielding a wider scope and devolving more authority and responsibility to the regional bodies they have created (Schmitter 2005). Instead of making assumptions about the interests of states, as classical realists had done, neofunctionalists conceptualize the state as an arena in which societal actors operate to realize their interests. So neofunctionalists consider international relations as the interplay of societal actors rather than a game among states (Hooghe and Marks 2019). Realism's tendency to inscribe a power-centred logic on to the international system was as problematic for Haas as liberal idealism's pretense that

conflict might be transcended through the creation of a Kantian international legal order. Haas, consequently, described neofunctionalism as emerging as an alternate position to IR's dominant theoretical streams of the 1950s (Rosamond 2005).

Ernst Haas developed a political conception of how co-operation was possible on the basis of competing and colluding sub-national, non-state interests from the technocratic vision that Mitrany had of an expanding world system of functionally specialized global organizations run by experts (Schmitter 2005). He assumed that integration proceeds because of the work of relevant elites in private and governmental sectors, who support integration for essentially practical reasons, such as the expectation that the elimination of trade barriers will expand markets and subsequently increase profits. Elites anticipating that they will gain from activity within a supranational organizational framework are likely to seek out similarly minded elites with whom to cooperate across national frontiers (Dougherty and Pfaltzgraff 1971). Regional integration thus results from the perception by groups within or among states that supranational institutions are more promising than national institutions in achieving their interests (Hooghe and Marks 2019).

Neofunctionalism recognizes the importance of national states, especially in the foundation of regional organizations and at subsequent moments of formal re-foundation by treaty, yet it places major emphasis on the role of two sets of non-state actors in providing the dynamic for further integration: the 'secretariat' of the organization involved; and those interest associations and social movements that form around it at the level of the region (Schmitter 2005). It is a theory that relies on actors – be they social groups or institutions – taking a utilitarian approach to the realization of their interests (Rosamond 2005). These actors come to the realization that their interests are best served by a commitment to a larger organization in place of, or in

addition to, the nation-state. Conceptions of interest are redefined within a larger context and “integrative lessons learned in one functional context will be applied in others, thus eventually supplanting international politics” (Pfaltzgraff 1969). Member states may set the terms of the initial agreement and do what they can to control subsequent events, but they do not exclusively determine the direction, extent, and pace of change. Rather, regional bureaucrats in liaison with a shifting set of self-organized interests and desires seek to exploit the inevitable unintended consequences that occur when states agree to allocate some degree of supranational responsibility for achieving a limited task and then realize that satisfying that function has external effects upon other of their interdependent activities (Schmitter 2005).

In neo-functionalist theory, therefore, the basic concept of the integrative process is the spillover of integration from one part of the economic sector to another, and increasingly, to the political sector (Dolan 1975). Spillover was originally used to capture the process through which the expectations of social actors shifted in the direction of support for further integration. Haas described how key social groups within national contexts came to support deeper and more expansive integration. New supranational institutions became focal points for such actors, not least because these actors were able to envisage these new centers of authority as potential suppliers of outcomes that were consistent with their preferences (Rosamond 2005). Crucial to integration is the “gradual politicization of the actors’ purposes which were initially considered ‘technical’ and ‘noncontroversial’” (Haas and Schmitter 1964). The actors become politicized, Haas asserts, because, in response to initial technical purposes they “in response to miscalculation or disappointment with respect to the initial purposes agree to consider the spectrum of means considered appropriate to attain them.” The

result is to upgrade common interests and, in the process, delegate more authority to the center (Dolan 1975).

The central prediction of neofunctionalism is that integration would become self-sustaining with the central metaphor being that of 'spill-over'. Niemann and Ioannou (2015) elaborate on the three types of spillover that have generally been identified each of which would deepen integration by working through interest-group pressure, public opinion, and elite socialization. These are functional, political, and cultivated spillovers. First, in functional spill-over, partial small initial steps down the integration road would create new problems that could only be solved by further cooperation. Functional spillover pressures occur when an original objective can only be assured by taking further integrative actions. Political spillover summarizes the process whereby (national) elites come to perceive that problems of significant interest cannot be effectively addressed at the local level. According to Haas, this should lead to a gradual learning process whereby elites shift their political activities, expectations, and even loyalties to a new center. Haas focused on the pressures exerted by non-governmental elites, especially trade unions and trade associations, while second-generation neofunctionalists tended to refer to a wider range of interest groups. Interest groups were thought to expose functional interdependencies between policy areas and organize increasingly at the regional level. Thirdly, cultivated spillover concerns the role of supranational institutions that would set in motion a self-reinforcing process of institution-building. On this view the management of complex interdependence requires centralized technocratic management. Concerned with increasing their own powers, the regional bureaucrats become agents of integration because they anticipate benefits from the progression of this process. After their creation, these institutions

generate an internal dynamic and life of their own and become difficult to be controlled by their creators. The result would be a shift in loyalties.

Neofunctionalists are particularly attentive to the dynamic effects that arise from supranational activism. Supranational actors as policy entrepreneurs engineer policy spillover by brokering agreements and by coopting interest group leaders or national bureaucrats. Both the national elites and non-state actors learn from their past successes and failures, and this alters their tactics as well as their preferences. Haas particularly underscores the primacy of interest groups and other non-state actors when he comments on the failure of integration in Latin America:

“We predicted successfully that regional integration would not readily occur in Latin America and I explained in the preface of *The Uniting of Europe*, 1968 edition, that the explanatory power of neofunctionalism in leading to new political communities was confined to settings characterized by industrialized economies, full political mobilization via *strong interest groups* and political parties, leadership by political elites competing for political dominance under rules of constitutional democracy accepted by leaders and followers.” (Haas 2001 quoted in Rosamond 2005)

Neofunctionalists expect the path of integration to be jagged. Crises may slow down or even retard the progress of integration, but the guiding belief is that, over time, supranational activism and policy spillover will produce an upward trajectory (Hooghe and Marks 2019).

This study adopts the neofunctionalism’s interest group hypothesis. The neofunctionalists suggest that a will of cooperation between states or governments will not suffice to realize the integration, as the nations’ political and economic elites must encourage the rapprochement at the societal level as well, bearing in mind that, in a democratic environment, citizens must support the integration effort (Dedeoglu and Bilener 2017). The theory, therefore, shifted investigative attention away from national executives and international exchange and towards the significance (if not necessarily

the primacy) of organized interests and the role that their dynamic interaction might play in the production of integration outcomes (Rosamond 2005). It is expected that states involved in integration processes must engage CSOs and other interest groups as grassroots representatives of the masses in various sectors of the society. These groups are considered suppliers of expertise in certain fields, channels for citizen participation and enhancers of legitimacy and democratic practice. Nation states engaged in integration processes have consequently acknowledged interest groups in integration protocols and sought to enhance their contribution in these schemes.

Neofunctionalism's conception of the role of societal forces and interest groups in integration processes allows us to discern East Africa's civil societies association with the regional organization. Specifically, it enables us to envision the influence of interest groups on regional governance anticipated by Haas. The study is therefore key in testing the theoretical assumptions of neo-functionalist thinking regarding the role and influence of CSOs in regional integration schemes beyond the European Union.

1.9 Chapter Summary

This chapter gave insights into the research background to provide an understanding of the concern of the study. An overview of the research area was discussed, and the statement of the problem explained. The purpose of the study, research objectives and research questions that guided the study were identified; the significance of the study, the scope and the theory that anchored the study were presented.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

The purpose of this study was to investigate the influence of CSOs on the integration process of the EAC. Specifically, it sought to understand the influence of CSOs on the policies and policy processes of the EAC, analyze the strategies they employ, and explore the determinants of their influence. It was therefore important to carry out a critical review of the current literature. The review explores the evolution and role of CSOs in both domestic and regional governance. Considering this, the scholarly appreciation of the philosophical explanation of the role of civil society in domestic governance and perspectives on their role in regional governance were reviewed. Critically reviewed also are the strategies and determinants of CSO influence on regional governance.

A review of literature on the philosophical explanations of the role of civil society in domestic governance and perspectives on their role in regional governance provides an understanding of the context, history, structure, and roles of CSOs in both domestic and regional governance. Studies on CSO strategies and determinants of their influence are reviewed as important elements of their efficacy. Various sources were used in conducting this literature review. These include books, peer reviewed journals, and internet sources. Throughout the review, the researcher points out important gaps and omissions. Contested topics and issues are also identified and discussed. Each section ends with a synthesis that focusses on research implications. The final summary illuminates how the literature has informed the researcher's understanding of the material and situates the study within the existing body of knowledge.

2.1 Philosophical Postulations of Civil Society

The genesis of the concept of civil society can be located in the larger philosophical domains, especially Western political philosophy. It can be traced back to political philosophy as enunciated by Hobbes, Locke, Hegel, Marx, and later, Gramsci. These social theorists from the 17th Century onwards underscored the need for a vibrant and strong civil society in terms of various contextual observations (Lahiry 2005). Hobbes and Locke underscored the importance of civil society in order to get out of the 'state of nature', though they differed greatly about the role of civil society in creating a better social order. For Hobbes, human beings create a civil society through a social contract and thereby a state in order to secure felicity, peace, happiness, and order. He envisions a social contract, wherein the individuals voluntarily gave up all their rights, except their right to life to a third party whom Hobbes has referred to as the sovereign, that is, the Leviathan (Lahiry 2005). Hobbes believed that sovereign power supplied the only "social" bond of naturally unsocial yet rational individuals. In his theory, the social contract creates a state, not society. The fusion of society is accomplished only by the power of the state (Cohen and Arato 1992).

In sharp distinction to Hobbes, Locke started with the basic assumption that human beings are peace-loving, rational creatures. However, in Locke's state of nature, there was no well-settled and known law; there was no known and indifferent judge; and lastly, there was no executive power who could enforce the just decisions. These deficiencies of the state of nature compelled men to constitute a civil society in order to protect, preserve and enlarge their freedom. Locke argued that when men possess the natural right to life, liberty and estates guaranteed by law, a common public authority is constituted through a contract, and thereby civil society emerges (Lahiry 2005).

Hegel located civil society somewhere between the market on one hand and the state on the other. In his understanding, civil society is only an intermediary, which will ultimately lead to the formation of the democratic state. Hegel believed that family, civil society, and the state are the three forms of ethical life and the dialectical interaction among these three moments help us to realize the freedom implicit in the human spirit. A picture of a symbiotic relationship between civil society and the state was developed by Hegel. The apparatus of the state, like law and public authority, is an integral part of civil society and conversely, civil society which represents the sphere of freedom also pervades the state. His presumption that the state will ensure freedom of the individuals shows that according to him, civil society will lead to the evolution of the democratic state (*ibid*). Sandwiched between the patriarchal family and the universal state, civil society was for Hegel the historical product of a two-dimensional process. On one hand, the spread of commodity relations diminished the weight of extra-economic coercion, and in doing so, it freed the economy—and broadly society—from the sphere of politics. On the other hand, the centralization of means of violence within the modern state went alongside the settlement of differences within society without direct recourse to violence. With an end to extra-economic coercion, force ceased to be a direct arbiter in day-to-day life. Contractual relations among free and autonomous individuals were henceforth regulated by civil law. Bounded by law, the modern state recognized the rights of citizens. The rule of law meant that law-governed behavior was the rule. It is in this sense that civil society was understood as civilized society (Mamdani 1996).

Karl Marx did not accept Hegel's presumption that civil society will be able to reconcile the individual interests with the interests of the whole community. He linked civil society to the bourgeois society, wherein the economically dominant class would use

the state and its machinery to pursue their own interests (Lahiry 2005). For him civil society is the ensemble of relations embedded in the market; the agency that defines its character is the bourgeoisie (Mamdani 1996).

Cicero a Greek Philosopher deliberated upon *civilis societas* before 400BC, he was referring to civil society, a society of citizens, who were free and equal participants but had unequal abilities. It was an autonomous unit between the family and the state. It was formed with preserving a space beyond the bounds of state laws. They used to act through the citizen's collective will and conformed to the essence of human freedom with shared values, interests, practices, and commitments to collective action tied as an intermediary. The world of civil society was the world of freedom, predetermined neither by custom nor state laws (Badal 2020).

For Gramsci, civil society comprises of ideological relations, which will lead to the creation of what he calls 'hegemony'. The state in Gramscian formulation includes society and civil society. While Gramsci associated the state as an instrument of coercion and domination, he identified civil society with the creation and consent of hegemony. The state imposes this hegemony in the civil society through cultural and religious bodies, educational institutions, mythologies, symbols, practices, and other institutions (Lahiry 2005). Its hallmarks are free publicity and voluntary association, the basis of an autonomous organizational and expressive life. Although autonomous of the state, this life cannot be independent of it, for the guarantor of the autonomy of civil society can be none other than the state; or, to put matters differently, although its guarantor may be a specific constellation of social forces organized in and through civil society, they can do so only by ensuring a form of the state and a corresponding legal regime to undergird the autonomy of civil society (Mamdani 1996). As Gramsci identified the civil society with the voluntary associations, he also espoused that the

state would wither away, and its functions taken over by voluntary transactions and organizations of civil society (Lahiry 2005).

Thus, the liberal thinkers essentially conceptualized civil society as the sphere of rights, property, individualism, and the market. In the Marxist perspective, on the other hand, civil society is viewed as the site of class inequality and the consequent bourgeoisie exploitation of the proletariat in terms of their labor power and wages (Lahiry 2005).

2.2 Contemporary Conceptualization of Civil Society

The conceptualizations of civil society by the philosophers are not fully applicable to the contemporary world. This is primarily because the objective conditions during which the philosophers evolved their ideas on civil society bear no resemblance with the objective conditions in the current world. During the period when the philosophers conceptualized their ideas on civil society, monarchy was the dominant principle. Even the basic foundations of a modern nation-state had not evolved properly (Lahiry 2005) and the modern structure of the international system was non-existent. Contemporary conceptions of civil society have blended the ideas offered by the philosophers into the new realities of governance. Modern day understandings have revolved around the idea of expanding the democratic space, enhancing citizen participation in governance and the exercise of certain rights by the governed. Various scholars associate the rise to prominence of civil society in modern times to political debates after the democratization of Eastern European states in the late 1980s and 1990s. These political events and uprisings that saw the diminishing of communism and the collapse of the Soviet Union aided the rise of civil society and its close association with democratization (Matanga 2000, Mamdani 1996, Cohen and Arato 1992). According to Cohen and Arato (1992) modern civil society is created through forms of self-constitution and self-mobilization. It is institutionalized and generalized through laws,

and especially subjective rights, that stabilize social differentiation. While the self-creative and institutionalized dimensions can exist separately, in the long term both independent action and institutionalization are necessary for the reproduction of civil society.

It is argued by many scholars that the term civil society in contemporary times started gaining currency in political debates after the democratization of Eastern European states in the late 1980s/early 1990s and has since then been assessed in rather positive terms. The impetus of its growth has been tied to the political events and uprisings in Eastern and Central Europe that saw the diminishing of communism and the collapse of the Soviet Union (Matanga 2000, Mamdani 1996, Cohen and Arato 1992, Chandhoke 2007). Ibrahim (2015) argues that the astounding success of these popular resistance and revolutionary movements against totalitarian and authoritarian regimes in South America vitalized civil society discourse. He notes that to the solidarity and liberation theology inspired activists, and in the public imagination, the idea of civil society stood in for the resistance of authoritarianism and the struggle for democracy and human rights. With these movements, civil society acquired a character of democratic resistance to military society with civil society as the free and civic public space within which an alternative public formation would emerge and replace the existing political structure which at the time pervaded over the media, the economy, and every aspect of public life (Ibid). Chandhoke (2007) states that civil society emerged in this era as the site where people, organized into groups and could make and pursue democratic projects of all kinds in freedom from bureaucratic state power. According to Mamdani (1996), these events were taken as signaling a paradigmatic shift, from a state-centered to a society-centered perspective, from a strategy of armed

struggle that seeks to capture state power to one of an unarmed civil struggle that seeks to create a self-limiting power.

This association of the emergence of civil society in the modern times with the democratization events in Eastern Europe subsequently linked it with democratic pursuits and characterization. Ibrahim (2015) closely associates civil society with democratization noting that among the structural theories of democratization, there has developed a model which avers that democratic transition or consolidation is unlikely or even impossible to realize without the development of a robust and vibrant civil society. This view considers democratization as a “double democratization,” a process whereby state power is restructured in parallel with a certain form of development or restructuring of civil society. He further notes that the significance of a robust and vibrant civil society for the consolidation of democracy is based on numerous functions that it is supposed to perform. Referring to Tocqueville, he posits that the most significant function of civil society organizations is to operate as “large schools” of democracy where citizens practice and internalize democratic ways and habits (such as trust, tolerance, and compromise) and from which democratic leaders emerge. Democracy is thus reproduced at the state- or macro-level in the form of social skills and social trust because democratic habits and principles are nurtured and practiced in civil society at the micro-level. Finally, according to Ibrahim, a vibrant and robust civil society is expected, among other things and among numerous possible formulations, to resist authoritarianism, check and monitor state power, challenge abuse of authority, control corruption, stimulate political participation, increase citizens’ stake in the social order, monitor human rights, strengthen the rule of law, monitor elections and the democratic process in general, foster tolerance, conduct human rights education, incorporate marginal groups into the political process, deter nationalism and ethnic

conflict, improve economic prosperity, and create economic and social alternatives outside of the state apparatus.

Priller and Alscher (2010) posit that as modern forms of self-responsibility and civic self-organization, CSOs possess considerable abilities in terms of the concentration, representation, and expression of interests. They are given responsibility for executing important tasks, in the promotion and the development of democracy, providing welfare state services, as well as integrating citizens into coherent collectivities and thereby ensuring social cohesion. Botchway (2018) notes that reference is often made of CSOs in social, economic, and political discourse. According to him, CSOs have been associated with good governance, formidable economic policies, as well as relevant social intervention programs. Mallya (2009) asserts that a strong and active civil society is the foundation on which rest the four pillars of governance: transparency, accountability, participation, and the rule of law.

This trend of linking civil society to democratic projects evidently flows into the descriptions of its institutional formations. An array of scholars relate civil society with structures formed to advance democratic ideals in various social arrangements. Clayton *et al* (2000) observe that the important institutional component of civil society comprises voluntary associations of different types and kinds. These include community groups, unions, associations, cooperatives, foundations, self-help groups, professional associations, religious groups, cultural and sports groups, traditional associations, and service agencies. This is in tandem with the view of Carothers and Barndt (2000) who consider civil society to be a broad concept encompassing all the associations and organizations that exist outside of the state and the market. These include the range of organizations that political scientists usually label as interest groups, not just advocacy NGOs but also labor unions, professional associations, ethnic

associations, chambers of commerce, and others. It also includes the array of other associations which exist for purposes other than promoting specific social or political agendas, such as student groups, religious organizations, and cultural organizations. Furthermore, Fioramonti (2005) defines Civil society as an intermediate associational space between individuals and the state occupied by organizations and groups that enjoy autonomy in relation to the state, are separate from the state, and are formed freely by members of the society to protect or advance their values or interests.

Bratton (1994) clarifies that apart from almost always seeking autonomy from the state, actors in civil society learn the public arts of associating together and expressing collective interests. According to him, civil society is the crucible of citizenship in which individuals have the opportunity to wean themselves from dependence on either family or state. As citizens, people define community aspirations, affirm claims of political rights, and accept political responsibilities. They do this mainly by gathering together in organized formations of like-minded individuals in order to obtain common aims. The expression of civic interests does not, however, extend to efforts to gain and exercise control over state power (Ibid). Cohen and Arato (1992) advance this argument by stating that the differentiation of civil society from both economic and political society seems to suggest that the category should somehow include and refer to all the phenomena of society that are not directly linked to the state and the economy. However, according to them this is the case only to the extent that we focus on relations of conscious association, of self-organization and organized communication. Consequently, to them, civil society refers to the structures of association, socialization, and organized forms of communication of the community to the extent that these are formalized or are in the process of being institutionalized (Ibid). Mallya (2009) classifies CSOs in general into formal and informal. The former would include

organizations which require governmental sanction to operate and adhere to codified rules such as labor unions. The latter are groups of individuals who cooperate in various ways for the benefit of their own communities, offering collective action, financing, and the provision of services. Examples of these are neighborhood vigilante groups, user groups, and informal support groups such as burial societies.

According to Bayart (1986), civil society is by its very nature plural and covers all sorts of different practices and may not be necessarily embodied in a single, identifiable structure. He notes that civil society is not merely the expression of dominated social groups but encompasses not only popular modes of political action but also the claims of those socially dominant groups (merchants, businessmen, the clergy) which are no less excluded from direct participation in political power. Sall (2009) proposes a definition for civil society that would go beyond the parochial orientation which tends to limit civil society to organized secular groups in urban settings. According to him, Civil Society Organizations (CSOs) are value-driven rather than profit driven and include Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), Faith Based Organizations (FBOs), Trade Unions, Farmers Associations, Academics, Professional Associations, Students Movements, and other mass movements which are not affiliated to political organizations. Dembinski and Joachim (2014) stretch these conceptions of civil society by arguing that it has once been used not only to capture a range of different actors who claim to promote the common good but also refers to organizations like the National Rifle Association or outright xenophobic groups. They further contend that for good or worse, the meaning of civil society has been expanded over time and is now often used to include all non-state actors including those formerly belonging to the market, such as commercial actors or their associations.

James (2007) argues that Western oriented paradigms of power assign an important role to CSOs in challenging state power systems through their efforts to bring about social and political transformations. According to him, such advocacy networks are seen as indispensable elements of transitioning societies which seek to slough off their authoritarian pasts, reduce corruption and implant more transparent systems of governance. Bromley (2020) notes that cultural changes tied to the rise and globalization of Western liberal and neoliberal ideologies generate organizational expansion and formalization of associational life. According to this argument, the liberal valorization of individuals reshapes older forms of social activity, such as loose associations or tight collectivities, making them look more like what we recognize as contemporary formal organizations. Tar (2014) observes that Civil society in this neo-liberal perspective is often understood as an amalgam of civic virtues and a universal tool for demonstrating and achieving democratic ideals. According to him, a key precursor of this ideal is Alexis de Tocqueville, who, in his writings on the nineteenth century post-colonial America, argued that a strong, vibrant, and dense civil society—one capable both of confronting the state and of providing a site for associational democratic practice or internal democracy—was essential for building and consolidating democracy.

Bratton 1994 concludes that because civil society manufactures political consent, it is the source of the legitimation of state power. According to him, the right of any elite to exercise state power is ultimately dependent upon popular acceptance. This consensus - the key political resource for those who wish to rule - is manufactured by the institutions of civil society. In this way, civil society serves the "hegemonic" function of justifying state domination. Pompidou Group (2015) argue along this line of thought by noting that the input from civil society adds value to policy planning and

implementation process, and enhances the legitimacy, quality, understanding and longer-term applicability of policy initiatives. Chalmers (2011) asserts that interest groups have long been recognized as important channels through which citizen preferences are expressed and legitimate policies produced. According to Dembinski and Joachim (2014), whereas originally civil society has often been associated with the idea of a vibrant public space between the state, the market, and the ordinary household where citizens come together to express their authentic interests and where social trust is built, the concept has nevertheless remained somewhat elusive. While acknowledging the renewed interest in the concept in recent years in development and governance circles and the difficulty in its definition and operationalization, Malena and Heinrich (2007) construe civil society broadly as the space in society where collective citizen action takes place.

According to Wickramasinghe (2005), the genealogy of the most influential understanding of the term civil society can be traced back to what has been considered as the "Americanization" of the concept in since the 1980s. He posits that through the instrumentalization of this neo-Tocquevillian formulation of "civil society," a new social space is being created in the global South. With the growing flow between knowledge and academic theories and the world of aid agencies, practical politics and policies, civil society is becoming a means to an end - sustainable development or economic growth and democratization - rather than an end in itself.

Within this general consensus on the role of civil society in governance, it is apparent that beyond confrontational relations, CSOs are considered partners with states in policymaking and service delivery. Najam (2000) affirms this in his Four-C's of Third Sector-Government Relations model. He proposes a four-C framework based on institutional interests and preferences for policy ends and means with cooperation in

the case of similar ends and similar means, complementarity in the case of similar ends but dissimilar means, confrontation in the case of dissimilar ends and dissimilar means, and co-optation in the case of dissimilar ends but similar means.

2.3 Civil Society Organizations and Regional Governance

According to Dougherty and Pfaltzgraff (1971), in addition to war, political fragmentation and conflict, a principal emphasis of international relations theory is cooperation, integration, and peace. How and why do states cooperate with each other, develop integration processes, and build peaceful relationships? Integration theorists generally share a common interest in understanding the process by which loyalty or attention is shifted from one point of focus to another, from the local unit to a broader or larger political entity, from the tribe to the nation, or from the nation to the supranational unit.

Integration is one of the main themes of the interdisciplinary approach to international relations. Modern states, especially the newly emergent ones cannot manage the challenges of isolationism. This is truer and much more relevant to neighboring and contiguous states. Hence, integration constitutes an important instrument for modern multi-state systems (Eke and Ani 2017). Affirming the arguments of several integration theorists, Dougherty and Pfaltzgraff (1971) hold that integrative behavior is adopted because of expectations of joint rewards for doing so or penalties for failing to do so. According to them, such expectations are likely to develop initially among elite groups both in the governmental and private sectors. For example, governments may cooperate with each other to enhance security. Private sector groups may join together across national frontiers because of the prospect of common gain. Successful integration depends on people's ability to internalize the integrative process – and thereby to become fully committed to it. Additionally, it is broadly assumed that integration is a

multifaceted political, societal, cultural, and economic phenomenon whose consolidative processes eventually lead to a sense of common identity and community.

Eke and Ani (2017) posit that there are two main perspectives on integration namely, the amalgamated and pluralistic forms of integration. An amalgamated political arrangement is that in which the separate units surrender a much greater part of their independence to a newly created international political community. The pluralistic kind of integration is that in which the units retain a great deal of independence while cooperating on a select number of activities with the ultimate objective of establishing a closer political union. Masinde and Omollo (2017) citing Eiassen & Monsen (2001) and Gamble (2001) observe that in recent times, the world has witnessed a trend towards globalization, which has resulted in a more interconnected world society and world economy characterized by a shift towards cooperation and regionalization between states or groups of states and associated with the weakening of the nation-state and fewer less significant trade borders.

There is an emerging consensus in the literature on the importance of CSOs as actors in regional governance and integration schemes. Although regional integration is a state led and driven endeavor, scholars and practitioners have accorded prominence to the role of non-state actors including civil society in influencing this process. Shoki (2019) notes that this role has been particularly highlighted by the modification of the previously tight linkages of geography, territorial governance and territorial community occasioned by globalization. Trans-border and regional civil society activities on tax justice, environmental issues, HIV/AIDS and human rights have grown tremendously. According to Kamatsiko (2017), CSOs have engaged with regional intergovernmental bodies on peace and security issues, worked on common conflict and peace issues affecting different countries and implemented cross border peace initiatives. With new

regionalism, civil society actors can connect, exchange information as well as debate, contest, and contribute to the norms that govern politics and policymaking within and across states. Amuwo *et al* (2009) argue that the state tends to project power and non-state actors and organizations are won't to imagine and map the use to which they can put power ostensibly to make state and formal power more legitimate and socially useful and relevant. The objective is not to displace power but to compel power, through a variety of strategies and tactics to become more socially responsible, more legitimate, and more accountable and in the public interest.

Shoki (2009) contends that while the *raison detre* of CSOs has remained to be representation of those out of state power, evolution in their routine roles has been necessitated by the changing relationships within and across societies. Eventually according to him, two types of CSOs can be identified. Type one were and remain concerned with representation through delivery of service for social protection and safety nets. This level mainly comprises of some popular movements, women's organizations, environmental organizations, and many other kinds of citizen (interest) groups, which are on the rise in all regions of the world. On the other hand, the second type of CSOs comprise of the rapidly growing CSOs that are moving towards engagement with states, intergovernmental agencies, and the United Nations in policy processes.

Noting the millions of people who took to the streets all over the world as the United States and its allies in the war on terror prepared for war in Iraq in early 2003 and the thousands of activists who descended on Copenhagen to pressure the world's political leaders to take decisive and legally binding action on climate change in 2009, Olesen (2011) posits that these events have a dual meaning. Both demonstrate how transnational activism has become a force to be reckoned with. The ability to coordinate

events of this magnitude and mobilize thousands, if not millions, of people is testimony to the emergence of a vibrant sector of transnational activists and transnational counter-publics. However, the events also display the limits of activist power and the continued power of states. Despite the enormous mobilizing effort and success, activists failed to achieve what they wanted: no war and a strong climate deal. The protests were, at one and the same time, major successes and huge failures.

Writing on Third Sector–Government Partnerships, Zimmer (2010) highlights the partnership arrangements in the light of governance that include TSOs at different levels of governance and in various policy fields – most prominently within the multi-level governance arrangement of the European Union. She outlines the shift from government as traditionally understood to governance which underlines the horizontal dimension of policymaking and hence draws our attention to complex constellations of actors – private actors - on par with government and public entities who are more and more becoming important players and participants in policy arrangements. Civil society organizations count prominently among these private actors as agents of participation and hence bestow democratic legitimacy to political systems (Ibid). Cohen and Arato (1992) in recognizing the role of CSOs in governance posit that the political role of civil society is not related directly to the control or conquest of power but to the generation of influence through the life of democratic associations and unconstrained discussion in the cultural public sphere.

James (2007) highlights that CSOs focused on improving human well-being, often at grass-roots level, through alleviation of suffering, are often found at the forefront of initiatives for the protection of human rights and greater human security, calling into question government policy frameworks which impact adversely on socially acceptable levels of human well-being. Consequently, if the institutions of global governance are

to remain robust, they will need to heed the voices of 'civil society' in restoring that desirable balance and common sense seen to be essential to the art of keeping the peace, without the dubious prescription of resort to continual war.

Michalowitz (2007) notes the absence of analysis on what kind of impact and under which circumstances interest groups exert actual influence in research on EU interest intermediation. She then proceeds to scrutinize the question of what kind and how much influence interest groups actually exert at the European level and specifically the circumstances under which they can exert it, and what this means for a democratic system. Michalowitz discovers that a high likelihood of lobbying influence may emerge in the case of an agenda setting ability or in a case where no conflict over an issue exists, because either the interest is in line with the political intentions of the initial perspective and/ or the only change requested is of a technical nature. Lobbying influence may also easily be gained when confronted with a weak degree of conflict. This may be the case when interests of an interest group only conflict with technical issues but do not touch upon the core interests of the decision-makers, or when they only slightly question the political direction of a legislative act. Alternatively, influence may be exerted when decision-makers are disinterested in the policy outcome. A low likelihood of influence-gaining, when applying the above logic, should exist in cases where the influence is directional – even if only weak – and untransparent decision-making structures facilitate a blaming of other actors for the decision-makers, so that there is no need to consider the input of interest groups. Finally, a strong counter-interest of decision-makers may exist. In that case, the exertion of influence is likely to be very difficult. Influence in that case should be unlikely, or strongly depend on structural conditions of influence. A strong degree of conflict in cases of directional influence-seeking may be

an especially unlikely case of interest group influence, independently of the question of whether decision-making procedures are transparent or not.

From the foregoing, it is apparent that integration scholars agree that CSOs have a significant role to play in policy processes in integration arrangements. They associate civil society with the promotion of participation and hence democratic legitimacy. A closer scrutiny of these regional activities reveals an even greater agreement on the importance accorded by practitioners and scholars to civil society influence. Integration and civil society studies generally recognize the contribution of CSOs to regional governance and policy processes.

2.3.1 The European Union

There is a consensus amongst theorists of regional integration that the success story of EU integration has provided both the inspiration and the normative model for the new wave of regionalism throughout the world. According to Masinde and Omollo (2017), the EU has quite explicitly, in its external relations, contributed to the development of regional cooperation in many parts of the world. The European Union appreciates the role of Civil society organizations operating from the local to the national, regional, and international levels. The concept of civil society participation flows from the European Convention of Human Rights (ECHR) which guarantees the freedom of expression (Art. 10) and the freedom of assembly and association (Art. 11). Following from these statutes, all citizens have the right to make their opinions known and are allowed to support, form, and join pressure movements and political parties to effectively enjoy their rights and to share their political thoughts and ideas (Pompidou Group 2015). According to Dembinski and Joachim (2014), the EU considers empowered Civil Society Organizations (CSOs) as crucial components of any democratic system and assets in themselves. They represent and foster pluralism and can contribute more to

equitable and sustainable development, effective policies, and inclusive growth. Furthermore, they note that CSOs are considered as important players in fostering peace and conflict resolution. By articulating citizens' concerns, the EU views civil society organizations (CSOs) as important in the public arena as they engage in initiatives to further governance and participatory democracy.

To varying degrees, the EU institutions have long-since worked with CSOs. Citing a paper on consultation with interest groups Dembinski and Joachim (2014), note that the Commission refers to itself as an institution that has always been open to outside input and believes this process to be fundamental to the development of its policies. While Article II-47 of the Lisbon Treaty calls on all institutions to maintain an open, transparent, and regular dialogue with representative associations and civil society, it singles out the Commission in requiring it to carry out broad consultations with parties concerned in order to ensure the Union's actions are coherent and transparent.

According to the Pompidou Group (2015), since the Council of Europe's (CoE) inception there has been a strong link and co-operation between the Council and civil society. The Council engages with civil society largely because it is a way to democratically engage with citizens of member states and promote the Council's values, objectives, and standards, in regard to human rights, democracy and the rule of law. Cooperation between the Council and civil society is most evident in the Council's relations with international and national non-governmental organizations (NGOs). This history of co-operation has provided for general principles on how the two entities engage with each other. The Council of Europe encourages co-operation with civil society in all policy fields and on all levels of policy making and implementation, be it international, national, regional, and local levels. Dembinski and Joachim (2014) note

that apart from the Council and the Commission, the European Parliament is increasingly a target for CSOs.

In recognizing the importance of constructive engagements between CSOs and states, the European Commission proposes a more strategic and enhanced EU engagement with CSOs in enlargement, developing, and neighborhood countries, with a particular focus on local civil society organizations (European Union 2011). Furthermore, the European Commission puts forward three important priorities for the EU: promote structured and meaningful participation in programming and policy processes so as to build stronger governance and accountability at all levels, enhance efforts to promote a favorable environment for CSOs in partner countries and increase local CSOs' capacity to execute their roles as independent development actors more effectively (European Union 2012).

Bee and Guerrina (2014) posit that representation of local policy actors at the supranational level and strategies for the inclusion of civil society provide a platform for evaluating the impact of Europeanization at the national and subnational level. In their study which looks at current policies concerning the civic and political participation of youths, women, migrants and minorities in the European Union, they highlight the ways in which active citizenship and civic engagement have become a political priority for European institutions. They focus on key discourses and narratives associated with specific policy frames like European citizenship, European social policies, and the European public sphere. Drawing on current theories of governance, their article contributes to the debate about the European public sphere by evaluating the role of organized civil society in bridging the gap between European institutions and national polities. Equally, their focus on traditionally marginal groups provides a platform for assessing the institutionalization of the 'European social dimension'. Their

analysis highlights that organized civil society is not only a central actor in the European public sphere, but also plays a fundamental role in respect to European democratization and constitutionalism. The diverse set of interests it represents, or attempts to represent, widens the bases for political participation and representation at the European level. According to them, organized civil society plays a key role in shifting and readdressing the EU's policymaking on questions of public interest and for developing transnational forms of social solidarity.

In their analysis of the evolution of the European Union's policies on development in relation to civil society, Keijzer and Bossuyt (2020) demonstrate how the EU's development policy has steadily moved from an emphasis on European NGOs towards civil society organisations, broadly defined and increasingly associated with the private sector and local authorities. They observe that while the EU's policy recognizes the intrinsic value of civil society in all its diversity and promotes partnership, its operational practices show a pragmatic preference for working with professionalized organisations in service delivery roles.

Schrama and Zhelyazkova (2018) indicate that the importance of civil society in policymaking is twofold; civil society organizations (CSOs) mediate between citizens and the state and monitor government performance to ensure proper implementation. In their study, they analyze the effects of civil society participation and consultation on member states' implementation of European Union (EU) policy. The examination is based on a new dataset of practical implementation in 24 member states. Their findings reveal that the combination of high levels of civic participation and routine CSO consultations improves policy implementation. Furthermore, the effect is dependent on states' administrative capacity to accommodate societal interests concerning the EU directives. The results show a paradox; civil society is not effective in states with low

administrative capacity, where civil society is mostly needed to improve government performance.

Axyonova and Bossuyt (2016) observe that over the years, civil society empowerment has become an essential part of the European Union's (EU) internal and external governance as a mode of advancing democracy and enhancing citizen participation. They note however, that while there has been increasing scholarly attention to the instruments and impact of the EU's civil society support, there has been little research on the question of what kind of civil society the EU actually promotes. They hence examine the substance of the EU's support for civil society in post-Soviet Central Asia, a region where various types of civil society organizations (CSOs) exist. Their findings reveal a differentiation between civil society types that are supported in practice and those in EU strategic documents. They note that while the EU seeks to strengthen civil society broadly construed at the strategic planning level, at the program implementation level the main beneficiaries are the (neo-) liberal CSOs. At the same time, in as much as the EU customizes its civil society assistance depending on the realities on the ground, it at times finds itself empowering state-led civil society, while communal groups hardly benefit from the EU assistance programs. This according to them has severe implications for the advancement of citizen participation, considering that the actual grass-root initiatives are largely excluded from the EU assistance.

Havlicek (2020) analyzes the tools and instruments that the EU uses to support civil society in three associated countries: Ukraine, Georgia, and Moldova. He looks for examples of innovative solutions and good practices that can be applied to the EU itself and notes that in recent years, the European Union has suffered from democratic backsliding and the erosion of the rule of law as well as from a weakening of other fundamental values, particularly in the Central and Eastern European member states.

At the same time, the EU has been doing more and is better equipped in terms of funding, capacity, and tools to respond to the shrinking space for civil society outside of its territory than inside. This discrepancy is above all caused by a general lack of political will and resistance to intervention by the EU institutions within member states. However, he notes that this situation seems to be changing and— despite the coronavirus emergency—the European Commission appears to be now prepared to tackle the issue through a combination of legislative and non-legislative measures, including the EU Action Plan for Democracy, the Rights and Values Program, the Media Action Plan, and the Digital Services Act. Havlicek offers recommendations to bolster the EU's democratic governance, rule of law, and other fundamental values by supporting civil society, which is a key ally in this process. They relate to the design of the Rights and Values Program, conditionality, and the restoration of the status of civil society and the operational side of the EU's engagement with civil society.

Noting that Civil society participation in European and international governance is often promoted as a solution to its democratic deficit, Steffek and Ferretti (2009), argue that this claim needs refinement because civil society participation may serve two quite different purposes: it may either enhance the epistemic quality of rules and decisions made within them, or the democratic accountability of intergovernmental organisations and regimes. In comparing the European Union and World Trade Organization (WTO) in the field of biotechnology regulation they find that many participatory procedures are geared towards the epistemic quality of regulatory decisions. They note that, in practice, however, these procedures provide little space for epistemological discussion. Nonetheless, they often lead to greater transparency and hence improvements in the accountability of governance. They also discover evidence confirming findings from the literature that the different roles assigned to civil society organisations as

“watchdogs” and “deliberators” are at times difficult to reconcile. They conclude that there is need to recognize potential trade-offs between the two democratizing functions of civil society participation and care should be observed so as not to exaggerate our demands on CSOs.

Kohler-Koch (2010) in their presentation on the evolving views on the role of civil society in EU discourse observe that the growing unease regarding the democratic deficit of the European Union (EU) has provoked academics and politicians alike to look for solutions other than institutional reforms and the giving of more powers to the European Parliament. Good governance strategies shifted center stage and the governance turn initiated a lively discourse on the democratic merits of involving civil society. She, however, concludes that the rhetoric of CSOs and the explicit request of EU institutions convey an image of representation that is in contrast with reality. European CSOs are distant from stakeholders, in the case of NGOs even more so than in the case of trade associations, and direct communication down to the grassroots level is – except for extraordinary events – marginal.

Iusmen (2012) while examining the effect of the participation of child rights’ organizations on the policy processes about the EU child rights agenda observes that since 2006 the European Commission has incorporated the promotion of children’s rights inside and outside the European Union by including CSOs in the EUs’ policy processes. He argues that a divided pattern of civil society engagement has developed in relation to EU internal and external policy dimensions: While the Commission’s external services developed an inclusive and structured relationship with children’s organizations, the Directorate of General Justice, on the other hand, has ended up disengaging the same stakeholders. He argues that the bifurcated pattern of civil society engagement involved the adoption of differing policy frames on children’s rights at the

Commission level and limited the Europeanization effects at the domestic level. Last but not least, the fallout of civil society stakeholders regarding EU internal policy has undermined the Commission's capacity to translate the abstract principles contained in the UN Convention on the Rights of the Child into concrete measures that would really make a difference on the ground to children's lives (Ibid).

Pianta (2013) examines such developments as the global financial crisis and, in particular, the so-called Euro crisis which according to her has led to further losses of democratic accountability, with major decisions being imposed on parliaments and citizens of European Union countries without adequate deliberation. She argues that neoliberal reforms and financial powers have invariably impoverished democracy in Europe, while reactions within civil society grow stronger by the day. Nevertheless, civil society forces are still divided with respect to the question of how to strengthen accountability and democratic participation both at the national and supranational level, as divisions between 'sovereigntist' and 'federalist' approaches are all but present within the European civic arena (Ibid).

Thiel (2014) observes that with the ratification of the Lisbon Treaty, the European Union (EU) possesses advanced human rights institutions such as the binding Charter of Fundamental Rights and a Fundamental Rights Agency. The rights agency, created as an institutional enrichment aims at preserving and promoting the rights of residents in the Union and providing rights valuations to the EU and member states while conducting discussions with civil society organizations. Thiel analyzes the degree of input- and output-legitimacy of the EU's participatory rights regime, with a particular focus on the agency's interaction with civil society. He argues that while such cooperation enhances human rights attainment in a transnational manner, it is

simultaneously constrained by its embeddedness in the agency, which in turn has to mitigate demands by the EU institutions, member states, and the claims of CSOs.

Drieghe *et al* (2021) note that in response to growing contention and politicization of trade policy, policy makers have purposed to improve the inclusiveness of trade policy through the institutionalization of deliberative fora in which civil society organisations participate. They observe, however, that it is not clear whether these interventions actually enhance inclusiveness. In their article, they seek to add to our understanding of this question by, first, developing an analytical framework which they label as the ‘inclusiveness ladder’ and, second, applying it to the civil society dynamics of European Union free trade agreements. According to them, the unique feature of civil society mechanisms is their focus on ensuring that the actual implementation of trade agreement does not run counter to sustainable development principles. Specifically, their empirical research involves a mixed methods analysis of primary and secondary sources and a survey of civil society participants. They find that Civil Society is largely included at the level of logistics and partly included at the level of information sharing, whereas monitoring capabilities remain limited and impact on policymaking is quasi-absent.

Seckinelgin (2012) considers the contexts within which the discussions on European civil society are happening. He considers member-state behavior in relation to social change, the relationship among the European Union (EU)-motivated civil society debates and, more broadly, people’s everyday engagements. The main question he poses is whether there is a distinction between European civil society as perceived by the EU and member states and the European social space that is informed by people’s interactions and negotiations with each other on norms and values guiding their everyday lives. His main aim is to illuminate the relationship between people’s

everyday experiences of each other and how these experiences inform how different people participate in civil society debates.

Orbie *et al* (2016) critically reflect on the involvement of civil society actors in the sustainable development chapters of EU trade agreements. They discuss how civil society processes may validate the underlying neoliberal alignment of the agreements through the co-optation of critical actors. Beginning from a critical viewpoint and drawing on evidence from qualitative interviews, innovative survey data and participatory observations, they conclude that, despite overall criticism, there is no clear indication of co-optation. While being aware of the risks that their participation entail, EU participants adopt a positive position. Nonetheless, diverging viewpoints between business and non-profit actors risk reinforcing existing power asymmetries.

2.3.2 The Americas

In the Americas, FOCAL (2006) note that the 1990s witnessed the spread of democracy and economic growth in the region. This coincided with a post-Cold War focus on multilateralism, exemplified by the gathering of the hemisphere's heads of state at the first Summit of the Americas in 1994. This meeting signaled convergence around shared ideals of democracy and a collective interest in advancing regional free trade. According to FOCAL, in the years that followed the First Summit of the Americas, common political and economic objectives were formalized in a host of inter-American declarations and resolutions. The high point of this regional consensus came in 2001 with the final declaration of the Third Summit of the Americas in Quebec City, and the adoption of the Inter-American Democratic Charter later that year. The Charter provides a theoretical and practical framework for democracy protection in the Americas, as well as general definitions and guidelines for national and regional bodies in the event of democratic ruptures. In Articles 26 and 27, the Charter underscores the

important role of CSOs in the strengthening and protection of democracy and commits the OAS to take into account CSOs' contributions in carrying out programs and activities. In the following years, CSOs have become active at the international level and in Inter-American affairs, with the OAS and the high-profile summits being venues of choice for participation in regional policy and decision-making processes. Ongoing engagement has led to recognition of civil society's contribution, accompanied by incremental increases in access and greater CSO inclusion in inter-American affairs, particularly at the OAS.

Bülow (2010) analyses the process by which different civil society actors in the Americas have constructed a new field of collective action for two decades (1990-2010). He focuses on attempts to establish new organisations on a domestic and transnational level, and thus helps provide a greater understanding of the dilemmas involved in the creation of new organisations which cross national borders. In particular, he analyses the case of the Hemispheric Social Alliance, which is an alliance of movements and organisations created in the mid-1990s and avers that it is not possible to think of civil society partnerships in terms of a strict dichotomy between local and international levels. In addition, a view focusing exclusively on the role of states and international organisations is inadequate for understanding the increasingly complex dynamics of building up coalitions and forming preferences.

In an examination of the involvement of the non-governmental actors in trade integration processes within the Americas, Botto (2000) seeks to unearth the types of actors who participate in decision making processes, the positions they adopt in front of this type of trade negotiations, and the impact of their strategies of action on the trade negotiations. The findings based on the comparison among three main trade integration processes of the region namely the North American Free Trade Agreement (NAFTA),

the Southern Common Market (MERCOSUR), and the negotiations towards a Free Trade Area of the Americas (FTAA), show the absence of a unique pattern of mobilization of non-governmental actors and patterns of mobilization which are characterized by the type of actor and of the governmental liaison are mutually exclusive. Actors use all of the resources at their disposition to exert pressure and operate at different levels - national as well as intergovernmental, and there is an ever-larger presence of collective actors - cross-sector and international networks – both from the business sector and civil society which precipitates a diversification away from the traditional channels of participation associated with national governments.

Ayres and Macdonald (2006) investigate the intricate position of civil society within the unfolding processes of regional governance in North America. Their analysis focuses on the region's evolution and institution-building under the North American Free Trade Agreement, as well as the negotiations that have accompanied more recent efforts to deepen continental integration. They argue that North American regional governance has evidently shifted from a state-centric to a more pluralistic and contested model of multilateralism. However, it is a model that still betrays a more elitist and non-cooperative orientation. Yet, beyond theorizing on regional governance, they raise regarding the future of the regional governance project in North America especially in the face of national and transnational civil society political contentions against the still exclusionary nature of regional governance. They suggest that there are both normative and political reasons why North American governance should be transformed to open new democratic channels for civil society participation in response to emerging debates on deepening and widening continental integration.

While noting the centrality of new forms of regionalism in global governance, Grugel (2006) observes that new regionalism represents an opportunity for international civil

society activism. He subsequently explores this suggestion through a comparison of the processes of collective action in two emerging models of regional governance in the Americas, the Mercosur and the FTAA/Summit of the Americas and affirms that while civil society activism has regionalized to some extent in relation to both sub-regionalism and hemispheric regionalism, this process is far more marked in the latter. He contends that the influence of civil society players in regional governance in the Americas is still extremely limited. This is due to persistent institutional barriers to inclusion, the practical obstacles for many groups of scaling up to the regional/transnational level and the particular difficulties associated with accessing trade-based negotiations.

2.3.3 Asia

Hasan and Onyx (2008) posit that Asia which is the largest continent in terms of diversity and size of population, has witnessed exponential growth of the third sector. This according to them stems from a realization that collective capacity to resist state authoritarianism can encourage state responsiveness, increase the transparency of the state and corporate activities and process, and sometimes even produce organized dialogue. This realization has forced individuals to organize themselves for goods and service delivery, or for advocacy for members and non-members. They however affirm that the traditional third sector in the form of local groups have existed in Asia since ancient times allowing people the scope of achieving security and other basic human needs collectively. These traditional third sector, in the form of village councils or traders' fora, survived the shocks of political revolutions over the years in spite of the absence of state guidance and support.

While investigating how the relationships, roles, and strategies of civil society organizations (CSOs) are changing, Goswami and Tandon (2013) note that socio-

economic and political changes in India have greatly affected the country's civil society. According to them, the relationships, composition, roles, and even the resource bases of civil society organizations are undergoing intense changes under such changing societal conditions. In some ways, these changes have created new dilemmas and challenges for civil society. They thus identify five key "crossroads" posed by these shifts; and suggest that the choices made on these crossroads will shape the trajectory of India's civil society. These include diversifying composition and confusing identity, demands for service provision and citizens' protests, the need to engage and the difficulty in doing so, and engaging the private sector.

Due to what they perceive as the failure of constitutional democracy to bring about the necessary political changes that are essential to ensure political freedom and material prosperity for the majority in Asia, Quadir and Lele (2004) argue for what they term as an alternative route to democracy and development. The purpose of this alternative route would be to create a political space in which voluntary organizations and civil society groups will work together to promote the values and goals of democratic governance. According to them, strong emphasis will then be given to the maintenance of an autonomous space for civil society so that societal groups can resist the process of co-optation either by the state or the market. Efforts will also be made to hold governmental institutions accountable to the people for all of their actions. They expect a participatory structure of governance to give communities the power needed to establish their control over the socio-political institutions that profoundly affect their lives and livelihoods. They acknowledge that such a vision of democracy and development has already begun to take root in different parts of the region, including Bangladesh, the Philippines and Thailand. Popular organizations are now making an effort to bring marginalized groups together to form powerful trans-border coalitions

of civil society to defend peace, human security, and sustainable democratic development in the region.

In China, Fulda, Li and Song (2012) note that since the beginning of the twenty first century, a second generation of Chinese CSOs have started taking on matters like rural migrant integration, social service provision, as well as community building. According to their study, organisations like the Beijing-based Shining Stone Community Action (SSCA) can be viewed as the avant-garde of a second wave of community-based, humanistic CSOs which are willing to help improve the tense state–society relationship in the People’s Republic of China. In order to advance their values and interests, civil society practitioners are willing to engage with Chinese government officials. Through winning the confidence of First-in-Command cadres they are able to introduce ideas such as the principle of solidarity, subsidiarity, and reciprocity. Civil society practitioners thereby initiate and facilitate open-ended processes of consultation, communication, and cooperation. Such processes according to them help promote cross sector collaboration between local government agencies and Chinese CSOs. These developments signify an incremental change from government control to public management and network governance.

As postulated in Article 16 of the ASEAN Charter, ASEAN may engage with entities which support its Charter, in particular the ASEAN purposes and principles contained therein. CSOs are specifically encouraged to seek accreditation with the regional organization. The main aim of accreditation is to draw the CSOs into the mainstream of ASEAN activities so that they can be kept informed of major directives, policies, and decisions of ASEAN. They can further be given the privilege and opportunity of participating in ASEAN activities so as to ensure interaction and fruitful relationships between the existing ASEAN bodies and the CSOs and to help promote the

development of a people-oriented ASEAN Community. Gerard (2013) notes that Civil society organisations (CSOs) have asserted their claim for participation in regional governance in Southeast Asia through numerous forums held since the late-1990s. The two most enduring are the ASEAN Civil Society Conference (ACSC), organized by the Solidarity for Asian People's Advocacy network and held nine times from 2005 to 2013 and the ASEAN People's Assembly (APA), organized by ASEAN-ISIS and held seven times from 2000 to 2009.

While appreciating that the goal of strengthening its ASEAN Socio-cultural Community pillar by increasing the participation of stakeholders and the peoples of ASEAN in building this envisioned community, Friedrich-Ebert-Stiftung (2011) observe that one crucial way to enable wider participation is the development of civil society and its relationship with ASEAN through constructive engagement processes. In a mapping exercise of civil society in the 10 ASEAN member states and a study on the role of regional civil society organisations (CSOs), the Friedrich-Ebert-Stiftung (FES), Office for Regional Cooperation in Asia identifies the strengths, challenges, gaps and development needs of the CSO sector in ASEAN member countries. The outcomes of the country mappings show that there is great knowledge and expertise among local CSOs, which could positively support the ASEAN Community building process, if taken into consideration. They also show that member countries have had different experiences in the evolution of civil society and have therefore followed different routes leading to unique developments in each country.

Chandra (2008) notes that civil society organisations (CSOs), in Southeast Asia are playing a crucial role in terms of advocacy *vis-à-vis* the only regional institution in the region: the Association of Southeast Asian Nations (ASEAN). Apart from the realization of the potential benefits that may derive from regional integration, the focus

of CSOs on ASEAN is also due to the realization of the potential impacts that the Association's policies may have on the welfare of the Southeast Asian population. He observes that ASEAN has responded, albeit slowly, to the increasing demand upon it to engage with CSOs. Although it is an elitist organization, he notes that ASEAN member countries have made a commitment to put people's welfare at the core of its regional integration initiatives.

Collins (2008) observes that ASEAN has declared the rhetoric of becoming "people-oriented" in a number of documents over recent years, a phrase which also appears in the Association's new Charter. He notes that the prospect that the organization is moving away from being elite-driven and state-centric to one that is "people-empowering" has thrust ASEAN onto the radar screens of civil society organizations (CSOs). These CSOs, motivated by ASEAN reaching out to engage with them in its Socio-Cultural Community Plan of Action, have responded eagerly to this rhetoric and since 2005 there have been a series of ASEAN civil society conferences. He however argues that despite this, the ASEAN Charter has not been received well by CSOs and they are indeed aiming to adopt an ASEAN Peoples' Charter as an alternative. According to him, the door for CSO participation in ASEAN's community building plan is open but not fully. The member states of ASEAN have not embraced the transformative effect that making the Association people-oriented would have.

According to Gerard (2014), the Association of Southeast Asian Nations (ASEAN) has made numerous commitments to engage civil society organizations (CSOs) in its governance practices. However, the opportunities created offer limited means for CSOs to contest policy as a result of strict controls over who can participate, and the forms of participation permitted. Activists have consequently pursued their agendas through created spaces such as conferences organized parallel to official summits and which are

out of the spaces sanctioned by ASEAN. However, the influence of this form of political participation on official processes is limited because despite its independence, these activities are still structured in relation to ASEAN practices. Through an analysis of the practices and regulations that govern CSO participation in both the independent spaces and ASEAN-sanctioned processes, Gerard argues that spaces for CSO participation are deliberately structured to prevent CSOs from challenging policy, suggesting that ASEAN's shift to broaden participation is aimed at legitimating its reform agenda. Hence, ASEAN's claim of becoming a people-oriented organization must be considered in light of the limiting effect its engagement practices have on CSOs' ability to advance alternative agendas.

Allison and Taylor (2017) note that since the Asian financial crisis, the Association of Southeast Asian Nations (ASEAN) has sought to reorient itself towards becoming a 'people-oriented' association. Increased demands from civil society to be actively involved in regional governance and democratic transitions in the region have prompted ASEAN to develop forms of participatory regionalism. They observe that in practice; however, the level of participation or support expected by civil society organisations have not often matched the rhetorical aspirations of ASEAN. According to them, it has often been the case that ASEAN's decisions, especially those related to sensitive matters, have always been influenced by external pressures as opposed to participatory mechanisms. In their study aimed at determining the extent to which participatory mechanisms impact ASEAN's approach to non-traditional security, they explain it continues to be the case that regional civil society organisations and non-state actors have limited capacity to influence ASEAN. This is despite the rhetorical emphasis on participatory regionalism.

Quayle (2012) avers that the objective of a 'people-oriented' Association of Southeast Asian Nations (ASEAN) has not readily translated into easy relations between the Association and regional civil society. She notes that the discourse inspired by global civil society has found plenty to focus on the gap between practice and aspiration. She argues, however, that insufficient attention has been directed to the bridges that are gradually forming across that gap and suggests that an 'English School'-derived account can give a fuller picture of what is under way in this area. From this perspective, a process of institutionalization is observable among the different actors. By tackling consciously or unconsciously the core problems such as location of common ground, recognition, burden-sharing and confidence-building, this process is apparently transforming the relations of a state-imposed order into something more societal.

Gerard (2015) observes that since the late twentieth century, the Association of Southeast Asian Nations (ASEAN) has broadened policymaking to include civil society organisations (CSOs), duplicating developments in other regional and global governance institutions where the inclusion of CSOs in policymaking is considered necessary to address these institutions' 'democracy deficit'. In his study, he utilizes political economy analysis to explain why governance institutions engage CSOs and the limitations of these processes. Examining the form and purpose of civil society engagement in ASEAN, Gerard demonstrates that ASEAN's inclusion of civil society legitimizes its market-building reform programme, while its participatory structures are designed to include agreeable interests and sideline non-compatible groups. Thus, according to him, ASEAN's engagement of civil society and the broader trend of participatory policymaking should be viewed as creating sites for contention, rather than being implicitly democratizing.

Caballero-Anthony (2004) argues that in Asia, the re-conceptualization of security beyond the traditional notions of state/military security and the evolving dynamics in the development of civil society on the one hand are not mutually exclusive. These dynamics, he posits, are essentially linked by a common need to widen both the objects and subjects of security. In his study of the emerging transnational civil society organization - the ASEAN Peoples' Assembly (APA) - established in 2000, he argues that the organization can be an important mechanism for governance since it provides the framework for the many civil society organizations in the region to engage with state and other non-state actors that are engaged in defining security in Southeast Asia. Moreover, the origin of APA offers unique developments that should not be overlooked in the study of civil society in this region.

2.3.4 Civil Society in Africa

According to Badal (2020), the origin of western nongovernmental organizations that are active in the areas now known as developing countries could be traced as far back as to the era of "discoveries" when European travelers often guided by Arabs and Asians explored areas previously unknown to their civilization. He argues that while many precolonial cultures in Africa may have lacked states, they certainly did not lack civil societies, in the broad sense of a bevy of institutions for protecting collective interests. According to Matanga (2000), civil society in Africa traces its origins to pre-colonial times. Forms of civil society in pre-colonial Africa ranged from agricultural work parties, welfare associations, to credit associations. Citing Hopkins (1973), he lists examples from pre-colonial West Africa which include such associations as craft production guilds exercising control over entry to a craft, methods of production, standards of workmanship and prices. Others include trader's associations which exerted control over market routes and prices. These traders' associations additionally

played the role of negotiation with states over an array of issues including laws governing debt, policies regarding weights and measures, contracts, and agency.

Mamatah (2014) observes that civil organization has always been a crucial component of communal life all over Africa. He argues that for centuries, nonstate groups such as religious groups, age grades and secret societies have employed a variety of means, in collaboration with traditional governing authorities, to promote various largely socio-cultural interests. This role according to him has evolved as political contexts have changed to include active participation in matters of political and economic interest. Wamucii (2014) contends that a close examination of the development of CSOs in East Africa's Uganda, Kenya, and Tanzania, reveals that a combination of age groups, kinship, lineages, trade associations, self-help groups, and communal labor groups were a crucial part of the social fabric in precolonial times. These social systems allowed for guaranteed access to the means of production. Groups of people related by kin often pooled resources to accomplish tasks that would benefit the community as a whole.

Bratton (1989) notes that upon these foundations, Africans invented new forms of voluntary associations during the colonial time as a response to the disruptive impacts of commercialization and urbanization. Sometimes these new organizations were updated expressions of long-standing informal solidarities such as ethnic welfare associations, agricultural work parties and prophetic movements while in other cases such as peasant movements, labor unions and professional associations, they gave shared shape to new class and occupational identities. According to Matanga (2000), with the establishment of colonial rule, most of these organizations were repressed, some going underground. The colonial state saw in them the potential of acting as centers around which opposition to colonial rule could gravitate. He observes, however, that the oppressive and exploitative colonial rule in virtually all the colonies in Africa

served to radicalize and politicize some of these pre-colonial associations while at the same time leading to the creation of others. Many of these African civil society organizations later played important roles in the toppling the colonial state. Bratton (1989) notes that many of these voluntary associations became explicitly political by giving voice, first to protest at the indignities of colonial rule, and later, to the call for independence. Indeed, they were the building blocks of federated nationalist political parties. Bratton further observes that associational life took different forms in different countries, but everywhere it provided ordinary Africans with an outlet for the political urge to combine in pursuit of shared goals: the Christian churches in Kenya and Burundi; Islamic brotherhoods in Senegal and Sudan; lawyers' and journalists' associations in Ghana and Nigeria; farmers' organizations in Zimbabwe and Kenya; and the mineworkers' unions in Zambia and South Africa. Neubert (2014) notes that simultaneously a dynamic and typically African sphere of self-organization was formed by migrant associations based on ascribed ethnic origins, and local trade and craft organizations. Moreover, according to him, Africans took up the idea of democracy and political self-organization and founded their own political organizations. Here, the experiences of the few Africans who studied in Europe and North America played an important role.

Mamdani (1996) argues that the history of civil society in colonial Africa is laced with racism. According to him, that is as it were, its original sin, for civil society was first and foremost the society of the colons. He notes that it was primarily a creation of the colonial state. The right to free association and free publicity, and subsequently of political representation, were the rights of citizens who were under direct rule, not of subjects who were indirectly ruled by a customarily organized tribal authority. Thus, whereas native authority was tribalized, civil society was racialized. Customary power

pledged to enforce tradition; civil power claimed to protect rights. The latter was organized on the principle of differentiation to check the concentration of power, the former around the principle of fusion to ensure a unitary authority. According to him, the African colonial experience came to be crystallized in the nature of the state forged through that encounter. Organized differently in rural areas from urban ones, that state was Janus-faced, bifurcated. It contained a duality: two forms of power housed under a single hegemonic authority. Rural power spoke the language of community and culture, urban power that of civil society and civil rights. Customary power pledged to enforce tradition whereas civil power claimed to protect rights. The latter was organized on the principle of differentiation to check the concentration of power, the former around the principle of fusion to ensure a unitary authority.

After independence, Bratton (1994) notes that besides churches and other religious organizations, a socially active and significant civil society modelled on the European and North American pattern, mainly in the form of welfare organizations and certain special interest groups, grew up only in a minority of African states (for instance in South Africa, Kenya, and to some extent also Ghana). African ruling elites gave top priority to state sovereignty and national security and sought to bring about "departicipation". He observes that although they invested heavily in the construction of one-party and military regimes, elites did not always succeed at discouraging independent associations from taking root in civil society. Some leaders nipped them in the bud by incorporating them into the governing parties while others banned them outrightly. But, in many places, voluntary organizations proved to be too strong to be subordinated and survived as alternative institutional frameworks to officialdom.

Bayart (1986) notes that in Africa, a heterogeneous state, either imposed by colonial rule or created by revolutionary will has been deliberately set up *against* civil society

rather than evolved in continual conflict with it. According to him there is a situation of state domination over a 'primitive and gelatinous' civil society. Underlying the ideologies of national unity there is a hegemonic imperative which drives the state and the self-proclaimed dominant social groups to seek to control and to shape civil society. He contrasts this with two distinct types within the liberal tradition: One is found where the 'organization of civil society itself makes redundant the emergence of a powerful state or a dominant bureaucracy'. The other 'the state seeks to control the social system by means of a strong bureaucracy'.

According to Matanga (2000), in the 1980s an upsurge in civil society activities was witnessed across the continent. He notes that the revolutionary forces that were sweeping Eastern and Central Europe, did not spare Africa. All over the continent, pressure was mounted on dictatorial regimes to democratize by opening the political space. Okuku (2002) observes that fed up with economic, mismanagement poverty, and authoritarianism, civil society, although still weak, rose to demand good governance and democracy and to challenge authoritarian rule. The proponents of civil society believed that the existence of an active civil society was crucial to the vitality of political democracy. According to Matanga (2000), the many regimes either in the form of civilian one-party systems or military establishments were cracking and responding to demands for political reform, although reluctantly.

According to Kew and Oshikoya (2014), civil society in Africa thrived in and helped lead the struggle to overthrow dictators and repressive regimes in the march toward democratic governance. They posit that the growth and increased prominence of voluntary associations, churches, trade unions, and indigenous nongovernmental institutions played important roles in pressuring governments to undertake political reforms. They further note that Civil society groups have also been central players in

building much-needed political opposition, which provides the essential balance of power upon which democracy depends. Writing on civil society in West Africa, Mamatah (2014) notes that they were especially active as opposition movements in late 1970s to early 1980s in the context of economic stagnation and autocratic rule. According to him, these circumstances and the aggressive, at times militant nature of its struggle portrayed the sector as an enemy of the state, creating a relationship filled with suspicion and mistrust that persists in and informs the civil society regulatory frameworks in some West African countries up till today. He however notes that these roles also helped set the stage for massive international support for CSOs, particularly NGOs, from the late 1980s/early 1990s as part of efforts to promote better governance globally. The idea behind this was that the civil sector could serve as an antidote to excessive state power if it had the right support to enable it to do this more effectively.

Neubert (2014) argues that development politics started to promote African NGOs and encourage self-help through local community-based organizations (CBOs). The assistance provided helped to create dependence on international donors. Matanga (2000) avers that the New Development Agenda, fashioned by the international donor community called for the adoption of neo-liberal economics and liberal democracy that emphasized on the rolling back of the state while empowering market forces, of which civil society was tucked in somewhere. Wamucii (2014) contends that Civil society is generally recognized as a central component of democracy and development in the contemporary world. According to her, its apparent emphasis on political participation, pluralism, transparency and accountability constitutes the potential to transform African societies and governments. She argues that although successes in achieving these ideals vary, there is a general consensus that Civil Society Organizations (CSOs) have left an indelible mark on governance by directing popular sentiments towards

political activism. Clayton *et al* (2000) note that the recognition among donors that the transition toward democratically elected governments did not, in itself, guarantee a more democratic culture led to a more positive approach to the promotion of good governance in the form of support for civil society. The motive given by donors for supporting civil society is essentially that a strong civil society will demand a more democratically accountable and transparent state, and lead to sustainable good governance.

Kew and Oshikoya (2014) admit that there is no shortage of accounts of civil society in Africa. This according to them is confirmed by themes like the politico-economic context for the emergence of civil society in the late 1980s, civil society and democratization, the rise of nongovernmental organizations (NGOs) and civil society organizations (CSOs) as a professional “third sector,” civil society regulation, and civil society and development which have received copious treatment. They, however, indicate that for the most part, the angle of analysis tends to be national, as opposed to continental. Bratton (1989) argues that large areas of Africa have never experienced effective penetration by the transformative state, and rural folk there continue to grant allegiance to traditional institutions such as clan, age-set, or brotherhood.

Ayiede (2017) argues that the bifurcated character of citizenship in Africa is implicated in the feebleness of civil society. According to him, this is underscored by the aggravated economic crisis and neoliberal reforms of the 1980s and 1990s, the limited achievements in social citizenship, as well as the politics of regime sustenance. Political disengagement, diminished collective orientation of citizens, and the drain on the moral content of public life aggravated conflicts within society, thereby, promoting a disorganized civil society and democratization of disempowerment.

Pedersen (2015) notes the diverging views on the role of civil society in policymaking in Sub-Saharan Africa. He argues that on the one hand, much of the literature on civil society emphasizes its potential role in promoting democracy and progressive policies on the continent. On the other hand, the literature on democratization emphasizes the shortcomings of democracy and the limited influence of civil-society organizations on the continent. He observes, however, that recently, based on empirical analysis, scholars have come closer to a consensus that the influence of civil-society actors may in some respects be on the increase in African countries undergoing democratization.

Sabi and Rieker (2017) examine the role of civil society, and particularly the Treatment Action Campaign (TAC) engagement with the state in health policy making, and the subsequent implementation of the HIV/AIDS health policy in post-apartheid South Africa. TAC formed in 1998 which aimed to advocate for improved HIV/AIDS health service delivery was part of a move by civil society groups to establish platforms to discuss health policy change in South Africa after the diagnosis of AIDS in 1982 which was followed by a rapid increase in the number of people living with the virus and dying from AIDS-related illnesses. According to Sabi and Rieker, the efforts succeeded in determining the current HIV/AIDS policy through several initiatives such as the use of the law in legal action against profiteering drug manufacturers.

In examining the role of civil society in implementing the 2015 Sudan Peace Accord signed in Addis Ababa, Virk and Nganje (2015) note that the role of civil society will be crucial in moving the peace process forward – particularly in terms of the implementation and dissemination of the agreement. They observe that the peace accord features certain provisions for limited civil society inclusion in its implementation. This includes minor representation in some of the entities that the agreement is supposed to establish, such as the Boards of the Special Reconstruction

Fund, and of the Economic and Financial Management Authority. The agreement also provides for consultation with “other stakeholders and the civil society” concerning the establishment of the Commission for Truth, Reconciliation, and Healing. According to them, even if the views of civil society are not ultimately decisive in shaping political reforms, it could have an important role to play in advancing the political reforms that the agreement codifies and in ensuring local ownership of its implementation. In the context of malicious attempts by some to spread misinformation about the agreement, they note that it is incumbent upon civil society organisations not only to disseminate accurate facts about the peace agreement to ordinary South Sudanese, but also to provide encouragement to local communities to engage critically with the letter and underlying spirit of the accord. This would help to ensure that the implementation of the agreement does not become a project of the political elite but is connected to a grassroots process. They further observe that civil society in South Sudan is committed to playing a meaningful role in the implementation of the August 2015 peace agreement. For instance, based on the lessons learned from the incomplete implementation of the 2005 CPA, many civil society organisations have been working to lay the groundwork, and to garner support, for the full implementation of the IGAD-mediated accord. This is evidenced by the institutionalization of educational exchange programmes by civil society to allow South Sudanese to interact with, and draw inspiration from, other African countries such as Rwanda and Kenya who have gone through similar experiences. This is in addition to organising public forums to encourage constructive debates and critical reflection on issues relating to the peace agreement. Civil society organisations have also been vocal in raising concerns about delays in implementing key aspects of the peace accord such as the demilitarisation of

Juba, while drawing the attention of external actors, including the Troika, to the political posturing of different stakeholders that could jeopardise the peace process.

2.3.4.1 CSOs and Africa's Regional Integration Schemes

Ogola *et al* (2015) observe that there has always existed in the collective consciousness of Africa, at least in Sub-Saharan Africa, a view that the geographical fault lines that created different African states divided a previously united people. In affirming that cooperative arrangements whenever they are put in place, do not constitute an end in themselves rather, they are a means to an end, Amuwo *et al* (2009) argue that due to the non-viability of African states and lack of productive bases as autonomous entities, regional cooperation and integration has become an attractive recipe for rapid and accelerated co-development of the states both at the sub-regional and regional levels in the continent. According to Shoki (2009), the many attempts for regional integration in Africa suggest that territorial integration is about the interstate partnerships based on a shared vision that is defined by interests and sacrifices.

Eke and Ani (2017) note that regionalism in the continent of Africa started during the period of emancipation from colonial rule. This was largely led by the Organization of African Unity (currently the African Union) and the Economic Commission on Africa (ECA), partly to spur economic and political progress in the continent and as well as a response to the last vestiges of colonialism. It was originated as a political tool to deal with the systemic power imbalances in the international system, which were weighing down the continent in the game of nations. According to Amuwo *et al* (1999), the *raison d'être* of regional integration in Africa in terms of product and factor markets is that of a long-term strategy or instrument for shared development. This is encapsulated in peaceful change, socioeconomic and political stability; structural transformation of the integrating economies; and integration as a viable tool to conquer collective poverty

and economic dependence. They also note that regional integration has been articulated as part of the policies of self-reliance adopted by African countries as a response to contemporary globalization. These policies come out of the context of a rampaging and a debilitating International Political Economy from the view of African states. Africa's integration efforts according to them, have essentially been geared towards furnishing the ingredients to frontally confront the continuous hydra headed developmental problems with a view to achieving sustainable development and improvement in the quality of living of the people.

Ogola *et al* (2015) note that since Independence, there have been persistent calls for African Unity. The OAU passed several resolutions aimed at promoting integration, the most important of which is the 1980 Lagos Plan of Action and the Final Act of Lagos, which formed the basis for the 1991 Abuja Treaty. The treaty set out to establish the African Economic Community (AEC) through coordination, harmonization, and progressive integration of the activities of Regional Economic Communities (RECs). Of the 17 major RECs in the continent, the African Union (formerly OAU) recognizes only eight. According to Khadiagala (2018), there is substantial unevenness in Africa's integration arrangements due to the differing depths of socioeconomic and cultural interactions, varying regional impacts of colonial legacies, and the role of anchor countries in enhancing cooperation. He observes that regions with relatively strong integration arrangements established during colonial days—such as East, West, and Southern Africa—have managed to build more solid ties than those without these legacies. Masinde and Omollo (2017) observe that African leaders have retained the rather idealistic dream of a politically united Africa and have remained unwavering in their belief that its welfare is based on the unity of the continent. This is in spite of the

complex realities of nation-building in the decades following independence and the modest integration achievements realized so far.

Integration studies in Africa show that despite their absence in the formative stages of the formation of regional bodies, there has been a deliberate move by state actors to involve CSOs in regional governance arrangements. According to Adar (2018), until the 1990s, regionalisation focused on economic cooperation and tended to be exclusively state-dominated. Together with Huntington (1991), they note that except for the EAC, which had already equipped itself with the East African Legislative Assembly (EALA) in 1967, parliamentary assemblies and mechanisms for civil society involvement were established within African regional organizations only starting from the 1990s, when the continent was involved in the third wave of democratization. During this time, there was an increased turning of regional cooperation efforts towards security and political agendas. Additionally, addressing the democratic deficits within the communities' bodies, decision-making structures, and processes has become an important issue to consider and has consequently influenced the transformation of many institutional structures at the regional levels.

Within the African Union, the Civil Society Division is an arm of the organization that works with member states and partners to create and strengthen social integration system by ensuring that the contributions of civil society are mainstreamed through all aspects of the AU principles, policies, and programs. The Division is responsible for mapping civil society organizations on the continent. It also ensures effective participation of civil society in the activities of the African Union by organizing relevant workshops on understanding the African Union. This helps facilitate the understanding of the African Union, its organs, key structures, and decision-making processes by key civil society across the continent. The Division further encourages the

support for inter-continental consultation partnership. These consultations help in ensuring that African civil society organizations are making regular inputs into the various partnership processes aimed at reinforcing people to people interactions across the world in support of Africa's development and integration agenda. Finally, it holds sectorial dialogues to promote serious and critical interactions with key sectorial groups in support of African's integration and development agenda.

According to Miranda, Pirozzi and Schafer (2012), civil society from both Europe and Africa has direct engagement with many of its components as regards the operationalization of the African Peace and Security Architecture (APSA). By taking advantage of its well-established presence on the ground and expertise in analyzing and assessing the root causes and drivers of conflict, for instance, CSOs support early warning activities and directly feed into one of the pillars of the APSA, namely the continental and regional early warning systems. Civil society also provides the African Stand- by Force, the Panel of the Wise and other AU organs with capacity building and training on specific security issues or on mediation techniques. The engagement of civil society actors at both the Track I and Track II levels has proved crucial in providing a voice to marginalized groups, such as women, in official peace processes.

According to Dembinski and Joachim (2014), the emergence and proliferation of more and more CSOs on the continent is seen, especially by international partners as a further amplification of the peoples' voice and representation of their interests in Africa's regional integration processes. They note that integration scholars too have started to pay attention to CSOs given on the one hand the uploading of decisions to the European level in a number of policy fields and, on the other hand, their interest in the impact of their involvement on the democratic quality of European Union (EU) policymaking.

While some remain rather skeptical with respect to the effects of CSOs, others point to their output-legitimizing and democracy-enhancing potential.

Amuwo *et al* (2009) propose an understanding of the dynamics and linkages among civil society organizations, governance, and regional integration in terms of largely implicit power projection, unequal power relations, and power contestation and struggles between the state and non-state actors and organizations. The dynamics of the linkages according to them are about the attempts to construct and de-construct hegemony and hegemonic relations, not as an end in themselves, but as a means to an end. They note that the goal, to all appearances is Afro-centric, integrated, popular, people friendly development through the agency of democratic governance and regional integration. They argue that civil society in Africa is likely to be an effective strategic partner with the state in getting its politics right by getting its democracy right.

Adar *et al* (2018) writing on the role of parliaments and CSOs in regional integration in Africa provide a comparative and comprehensive overview of civil society and parliamentary bodies in Africa, both at the national and regional level, and their role in the regionalization processes on the continent. Gathering contributions from African and European experts, they offer a collection of actual and historical facts and information and critically analyze the evolution, potential and effective place of civil society and parliamentary bodies in the context and development of regional cooperation and integration. Their focus is essentially to conceptualize, describe and assess this role in a comparative way, highlighting the political conditions that have shaped its characteristics in different contexts and which may offer in the future further space for a “regionalism from below”, people-centred and people-driven.

Analyzing the interactions of CSOs and regional integration within the context of the Economic Community of West Africa States (ECOWAS), Gwaza (2015) explores the traditionally recognized roles of CSOs as supportive and complementary agents of the state, and the character of regional integration as inter-state, intergovernmental, formal, and official engagement. He maintains that ECOWAS was conceived and sustained by a civil society arrangement and that the wind of democratization blowing across the world and within international institutions gives credence to the basic philosophy of ECOWAS for inclusivity and equal participation. According to him, the realms of regional integration and civil society provide policy makers with the opportunity to re-evaluate concepts that worked in other climes before their transplantation in addressing local concerns.

Khadiagala (2018) notes that the ECOWAS Commission has taken seriously the notion of people-centered integration, allowing more civil society groups from the region to participate in matters of governance, peace, and security. He points out, for instance, that a group of civil society organizations under the umbrella of the West Africa Network on Peacebuilding (WANEP) play an integral role in the ECOWAS early warning system. WANEP which comprises of over 500 organizations across West Africa has national chapters in all ECOWAS member states that advocate for democracy, peace, and sustainable development. Kamatsiko (2017) observes that the relationship between the West Africa Network for Peacebuilding (WANEP) and the Economic Community of West African States (ECOWAS) has been fruitful. According to him, facilitated by a memorandum of understanding signed in 2003 between the two, WANEP through its civil society networks in 15 states has operationalized the ECOWAS Early Warning and Response Network (ECOWARN).

Armstrong *et al* (2010) argue that civil society is a dynamic force at the regional level. In contributing to the debate about the role of civil society in regional governance in Eastern and Southern Africa, they emphasize the necessity of acknowledging the heterogeneity of links between states and civil society that develop in different socio-cultural and political settings. Mbogori and Chigundu (1999) argue that the challenge for civil society in Africa is to strengthen the democratic state by collaborating with its government structures at various levels, by assisting in restoring the social contract between the state and its citizens and by pressing for necessary reforms which turn the vision of effective civil society-state co-governance at the community level into reality.

2.3.4.2 Inclusion of CSOs in the East African Community (EAC)

In acknowledging the significance of Civil Society Organizations in regional integration, the EAC Charter explicitly recognizes their role in the Community. Integration in the region dates back more than a hundred years to colonial times. Ogola *et al* (2015) note that in more recent times, the economically and politically independent, culturally diverse members of the EAC have continued and expedited the process, so as to promote regional peace, security, governance, socio-economic development, and more effective integration in the global economy and global society. Magu (2015) traces the development of the regional cooperative endeavor to as early as 1897–1901 when the Kenya-Uganda Railway, running from Mombasa (Kenya) to Kampala (Uganda) was commissioned. Being a landlocked country, Ugandan imports had to be transported through Kenya's seaport in Mombasa. According to him, this marked the beginning of some form of East African cooperation. In 1905, the East African Currency Board and the Postal Union were established. The Court of Appeal for Eastern Africa was set up in 1909 and the Customs Union in 1919. He observes that the earliest form of common economic integration was enacted in 1926, and the East

African Income Tax Board and the Joint Economic Council were enacted in 1940. The East African Common Services Organization (EACSO) was founded in 1960, and culminated with the first regionally integrated body, the East Africa Community (EAC) in 1967, headquartered in Arusha, Tanzania.

Upon the collapse of the first EAC in 1977 and division of the Community's assets in 1984, a provision was made to explore future areas of cooperation, which formed the basis of the renegotiation for the establishment of a Permanent Tripartite Commission for Co-operation between the Republic of Kenya, the Republic of Uganda, and the United Republic of Tanzania (Magu 2015). The Treaty re-establishing the EAC, which came into force in 2000, sought to create a Federation of East African states as the outcome of a four-phase integration process. In phase one, completed in 2005, the Customs Union (with a joint administration, a Common External Tariff (CET) and the eventual elimination of all non-tariff barriers) was created; in phase two, completed in 2010, a Common Market (with the free movement of goods, services and other production factors) was established; in phase three, which was initially planned for 2015, a Monetary Union (with a single currency area) was to be created, and, the final phase was to be the establishment of the political federation. Realizing that the 2015 date would not be met, in 2013 members signed an East African Monetary Union (EAMU) Protocol providing for a new roadmap in which four institutions were to be established by 2018 to carry out the preparatory work for the EAMU so that it would be in place by 2023 (Kivuva 2018). Its ultimate objective is to establish a complete political Union—a "Political Federation of the East African States" (EAC 1999).

Key in the re-establishment of the Community after its collapse in 1977 was the inclusion of CSOs and the private sector. While states were key in the formation of the EAC, they recognize the significance of these non-state actors and anticipate their

active participation in the renewed community effort. In the treaty establishing the EAC, Articles 127 and 128 outline the anticipated inclusion of civil society organizations and the private sector in the community effort. In Article 127(1), member states jointly accept to provide a conducive environment for civil society and the private sector to participate fully in the community effort whereas 127(2) expects states to promote an enabling environment for the participation of civil society in the socio-economic and political activities of the community. Article 127(3) requires the Secretary General and the Council to provide a forum for consultations between civil society organizations, the private sector, other interest groups and the relevant institutions of the community. Article 128 (2) further require the Secretary General and the Council to establish modalities that will enable the business organizations or associations, professional bodies, and civil society in the partner states to contribute effectively to the development of the community. Article 5 sub section 3(g) states that the community shall ensure “the enhancement and strengthening of partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development” (EAC 1999).

In line with these provisions of the EAC treaty, the East African Civil Society Organizations’ Forum, (EACSOF), was established in 2007 as an independent umbrella body of Non-Governmental Organizations (NGOs) and CSOs in the East Africa region. EACSOF was created to strengthen the institutionalization of the relationship between the Community and East African CSOs. It also works to develop an important mass of empowered and knowledgeable civil society in East Africa, in order to foster their capacity and confidence in articulating grassroots interests and needs in the East African regional integration process. Additionally, it works to ensure that the citizens of East Africa and their organizations work in synergy to play a more effective and

robust role in the integration process. EACSOE aims to achieve this through building stronger citizen organizations that can respond to citizens needs and are able hold duty bearers to account. The efficacy of these efforts by the EAC can only be established by an assessment of the actual influence of CSOs on Community policy processes. Two decades after its re-establishment, it is appropriate that research be done to ascertain the empirical contribution of these organization on the integration of the region.

2.4 The Determinants of Civil Society influence on State Policies, Decisions and Actions

Dur (2008a) notes that the existing literature on the determinants of the influence of interest groups provides a large number of hypotheses, many of them originally formulated for the case of the United States. When discussing some of these hypotheses as applied to the EU, he distinguishes four broad clusters of determinants: interest group resources, political institutions, issue characteristics, and interest group strategies. According to him, most scholars agree that interest groups' resource endowment furthers their capacity to impact decision-makers and policy outcomes. Interest groups' resources include money, legitimacy, political support, knowledge, expertise and information. Political institutions affect the degree of interest group influence on policy outputs mainly by shaping societal actors' access to policy-making processes whereas issue characteristics, such as policy type, degree of technicality, and public salience, also have an effect on interest group influence. Whether an issue is of a regulatory, distributive or redistributive kind plays a role in determining interest group influence. Dur further notes that some scholars also stress that interest groups have more influence on technical issues than on issues of 'high politics'. This difference may be partly explained by arguing that politicians need information – and hence dependence on interest groups – is highest in fields that require technical expertise. In more technical

areas, moreover, interest group influence on policy outcomes may be higher because decision-makers have to rely on domestic actors' cooperation in the implementation phase of the policy cycle. Finally, interest group influence may depend on the public salience of an issue. Interest groups should find it difficult to influence policy outcomes when the public is highly attentive to an issue.

Szent-Iványi and Lightfoot (2016) investigate the determinants of successful CSO advocacy by looking at international development and humanitarian NGOs (NGDOs) in the Czech Republic and Hungary. They note that reforms in the past decade in the Czech Republic have created an international development policy largely in-line with NGDO interests, while Hungary's Ministry of foreign affairs seems to have been unresponsive to reform demands from civil society. The paper posits that there is clear evidence of the influence of NGDO in the Czech Republic on international development policy, which is attributed to the fact that Czech NGDOs have been able to resolve problems of collective action, while the Hungarian NGDO sector remains largely fragmented. The Czech NGDOs also have relatively more robust capacities, are able to rely on greater public support and can therefore present more legitimate demands to their government. On the specific determinants of CSO influence, they note the significance of issues of collective action, better capacities, stronger public support and legitimacy, and government receptiveness. These factors according to them are in tandem with the conclusions of the wider available literature on the determinants of CSO influence. The existence of a relatively unified development and strong constituency is significant in keeping development matters on the political agenda and this constituency can also be a vital political ally for those sections of the government with an interest in development. The quantity of aid is also directly related to the capability of the domestic development community to marshal resources. The scholars

admit that indeed the literature acknowledges that the interests of the NGOs and those of the government can converge. The findings according to them also underscore the importance of the domestic setting when evaluating the effects of EU membership in different states. While NGOs in both countries have benefitted from similar effects of EU membership, different domestic situations have led to the observed differential empowerment.

Noting that a number of institutional and societal factors augment the development of a vibrant civil society, such as a country's societal structure and socioeconomic traditions, foreign influence or political institutions, Bailer, Bodenstein, and Heinrich (2013) seek to answer the question of which of these factors contributes the most to a vibrant civil society. Using ordinary least square techniques, they statistically test the competing factors with a large-N design that includes 42 countries and discover that a country's quality of political institutions and a high degree of religious fragmentation have the strongest impact on the development a vibrant civil society.

2.5 Strategies of Civil Society Organizations

Zimmer (2010) underscores the use of advocacy and lobbying as avenues for giving voice to the people, thus providing legitimacy to policymaking in governance arrangements. She points out that the advocacy perspective underscores an understanding of partnership that perceives mutual accommodation and cooperation between the government and civil society as the most important requirement for the establishment and development of democracy. It is worth noting, according to her, that the advocacy perspective has gained prominence in the area of international relations and hence in global governance as well as with respect to European governance. She points out that beginning in the late 1990s, the European Commission invited Third Sector Organizations (TSOs) specifically their umbrella bodies to play increasingly

more important roles in the multi-level governance structures of the European Union. In particular, with its White Paper on Governance from 2002, the European Commission launched a campaign promoting a partnership arrangement with “organized civil society,” and thus with TSOs, that aimed at bridging the “European democratic deficit” by improving European governance with the help of TSOs.

On the public policy perspective, Zimmer (2010) argues that TSOs are often members of regional governance arrangements acting at par with other public and private actors that are directly involved in policy formulation at the national, regional or European level of governance. According to her, there are many TSOs working in specific policy fields that are considered as partners of public policy. They are simultaneously engaged in lobbying activities and are also eligible partners of well-established policy arenas or governance arrangements with respect to policy formulation. She cites TSOs such as Greenpeace in the area of environmental policies or the German Welfare Associations in the area of social services which provide textbook examples of TSOs being lobbyists on behalf of the common good, highly acknowledged partners of policy networks geared toward policy implementation, and reliable partners of public service production.

Furthermore, Zimmer (2010) notes what she considers as a very specific type of civil society–government collaboration embracing involvement in policy formulation and implementation and which is traditionally branded as neo-corporatism. This according to her translates into a scenario whereby a limited number of umbrella organizations of the third sector like the Welfare Associations in Germany enjoy a privileged position with respect to access to both public funding and the core arenas of policymaking.

James (2007) argues that civil society can also operate effectively within the paradigms of what might be called 'soft power', by persuading and negotiating; through effective input to policy development which has a beneficial social outcome, by efficient service delivery in sectors either unprovided for in government policy frameworks, or where the resources are unavailable. Whilst perhaps less dramatic or even less public than the confrontational style, the 'soft power' of civil society may, in certain situations, be more enduring and more sustainable with longer lasting beneficial effects for vulnerable groups who are the recipients of such services.

James further notes that many of the vast numbers of civil society organizations which have appeared since the early 1990s operate in cooperative mode with the state authorities, complement state initiatives in bringing about improved service delivery to vulnerable populations and use the art of persuasion to nudge state power structures towards improved modes of governance. She argues that since many – particularly in Africa, Asia, and South America – are ensconced in non-democratic political cultures where the space in which civil society can operate is very limited, the cooperative, rather than the confrontational, mode of operating is necessary, if they are not only to survive, but also to be able to continue to carry out their important social work.

Njeri (2014) while writing on the issues that influence the role of Civil Society in peace building in Kenya proposes that studies should be conducted on the strategies adopted by Civil Society Organizations in coping with the funding challenges. Her study reviewed related literature from books, articles, and journals in order to get more insight on the factors identified which include donor funding, media, capacity building and government policy.

In examining diverse NGO survival strategies in response to the ‘foreign agent’ label in Russia, Tysiachniouk, Tulaeva, and Henry (2018) identify several strategies among the environmental NGOs labeled as foreign agents: first, a compliance strategy in which the NGO submits to government regulations and avoids any action that could be considered political; second, simulation, in which the group continues with its work, but changes its official regulations and removes any public information that could be considered as political activity; third, informalization, in which an NGO does not register legally thus placing it beyond the scope of the law; and fourth, diversification, in which an NGO creates other affiliate organizations in order to ensure the survival of the group.

Smith and Muetzelfeldt (2000) explore the connections between civil society, governance and globalization in order to develop strategic approaches to how civil society may interact with state and interstate governance institutions. They aver that the prospects for an emerging global civil society depend on appropriate features in the institutions of regional or global governance, just as national civil societies depend on and in turn support particular features in state systems. They discuss possible relationships between civil society and governance institutions, depending on whether governance is facilitating or obstructive to civil society, and whether it is strong or weak. From these sets of relationships, a range of strategies for non-government organisations (NGOs) and networks depending on the features of the institutions with which they are engaged are suggested. These include responding to features of global governance that are facilitative but weak, such as human rights and development elements of the United Nations, by aiming to strengthen them; weak obstructive features of global governance by making them more facilitative; and the relatively strong organisations such as the Asia-Pacific Economic Cooperation (APEC), or the

G8 major economies, which make no such provision for NGO contribution through protests/demonstrations or unsupported alternative conferences attracting media attention.

While looking at the strategies for the formation of cooperative relations as a framework for their case study, Fulda, Li, & Song (2012) focus on process factors and steering mechanisms. In order to further understand the dynamics of cross-sector collaboration they further explore the social capital dimensions of the principle of reciprocity and trust. To evaluate outcomes and impacts of cross-sector collaboration, they discuss the ability of collaboration partners to produce tangible results and to innovate. The findings of their study show that successful experiments with cross-sector collaboration not only depend on structural factors but also on the skills and strategies of the individuals and organisations involved.

Dur (2008a) notes that strategies are a factor shaping interest group influence. To maximize influence, interest groups have to employ their resources effectively given the opportunities provided by the institutional structure, the characteristics of the issue, the preferences they advocate, and their past strategies. According to him, if groups always adopted ideal strategies, strategies would only be an intermediary variable that is perfectly explained by a group's resources, the institutional framework and so forth, and hence could be ignored in attempts at explaining interest group influence. Yet while minimal research exists on the issue, it seems probable that groups sometimes fail to select the most effective lobbying strategy. He laments that there has been very little empirical research regarding the question which strategies best allow interest groups to maximize influence and existing information cannot answer the question whether groups' use of documented strategies is always effective.

2.6 Impediments facing CSOs in Regional Governance

Scholars have documented a number of impediments facing the participation of CSOs in regional governance arrangements. Matanga (2000) observes that the state has utilized several strategies in attempting to contain civil society. These have included legislation, propaganda, co-optation, appropriation, removal of anti-establishment civil society leaders, among others. Matanga, however, notes that the capacity and ability of civil society to sustain change through constant pressure on the state is in doubt. First, he notes that civil society, like the state and the opposition parties is also riddled with divisions along ethnic lines that end up weakening and undermining its cohesion as a force for change. Secondly, the patrimonial state, however weak it may be, still has the potential to buy off and compromise some sections of the progressive civil society thereby diluting its overall strength. Thirdly, and probably most significant, the oppositional civil society in Kenya is a dependent civil society which lacks autonomy from its external donors and funders. Matanga identifies three basic strategies that states in Africa have used to control NGO growth and activities: legislation; administrative co-optation; and political appropriation. Legislation has been applied in situations where NGOs abuse their status, pursue uncoordinated development, or in some cases, when seen to pose a security risk to the regime. As for administrative co-optation, it has been effected to draw NGOs into bureaucratic control mechanisms in order to ensure their activities fit into the development path set out by government. Lastly, political appropriation has involved the co-optation of NGOs by the state mainly with the aim of limiting the autonomy of these organizations.

Actalliance (2011) observes that CSOs are derailed in various ways such as through the securitization of aid, counter-terrorism measures, war on terror, as well as repressive governance in authoritarian systems. Such actions also include administrative

restrictions, negative labelling and propaganda, direct prosecution or physical intimidation and harassment. Stigmatization often precedes criminalization. Members of NGOs and CSOs face arrests and criminal proceedings for charges of inciting crime, forming criminal gangs, obstructing public roads, creating civil disobedience or threatening state security, public safety or the protection of morals or health. 'Shrinking political space' is presented as the diminishing possibilities of CSOs and NGOs to undertake a wide range of public actions with different phenomena in different contexts, such as authoritarian states, hybrid or relatively developed democracies, or war zones. According to the organization, in most of the countries CSOs and NGOs have to register their presence, have their funding approved or routed through the government, and provide the government with information about staff members, projects, and donors. Such procedures can easily turn into a nasty burden. Additionally, administrative or legislative endeavors in a number of countries are impacting on the freedom and effective work of civil society actors for instance NGO framework laws which are increasingly aimed at stifling NGOs.

Kabumba (2010) argues that while the EAC Treaty set the foundation for civil society involvement in the affairs of the Community, this was a political concession after a lot of pressure from civil society organized under the Non-Governmental Organizations' Coalition for East Africa rather than a demonstration of political commitment to such a notion. Kamatsiko (2017) observes that Article 127 as a whole has a bias towards promotion of private sector participation. It details how the EAC will engage and promote private sector participation but does not do the same for civil society except for Article 127 (3 and 4). Article 127 (3) states, 'The Partner States agree to promote enabling environment for the participation of civil society in the development activities within the Community', Article 127 (4) elaborates, 'The Secretary General shall

provide the forum for consultations between the private sector, civil society organisations, other interest groups and appropriate institutions of the Community' (EAC 1999). More so, Odhiambo (2010) notes that the criteria for granting observer status and the rules of participation instituted by the EAC in 2001 have largely limited rather than facilitated civil society participation. According to Odhiambo, two of the seven criteria are of concern, namely the organization's activities should bear a regional dimension with the organization being registered in each of the partner states; and the organization must have a track record of regional activities of at least three years of active operations present obstacles to the many CSOs that would be interested in influencing the proceedings of the Community.

Kamatsiko (2017) further observes that CSOs seeking to influence or working with the EAC on peace and security matters engage within a restrictive environment whereby on one hand, the 2013 EAC Protocol on Peace and Security is silent on civil society participation and its role in achieving the objectives of the Protocol and on the other hand, the EAC Strategy for Regional Peace and Security is state-centred and encompasses a security approach to peace – with implications on how much and how deep CSOs can participate in such matters. According to Kamatsiko, issues considered too 'political' fall under the domain of the state and are legally out of reach for CSOs. Related to the above, he notes the non-existence of well-developed structures for CSOs to meaningfully engage with the EAC on peace and security and other issues. The East African Civil Society Organizations' Forum on the EAC (EACSOFO) was established as an independent body of CSOs and NGOs with the primary objective of contributing to the development of a critical mass of empowered and knowledgeable civil society, in order to foster their capacity and confidence in articulating grassroots interests and needs in the EAC, and its various organs, institutions and agencies. According to

Kamatsiko, EACSOF has however not created the anticipated space for civil society participation and has faced challenges of legitimacy, representation, and inclusiveness. He observes that it remains unclear how EACSOF links with civil society at national and lower levels to ensure that the voices of citizens shape its agenda and consequently influence the EAC. He notes that its establishment has been criticized for being convoluted, contentious, and suspicious and therefore incapable of being the main platform through which civil society presents its aspirations to the EAC. Finally, according to him, many authors attribute the limited influence of African civil society on political processes to its fragmentation and fragile links among CSOs. The space is restricted by a number of factors including the state centred nature of approaches, non-inclusive legal and policy frameworks, the securitization of peace and underdeveloped structures to facilitate civil society participation. There is also a level of discomfort within the regional organization to open up to CSO participation largely due to the sensitive nature of peace and security issues.

Okuku (2002) argues that NGOs in Uganda are not supposed to be bastions of democracy as this role is assumed to be taken care of by the increasingly statist Local Councils (LCs). He notes that the state has appropriated the themes of the democracy question including human rights, good governance and accountability often by setting up organisations for their fulfillment. For instance, the Uganda Human Rights Commission (UHRC) investigates human rights abuses and the Inspectorate of Government (IGG) ensures accountability in public service. The result has been the emergence of an NGO sector that is apolitical and dependent on foreign donors with lack of coordination of its own autonomous activities. According to Okuku, such a sector is currently incapable of bringing pressure to bear on the state and keeping it accountable.

Kew and Oshikoya (2014) assert that many organizations lack knowledge of the policymaking process and are thus unable to hold their respective governments to account or secure proper local funds. This according to them has also contributed to financial dependence on international donors, which compromises their autonomy and has led to charges of a lack of purpose and ambition.

Thus, civil society is reliant on financial resources from donors or on favors from the state, leading to a lack of autonomy. Kew and Oshikoya note that the fact that many civil society organizations are reliant on international donor assistance, in terms of finance and help with operations, is believed to undermine the authority of domestic civil society in the eyes of the indigenous population and the government, as they could be construed as acting in the interests of the donors. Such foreign assistance may, however, be essential to their survival and without it they may be unable to function autonomously of the state. They observe that some civil society organizations in Africa align themselves with state policy objectives in order to gain the support of regimes and authorize the implementation of policies, rather than challenge detrimental policies and practices. Thus, partnerships between civil society organizations and government regimes erode the autonomy of civil society as they attempt to gain patrimonial favors from the state, creating an environment that is unable to challenge hegemonic power and hold governments to account for economic and political failings in policy.

Wamucii (2014) notes that regulations, inclusivity and diversity, CSOs' internal dynamics, and dependency are key factors that influence effective influence of CSOs. On regulations, she notes that in the past, governments in the East African countries have drawn from constitutional provisions to control freedom of association and expression, hence constraining the effectiveness of civil society groups. She also observes that many NGOs in East Africa are largely urban-based and elitist and have

been criticized of being out of touch with the masses. In contrast, more established organizations with a mass membership base, such as trade unions and cooperatives, or ethnic associations, are far less visible and have much less influence. In regard to CSOs' internal dynamics Wamucii avers that CSOs are generally perceived as efficient, democratic, rooted in the grassroots and less corrupt. However, a few illustrations would indicate some disconnect between these perceptions and reality. Finally, she argues that issues of CSOs dependency in Uganda, Tanzania, and Kenya focus mainly on unequal partnerships with international donors and states.

2.7 Critique of Existing Literature Relevant to the Study and Research Gap

Scholars and practitioners seem to strike a consensus on the relevance of CSOs in integration processes. There is a common theoretical focus on the role of CSOs in bridging the gap between regional institutions and citizens in participating states and bestowing much needed legitimacy on the regional organizations. It is also expected that CSOs provide technical information on various issues to the various actors in regional processes. In the EAC, the significance accorded by the Community to civil society organizations in the integration process has been underscored in the treaty and further reinforced by the actual setting up of a framework for CSO participation by the relevant organs of the Community. This affirms the arguments and postulations of scholars and practitioners cited in the preceding review of literature on CSOs and governance at the domestic and international levels. In noting the national governance reforms in all the governments in Eastern Africa, Wanyande and Okebe (2009) highlight the great concern of the governments of the region, civil society groups, donors, academics, and the voters on the role that CSOs should play in improving the quality of governance and the lives of ordinary citizens. They further draw attention to the general recognition that civil society worldwide has become a critical player in the

management of public affairs and emphasize on the important role of civil society in Eastern Africa particularly because of the many challenges facing the region. Some of these challenges according to them have arisen from the efforts being made to establish the East African Community and attempts at democratization and the improvement of governance, among others. They suggest that managing these challenges requires the participation of key stake holders with Civil society expected to generate ideas regarding the successful establishment and eventual functioning of the East African Community. The authors in the volume agree that civil society is a critical stakeholder in the change process in political, economic, or even socio- cultural spheres and therefore affirm the need for the strengthening of civil society in Africa and any other region undergoing change.

However, despite the efforts by the EAC to include CSOs in the regional integration endeavor, there is a dearth of information on their actual influence on the interstate policies, decisions, and actions. In spite of the voluminous research output on transnational civil society, the regional dimension of civil society activities in influencing and shaping interstate relations in the EAC and beyond is still under researched. This is confirmed by scholars including Godsater (2015) who posit that for civil society scholars, regionalization is quite a new phenomenon to study.

The determinants of the influence of East African CSOs in this endeavor, the strategies they adopt and the impediments they face have not also been adequately investigated. The resultant lack of adequate understanding of civil society's empirical manifestations, particularly in the East African region, has hampered both the development of scientific knowledge on the subject, as well as an appreciation by the development community and practitioners of civil society's actual role in development and governance (Mati, Silva, and Anderson 2010). The question is therefore justified whether and to what

extent civil society organizations in Africa really do play the role implied by the accepted concept of civil society. And it must be asked to what extent the concept of civil society can be adopted in the socio-political analyses of African societies. The need is further compounded by the contradictions inherent in the situation. Neubert (2014) argues, for instance, that it is obvious that under Africa's authoritarian regimes civil society groups have very limited capacity to act. Even where the government welcomes the existence of such organizations and they are allowed to operate unrestricted, African non-governmental organizations (NGOs) rely almost as a rule on international financial support and external ideological influences. The study, therefore, in seeking to shed light on the influence of civil society organizations on state decisions and actions in the integration process of the East African Community was both necessary and timely. The findings will enrich our understanding of the role of non-state actors in shaping regional integration efforts. It supports CSOs in their work and informs scholars, donors, EAC governments, and regional institutions about how they can work collaboratively and productively with CSOs in the pursuit of common integration goals.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This section presents the methodology adopted in undertaking the study. It covers the research setting, research design, conceptual approach and indicators, sampling techniques, data collection instruments, data analysis and presentation.

3.1 The Study Area

The study was based on the East African Community (EAC) which consists of Kenya, Uganda, and Tanzania which are the founding members of the East African Community. The formal and social integration of these three countries traces back to the construction of the Kenya-Uganda Railways from 1897–1901, the establishment of the Customs Collection Center for Uganda in Mombasa in 1900, and the East African Currency Board and the Postal Union in 1905 (EAC Treaty 1999). The most significant milestone in the process of regional integration was the formation of the East African High Commission in 1948. In 1967, the treaty for the East African Cooperation was signed by three East African nations - Kenya, Tanzania, and Uganda - establishing the East African Community, and succeeding the East African Common Services Organization. However, in 1977, barely a decade after it came into existence, the EAC collapsed (Masinde and Omolo 2017). Efforts to re-establish the Community began in 1993 with the establishment of a Permanent Tripartite Commission for Cooperation set up to oversee the drafting of a treaty for the establishment of the EAC, and in November 1999, the Treaty for the reestablishment of the East African Community was signed by the heads of state of Kenya, Uganda, and Tanzania. The Treaty entered into force on 7th July 2000. Rwanda and Burundi later acceded to the Community in 2007 and the

Republic of South Sudan in 2016, bringing its membership to six (Masinde and Omolo 2017).

The EAC was selected by the researcher because of the ambitious inclusion of CSOs in the Charter that re-established the Community. Additionally, it has been two decades since the Community was re-established and the researcher considered this an adequate time for the analysis and review of the contribution of CSOs to the integration of the region. This study primarily focused on the three original member states of the Community, that is, Kenya, Uganda, and the United Republic of Tanzania. This is because of the duration they have been engaged in the integration effort and their historical significance in the process. This was also informed by security considerations, scope, time, and resource limitations. Rwanda, Burundi, and South Sudan were, however, cited and included in the study where applicable.

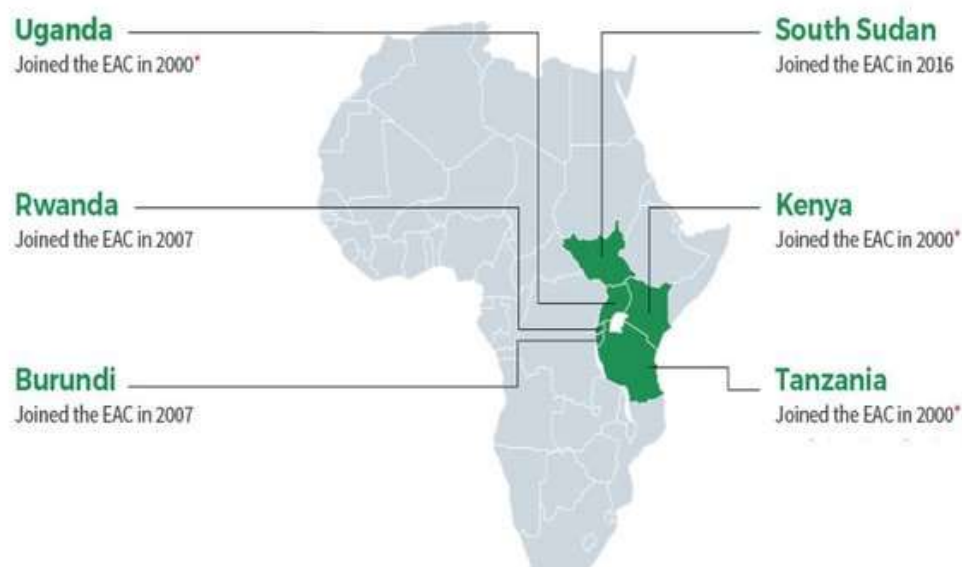


Fig. 3.1: Map of Africa showing the location of East African community with member states joining years

Source: Researchgate

3.2 Research Design

The study adopted a mixed method approach by collecting both quantitative and qualitative primary and secondary data. Using mixed research methods strengthens the research results by generating quantitative data which can then be interpreted and explained by qualitative information. The research objectives necessitated the used of this mixed method because the study involved the collection of data through questionnaires, online surveys, conducting oral interviews, and examining existing documents. This permitted the researcher to better understand the influence of CSOs on regulatory frameworks, policies, treaties, and agreements as well as evaluate the determinants of their influence and the strategies they employ. In order to examine the influence of CSOs on the integration process of the EAC, the researcher administered questionnaires to EACSOF accredited CSOs, and surveyed the views of officials at the national and the EAC Secretariat levels. CSO officials in the three countries were also interviewed.

3.3 Target Population of the Study

The target population of the study consisted of EAC Secretariat officials, officials in charge of EAC affairs in Kenya, Uganda, and Tanzania, EACSOF officials at the EAC level and at the national chapters in the three selected member states and all the CSOs accredited by EACSOF in the three participating states.

3.4 Sampling Procedures

3.4.1 Sampling Frame

The sampling frame for member states was all the 6 partner states included in the integration process of the EAC as at the time of the study. These are Kenya, Uganda, Tanzania, Rwanda, Burundi and South Sudan. In identifying the CSOs, the sampling

frame for this study was all the CSOs registered under the umbrella of EACSOFF as illustrated in table 3.1.

Table 3.1: Number of CSOs registered under EACSOFF in Kenya, Uganda and Tanzania

Country	Number of CSOs under EACSOFF
Kenya	19
Uganda	6
Tanzania	12
Total	37

Source: Research data

3.4.2 Sample Selection and Sample Size

Purposive sampling considering EAC establishment procedures and the historical relevance of member states to the integration process was adopted in selecting the member countries included in the study. Both purposive and snow-ball sampling techniques were applied in selecting the EAC and EASCOFF officials at the national and regional levels. The use of the purposive and snowball techniques was advised by the belief that some subjects were more suitable for the research compared to others. The wealth of knowledge and expertise they have was very useful to the study which justified the researcher's choice of the individuals and sampling technique. Thus, the interviewees selected for the study were identified purposely because of the relative knowledge they possess concerning the issues under study as well as being the official representatives of their respective domains. In order to determine the sample size for the CSOs, the researcher used the most recent list of all the organizations registered by EACSOFF national chapters in the region. CSOs were purposively selected from these EACSOFF's national chapters in each of the three selected states based on their availability, accessibility and active operation in the integration process of the EAC.

Consequently, 9 organizations were selected for the study. The sample distribution was as illustrated in table 3.2 below:

Table 3.2: Sample Distribution

CSOs	EAC Officials
9	5

Source: Research data

3.5 Data Collection Instruments

The process of data collection entails the obtaining of information from various sources necessary to answer the research objectives. The selection of appropriate data collection methods is guided by a number of factors including the nature and scope of the research, availability of funds, time factor and the level of precision required (Kumssa & Ngau, 2004). The study used both primary and secondary sources of information. Primary data collection methods included the use of questionnaires, interviews, and stakeholder consultations.

3.5.1 Questionnaires

Quantitative data was collected to support the chosen indicators using a standardized questionnaire with both open and close ended questions. The researcher provided sufficient indicators from existing literature on the study area in the questionnaire to underpin each of the dimensions. The questionnaire was developed to obtain information from CSOs in the EAC accredited by EACSOE. The questionnaire was divided into five sections with section A seeking general information about the CSOs, section B sought information on the influence of CSOs on the various stages of the policy processes and actual policies in the EAC, section C sought information on the determinants of CSO influence on EAC policies, Section D sought information on the strategies adopted by CSOs in seeking to influence EAC policies, and section E sought information on the challenges facing CSOs in their policies in the EAC. A total of 9

questionnaires were administered by the researcher to CSOs in Kenya, Uganda and Tanzania.

3.5.2 Interview Schedules

An interview schedule is a detailed, classified, planned and seriated tool used to acquire required information by a researcher. This method was used by the study to gather qualitative data from key informants. Eleven key informants were interviewed who included the Ugandan High Commissioner to Kenya and Permanent Representative to UNEP & UN-HABITAT, Kenya's Principal Secretary in the State Department of East African Community, the Principal Education Officer at the East African Community (EAC) Secretariat, the Director Research and Regional Integration Liaison at the State Department of East African Community – Kenya, the Executive officers of the EACSO national Chapters in Kenya and Tanzania, and five heads of various lead CSOs in Kenya, Uganda and Tanzania. A set of questions was set to elicit responses from them on the influence of CSOs the policies of the EAC, the strategies they adopt, the determinants of their influence and the challenges they face.

3.5.3 Secondary Data

The secondary sources of information in this study included the use of the internet, journal articles, policy documents, the dailies, press releases, and official reports. The secondary sources provided useful information for validating and triangulating information from primary data sources.

3.6 Reliability and Validity

Reliability relates to consistency of a research instrument to yield similar results under constant conditions (Schindler & Cooper, 2007) whereas validity refers to the extent to which an empirical measure sufficiently reflects the real meaning of the concept being

considered (Kerlinger 1973). The researcher made sure that the data collection techniques were appropriate for generating the information needed by the study and each method used was checked before use. Multiple sources of evidence, with convergent lines of inquiry, and clearly established chains of evidence were used to support and construct validity during the data collection phase of the research. For reliability, appropriate steps were taken to ensure overall study quality or trustworthiness. The research questions were clearly stated; purposeful sampling strategies appropriate for the study applied and data collected and managed properly.

3.7 Data Analysis and Presentation

3.7.1 Measuring the Influence and Contribution of CSOs to the Integration of the EAC

Civil society scholars have wrestled with the necessity and ways of measuring the empirical influence of CSOs on governance. Ultimately, a consensus has developed on the need and modalities for objectively assessing the impact of CSOs on regional governance. Pallas and Uhlin (2014) define influence at a general level, as ‘an actor’s ability to shape a decision in line with her preferences’. They take CSO influence on an IO to mean that the CSO contributes to shaping policy outcomes of the IO in line with its own interests and goals. This study adopted this explanation in investigating the contribution of CSOs to the integration of the EAC. Malena and Heinrich (2007) while acknowledging the positions of some scholars who posit that civil society is primarily a normative, theoretical, and abstract idea without any distinct, clear, or measurable empirical manifestation in social life and others who consider that while it would be useful to measure civil society, it is simply not possible, given the current lack of consensus about its nature, and the enormous diversity in how it is understood and manifested in different contexts around the world propose some compelling reasons for

endeavoring to measure and compare civil society. These are the link between civil society and crucial social and political goals, such as democracy, development, good governance, poverty reduction, and social justice; and the need to promote comparative learning among civil-society actors themselves. They subsequently propose a methodology and framework for measuring and comparing the condition of different civil societies around the world. In this framework which draws on both the rich body of theoretical work on civil society and the documented practical knowledge of practitioners from around the world, they suggest a set of indicators that aim to measure four different dimensions of civil society: structure, environment, values, and impact. The impact indicator which measures influence of civil-society actors on people's lives and on society as a whole encompasses five subdimensions, each representing an essential 'core function' of civil society. These include influencing public policy, holding the state and private corporations accountable, responding to social interests, empowering citizens, and meeting societal needs.

Pedersen (2015) draws on the sociologist Niklas Luhmann and his social systems theory, to propose an analytical model for explaining variations in civil society influence over policymaking. Noting that the theory emphasizes an increased complexity in contemporary societies by pointing to the existence of competing social systems, he suggests that civil society be viewed as being made up of a multitude of organizations that originate in different social systems. Their influence depends on their ability to link up the political system of which they are a part. The degree of competitive elections makes up one variable in the model and the inclusion and exclusion of civil society by elites makes up the other. Based on this model, Pedersen advances a typology of four groups of the influence of civil society on policy-making processes, ranging from the institutionalized and broad-based inclusion of civil-society organizations

following democratic ideals to their complete exclusion in authoritarian regimes. However, his contribution lies in his incorporation of two intermediate categories of the ad hoc and eclectic inclusion of civil-society organizations into an analytical model, since according to him, these outcomes are more prevalent in African countries.

Ibrahim (2015) notes that similar to democratization, civil society is increasingly being accorded an idealized role where it is acclaimed for achieving so many good things. He however, highlights that neither the role of civil society nor even its meaning is easy to pin down and measure. According to him, the divergent use of definitions by itself makes it difficult to measure civil society and its role, while making the comparison of findings of different sources arduous. Even after a suitable definition for civil society is crafted, one look at the definition will leave one wondering how it is possible to account for and measure all organized life outside of the family, state, and economy. Ibrahim eventually settles on what he considers to be relevant frameworks for analyzing the role of civil society in governance: Civil Society Index by CIVICUS which utilizes 74 pointers that are divided into four categories: structure, environment, values, and impact; and the Johns Hopkins Global Civil Society Index of the Johns Hopkins' Comparative Nonprofit Sector Project.

Dur (2008b) asserts that analysis of interest group influence remains of crucial importance to the understanding of political processes. He posits that although measuring interest group influence is difficult, it is not impossible and analyzing the impact of interest groups on political outcomes is not substantially different from other attempts at establishing causality. Citing James March (1955: 432) who stresses that 'Influence is to the study of decision-making what force is to the study of motion – a generic explanation for the basic observable phenomena', Dur affirms the importance of measuring interest group influence. He posits that although measuring interest group

influence is difficult, it is not impossible and analyzing the impact of interest groups on political outcomes is not substantially different from other attempts at establishing causality. The first set of challenges facing studies on influence are the existence of different channels of influence, the occurrence of counteractive lobbying and the fact that influence can be wielded at different stages of the policy process (Dur 2008b). Determining the source of influence is complicated by the existence of different channels of influence (including inside and outside channels as well as structural power), the possible impact of counteractive lobbying, and the fact that CSOs may influence different stages of the policy process (Pallas and Uhlin 2014). Research on interest group influence, both inside and outside the EU, is also hindered by the difficulty of measuring influence (Dur 2008a).

To address these challenges, Dur proposes what he calls methodological triangulation as the best in measuring the empirical influence of CSOs. This approach combines three different methods to overcome the shortcomings of individual methods. These approaches are process-tracing, measures of attributed influence, and assessments of the degree of preference attainment. The study considered this as the best approach due to its ability to overcome the shortcomings of individual methods. Thus, the study construed influence broadly, including impacts on IO agenda setting and decision-making as well as implementation and second examining both indirect engagement (via the state) and the direct lobbying of the IO (in this case the EAC Secretariat), so as to determine the combined impact of CSOs on regional level decisions, policies and actions.

3.7.2 Data Processing, Analysis and Presentation

Digital questionnaires designed through google forms were administered to the respondents. Their responses were therefore received electronically and systematically

analyzed by the use of spread sheets. The results of the data generated were then adopted and presented appropriately in bar graphs showing frequencies percentages and averages. Qualitative data was analyzed by grouping themes and providing explanations and discussions. The findings of the study have thus been presented through thematic discussions.

3.8 Ethical Issues

First and foremost, clearance to conduct the study was sought from the National Council for Science and Technology, which issued a research permit to the researcher to undertake the study (see Appendix III). Secondly, to address the ethical issues that arise from dealing with human subjects, the researcher sought the prior consent from the respondents, observed confidentiality and adhered to the guidelines issued by the university ethics committee. Study participants were assured that their responses were to be utilized for purely academic purposes and they were requested to sign on the questionnaire confirming their consent before participating in the research. Finally, permission was sought from all the institutions where data for the study was collected.

3.9 Limitations of the Study

For practical reasons, the focus of the study was limited to the three original founding member states of the EAC: Kenya, Uganda and Tanzania. The time frame of the study was also limited to the duration from 2000 to the time of the study. This is informed by the fact that CSOs were officially recognized in the Charter of the Community during this period.

3.10 Chapter Summary

The chapter presented the relevant areas of the research methodology. It has also appraised the research area, research design, target population, sample size and

sampling techniques appropriate for the study. The data collection instruments selected for the study and the analysis techniques have also been discussed. Finally, ethical considerations for the research and the limitations of the study have been highlighted.

CHAPTER FOUR

THE INFLUENCE OF CIVIL SOCIETY ORGANIZATIONS ON THE POLICIES OF THE EAST AFRICAN COMMUNITY

4.0 Introduction

The first objective of this research was to assess the influence of CSOs on the integration policies of the East African Community. This chapter therefore presents information on the extent to which CSOs have had an impact on different stages in the policy cycle and their specific influence on various Community policies.

4.1 Civil Society Organizations

The term Civil Society (CS) encompasses a wide range of formal and informal groups of people, engaged in social and economic activities for human development. Civil society hence relates to that component of societal organising that comes before politics and the emergence of business enterprises. All other forms of organising emerge from civil society. Civil society uses the state, markets and its organisations to generate goods and services, to support the functioning of the state and to sustain market dynamics. CSOs are therefore the civil society vehicles that are used to realize its objects of equity, equality, justice and humanity. These organisations come in different forms and groups and they include, among others, the Non-Governmental Organisations (NGOs), Community Based Organisations (CBOs), Faith Based Organisations (FBOs), workers' organisations (Trade unions), Professional Associations, Academia, Media, and Issue and Interest Groups. In the East African region, CSOs are relatively young with a majority of them having a narrow social base and thin geographical coverage. They are mainly urban based with a majority of them operating in the major cities with a minimal presence in the rural areas. They largely depend on donor funding from international partners for their operations.

4.1.1 Involvement of Civil Society Organizations in the EAC integration policy processes

In the East African Community (EAC), there is space for the involvement of CSOs in the policy processes of the Community. However, although they are allowed to participate in the community policy processes, they are sometimes perceived as competitors with member state governments and agents of foreign interests. The EAC as a regional economic body anticipates civil society participation in its institutions, organs and activities. There has been a rising and consistent trend of the EAC at the regional level and its member states at the national levels involving CSOs in their policy processes. This is institutionalized in a policy framework to ensure that the active and robust involvement and participation of civil society is prioritized in the regional integration process. More-so, the East African Community (EAC) treaty and the East African Community Development Strategy take cognizance of the fact that the process of economic and social integration is complex and its attainment depends on the collective efforts of partner states, civil society as well as the individual peoples of East Africa.

The East African treaty in particular addresses the participation of non-state actors, and the five partner states agreed to provide a conducive environment for civil society and the private sector to participate and undertake to formulate strategies to promote continuous dialogue at national and community levels. This is in an attempt to create an improved business environment for the implementation of agreed decisions in all economic sectors (EACSOE Newsletter 2010). On the other hand, CSOs are increasingly demanding involvement in the policy processes of the Community. CSOs feel that in order for states to formulate policies that are citizen centred and appropriate for the region, their involvement is necessary. They argue that the involvement of CSOs

in policy issues ensures that policies are appropriate to the needs of the people, feasible and implementable on the ground. They can use grassroots experiences and innovations as the basis for improved policies and strengthening local capacities and structures for ongoing public participation. CSOs pick the opinions of the public on a range of activities, policies and programs in the region. They exchange ideas with other CSOs in the region and beyond and consult with experts in the various policy areas of the Community. This is subsequently shared in the sectoral councils' meetings and the annual Secretary Generals' roundtable with CSOs. CSOs take these opportunities to shape the discourse and the agenda of the community. Through this process, CSOs are given an opportunity to influence the thinking of the community.

Civil Society Organizations in the region operate under the umbrella of the East Africa Civil Society Organizations Forum (EACSOF). EACSOF is a broad platform for Civil Society Organizations (CSOs) formed to facilitate dialogue among them and to foster sustainable and equitable development in East Africa through the participation of CSOs. It was initiated and coordinated by the East Africa Law Society in 2005 as the autonomous association for all NGOs and CSOs in the region and the channel through which these bodies can make representation to the regional governance institution, the East African Community (EAC). It is a space for shared learning and collective action, in pursuit of Article 127 of the Treaty for the establishment of the EAC with the vision of seeing an East Africa in which citizens are fully engaged and involved in all affairs affecting their lives. EACSOF has a membership of 37 organizations some of which are umbrella CSOs with an active affiliation of more than 400 CSOs, for instance, the Tanzania Association of Non-Governmental Organisations (TANGO) and UNNGOF. It has five national chapters (Burundi, Kenya, Tanzania, Rwanda, and Uganda), at different levels of getting registered nationally. EACSOF has an established

regional Secretariat with a President and a Governing Council in place. It has been able to mobilize CSOs in the region and kept them informed on the various developments within the EAC integration process.

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

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

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

4.1.2 EACSOFs engagements with the EAC

The Secretary General's forum is the apex institution that is crucial for interactions between CSOs and the EAC. The Annual Secretary General's Forum is organized based on an agenda developed by the Regional Dialogue Committee composed of representatives of the dialogue parties and is guided by the Rules of Procedure of the Forum. The vision of the Forum is to be the platform of choice for an inclusive and sustained engagement in the EAC integration process (EACSOF Newsletter 2016). In its formative years of existence, EACSOF advocated for the formation of the Consultative Dialogue Framework (CDF) for engagement between the EAC, private sector organizations, civil society organizations, and other interest groups. Within this framework, EACSOF has been mandated to be the focal point for CSO voices in the integration process. With support from the German International Development Agency (GIZ), the EAC approved the Consultative Dialogue Framework in 2012. It is a

structured guide to ensure consultative participation and inclusiveness of the private sector, CSOs, and other interest groups towards realizing the Community's objectives. The structure has, among others, the EAC-CSOs Fora and the Regional CSOs representative (EACCSOF) which link to CSO national chapters and national CSO networks. The latter two link to grassroots CSOs working on a wide range of issues. At the top, the different components of the structure culminate into the EAC Secretary General's Forum (Kamatsiko 2017).

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

Since its formation, EACCSOF has been working to strengthen the institutionalization of the relationship between the Community (EAC) and East African CSOs. It has also been working to ensure that East African citizens and their organizations work harmoniously and play a more effective role in the integration process through the development of stronger citizen organizations that have adequate capacity to respond to citizens needs and are able hold duty bearers to account (EACCSOF 2015). CSOs are participants in debates in the various fora of the Community. They have observer status in sectoral meetings and handle issues of human rights, climate change, environment, elimination of trade barriers, gender and youth affairs, and communication. The

engagements with the EAC include regional dialogue committees in preparation for the SG forum, engagements with Ministries of East African Community Affairs (MEACAs), research programmes, dialogue during important regional events like the EAC celebrations, and consultations on regional bills. Interactions with the EACJ happen when cases are taken to the court. A major challenge, however, is that the decisions of the EACJ court are not usually respected by member states.

EACSOF works towards the strengthening and institutionalizing of a relationship between East African CSOs and the EAC through an annual General Assembly for members of EACSOF with the purpose of submitting recommendations to East African Ministers and Heads of State. Their submissions cover a wide range of topics including human security issues, auditing of legislative domestication and implementation of the EAC treaty protocols, development and peace in the region. EACSOF has no religious or political affiliations, but operates within the legal and policy frameworks of the member states of the East African Community. It also abides by international and regional protocols that bind the people of East Africa. It employs the best practices in the management and organization of civil society for effective human development. These policies, laws and protocols include the UN Millennium Development Goals on Poverty Eradication, UN Habitat Agenda 21, Africa Union Charter on Human Rights, the treaty Establishing the East African Community, and the Visions promulgated by individual states of the East African Community.

EACSOF carries out capacity building, advocacy and lobbying activities for and on behalf of its member organizations in the areas of integration including but not limited to human rights, good governance, policy formulation, policy information, policy dialogues, trade negotiations, special interest groups representation, budgetary processes, promoting peace and security in the EAC, social and economic justice,

promoting environment, natural resources and climate change mitigation, mainstreaming science and technology, education and youth engagement in good governance, and mainstreaming gender. EACSOFF brings together CSOs and enables them to speak with one voice on integration agenda. It mobilizes CSOs and holds capacity building and training sessions for them like one held recently on the protection of civic space program under the FORD Foundation. It aims at strengthening the voice of CSOs in the face of the shrinking space, facilitating the sharing of thoughts and best practices among CSOs, training of CSO representatives on advocacy, lobbying and resource mobilization, addressing challenges and encouraging collaboration, networking for CSOs and holding of Stakeholder meetings. EACSOFF has been keenly tracking the integration process of the EAC, with a particular interest in observing the implementation of the EAC treaty, laws and protocols developed in EALA as well as plans, policies, programs, and strategies. It also actively engages with the East African Court of Justice (EACJ) on litigation issues.

4.2 The influence of CSOs on the Policies of the EAC

Generally, CSOs are involved at the different stages of the policy processes in the EAC. The increasing global trend towards democratization has opened up the political space for CSOs to play a more active policy influencing role in the region. They have been able to exert their influence to varying degrees at the various policy stages and in different community integration policy agendas. They contribute and use evidence in agenda setting, policy formulation, implementation and evaluation. The degree of their involvement is, however, determined by the nature of the matter under consideration. As illustrated in figure 4.1 below displaying the results of a perception survey conducted by the study, CSOs are mainly involved at the implementation stage of the

EAC policy processes whereas they are least involved in the agenda setting and formulation levels.

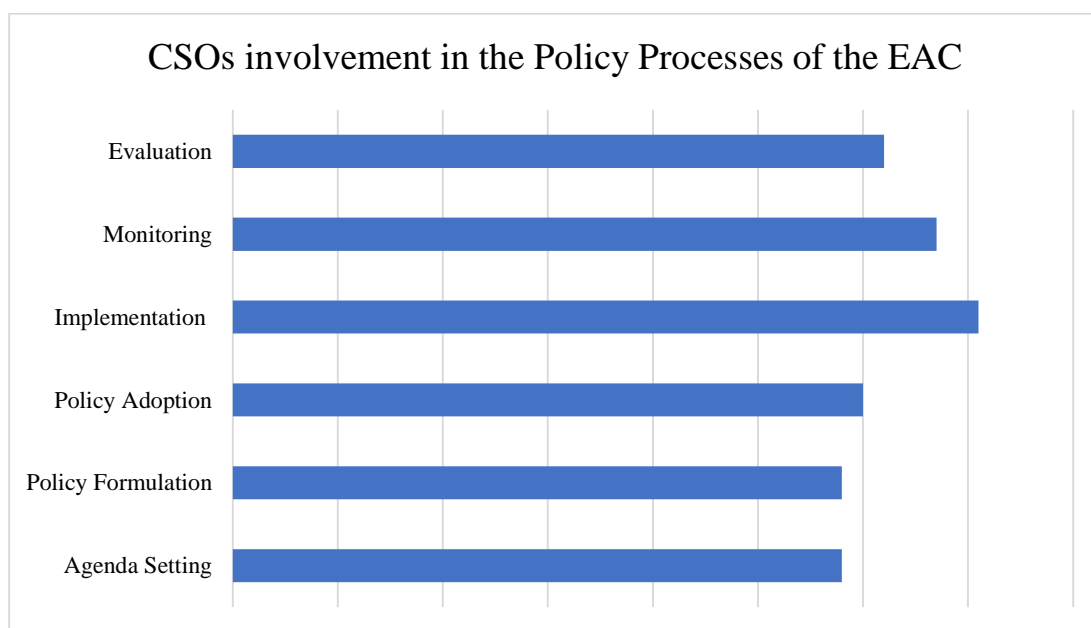


Figure 4.1: CSOs involvement in the policy processes of the EAC

Source: Research Data

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

During the formulation of policies, the forms of political decision making vary based on the national and regional contexts and the policy under consideration. At this step, consultation with civil society is central to informed decisions. Evidence is an important way of establishing the credibility of CSOs and thus determines their capacity to influence the formulation of policy. CSOs through their proximity to communities, local groups and other actors ensure that diverse perspectives and particularly those of the most marginalized groups who are often isolated and disconnected from decision making spaces and public policy arenas inform the development of regional policies that directly affect them. CSOs facilitate citizen participation in the development of policies for the realization of EAC objectives through CSO policy proposals, policy position papers, and legislative drafting in line with EACSO thematic areas. They do this in collaboration with the sectoral committees, EALA and the Secretary General's forum through the established dialogue mechanisms. Avenues used in this stage include formal and informal lobbying, participation in official consultation processes and mobilization to keep public support. Because of their experience, expertise, and networks, CSOs can have an impact on the design of regional policies. This may mean that the ideas initiated by civil society are integrated into regional policies, or systems designed by CSOs are used as inspirations. CSOs involvement in this stage can have a profound impact on every aspect of the designed policy including the scope of coverage, the scope of services to be provided and the anticipated extent of inclusion. They promote citizen centric collaborative governance and co-production (citizens produce or improve existing services, without relying too much on government agencies) due to their reach and influence at the grassroots level. This is important in enhancing ownership of the EAC processes especially among the cross-border business communities. They also offer technical and specialized input at higher policy levels

especially at the ministerial level and the summit. However, the final power of choice lies with the regional authorities, unless in the rare circumstances where the decision is taken by a referendum, public vote or a co-decision mechanism.

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

Finally, CSOs play a crucial role in policy monitoring and reformulation. They monitor and assess the outcomes of the policies implemented, including the allocation of funds. CSOs inspire accountability of regional authorities and member state governments in the implementation of agreed upon policies. Through independent monitoring and

evaluation, CSOs are important agents for holding regional and national authorities in the EAC accountable. Furthermore, CSOs engage in the monitoring and evaluating the implementation of EAC strategic plans, policies, and programmes in order to provide feedback to partner states and the EAC Secretariat on progress, successes, challenges, obstacles, and proposed solutions to the regional integration process. They assist in localizing the EAC integration agenda and monitoring progress. For instance, CSOs were requested to track the road construction from Arusha-Namanga to Nairobi. However, no funds were provided for this responsibility. The results of the monitoring phase constitute the basis for needed policy reformulation.

4.3 Participation in Specific Policy Areas

EACSOFF has actively engaged itself in the actual policy processes of the EAC in seeking to ensure citizen centred policy development and implementation at regional and national levels in regards to democratic governance; peace and security; social and economic justice; agriculture, natural resources, environmental protection and climate change; and mainstreaming science and technology (EACSOFF 2015). EACSOFF also sets priorities for collective action on constitutionalism, integrity, free movement, economic rights and social cohesion. Notably, EACSOFF prepared a draft gender protocol and a draft youth policy for consideration by the Council of Ministers, played a leading role in advocating for the HIV/AIDS prevention and management bill, lobbied for changes to the EAC Anti-counterfeit Bill aimed at protecting citizens' access to quality generic medicines, contributed to advocacy initiatives, defended EALAs mandate to raise private members' bills, collaborated with EABC to launch the EAC Health Forum and initial key issues with support from GIZ, initiated advocacy for free movement of Africans in Africa under the auspices of CCP-AU, undertook analysis of the CSO operating environment in East Africa, engaged EALA and EACJ on the

deteriorating humanitarian and human rights situation in the Republic of Burundi and conducted a Right to a Nationality (R2N) in Africa Workshop to raise concern on statelessness and R2N (EACSOFF 2015). In these engagements, EACSOFF seeks to ensure citizen centred policy development and implementation at the regional and national levels. It additionally monitors the implementation and regulation of policies such as the Customs union in which EACSOFF strongly participated in the development processes of the same to ensure the supremacy of good governance (EACSOFF 2015).

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

From study findings, a greater percentage of CSOs indicated that they were mainly involved in gender policies. The influence of their participation is least in socio-cultural policies, science and technology and agricultural policies as illustrated in figure 4.2 below.

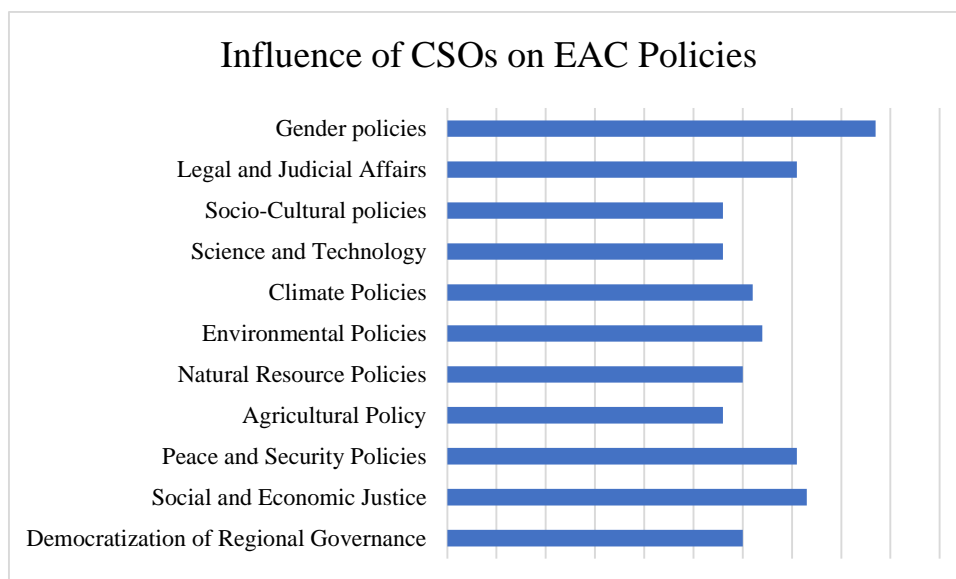


Figure 4.2: The influence of CSOs on specific EAC policies

Source: Research Data

4.3.1 Democratization and Regional Governance

The EAC Treaty (Article 3.3a), supports “adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice” as one of the major criteria for admission into EAC membership. CSOs in the region have promoted peoples’ participation & democratic governance, advocating for transparency, accountability and defending human rights. As a result, democratic practices improved over the last 2 decades across Africa, including East Africa. The civil society sector plays a significant role in lobbying and pressuring governments to democratize politics and to implement policy changes. They deal with constitutionalism, democracy, accountability and the rule of law. CSOs provide needed opportunities for local communities to take part in the agenda of the regional

Community and channel their views and concerns to the Summit and the governing council. The CSOs promote peoples' participation in enhancing democratic governance, policy advocacy, promotion of transparency and accountability, and the defending of human rights in East Africa. This is because they are well placed to articulate the pressing needs and demands of the citizens. CSOs provide advocacy, identify issues and challenge governments on certain matters. They fight to ensure that the human rights of East African citizens are safeguarded in the integration process. The CSOs enhance and strengthen partnerships with the EAC in order to accelerate sustainable political development in the region and they have been actively encouraging EAC member states to enter a Governance and Democratic Charter meant to operationalize Articles 3 and 6 of the EAC Treaty.

EACSOF is currently working on the implementation of the African Governance Architecture (AGA) and more specifically the African Charter on Democracy, Election and Governance (ACDEG). The African Charter on Democracy, Elections and Governance expounds upon the constitutive act, committing member states to the adherence of universal values and principles of democracy and respect for human rights. It promotes the adherence to the rule of law, the holding of free and fair elections, and the rejection of unconstitutional changes of government. It was adopted by the AU in January 2007 in Addis Ababa but did not come into operation until 2012 because it needed a minimum of 15 countries to assent. ActionAid Denmark and EACSOF carried on a strategic meeting in Nairobi from 8th -9th April 2019 to advise and train the existing CSO platform to apply the capacity provided to promote the implementation of the AGA and especially the ACDEG. EACSOF in joint partnership with Tanzania Vijana Assembly Organized a two days' workshop in Arusha, Tanzania to deeply train them on African Charter on Democracy, Election and Governance (ACDEG) including

creating an influential space for youth to share their voices, their success stories, sharing the position and role of youth in the East African community, and guiding them on how to submit their resolutions to be forwarded to the minister of youth for the establishment of the national youth council of Tanzania (EACSOFF Newsletter 2019).

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

CSOs are actively pushing for the fast tracking of the EAC Regional Charter on Human Rights / Democratic Governance and the promulgation of one EAC Federal Constitution. Through their regional platform, they are pushing for the civic space protection and the establishment of a model form of the freedom of information law. CSOs explore opportunities in collaboration with member states and the EAC and partner with the EAC and through EACSOFF to contribute to EAC affairs. They use the regional EAC platform to champion for the expansion of the civic space in individual member states. Through the dialogue committees which meet twice a year, CSOs that develop themes contemplate and discuss what they want at the EAC. EACSOFF sees opportunities in policy advocacy at EAC and AU levels, election monitoring and engagement in negotiations and implementation of international agreements, especially those related to trade facilitation. Although there are disparities in the strength of CSOs among EAC Partner States, as a combined voice they have great potential to influence public policy and practice in the region (EACSOFF Strategy 2016 -2020).

Civil society is also advocating for the democratization of access to power across the region through a common EAC position on term limits, harmonized electoral laws and shared EAC Electoral Commission; promotion of active participation of CSOs in civic education and election observatory processes across boundaries, especially during general elections; and the restoring of presidential term limits in all partner states. To achieve these, EACSOFF seeks to work in partnership with EALA to accelerate integration through legislation. CSOs together with EALA hope to promote legislative drafting at regional level and reach out to national parliaments in partner states to advocate for timely domestication of regional laws. The existence of enabling laws is expected to underpin clear guidelines and accountability mechanisms for harmonized implementation of integration processes to the benefit of East African citizens (EACSOFF Strategy 2016 -2020).

In collaboration with the Regional Centre of Small Arms (RECSA) whose headquarters are in Nairobi), CSOs have engaged in the promotion of peace and security through their participation in military and police weapons marking and registration throughout the five member countries. The EAC member countries are receiving direct support for the control of light weapons in line with the guidelines of the 2002 Nairobi protocol.

4.3.2 Social and economic justice

CSOs seek to enhance the social and economic justice of the EAC integration processes through citizens' capacity, building and strong national platforms that effectively engage in political social and economic aspects of the EAC integration process. The Common Market and the Monetary Union are instruments designed to enhance the socio-economic well-being of East African citizens. CSOs have been monitoring the progress of their implementation, the progressive removal of tariffs & non-tariff barriers (NTBs) and promoting cross border trade & SMEs. This is not only intended

to take stock of gains made, but also to identify obstacles and propose innovative solutions. Regional trading arrangements have spread, widened and continue to deepen due to this. CSOs engage in the monitoring of EAC commitments, protocols and programs to evaluate delivery of growth, development and improved livelihoods. They also complement local and regional pro poor/poverty alleviation programmes with community based tailored assistance using evidence based and sustainable solutions. The main concern of Civil Society is people's well-being - living standards, social indicators, equity, social justice, gender disparities, wealth distribution and children's welfare. CSOs are concerned with whether the growth in regional trade will improve the welfare of the citizens with regard to the social indicators. They therefore promote stakeholder and citizens' engagement in the development and implementation of trade related policies at EAC and partner state level to ensure that these processes lead to improved livelihoods of the people in the East African region. They also focus on enhancing inclusion of the marginalized groups in the EAC integration processes as provided for by the EAC Treaty by spear-heading the formulation and domestication of socio-economic related bills that empower marginalized groups including youth, women, the disabled and people living with disabilities. CSOs further engage in monitoring the implementation of the Customs Union, progressive removal of tariffs & NTBs, promoting cross border trade & SMEs, with special support to women in cross-border business through information, education and communication (IEC) for empowerment and protection against corruption and sexual harassment (EACSOF Strategy 2016 -2020).

CSOs have been engaged in prioritising (at both the regional and partner state levels) enhanced investment in infrastructure development (with emphasis on energy, ICT and transport infrastructure to lower the cost of doing business in order to increase the

competitiveness of the private sector) without losing sight of the regional imperative of maintaining macro-economic stability and a conducive environment necessary for optimising the region's competitiveness. Accelerating the implementation of the EAC Common Market and Monetary Union Protocols – with a view to optimising increased investment in the region, as well as expanding the regional single market with free movement of all factors of production has also been a priority area for CSOs. CSOs focussed on the economic sector have been pushing for economic accountability in the region, curbing of illicit financial flows, sealing inequality gap, domestic resource mobilization, provision of services/service delivery for citizens and research. So far, they have drafted a motion on illicit financial flows in the extractive sector.

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

4.3.3 Agricultural policy interventions

Agriculture remains the bedrock of the Partner State economies, accounting for more than 25% of GDP, 65% of the volume of intra-regional trade, and over 70% of employment opportunities. More than 70% of the industries in the EAC are agro-based. However, the service sector remains resilient and continues to contribute substantially

to the region's economic activities. Agricultural productivity and production in the EAC are largely constrained by policy issues, natural factors, and technological adoption. Agriculture remains the primary economic activity across the East African region, which ultimately depends on other environment factors (climate, land, water), but despite this, there's no regional protocol on agriculture within the EAC policy framework. CSOs both individually and through their umbrella body offer needed support to the agriculture sector. They enhance the transparency, legitimacy and equity of policy and decision-making ensuring that it takes into consideration the interests and needs of all sectors of society and has their support. They also give a voice to stakeholders, particularly the region's poor and ensure that their opinions and views are taken into account. Furthermore, CSOs increase the effectiveness of the Food and Agriculture Organization (FAO) programmes and field projects by bringing on board civil society experiences in poverty alleviation, participatory approaches and sustainable agriculture, as well as their capacity to act flexibly and quickly targeting the most vulnerable groups, and build political will and public support to attain food security objectives. CSOs are seeking to contribute to the development of EAC agricultural policy which will improve food security, tackle post-harvest loss and address agricultural value chains in the region.

4.3.4 Industrialization Policies and strategies

CSOs have participated accelerating the implementation of the EAC Industrialisation Policy and Strategy. They played important roles in enhancing investment and undertaking the necessary reforms in the strategic area of human capital development – with emphasis on skills development – whereby partner state governments shall ensure result-oriented partnership with the private sector and other non-state actors – to

ensure bridging the existing skills gaps in the key priority sectors – including, inter alia, in agro-processing; minerals, oil and gas energy and transport infrastructure areas.

4.3.5 Sustainable utilization of natural resources and environmental protection

The EAC Treaty (Art. 111) recognizes the fact that development activities may have negative impact on the environment; yet a clean and healthy environment is a pre-requisite for sustainable development. The partner states of the EAC have undertaken to co-operate and adopt common policies for the control of trans-boundary movements of toxic & hazardous waste, including nuclear materials. Sustainable management of trans-boundary resources is best regulated at the regional level. The establishment of the Lake Victoria basin Commission (LVBC) hosted in Kisumu, Kenya, and Lake Victoria Fisheries Organization (LVFO) hosted in Jinja, Uganda are remarkable steps towards achieving sustainability of ENR in the EAC region. CSOs play a critical role in improving conservation and natural resource governance in the EAC through the promotion of effective management and sustainable utilization. The Model Law on Mining, Community and Land in Africa is used by civil society organizations and policy makers to advocate for reforms to mining policies in different African countries and especially for communities to organize around the challenges that they face caused by extractive activities in their habitats. CSOs have participated in the mitigation of the effects of climate change by proposing a policy that prescribes statements and actions to guide Climate Change adaptation and mitigation. This is meant to reduce the vulnerability of the region, enhance adaptive capacity and build socioeconomic resilience of vulnerable populations and ecosystems. Adaptation to climate change is of priority to the EAC region considering the high vulnerability of the region to the negative impacts of climate change, with the emerging and associated challenges especially in food security. CSOs are pushing for the establishment of a protocol on

extractive industry initiatives within the East African region, valuing and accounting for environmental and natural resources. This will highlight policy and guidelines on exploitation of natural resources and equity in sharing revenue and costs with communities and EAC citizens. They are also monitoring and tracking the implementation of environmental and natural resources legislative instruments both at partner states and regional levels. They seek to enhance people's participation in managing their environment and natural resources so as to give them a sense of ownership. This is based on the awareness that natural resources are found within communities and they have the right to enjoy the benefits derived from their own resources. They are thus engaged in campaigns, lobbying for sensitization, environmental services and the raising of awareness on environmental issues to help East African citizens become more aware of the environment and natural resources. Additionally, CSOs network and collaborate with different environmental protection organizations at local, regional and international levels; and train and share knowledge to enhance capacity development on environmental matters. Being a lobby forum, EACSOF seeks to contribute to the domestication and compliance of Partner States to environment and natural resource commitments and international conventions (EACSOF Strategy 2016 -2020).

4.3.6 Science and technology

Article 103 of the East African Treaty underscores the significance of Science and Technology as an important driver for economic development. EACSOF too recognizes and appreciates the role that science and technology can play in the transformation of lives and the enhancing of regional integration. It has consequently promoted and coordinated the development, management, and application of science, technology and innovation to support the socio-economic development of the citizens

of East Africa and regional integration through the implementation of the regional Science and Technology policy championed by the East African Science and Technology Commission (EASTECCO).

CSOs also seek to encourage joint scientific and technological research institutions on indigenous knowledge and technologies, advocate for the dissemination and internalization of new and emerging technologies for accelerated economic development and sustainable use of natural resources, promote gender equity and participation in the development and the application of science and technology, and have been advocating for formulation of EAC intellectual property policy, protection of plant varieties, public health, transfer of technology and financial support in regards to WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement (EACSOFT Strategy 2016 -2020).

4.3.7 Women Empowerment

The EAC Partner States recognize that women make a significant contribution towards the process of economic transformation and sustainable growth and that it is impossible to implement effective programmes for the economic and social development of the partner states without the full participation of women. To this end, the EAC has put the inclusion of girls and women at the centre of regional development programmes with member states seeking to ensure affirmative action, constitutional and legal reforms, institutional mechanisms for implementation and accountability development of national gender policies; economic empowerment measures, and other sector-specific policies. CSOs that champion youth affairs and those focused on gender and women issues have been actively engaged in these programmes. CCGD, a CSO from Kenya is involved in the construction of child care centers at the border markets. One has already been set up at the Kajiado/Namanga border. The CSO is also providing technical

support for child care support at border markets and has proposed a cross border women traders market in Busia. The focus is on creating a safe trading environment for the women, educating them on trade laws and implications of border crossing both legal and illegal, and entrepreneurship training, safe trading, and business plans development. The CSO has also participated in vetting and funding programs and actionable ideas from women groups engaged in cross border trade.

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

4.3.8 Peace and Security

Growing tensions, polarization, demonstrations, protests, civil unrest & general insecurity in the East Africa region make conflict mitigation and peace building a developing area of concentration for EACSO and its affiliate CSOs. Conflict situations often arise as a consequence of perceived or real exclusion, marginalization and domination. Threats to peace and security are also fuelled by religious extremism, terrorism, ethnic violence armed conflict and class tensions mainly between the urban well to do and the increasing numbers of the peasantry and jobless youths. These threats require urgent interventions. Because of the perceived neutrality of CSOs, they are well placed to broker peace and repair relations between conflicting parties as well as tackle the issues of exclusion, marginalization and domination. This has presented

opportunities for CSOs to develop negotiation and dialogue facilitating competencies (EACSOF Strategy 2016 -2020).

EACSOF has focussed on enhancing the capacities of the EAC CSOs to operationalize existing mechanisms for early warnings on violence and insecurity, and empower and facilitate civil society to take a leading role in monitoring and feedback on early warning systems (EWS) and peace brokerage, including the unique role of women in peace building and conflict transformation. It has sought to develop practical conflict resolution and disaster management competencies and preparedness in the EAC beyond military approach; and through its membership, conducted studies and promoted the sourcing of up-to-date information on underlying causes and drivers of conflict, in order to demystify peace and security in East Africa. Based on quality information, CSOs are working in close collaboration with the EAC institutions to improve the mapping of the likely scenarios and early warning systems for pro-active interventions that protect the EAC from the erosion of peace, security and stability, especially in periods preceding elections in member states (EACSOF Strategy 2016 -2020).

4.4 Other policy interventions

4.4.1 Lobbying for changes to the EAC Anti-counterfeit Bill

The perception that makers of substandard medicines use without prior authorization well-reputed pharmaceutical companies' trademarks to sell their inferior and often dangerous products led to initiatives at both the EAC and partner states' levels to address the issue of substandard drug quality through a new set of rules on the enforcement of IPRs. In 2010, the EAC Secretariat availed to member states the EAC Anti-Counterfeit Bill which was drafted pursuant to a consultancy by two law firms based in Nairobi (UNCTAD 2016). The aim of the policy was to be a basis for a robust legal framework for the protection and enforcement of intellectual property rights in

the region that combat counterfeits and pirated products (CEHURD 2010). The 2010 version received some comments from partner states' governments and subsequently underwent a number of minor modifications. Consultations between partner states and the EAC Secretariat then proceeded on the basis of the 2011 version of the Bill. According to this approach, the enforcement of trademark rights would thus indirectly benefit public health. This indirect approach led to considerable concern in the EAC region and elsewhere, as "anticounterfeit" initiatives could - if misguided - potentially affect activities by the local generic industry by obstructing access to them, and thus undermine public health in the region. In April 2015, therefore, the EAC Council of Ministers decided to discontinue the enactment of a separate law on anti-counterfeiting and instead placed draft provisions on counterfeiting within an amendment to the 2006 EAC Competition Act. The amendment applies anti-counterfeiting measures to protect trademarks and copyright, but not patents. Local civil society together with other concerned stakeholders played an important role in amending a previous version from 2009 to better reflect concerns related to public health and generic competition (UNCTAD 2016).

4.4.2 The Right to Nationality and Eradication of Statelessness

In advancing the Right to Nationality and Eradication of Statelessness agenda, EACSO, Pan African Lawyers' Union (PALU) in partnership with the Open Society Foundation Africa Regional Office and International Refugee Rights, hosted a forum for CSOs at the East Africa Hotel in Arusha Tanzania on the 26th November, 2015. The meeting accorded CSOs the opportunity to share information on the recent findings and recommendations of continental studies indicating a need for a protocol on the rights to a nationality in Africa. Additionally, due regard was paid to gender, the crisis that was unfolding then in Burundi and the concept of accelerated regional integration

agenda, which was viewed as being hampered by exclusion policies at the regional level. A key outcome of the meeting was the need for CSOs to in one voice and with relevant stakeholders minimize the cost of statelessness and come up with new rules and policies on the issue. Furthermore, CSOs were expected to push for the Right to Nationality and Eradication of Statelessness agenda by sharing their technical expertise and advocating for political goodwill. For instance, at EAC level, CSOs should advocate for Enriching Draft Gender Equality Bill to incorporate Right to Nationality (EACSOE Newsletter 2016).

On 17-18 December 2019, UNHCR and UNICEF co-convened a regional advocacy workshop on childhood statelessness in Nairobi, Kenya. The event was organized as part of the two agencies' regional joint strategy to address childhood statelessness in Kenya, Tanzania and Uganda, developed under the umbrella of the UNHCR-UNICEF Coalition on Every Child's Right to a Nationality. The workshop gathered more than 30 participants from civil society organizations (CSOs) from Kenya, Tanzania and Uganda. These CSOs work on issues related to statelessness, human rights and child protection and were eager to strengthen their advocacy related to the right of every child to acquire a nationality. As a result of this workshop, most of these civil society organizations formalized their membership to the Coalition and agreed to strengthen their role in an emerging regional network and started developing an advocacy strategy to address childhood statelessness in their respective country, which includes the realization of universal birth registration in their respective countries. Participants improved their knowledge on existing gaps in domestic nationality legal framework and practices, as well as systems relating to nationality, birth registration and documentation. The importance of the 1961 Convention on the Reduction of

Statelessness was highlighted, especially with regards to how this instrument can prevent childhood statelessness.

4.4.3 Engagements with the East African Legislative Assembly (EALA)

Civil Society in the EAC region under the guidance EACSOF is keen on taking collaboration with the East African Legislative Assembly a notch higher. A collaboration framework has been developed between both organisations which is expected to strengthen their relations. EACSOF officials and individual CSO leaders engaged in close interactions with EALA speakers in the development of the collaboration framework. The EALA appreciates that the EAC Treaty has placed a premium on the contribution of civil society to the integration process and is thus keen to work more closely with CSOs in the regional endeavor. This, EALA acknowledges, is not a favor but a responsibility. Under the envisaged collaboration, EACSOF anticipates that an institutional structure with clear linkages at the regional and national levels will be established and that with it, a forum for continuous engagement between the parties will be realized eventually. The areas of joint collaboration include participation in the EALA plenary sessions and in the annual regional conferences such as the Inter-Parliamentary Relations Seminar (Nanyuki Series), routine engagement with EALA National Chapters and the establishment of an annual EALA-CSO (Speaker's) Forum where best practices and ideas are exchanged. EACSOF believes that the proposed EALA civil-society relationship will boost legislative and policy initiatives as civil society is keen to contribute to research and thus augment the work of the regional parliament.

4.5 Chapter Summary

Chapter four presented information on the participation of CSOs in the policy processes of the EAC. It outlined the involvement of CSOs in the Community structures through

EACSOF which is the umbrella body of CSOs in the region. It is evident from the information that CSOs participate in the policy processes of the EAC through such forums as the Secretary General's forum and the regional dialogue committee. Their involvement is manifest in all the stages of the policy processes. However, from the data collected, this is significantly felt in policy implementation. The information presented further indicates that CSOs are mostly involved in gender issues and least participate in socio-cultural issues, science and technology and agricultural policies. CSO policy intervention are also evident in regional governance and democratization, social and economic justice, environment and natural resources, science and technology, women empowerment and peace and security.

CHAPTER FIVE

THE STRATEGIES ADOPTED BY CIVIL SOCIETY ORGANIZATIONS IN SEEKING TO INFLUENCE EAC POLICIES

5.0 Introduction

The second objective of the study was to investigate the strategies adopted by CSOs in seeking to influence EAC policies. This chapter therefore presents information regarding the various strategies employed by CSOs in their engagement with the EAC.

5.1 CSO Strategies in the EAC

CSOs in the EAC adopt different strategies in seeking to influence regional policies. According to the data from the study, awareness building ranked highest as the main strategy whereas consultation ranked lowest. Campaigns and advocacy, expert advice, dialogue and partnership, provision of information and consultation were ranked as illustrated in figure 5.1 below. Other strategies identified by the study include collaboration and networking, training and capacity building, petitions, engagements with partner states, picketing, liaison with the media and the academic community, and litigation and engaging the EACJ. Each of these strategies is discussed in detail in the following sections.

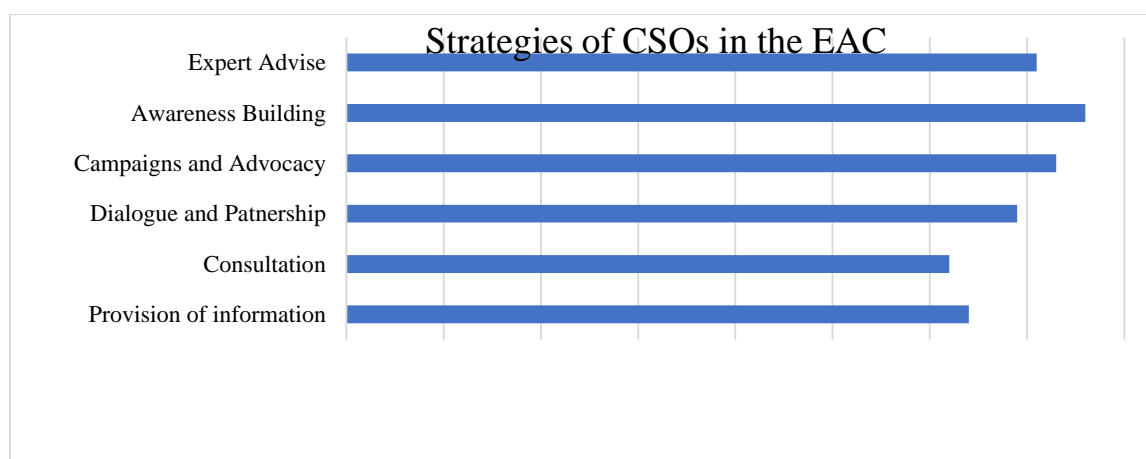


Figure 5.1: The strategies employed by CSOs in the EAC

Source: Research Data

5.1.1 Creation of awareness

This strategy aims at providing information to the citizens of the EAC particularly about the integration processes. As an essential aspect of its work, EACSOFF focuses on empowerment of the citizens in the region by developing their civic competencies and confidence to demand for their rights. It seeks to do this by evolving into an efficient and strong regional network of national platforms that is capable of promoting effective and timely horizontal and vertical communication and information sharing. The timely and effective dissemination of information is expected to create an informed and empowered citizenry which is able to engage adequately in the EAC integration process.

Awareness creation on the World Wide Web and social media including on Twitter, Facebook and Instagram are important strategies deployed by CSOs to push their agenda in the region. Advocacy through the internet and social media generates needed traction around issues that CSOs are championing in the region. The Tanzania Association of Non-Governmental Organisations (TANGO) EAC online forum was launched on 6th March 2013 in Dar es Salaam, Tanzania with the aim of enhancing the integration of the East African Community. The forum is an online dialogue and interaction platform for individuals, the private and public sector, CSOs and Tanzanians in general to widely debate regional integration issues in a myriad of ways. While launching the platform, TANGO Executive Director Mr. Nunga Tepani appealed to the EAC partner state governments to utilize the information generated through the facility to inform policy decisions at both regional and national levels. He elaborated that the forum funded by Trademark East Africa specifically seeks to generate additional knowledge and evidence for deepening and widening the regional integration process but more importantly catalyze civic action and champion a common advocacy agenda

and thus complement various other civil society offline regional engagement initiatives. All civil society actors in Tanzania and beyond that have an input to make into the EAC regional integration agenda were urged to use the tool to share evidence, present their views, and ensure that the various stages of cooperation are or will be citizen centered. The portal is currently hosting dialogues with resultant views and recommendations being synthesized into policy briefs and action alert notes for further engagement and advocacy by CSOs (EACSOE Newsletter 2013).

EACSOE website was created to facilitate a more efficient flow of communication to all the stakeholders. Between January and December 2014, the EACSOE website attracted 10,797 web visitors of which 8,075 were unique visitors. In the years 2012 and 2013, the website attracted a total of 5,472, 3,129 website visitors. There was also an increase of EACSOE e- news and press releases mailing list subscribers to a total of 5,259 recipients in the same period (EACSOE Newsletter 2015). The internet presence, calendars, annual reports, bulletins and other communication strategies are aimed at promoting the visibility of EACSOE at national and regional levels by documenting and disseminating the outcomes of EACSOE's work widely.

5.1.2 Expert advice

CSOs offer concise, well researched, concrete and beneficial expert input and suggestions to the EAC institutions. Extensive research and the developing of vital expertise on such issues as economic policies, conflict management and resolution and governance increase the demand for CSO input in the policy process. CSOs play a key role in all aspects of the research process, from developing a research agenda that responds to the needs and concerns of the public, to conducting research and transforming research findings into action. They are thus invited to offer crucial input on their respective areas of expertise in the Council of Ministers or even at the Summit

level. This affords them the leverage needed to influence regional policies according to their preferences. Offering needed technical support also enhances the relevance of CSOs in the region. Additionally, proper documentation and wide publication of the work done by CSOs combined with the utilization of research findings to establish best practices and influence change have been important strategies for enhancing the influence of CSOs in the integration process. CSOs ordinarily have greater influence when they convert their practical expertise and knowledge into evidence that can be harnessed to inform other stages of the policy process (agenda setting, formulation and evaluation).

5.1.3 Campaigns and advocacy

A campaign is as a series of actions aiming to bring about a (policy) change. Campaigns are seen as valuable instruments for CSOs to mobilize the political will necessary to improve development policy and practice. Campaigns can help by increasing awareness and support, bypassing traditional channels and pooling resources (Court *et al* 2006). Through campaigns, CSOs have achieved several aims including the raising of awareness among the general populace on the policy issues at hand, mobilizing action through citizens' petitions or consumer boycotts and the pressurizing of member state governments and the regional institutions to take on board the views expressed through these campaigns and act on issues. Environmental, health and rights-related issues are among the most common subjects of such campaigns in the region. In 2012, the EAC Secretariat with support from GIZ rolled out a series of awareness and sensitization campaigns on the EAC integration for the general public, civil society, private sector and local governments. The meeting brought together representatives from the East African Business Council (EABC), East African Civil Society Forum (EACSOF), the East African Local Governments Association (EALGA) as well as the Ministries of

EAC in the Partner States. The main objective of the sensitization campaigns was to create awareness among the citizens of the East African region on the integration process and enable them to take full advantage of its benefits (EACSOE Newsletter 2012).

CSOs engage in advocacy work among citizens and policy makers. They sponsor bills which they consider crucial for the Community. Bills such as the Anti-counterfeit Bill aimed at protecting citizens' access to quality generic medicines and the HIV/AIDS prevention and management bill have benefited immensely from the input of CSOs in the region. CSOs also played a leading role in defending EALAs mandate to raise private members' bills, collaborated with the EABC in launching the EAC Health Forum and initiated advocacy for free movement of Africans in Africa under the auspices of Centre for Citizens' Participation in the African Union (CCP-AU).

On April 23, 2012 at the 4th Meeting of its 5th Session, the East African Legislative Assembly (EALA) debated and passed the HIV and AIDS Prevention and Management Bill, 2012. The passage of the Bill was a major score for the civil society in the region who were instrumental in bringing the Bill to life. The Bill seeks to harmonize and strengthen the national responses to HIV and AIDS in the EAC Partner States by providing a regional legal framework for the attainment of a synergistic and more coordinated response which shall, in turn, contribute to the overall reduction in HIV incidence and prevalence rates in the EAC. The Bill takes a progressive approach by emphasizing on prevention whilst embracing the other key aspects of the response to the pandemic, namely, treatment, care and support. It takes the Rights –based Approach (RBA) in its content and spirit and provides for the application of the RBA in its application and in HIV & AIDS programming in the region. Further, in a more

progressive fashion, it fosters the promotion, actualization and protection of human rights of all in the context of HIV & AIDS (EACSOE Newsletter 2012).

5.1.4 Consultation

Consultations are a vital part of broader participatory methods in policy processes. They take place in any stage of the policy and project cycle. Consultations with civil society in the EAC range from national level meetings aimed at obtaining feedback or reaching consensus on specific policies to regional level fora. They are granted the opportunities to be consulted before some of the key decisions are made and are invited to attend the regional decision-making fora. These consultations yield practical advice on how to make policy processes more effective. Through consultation, stakeholders are given the opportunity to interact and provide feedback, and may express suggestions and concerns. CSOs can provide essential local knowledge that is vital to the policy process and that gives voice to the opinions and experiences of the citizens. These contributions place partnerships among governments, civil society, and the private sector at the center of policy design and development planning. CSOs also play increasingly important roles in influencing policies and policy-makers at the regional level. However, analysis and decisions are usually made by outsiders, and stakeholders have no assurance that their input will be used.

5.1.5 Dialogue and partnership

Dialogue offers CSOs a space for engagement with member state governments and the EAC regional institutions. This offers opportunities for CSOs to influence the EAC policy processes as well as for the EAC and its partner states to leverage on CSO capabilities, knowledge and their role as advocates for the marginalized sections of the society. Civil society partners also engage at the regional and country levels to make the EAC integration effort citizen centered and more inclusive. CSOs are increasingly

forming partnerships among themselves, with government bodies and the private sector in order to influence policy-making at various levels of the EAC integration process. They interact directly with the EAC to promote policy debate and exchange information and experiences about the EAC policies, initiatives and issues. CSOs are actively advocating regional policy initiatives by working closely with partner state governments to review or even help draft regional policies and legislation. They bring in the voice of the marginalized and excluded groups into the regional policy dialogues. However, the space for CSOs to engage in policy dialogue varies depending on the nature of the policies under consideration. Through these partnerships, stakeholders work together as equals towards mutual goals.

5.1.6 Provision of information

CSOs provide policy relevant information to national and regional authorities in the EAC. CSOs are sector specific and they have built considerable knowledge and information in their respective areas of operation. This information is vital for policy makers as they strive to craft workable and relevant policies in the region. Organizations such as Transparency International which have extensive expertise on economic and monetary issues have been in the forefront in providing much needed information to the EAC on curbing graft and illicit financial flows in the region.

5.2 Other Strategies

5.2.1 Collaboration and networking

EACSOF executes its plans through establishing strategic partnerships with likeminded organizations and synergizing efforts through coordination and networking. The CSOs in the region are clustered into national chapters which subsequently channel their representation in the EAC through their regional body – EACSOF. This has unified the strength of the CSOs in the region and enhanced their chances of influencing policy

processes in the EAC. EACSOF has been engaging in both horizontal and vertical networking among CSOs in the region. Horizontal networking is the quantitative scaling up of the number of its members, the expanding of geographical coverage, and adding of complementary organizations. Through its national chapters, EACSOF has been conducting recruitment campaigns in the region in efforts to broaden its membership portfolio and geographical coverage in the region. This strategy is aimed at enabling it to develop a stronger coalition and have broader influence at national and regional levels which can enhance CSO impact in the various sectors of the EAC integration process. Vertical networking on the other hand entails the expansion of objectives and activities involving functional, organizational, and political scaling up of EACSOFs activities in the region. This is ultimately aimed at strengthening the capacity of CSOs to innovate and enhance their autonomy and independence. Both horizontal and vertical networking enhances collaboration among CSOs with shared objectives and facilitates the realization of their common goals. Through collaboration and networking, EACSOF, has sought to unify and amplify the voices CSOs in the EAC. Bringing CSOs together under EACSOF and acting on issues that require collective effort also reduces vulnerability among individual CSOs. Channeling grievances and working through EACSOF office domiciled in Arusha has also been an important aspect of the workings of CSOs in the EAC. EACSOF can ably represent the agenda of even the smallest CSOs in the region and amplify their voices in the Community. EACSOF can also deliver letters and petitions on behalf of CSOs in the region. The Commonwealth Foundation facilitated the institutional strengthening of EACSOF and worked with it in the development of an East African regional agenda for action at the EAC. National consultations were undertaken in each of the five East

African member countries and the findings were tabled at EACSOF's General Council meeting in 2015.

Furthermore, EACSOF has initiated and maintained contacts between organizations that share common goals. The umbrella body provides a forum for the establishment of formal and long-term networks for CSOs in the region. These networks enable CSOs to work collaboratively in pursuing common goals and hence become more effective and achieve bigger outcomes. Additionally, CSOs network and collaborate with different organizations at local, regional and international levels to enhance capacity development on regional policy matters. To achieve greater mileage, EACSOF works in alliance and partnership with other global and sub regional partners and networks. Under this strategy EACSOF seeks to share information and linkages with sister CSO platform such as the West African Civil Society Forum (WASCOF), continental, and international fora; identify and subscribe to strategic coalitions and networks; and identify strategic funding partners who can offer support in the building of a stable resource base for the platform by developing effective fundraising strategies (EACSOF Strategy 2016 -2020).

EACSOF has successfully formed working networks with stakeholders such as the Great Lakes Civil Society Project (GLP), the Tax Justice Network Africa (TJNA), Catholic University Kenya, United Nations High Commissioner for Refugees (UNHCR), MS Training Centre for Development Cooperation (MS TCDC), African Child Policy Forum (ACPF), Policy Forum (European Commission), Consumer Unity and Trust Society (CUTTS International) and the German International Development Agency (GIZ) through the EAC-IIIDEA (Incubator for Integration and Development in East Africa) Programme. It has also increased its working partnerships and alliances with various stakeholders such as the Auto mobile Associations of Uganda, Tanzania,

Kenya, Zambia, Zimbabwe, Nigeria, Mozambique, WACSOF, SADC, Mass Public Opinion Institute (MPOI), Global Platform, Africa Rising and youth networks from EAC countries (EACSOF Booklet 2017).

In a meeting of the civil society mobilization experts held from the 25th-27th November 2009 at Silver Spring Hotel, Nairobi Kenya, the EAC civil society mobilization strategy was formulated. This meeting saw the participation of EACSOF Governing Council and the representatives of the national government in each of the partner states. The main purpose of the strategy is threefold: to provide space for civil society participation in deepening and widening the integration process, to institutionalize dialogue between the EAC and the civil society and to enhance participation of the citizenry in the integration process (EACSOF Newsletter 2010).

CSOs through EACSOF also collaborate with EAC Organs and Institutions and Partner States to formulate effective dialogue platforms at national and regional levels. EACSOF seeks to create spaces where CSOs can engage with established EAC organs and institutions particularly the annual EA- CSO Forum, CSO-EAC Summit, EALA-CSO Forum, Annual EAC SG Forum and National Dialogue Platforms for the Annual EAC SG Forum (EACSOF Strategy 2016 -2020).

5.2.2 Training and capacity building

EACSOF has invested in the institutional strengthening of CSOs in the region particularly their operational capacities, systems and procedures. Capacity building and training sessions have been facilitated by EACSOF for member organizations on good governance, human rights and policy engagement including civil society participation in regional trade negotiations. It has developed a sensitization guide for CSOs on EAC institutions and procedures and how CSOs can engage with the EAC. The sensitization

manual titled “Strengthening Popular Participation in the East African Community- A Guide to EAC Structures and Processes” has been instrumental in guiding and facilitating CSOs in their interactions with the EAC (EACSOF Newsletter 2018).

In 2020, a regional training on protection of civic space under the FORD Foundation was conducted. Its aim was to strengthen the voice of CSOs in the shrinking civic space (especially during the COVID pandemic), explain challenges and strategies for overcoming, and Training of Trainers (TOT) sessions. The ToTs sessions were aimed at equipping the participants with adequate knowledge of the EAC structures and processes to enable them to roll out sensitization and awareness activities in the partner states.

Trainings of representatives from CSOs on advocacy, lobbying and resource mobilization, networking for CSOs through online platforms and the creation of a global presence through the world wide web have also been conducted. Virtual engagements (webinars) on issues of concern have been held between EACSOF and CSOs in the region. There have been deliberate efforts aimed at empowering CSOs in planning, budgeting, decision making and law-making processes. Member organizations are also trained on good governance, human rights and policy engagement.

In line with its capacity building program, EACSOF Rwanda organized a study visit to the East African Community Partner States from February 24 - 28, 2013. The main purpose of the visit was to build regional and international networks amongst EACSOF members. It benefited 12 members of the EACSOF Steering Committee together with the EACSOF coordination office staff. The objective of the study tour was threefold: to share experiences with the regional organizations visited; to learn from the EAC

Secretariat and regional umbrella organizations on the integration process; and to build networks with regional counterparts and explore potential opportunities (EACSOFF Newsletter 2013). CSO Sensitization and EAC Engagement Strategy Development Retreat by EACSOFF Kenya Chapter was held at The Great Rift Valley Lodge- Naivasha from 6th to 9th February 2013 following the recommendations of the 2012 annual general meeting of the regional EACSOFF to strengthen EACSOFF National Chapters. The retreat by the local chapter was also undertaken after initial meetings were held and recommended among other things the need to align engagement of the chapter with EACSOFF Technical Working Groups and EAC Working Committees and Dialogue Framework. The meeting was organized by EACSOFF Kenya Chapter Secretariat with support from Trade Mark East Africa (TMEA). It was attended by a total of 17 Civil Society Organizations from Kenya. The objectives of the retreat were to develop activities that will make the EACSOFF Kenya Chapter active, to reflect on what EAC was all about, to look at the institutions and interventions organized by EACSOFF and their success, and to identify gaps within the participation of CSOs in the EAC integration processes

TMEA also provided technical and financial assistance to EACSOFF Rwanda chapter for the enhancing of its capacity to the tune of \$293,000 from 2012 to 2016. The aim was to strengthen the capacity of the National Platform for Civil Society to represent and articulate civil society interests in regional integration. The target was the EACSOFF Rwanda chapter and affiliate member groups. The desired result was to strengthen the capacity of the Rwandan Civil Society to effectively engage in EAC matters and to be able to influence regional integration practices and policies. This was expected to eventually enable CSOs to positively influence regional integration practices and policies especially in regard to trade. The key components included the development of

project cycle management and monitoring and evaluation skills of EACSOFRwanda members, enhancement of organizational and institutional capacity of Rwandan CSOs, the carrying out of public awareness campaigns, holding of dialogue sessions with targeted decision makers, developing EACSOFRwanda regional and international networking, putting in place of information and knowledge sharing mechanisms among CSO members and carrying out of advocacy around key issues.

In 2008, a networking meeting was organized by the East Africa Support Unit for NGOs (EASUN), which saw the participation of about 25 different NGOs in East Africa with the exception of Burundi and Rwanda. The meeting whose theme was “Managing Change Through Participation”, was very crucial in re-shaping and rethinking the organizational culture, enhancing participation and providing a mirror, through which CSOs could look at their organization to encourage participation, embrace and develop resilience to work with and manage change. It was a learning opportunity that made participants understand what it meant to manage change, understand and use the different approaches in the change process, described international and regional framework on participation, explained the different challenges that hamper effective participation in an organization and clarified the processes of managing change. The opportunity motivated participants to use their experiences as reflective practices in the workshop (EACSOFRwanda Newsletter 2008).

5.2.3 Petitions

In pushing their agenda at the regional level, CSOs present petitions and identify likeminded MPs in EALA to voice their issues and lobby in the assembly. On 16 November 2015, six civil society organizations, all registered within the EAC partner states, filed and served a Citizens’ petition on Hon. Dan F. Kidega, Speaker of EALA, requesting the EALA to seize itself of the deteriorating human rights, humanitarian and

political situation in Burundi. Taking action on the matter, the EALA Regional Affairs and Conflict Resolution Committee held a four-day public hearing on the human rights and humanitarian crisis in Burundi, from 13 to 16 January 2016, in Arusha, Tanzania, where the petitioners and other stakeholders provided background information on the situation to the Members of the Committee. Further, on 25 January 2016, a delegation from the Government of Burundi was given the opportunity to respond to the petition and present their own views on the situation (EACSOE Newsletter 2016).

5.2.4 Engagements with member states

CSOs also take time to explain to the member states their work, interests, and the importance of whatever agenda they are lobbying for. This reduces resistance and aids in the building of consensus in favor of preferred policy positions.

5.2.5 Picketing

Agitation, picketing and making noise is a strategy employed by CSOs in seeking to have their voice heard by the policymakers. In 2013, EACSOE President Mr. Richard Ssewakiryanga of UNNGOF led Ugandan civil society in putting up a determined fight (Black Monday Movement) against the corruption epidemic in Uganda under the NRM government led by His Excellency President Yoweri Museveni, who was at the time the Chair of the EAC, who was reported by local media as having offered to pay up legal fees (100 million/= US\$ 40,000) for a former minister after his conviction and sentence to 10 years by the Anti-corruption Court (EACSOE Newsletter 2013).

5.2.6 Liaison with the media and the academic community

CSOs also attempt to adopt creative ideas like engaging the media and academia. The media provides publicity for CSO activities in the region and generate needed support from the public. The academic community through research and publication aid in

identification of practical policy options and solutions that can aid CSO activities in the region. The voice of academia commands respect from both national and regional authorities. Their liaison with CSOs in the region thus boosts the activities of these organizations and enhance their credibility in the integration process.

5.2.7 Litigation and engaging the EACJ

In special instances, EACSOF resorts to litigation to address resolve problems and provide needed redress. These cases are filed at the EACJ where EACSOF through its legal teams seek the determination of the court on issues of public interest. For instance, EACSOF in partnership with PALU filed a judicial application at the EACJ seeking to obtain a ruling on the legality of the decision reached by the Constitutional Court of Burundi on 5th May 2015, which allowed President Pierre Nkurunziza to run for a third term in the country's elections (EACSOF Newsletter 2016).

5.3 Chapter Summary

This chapter has presented information on the strategies employed by CSOs in seeking to influence policies in the EAC. Creation of awareness ranked high among these strategies whereas consultation was rated as the least adopted strategy. Other strategies identified include collaboration and networking, training and capacity building, campaigns and advocacy, expert advice, dialogue and partnership, provision of information, engagements with partner states, petitions, liaison with the media and the academic community, picketing and litigation.

CHAPTER SIX

THE DETERMINANTS OF THE INFLUENCE OF CIVIL SOCIETY

ORGANIZATIONS ON THE EAC POLICY PROCESSES

6.0 Introduction

The third objective of the study was to investigate the determinants of CSO influence on the integration policies of the EAC. This chapter therefore presents information regarding the various determinants of CSO influence identified by the study.

6.1 The Determinants of CSO influence on the integration policies of the EAC

According to the survey on perceptions of CSOs on the determinants of their influence on EAC integration policies, organizational strength emerged as the most significant whereas resource endowment was identified as the least significant. The other determinants identified include leadership, policy type, degree of technicality of the policy issue, importance of the policy, socio-economic context, regulatory framework, and the political environment.

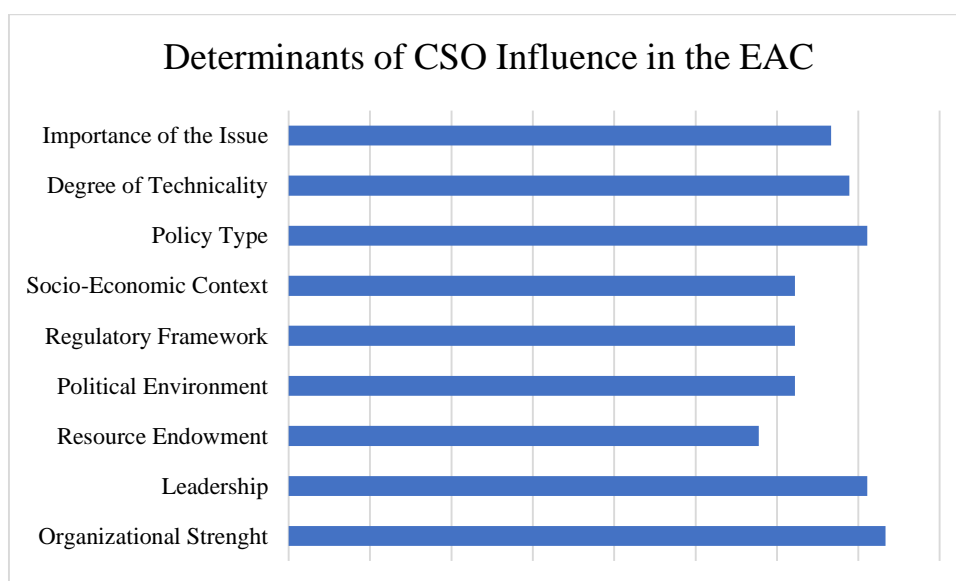


Figure 6.1: The determinants of CSO influence on the policies of the EAC

Source: Research Data

6.1.1 Organizational Strength

Demonstrating organizational capacity to engage in and pursue region-wide initiatives is critical in promoting demand for civil society inputs in policy deliberations. This includes the human resource capacity, communication prowess, technical know-how of the CSOs and policy-specific technical expertise. CSO ability to interact with citizens and foreign or international bodies also contribute significantly to their capacity to influence policy processes and outcomes. Civil society organisations require better capacities for them to influence policies and achieve greater impact. CSOs human resources and capacities are often attractive to national and regional integration institutions and hence facilitate their access to Community policy processes. CSOs organizational strength is also determined by how flexible and efficient they are in adjusting to emerging policy situations.

CSOs such as the Collaborative Centre for Gender and Development (CCGD) and Transparency International (TI) are able to gain traction and shape policies significantly in gender and the economic sectors respectively because of the organizational strength they command. From the information collected by the study, CCGD has engaged effectively in several cross-border initiatives aimed at promoting the welfare of women traders, whereas TI is engaged in championing bills on money laundering and corruption in the region with fruitful discussions with among others, the speaker of EALA. However, most civil society actors in the region are still developing and building capacities for active involvement in the policy shaping processes. Many of them lack sufficient organizational capacity to engage effectively with the EAC. Some of the organizations listed as members of EACSOFF could not be traced in the locations indicated in their websites. Others have skeleton staff and lack any meaningful organizational capacity to undertake the objectives that they have set out to achieve.

CSOs which face technical and governance capacity challenges are not able to effectively engage with EACSOF and the EAC. This undermines their contribution to the integration policies of the Community.

6.1.2 Leadership

EACSOF has been the lead agency in the engagements between CSOs and other stakeholders in the EAC. It is expected to provide clarity of mission for the CSOs in the region, develop adaptability to new policy contexts and challenges, nurture resilience among member organizations, enhance the development of key skills and provide capacity building opportunities for its members. EACSOF's role is therefore crucial in determining the extent of the effectiveness of CSOs in influencing EAC policies. Good leadership would synergize the forum and enable it to speak with a united and robust voice on the various EAC policy issues. Additionally, proper leadership at the individual CSO levels lead to the development of strong, resourceful, and sustainably financed and managed CSOs which is a critical component of the success of civil society efforts in the region. The converse would mean a fragmented and disjointed civil society with minimal impact in the region and that is susceptible to manipulation.

Despite the numerous challenges facing the umbrella organization, it has been able to register significant progress in coordinating and organizing CSOs engaged in the EAC integration process. Currently, EACSOF has a regional membership of 37 active CSOs, some of which are umbrella organizations hosting up to 400 local CSOs. At the partner states level, EACSOF national chapters coordinate the activities of CSOs engaged in the EAC integration agenda. The quality of leadership varies in the different member states of the EAC and determines to a large extent the effectiveness of CSOs in a particular country.

Through the leadership of EACSOE at the regional and partner state levels, CSOs in the region have been brought together to advance the regional integration agenda. The regional body acts as a liaison for these CSOs at the national and regional levels. It is through this coordination that CSOs in the East African region have been able to assert their influence on regional integration policies. It therefore presupposes that the quality of leadership provided by EACSOE is a key determinant of its influence or lack thereof in the EAC integration process.

6.1.3 Policy type

Civil society effectiveness is hugely determined by the policy issues under consideration. They are most likely to gain acceptance on certain socio-economic policies as opposed to political and security related issues. This is due to the level of access accorded to the policy space at both national and regional levels. Policies on political and security issues are generally handled at governmental levels where CSOs have minimal access. More generally, political policy-making processes are not transparent or open for CSO participation while others are only open or responsive to the needs of certain elites or groups. Socio-economic issues on the other hand are generally less sensitive and CSOs are ordinarily invited to participate. For instance, the Collaborative Centre for Gender and Development (CCGD) based in Kenya has been involved extensively in socio-economic issues that relate to women empowerment and provision of market facilities at EAC border points. CSO policy advocacy is also likely to be more successful if the issues resonate with broader national policy agendas.

6.1.4 Degree of technicality of the policy issue

The EAC is likely to engage CSOs in technical issues that require expertise. Due to their relative expertise in their areas of operation facilitated by specialization, training and hiring of capable staff, CSOs can easily provide the necessary skills required in the

policy processes of the Community. Subject-matter expertise is crucial for CSOs and they must either have the knowledge themselves or must ensure that adequate technical expertise is within their reach. Their collaboration with national and regional agencies can enhance the crafting of appropriate policies and boost their societal impact. Civil society are invited to provide insights and the necessary expertise to the regional body. This may include areas where research is necessary to shape policy decisions or where implementation requires a level of expertise that may not be available within the EAC. Having a good grasp and expertise of the various political, social and economic agendas of the community is therefore a critical determinant of CSO efficacy. Transparency International (TI) has been actively engaged in the drafting and formulation of anti-money laundering bills at the EAC because of the expertise it commands in this policy domain. Alpha and Omega Reconciliation and Peace Building (AREPEB), a CSO in Tanzania is actively engaged in peace initiatives whereas the Legal Resources Foundation Trust in Kenya provides legal expertise. However, CSOs' inadequate understanding of certain policy issues often constrains their influence.

6.1.5 Importance of the policy and relevance of issues at hand

Policy issues that are considered by the EAC to be important and sensitive are less likely to involve CSOs. The regional organization is statist and bureaucratic in nature to the extent that government elites at MEACAs and at the EAC headquarters are less likely to involve CSOs in important policies that are likely to have major repercussions on the political trajectory of the Community. CSOs are largely involved in lower-level issues and hence their influence on the broader vision of the Community is limited. Additionally, pressing issues that affect a greater percentage of the population and those that are broadly relevant gain more traction and are likely to generate the need for

involving CSOs. This also applies to emerging issues that affect the community currently and in the future generations.

6.1.6 Socio-economic context

The socio-economic context can facilitate or hinder the development and effectiveness of civil society. Indeed, civic engagement is made possible by the fact that people have the time and resources to devote to common causes. The socio-economic context focusses on a country's socio-economic situation including elements such as poverty, socio-economic inequities, illiteracy, civil war and conflict and their impact on civil society (Fioramonti and Heinrich 2007). Classical modernization theory postulates that the more advanced a country's socioeconomic development, the stronger its civil society. This notion is predicated on the assumption that development leads to the growth of the middle class and promotes modern forms of social integration – factors that, in turn, serve as key drivers of a vibrant civil society (Bailer, Bodenstein and Heinrich 2013). The validity of this postulation is confirmed by the study findings which indicate more robust civil society in Kenya as compared with other EAC partner states. Kenya has the largest number of CSOs participating in the integration process of the EAC, and their input has been significant.

The socio-economic context within which policies are initiated, developed and executed influences the participation and effectiveness of CSOs. CSOs are more likely to influence regional policies during times of relative social and economic stability as opposed to seasons of turmoil and uncertainty. This is explained by the tendency of partner states stepping in during times of crisis and excluding other players in the policy process. However, in stable times, the policy process is largely accommodative of other stakeholders including CSOs. The social context from where CSOs draw support,

resources, and capacities to implement their activities is also important in determining their strength and influence.

6.1.7 Regulatory framework

The regulatory frameworks in individual partner states significantly determine the level of operation and effectiveness of CSOs. Member States have various legitimate interests in adopting administrative rules and legislation that might affect civil society organisations, including in integration agenda. Even if not directly meant to negatively affect CSOs, such actions can have an undue impact on them. These regulations can be domiciled in the recognition and registration of CSOs, transparency laws, and general restrictions and bans. Some partner states have relatively flexible regulatory environments which support CSO operations while others have more restrictive and limiting regimes. Hostile governments marginalize the service delivery and research capabilities of CSOs, and exclude them from policymaking. De-legitimization campaigns that result in reputational costs, bureaucratic and administrative hurdles, the risks of fines and other sanctions in case of non-compliance with new reporting targets, difficulties to access and engage with target groups, authorities and alternative national funders, and psychological pressures for the individuals involved severely limit the operational autonomy of CSOs in such countries. The various legal frameworks particularly targeting CSOs, such as the NGO Act in Uganda constrain CSOs abilities to deliver their mandates. The advent of this Act led to the suspension of over 50 CSOs in the country and the intimidation of the remainder. This is evident in the limiting of their freedoms of speech and assembly especially when CSOs are seeking to add their voices on issues relating to human rights, democracy and corruption. The media in Tanzania and other civil society actors faced severe limitations during the leadership of Dr John Pombe Magufuli which undermined their efficacy in local and regional issues.

Kenya has had a relatively open democratic space and CSOs in the country have been generally more active and influential in both national and regional issues. The country has the largest pool of active CSOs registered under EACSOFF and the robust human rights framework provided under the 2010 constitution has facilitated the effective participation of CSOs in regional policy initiatives. In the remaining member states including Burundi, Rwanda and South Sudan, the regulatory frameworks largely inhibit CSO activities and thus undermine their effectiveness in influencing EAC policies. To be more effective, CSOs and their members need to be assured of their rights without unnecessary or arbitrary restrictions to carry out their work. Associations should be free to determine their activities and make decisions without state interference. As such, they should be free to enjoy the rights to express opinion, disseminate information, engage with the public and advocate before governments and international bodies. CSOs also need states to fully implement their positive obligations in the EAC treaty to create an enabling environment that allows CSOs to fully enjoy their rights.

6.1.8 Political environment

The political context looks at the political situation within each individual country and its impact on civil society. It includes elements such as corruption, rule of law, state's effectiveness, decentralization, the extent of political competition in the party system and respect for human rights and fundamental freedoms (Fioramonti and Heinrich 2007). Institutional scholar adopt a top-down perspective to civil society maintaining that it is the key characteristics of a country's political context that are crucial in shaping its civil society. Some approaches claim that the political environment, that is, the quality of democracy, the effectiveness of the state, and the extent of the rule of law, represents the bedrock conditions for the growth of civil society. In liberal democracies, for example, people are believed to have more chance

of joining groups that enable them to ‘get connected’. Thus, in societies with higher levels of political democracy and enlightenment, citizens volunteer more and participate actively in nongovernmental organizations (NGOs) and CSOs because the importance of volunteering is actively emphasized in these countries and because they have the opportunity of doing so. Consequently, it can be said that civil liberties and democratic regimes foster the flourishing of CSOs and NGOs (Bailer, Bodenstein and Heinrich 2013). Furthermore, policy processes are inherently political. Contestation, institutional pressures and vested interests are highly significant, as are the attitudes, capacities and incentives among officials. Not only can policymakers be resistant to CSO engagement in policy processes, they are also often resistant to research (Court et al 2006).

From the study findings, this is evident in the EAC. Country specific political situations heavily influence the operations of CSOs in the region. Adverse political contexts constrain CSO policy work. Hostile political environments witnessed in Burundi and Tanzania have limited the civic space and hindered the operations of EACSO national chapters in those countries. In more politically liberal countries like Kenya however, the process of implementation of the constitution introduced the irreversible multi-party system which broadened political participation. The political space for CSO participation is thus steadily improving. The devolution system and its decentralized units are also becoming stronger creating opportunities for a more intimate engagement of citizens at the grassroots level. Consequently, Kenya is leading with the highest number of CSOs registered under EACSO as compared to other EAC partner states. Terrorism which is a growing concern throughout the whole East African region has led to “tough crime policies” which provide a gateway for less accountability by governments in the region. Political goodwill, which has been highlighted as a key

ingredient for the success of integration initiatives also plays a significant role in determining the effectiveness of other players in the integration process. The invitation of CSOs to participate the regional policy processes is largely determined by the will of the bureaucrats at MEACAs and at the EAC. This is because the structures for the participation of CSOs in the policy processes of the regional body are loosely set up and are largely dependent on the whims of state officials and the incumbent leadership of the EAC Secretariat.

6.2 Chapter Summary

This chapter has presented a detailed discussion of the determinants of CSO influence on the integration policies of the EAC. From the study findings, the key determinant was identified as the organizational strength of the CSOs. Other determinants identified and discussed include leadership, policy type, degree of technicality of the policy issue, importance of the policy, socio-economic context, regulatory framework, and the political environment.

CHAPTER SEVEN

CHALLENGES FACING CIVIL SOCIETY ORGANIZATIONS IN THEIR ATTEMPT TO INFLUENCE EAC POLICIES

7.0 Introduction

The third objective of this study was to examine the challenges facing CSOs in their attempt to influence policies in the East African Community. This chapter analyzes the various challenges faced by CSOs, their impacts and proposes solutions to the same.

7.1 Challenges Facing CSOs in their Attempt to Influence Policies in the East African Community

CSOs in the EAC face various challenges in their interactions with partner states and the regional body. These challenges are related to the internal dynamics of individual CSOs, their umbrella organizations and also to their interactions with partner states and the EAC. In a perception survey conducted by the study on the various challenges faced by the CSOs, lack of local finance was identified as the most pronounced challenge whereas pursuit of parochial interests by CSOs appeared as the least significant challenge. Other challenges identified by the study include undue influence of special interests and loss of independence, opaqueness of the consultation process, difficulties in responding to problems of collective action, influence of western practises and standards, placing of hope on a few unelected urban elites, lack of accountability, and the shrinking civic space and political risks. Each of these challenges is discussed in detail in the following sections.

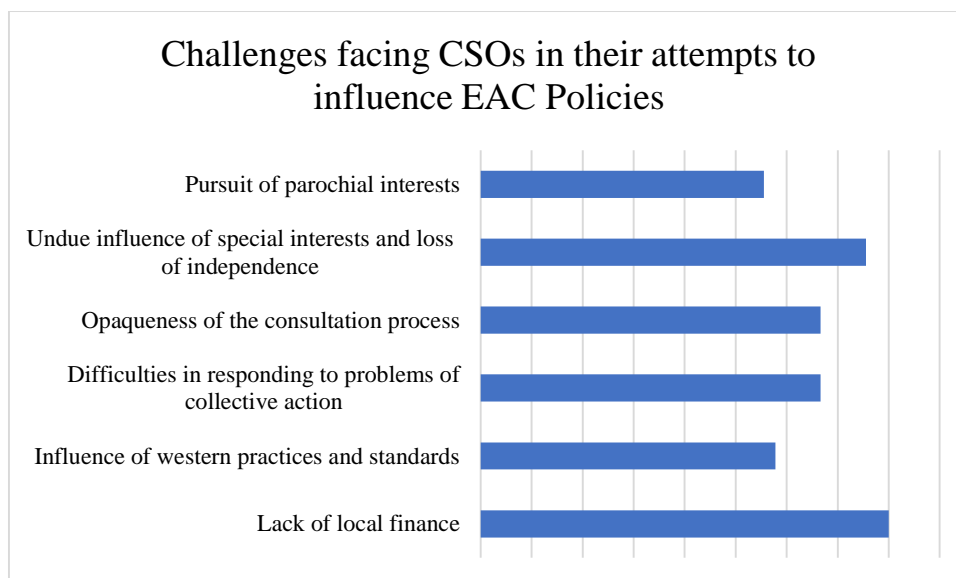


Figure 7.1: Challenges facing CSOs in their attempts to influence EAC policies

Source: Research Data

7.1.1 Lack of local finance

CSOs in the region rely on funding and income from a variety of sources, including the international organisations, individual donors, foundations and philanthropies, corporations and (self) income generating activities. The funding levels are generally low with most of them struggling to run their activities. The EAC and partner states have no funding provisions for CSOs in the region. Lack of adequate local finance and the failure of the community to support CSOs largely impedes their performance. This has manifested in the lack of tangible contributions from CSOs to real and urgent issues affecting the community like border closures in Burundi and Sudan. Most CSOs are donor funded and operate on financial margins thus they lack enough funds to implement certain projects. Funding from outside can be used to antagonize member states. EACSOF and her members are heavily dependent on external donors for their operations which threatens their existence and sustainability in case these donors withdraw their support.

7.1.2 Opacity in their consultation process

Some CSOs have other vested interests other than advocating for the rights of the marginalized groups. It is not clear on whose interest some of the CSOs act. Despite the commonly held belief that CSOs represent citizens especially the marginalized groups, evidence points to the fact that some of these groups may be acting on their own initiatives and pursuing agendas of their financiers. CSOs hardly consult citizens and other stakeholders during policy making processes. States in the region have consequently viewed these organizations with suspicion and kept them out of important policy decision making processes. Even when they are admitted to the community policy processes, their suggestions and opinions are regularly disregarded. In some countries like Rwanda, Burundi and Uganda, there has been a continued stifling and crackdown on CSOs. At the regional level, CSOs are still pushing for observer status in important EAC organs like the summit. This can be resolved through refocusing their attention to their constitution and mission of the organization.

7.1.3 Undue influence of special interests and loss of independence

Related to the opacity of their consultation processes is the influence of special interests and loss of independence by CSOs. This can occur since most CSOs are not financially autonomous and depend heavily on donations thus they can be easily influenced by their donors. The positions adopted and promoted by CSOs may not actually reflect the desires and wishes of the marginalized groups in the society. Rather, they may be advocating for the interests of their financiers and promoters. This has heavily dented the credibility of CSOs and largely degraded their bargaining power in regional policy processes. The risk is also rife for those which strike a rapport with state and government agencies. Due to their closeness to these government agencies, CSOs can risk losing (or appearing to lose) their independence. Political bias is present among

some CSOs and their representatives, which undermines their objectivity and leads to loss of support from the public. This can have serious repercussions in terms of their credibility. This can be remedied through refocusing the attention to their mandate.

7.1.4 Influence of western practices and standards

CSOs in the region are generally modelled along the structural and operational principles of their counterparts in Western democracies. These are foreign models which may not always fit well with the socio-cultural and political dynamics of African communities which are still experimenting with western democratic and governance ideals. This has led to friction and conflicts between CSOs and the communities they represent and also with the state and regional agencies which they seek to engage and influence. Some of the demands placed by CSOs on the regional body are considered unrealistic and thus swiftly ignored. More importantly however is the “western puppets” perception and impression left by these CSOs on the state and regional bureaucrats which inculcates a general negative attitude towards them.

7.1.5 Difficulties in responding to problems of collective action

This is prevalent in instances where individual CSO interests supersede broader EACSOF group interests for collective action. These problems, are posed by disincentives that tend to discourage joint action by CSOs in the pursuit of common regional goals. CSOs often fail to work together to achieve group goals due to their own individual organizational goals and objectives that may be at variance with overall EACSOF aims. In as much as individual CSOs may share common interests in the EAC, they may also have their own conflicting interests. This leads to friction and lack of cooperation in pursuit of common regional goals. Some CSOs also try to avoid the costs of collective action yet desire to be part of the gains.

7.1.6 Pursuit of own parochial interests and fragmentation

The pursuit of narrow CSO agendas, especially those that directly affect individual organizations or member states has fragmented and weakened the civil society fraternity in the region. There is often a lack of synergy among organizations working for different components of the EAC integration process. The silo mentality among CSOs has denied the umbrella body EACSOFF and its national chapters the necessary synergy and strength needed to influence policies in the region. Fragmentation among CSOs under EACSOFF is a major problem in the region. There is a lot of duplication among CSOs in their objectives and operations. The coordination mechanism for CSOs at the national chapters and EAC levels is generally weak. Complaints of delays in the processing of applications for registration at EACSOFF are rife. Regional chapters rarely meet to learn from each other and low partnerships have derailed the much-needed unity among them. In Uganda, CSOs work like silos and MEACA is not responsive. CSOs in the region have many dynamics and therefore they are not working together effectively. There is competition which raises concerns on whether common platforms are being appreciated. This is compounded by insufficient networking among members of EACSOFF regionally hence members in partner states being unknown to each other resulting into low membership.

7.2 Other Challenges

7.2.1 Placing hopes on a few unelected urban elite

Majority of the CSOs are in urban areas, especially in the capital cities and are mainly advocating for people in urban areas. They are thinly spread in rural settings and hence their impact in these areas is minimal. Their claim of representing the citizens and minority groups is thus thwarted by their absence in places where they are needed the most. This is compounded by the fact that the leaders of these CSOs are not elected.

CSOs are not truly representative of the people in the region because they are not elected by the people. Instead, they are self-appointed, and their leadership develops independently within each organization. This has largely impeded the efficacy of CSOs in the region and undermined their acceptability at societal and governmental levels. For this to be resolved, inclusivity of the rural CSOs and the selection of CSO leaders should be put into consideration.

7.2.2 Lack of accountability for their positions and strategies as they seek to influence public policies

The missions and strategies of CSOs are at the heart of defining their accountability. Accountability, transparency and internal democratic governance among CSOs remains problematic. CSOs are rarely accountable to those they claim to represent. Even though individual states have their own CSO regulatory frameworks, they may not be effective in taming rogue organizations. Some CSOs mobilize funds which do not meet the intended purpose. This is occasioned by the vested interests of some CSOs which are at times linked to their financiers who maybe pursuing other vested interests. This lack of accountability has dented the credibility of CSOs and weakened their bargaining position in regional policy processes.

The process of the formation of CSOs, their structures and operations are generally opaque and lack the participation of marginalized societal groups and interests. Most of the CSOs operating in the region are the product of “board room arrangements” with limited input from broad societal interests and groups. Their knowledge on issues of public interest and the problems of marginalized groups is thus limited and inadequate. Furthermore, the marginalized groups lack adequate representation in these organizations. This severely limits and impairs their effectiveness in the policy processes of the EAC at the national and regional levels.

7.2.3 Shrinking civic space and political risks

Governments in most EAC member countries are restricting the space for civil society, especially in the areas of advancing human rights or democratic principles. Laws and bills to regulate civil society have continued to proliferate in the region, affecting the ability of civil society to express, associate, assemble and access resources. In some EAC member states relations between governments and civil society are characterized by suspicion. By getting involved in policy advocacy, CSOs are suspected by governments to be interfering in political matters and are viewed as a threat to the smooth running of government matters. Some state officials argue that the activities of some CSOs are inimical to the state which leads to suspicion and sometimes outright hostility. The legal and administrative frameworks in the Partner States are not favorable for CSO operations. The operating environment for CSOs is characterized by political hostility, negative perception and unnecessary bureaucracy. Civic space in the member countries is either shrinking or at a standstill depending on their respective political leadership. In Kenya the civic space is expanding yet in Tanzania it is the converse. In Uganda, the situation is gravitating towards authoritarianism. Over 50 CSOs were suspended in Uganda in 2020. The Non-Governmental Organizations (NGOs) Act 2016 came into force in March 2016 and placed several obligations on NGOs working in Uganda. Since its establishment, over 10,000 NGOs in Uganda have been considered to be operating with invalid permits. The Ugandan government also introduced mandatory tax for WhatsApp, Facebook and Twitter to bring in much-needed revenue, even as activists describe it as an attempt to violate the right to freedom of expression. Civil society organizations are witnessing increasingly inhibitive legislations and media censorship in the Horn, East and Central Africa (HECA) region, said Oxfam and the East African Civil Society Organizations' Forum (EACSOFF) at the

Horn East and Central Africa Region Annual Civil Society Symposium named ‘navigating the shifting civic space in the HECA region’, which took place 27th-29th November 2019 in Arusha, Tanzania (OXFAM 2019).

In Tanzania, the media has been effectively subdued through legal as well as administrative measures which has led to self-censorship and important public interest stories not being told. Civic space in most of these countries is facing an uncertain future due to the formulation of ‘inhibitive legislation’, media censorship, widespread harassment, physical violence and incarceration of activists. In Burundi, the government promulgated the Code of Penal Procedure (Law No 1/09) on May 11, 2018 that introduced "special methods of investigation" which allows for interception of electronic communications (OXFAM 2019).

7.2.4 Lack of interest in the EAC for CSO participation

In as much as there has been an upward trend in state and EAC actors’ willingness to cooperate with CSOs, this has often been driven by a pro-forma approach. The undermining and underestimation of the value of civic action among national and regional decision makers has led to low levels of civic participation in EAC policy processes. There is minimal interest from the Community organs on the participation of CSOs in its policy processes. In many instances, it is CSOs reaching out to the EAC and trying to push for their inclusion in the Community agenda. CSOs are the ones who demand for space. On rare occasions, the EAC is forced to invite CSOs due to pressure from donors. Limited cooperation between the CSOs, partner state governments, regional authorities and the private sector has contributed to the lack of sustainability of civic actions.

CSOs also have a minimal operational space and they have to push their agenda. It is not easy for them to participate due to political constraints, bureaucracy and red tape (a lot of permissions needed), slow policy processes, lack of follow up mechanisms and minimal roles assigned to CSOs in the policy processes of the EAC. There is also a lack of alignment of priorities, mismatch of institutional calendars, and aspects of corruption and poor governance. The Secretary General's Forum is held regularly but a lack of follow up on implementation of recommendations hampers the effectiveness of CSOs in the regional body. The Forum is therefore not productive and largely depends on the incumbent Secretary General and the desires of the political leaders. The EAC secretariat has a department that handles CSOs. It is however not keen on civil and political issues. Important to note is the disconnect that persists between policy statements and what is on the ground. There is limited information sharing between EAC and EACSO. Consistency of information flow is lacking and CSOs have been reduced to bystanders. Technocrats and bureaucrats are generally skeptical about the value of CSOs and they own the space and do things the way they want. The Lack an Act at the regional level to protect CSOs and facilitate their operations in the EAC has further compounded the sidelining of these organizations. The framework for Consultative Dialogue Framework remains ad hoc and can easily be ignored by the bureaucrats at the EAC.

Furthermore, the EAC has a problem of leaders who have different ideas originating from various ideological backgrounds. This has led to mutual suspicion and national variances in the operations of CSOs. Democratic deficits in some partner states have hampered the development and operations of CSOs both at the national and regional levels. Self-centeredness and disputes among political leaders also spill over to CSO operations in the region.

CSOs have no means of coercion and they don't wield any political power. They are hence handicapped in their attempts to influence regional policies and processes. Moreover, CSOs and the private sector are disjointed in addressing issues. There are concerns that CSOs are involved in peripheral engagements and little is being done for them to actively engage with the structure and decision-making processes in the EAC in a collaborative manner. However, this practice can be beneficial as there is need for both formal and circumstantial engagements as long as they recognize and focus on the benefits to the citizens of the EAC.

7.2.5 Lack of awareness about the EAC among citizens in the region

EAC has not been popularized. Citizens at the lower levels of the Community lack awareness about the EAC. There are limited engagements between the EAC organs and citizens in the region. Even in Arusha which is the headquarters of the community, there is minimal involvement of the people. A people-based community spirit exists only on paper. Furthermore, limited awareness and wrong perception of CSOs by partner states governments and citizens impede their operations at the national and regional levels. Citizens are generally skeptical of civil society and perceive CSOs mainly as a source of financial benefits. Civic participation and effectiveness are thus often determined by the profile and credibility of individual CSOs

7.3 Chapter Summary

This chapter presented information on the various challenges faced by CSOs in their interaction with the EAC policy processes which include lack of local finance, pursuit of own parochial interests and fragmentation, undue influence of special interests and loss of independence, opacity of the consultation process, difficulties in responding to problems of collective action, influence of western practises and standards, placing of

hope on a few unelected urban elites, lack of accountability, and shrinking civic space and political risks.

CHAPTER EIGHT

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

8.0 Introduction

This chapter provides a summary of the study findings, conclusions and recommendations. Conclusions are presented in the order of the study objectives. The recommendations are also presented according to the areas covered by the research in the order of the study objectives.

8.1 Summary of Findings

The purpose of this study was to investigate the influence of Civil Society Organizations (CSOs) on the integration policies the East African Community (EAC). This was done through an examination of the interaction between CSOs in the region, the EAC and partner states. The study was guided by four objectives: to assess the influence of CSOs on the East African Community integration policies, to investigate the strategies adopted by CSOs in seeking to influence integration policies in the EAC, to analyze the determinants of the influence of CSOs on the EAC policy processes and to examine the challenges facing CSOs in their attempt to influence integration policies in the East African Community.

A summary of the study findings is presented in the subsequent sections.

The study findings indicate that CSOs are actively involved in the policy processes of the EAC. This is done through the EACSOFF which is the umbrella body of CSOs in the region. EACSOFF has a regional secretariat based in Arusha and national chapters in each of the partner states. With 19 active organizations, Kenya has the highest number of CSOs participating in the EAC. This is followed by Tanzania with 12 CSOs and Uganda with 6 active organization. This is explained by the more liberal and relatively

open political and legal space in Kenya as compared with the other East African countries.

CSOs interact with the EAC through various fora and mechanisms. These include the Secretary General's Forum, the regional dialogue framework, engagements with MEACAs, research programmes, dialogue during important regional events, and interactions with EALA and the EACJ. Some of these interaction fora are formal whereas others are informal and ad hoc.

In their engagement with the EAC, CSOs generally engage the Community at all policy levels. However, this is more pronounced at the policy implementation stage and least felt in the agenda setting and formulation levels. They have participated in the regional policy processes in seeking to ensure citizen centred policy development and implementation at national and regional levels in regards to democratic governance; peace and security; social and economic justice; agriculture, natural resources, environmental protection and climate change; and in the mainstreaming of science and technology.

In the pursuit of their objectives, CSOs have employed various strategies. These include collaboration and networking, training and capacity building, campaigns and advocacy, expert advice, dialogue and partnership, provision of expert information, consultation, creation of awareness, petitions, engagements with member states, picketing, and liaison with the media and the academic community. The findings of the study indicate that creation of awareness is the most important strategy employed by CSOs whereas consultation is the least.

According to the survey on perceptions of CSOs on the determinants of their influence on EAC integration policies, organizational strength emerged as the most significant

whereas resource endowment was identified as the least significant. The other determinants identified include leadership, policy type, degree of technicality of the policy issue, importance of the policy, socio-economic context, regulatory framework, and the political environment.

CSOs in the EAC face various challenges in their attempts to influence regional policies. These include lack of local finance, pursuit of parochial interests by CSOs and fragmentation, undue influence of special interests and loss of independence, opacity of the consultation process, difficulties in responding to problems of collective action, influence of western practises and standards, placing of hope on a few unelected urban elites, inequalities of access, lack of accountability, and shrinking civic space and political risks. In a perception survey conducted by the study on the various challenges faced by the CSOs, lack of local finance was identified as the most pronounced challenge whereas pursuit of parochial interests by CSOs appeared as the least significant challenge.

8.2 Conclusions

Based on the study findings, the following conclusions are made:

CSOs participate in the policy processes of the EAC and assert their influence to a moderate extent. The study findings indicate that CSOs participate in all stages of the EAC policy processes. Their input is however more significant in policy implementation and least in policy formulation. This is explained by the political nature of the policy processes of the Community which favor the inclusion of state actors in the formative stages of the policy process. The bureaucratic nature of the integration process at the partner states and Community levels largely excludes non-state actors including CSOs in the critical decision-making stages of the EAC policy processes.

This has therefore limited the participation of CSOs in certain levels of the policy processes of the Community. Implementation is however generally open to many stakeholders. This is because of the expertise and resource requirements at this level of the policy process. Consequently, CSOs find more relevance at this stage and an opportunity to participate.

The input of CSOs is critical in all the thematic areas of the EAC integration process. They bring a citizen-centred perspective to the Community policy processes and contribute to the democratization of the regional endeavor. Furthermore, they enhance the potential of the Community realizing its objectives by providing needed support to the regional body through the creation of awareness, provision of expert input and resource mobilization.

The strategies adopted by CSOs in the region in seeking to influence the integration effort in the EAC have been moderately successful. The effectiveness of such strategies as awareness creation, networking and collaboration, campaigns and lobbying, advocacy, picketing and petitions have been largely determined by other structural factors in the region such as the political dynamics in respective partner states, the prevailing legal and regulatory environments, the organizational strength of individual CSOs and their resource endowments. This is compounded by prevailing challenges which militate against CSOs such as fragmentation, lack of local finance and the influence of western ideals and standards.

It will be important for CSOs to collaborate closely with each other in the support of EACSOF to make it a formidable regional organization that can effectively engage with the EAC. Financial independence is also key for CSO effectiveness in the region. Beyond creating space and a forum for the Community to engage with CSOs, the EAC

needs to foster a closer working relationship with these organizations and if possible, dedicate a budgetary allocation for their activities. An empowered civil society will bring new ideas to the regional body and extend its reach to lowest sectors of the East African society.

8.3 Contribution of this thesis to knowledge

This thesis confirms the involvement of CSOs in the policies of the EAC as per the establishment treaty of the Community. It further affirms that CSOs have influenced integration policies in the EAC in the various thematic areas. Specific CSO sponsored policies can be identified and their influence in others can be traced. CSOs have therefore influenced the integration process of the EAC, albeit to moderate extent. In the context of neo-functional thought, which suggests that a will of cooperation between states or governments will not suffice to realize the integration, as the nations' political and economic elites must encourage the rapprochement at the societal level as well, bearing in mind that, in a democratic environment, citizens must support the integration effort (Dedeoglu and Bilener 2017), it is therefore clear that interest groups play an important role in the integration process of the EAC.

8.4 Recommendations

CSOs play an integral role in the integration policy processes of the EAC. It is evident from the findings that CSOs can support regional integration. Even cross border CSO linkages are integration on their own. However, they are moderately involved and partner state governments together with the EAC Secretariat dominate policy processes in the Community. It is evident that CSOs have to lobby and go the extra mile in order to influence the decisions of the regional organization.

In order to enhance the participation of CSOs in the EAC integration process, several issues need to be addressed by the EAC, EACSO and individual CSOs. First, member states need to be encouraged to support CSOs. The rights of civil society activists and human rights' defenders should be upheld and protected. A conversation is necessary with countries like Uganda and Burundi to stop them from stifling CSOs. Harassment of journalists and other non-state actors needs to be brought to an end. The EAC calendar should be prepared and shared in advance to facilitate planning. EAC should move beyond documenting CSO participation and go to implementation. At the EAC, CSO affairs should be handled by the political affairs department.

Secondly, member states need to comply with policy and legal frameworks including respect for the decisions of the EACJ. Aspects that contradict the spirit of the community need to be amended to align with aspirations. CSOs should be given more room to participate in the designing, planning and reviewing of policies. The current community approach is top down. There is need for a bottom-up dimension to policy making (involving the people). Governments within the EAC should renew their commitment to the respect, protection and promotion of the enjoyment of civil rights by the citizenry especially through enactment of human rights based legal and policy regimes that promote citizen participation in governance. They should further provide channels that citizens can use to demand for transparency and accountability from their leaders. There is a need for CSOs to leverage by reaching out to citizens across the board as organizations and individuals. In the process of mobilization and engagement, there is need for a bottom-up approach and feedback mechanism. The 5 EAC states are all at different levels in terms of their commitment towards working and advancement of civil society and putting policy implementation of the same. In some countries in the region, hostile political contexts continue to be the main barrier to informed policy

engagement. CSOs try to improve the situation and influence policy but their options are limited. This demonstrates the need for adequate civil society participation and sharing of experiences to raise the bar for those countries lagging behind and raise it even higher for those countries showing some progress towards inclusive participation of all stakeholders in development and integration process (EACSOE Newsletter 2010).

Third, a strong EACSOE is needed to gain traction on integration matters and increase the demand for their input in the EAC integration process. EACSOE needs observer status at the summit level which is the highest decision-making organ of the EAC. It should also enhance its capacity and operate independently without relying on country chapters for financial support. This can be achieved through the mobilization of more resources beyond chapter CSO contributions and membership fees. Development partners should embrace CSO initiatives and provide much needed financial support. Continuous capacity building of CSO lead persons in EACSOE and CSOs in the region is necessary. EACSOE should acquire more technical capacity to be able to engage effectively in the EAC regional policy processes. CSOs need to better understand the different issues that matter at each distinct stage of a policy process if they are to maximize their impact. Duplication among CSOs should be eliminated and collaboration enhanced in order to streamline the integration agenda. CSOs should do more in embracing the ideals of togetherness. CSOs need to meet and agree on areas of specialty according to the EAC thematic areas. They should undertake better targeted strategies to increase their access to policy decisions and intervene strategically in every stage of the policy process by presenting relevant, practical, and credible evidence which is most likely to influence policy (Court *et al* 2006). Proper assessment of chapters should also be done before they are registered by EACSOE. There is a need to build a common platform for CSOs to share ideas. On matters of cooperation, there is

need for CSOs to provide oversight on some of the major projects that are being initiated in the region, particularly in infrastructure development. Furthermore, CSOs need to be interested in specific policy issues related to various development sectors such as infrastructure; energy, health, education, financial markets, technology and those concerning the AU and COMESA (EACSOF Newsletter 2013). They should enhance their engagement with partner state governments in professional actions like policy formulations and service provision. CSOs should enhance their networking, research and communication skills and their understanding of political processes to improve their policy engagement. By getting the fundamentals right - assessing context, engaging policymakers, getting rigorous evidence, working with partners, communicating well - CSOs can overcome key internal obstacles.

Fourth, CSOs should find mechanisms of engaging the masses. Their deliberations should not end in hotel rooms and conference halls. EACSOFs' media strategy should be revamped and strengthened to enable efficient communication and flow of information. CSOs need to be keen on how they are connected to the people they represent. CSOs should have in mind the demands and welfare of the citizens in the engagement process. The notion of the sovereign state, interests of state partners and citizenship need to be considered for further interrogation. As citizen organizations, CSOs need to consider themselves as leaders and be aware that their link to the citizen agenda is what gives them the mandate to engage. As leaders, CSOs need to see further and beyond. Concerning EACSOF activities, the organization needs to pick issues in the region, address them and give feedback to the citizens. The welfare of all citizens in the region should be considered paramount. In addressing the issues in the region, each of the EACSOF chapters should determine whether each one of them is to have their own strategic plan and whether there was need to expand on the regional thematic

areas. All the chapters should recognize that EACSOF platform is to be utilized to engage in integration process (EACSOF Newsletter 2013).

For a proper engagement process, dialogue needs to start at the national levels. Therefore, CSOs should always engage with their respective government structures even on matters of integration. EACSOF operations should be devolved to the country levels to enable EACSOF members at the local level to participate. This will then see the matters taken through respective ministries concerned with EAC. A clear structure and coordination mechanism amongst CSOs should be established. However, there may be issues that could not be well addressed at the national level through government institutions and therefore they can alternatively be taken up by EACSOF at the country chapter level through to the regional level (EACSOF Newsletter 2013). EACSOF should identify specific issues that it will handle successfully at local, national and regional level and develop a proper strategy as direct implementers, influencers, facilitators, advocates or deliverers. To this end, EACSOF National Chapters should be strengthened to optimize the benefits created by regional dialogue space that has been secured through Consultative Dialogue Framework (CDF). The Consultative Dialogue Framework should be incorporated into plans and programmes of all dialogue parties at both national and regional level and its scope extended to include other EAC organs and institutions like EALA and EACJ. Moreover, there is need for continuous engagement among CSOs, partner states governments and the EAC even beyond CDF (EACSOF Newsletter 2015).

Fifth, scholars and academics should add their voice on the integration agenda and provide much needed evidence-based data on how best to harness the input of non-state actors in the EAC regional integration agenda.

Finally, EALA should promote clarity and inclusivity in consultation with the CSOs during decision making and give opportunity for the CSOs to present recommendations during the State Address before the beginning of the plenaries where need be. EALA should work together with the Civil Society to create more awareness to the citizen of East Africa on EALA and the East African community generally as an organ, that is, its institutions, mandate and how they link up to the National Governments (EACSOE Newsletter 2019).

8.5 Areas for Further Research

This study recommends further research be carried out in the following areas:

- i. The frameworks and utility of CSO-EALA engagements.
- ii. Civil society interests in regional integration initiatives in Africa.
- iii. External influences on CSO activities in governance frameworks in Africa.

8.6 Chapter Summary

This chapter has made important study conclusions on the influence of CSOs on the policies of the EAC. Important to note is that CSOs are involved in the EAC policy processes and their participation is mainly at the implementation stage. CSOs seek to influence integration agenda in all the thematic areas of the EAC and they have devised various mechanisms to achieve this objective. Key among these strategies is awareness creation, collaboration and networking. Other mechanisms include capacity building and training of CSOs, campaigns and advocacy, petitions and litigation. The effectiveness of these strategies is mainly determined by the organizational strength of the individual and the political and legal environment prevailing in a specific partner state. A major impediment facing CSOs was noted as the lack of local finance. For effective participation in EAC policy processes and attainment of Community

objectives, the study recommended that CSOs to collaborate closely with each other in the support of EACSOF to make it a formidable regional organization that can effectively engage with the EAC. The EAC also needs to foster a closer working relationship with these organizations and if possible, dedicate a budgetary allocation for their activities.

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APPENDICES

Appendix 1: CSOs Questionnaire



MOI UNIVERSITY

QUESTIONNAIRE

A Study on the influence of Civil Society Organizations on the integration of the East African Community (EAC)

Study Description

My name is Gilbert Kiplimo Kimutai from Moi University, Kenya. I am currently undertaking my Doctoral studies in Political Science, with a special research focus on the influence of Civil Society Organizations (CSOs) on the integration process of the East African Community (EAC). The study covers the influence of CSOs in the policy processes in the community, determinants of their influence, the strategies they deploy and the challenges they face. I therefore kindly request you to assist me by participating in this survey on the specific aspects of CSOs. The results from this study will be used for academic purposes only and insights will be shared with respondents on the relative impact of CSOs on the integration process. The information which you volunteer will be held in strict confidence and data will be codified in order to hide the identities of respondents as ethics in research require. Kindly spare some time to answer the following questions.

Do you consent to proceed with this survey (Tick)? Yes; No.....

Signature:

Date:

A. Socio-demographic information						
1.	Date (dd/mm/yyyy)					
2.	Country (Tick)	1. Kenya []; 2. Uganda []; 3. TZ []; 4. Other []				
3.	Organization/CSO (Name)					
4.	Total membership in CSO					
5.	Type of CSO (Tick)	1. NGO []; 2. Foundation []; 3. Labor Union []; 4. Professional association []; 5. CBO []; 6. Social movement []; 7. Faith-based organization []; 8. Independent research institute []; 9. People's organization []; 10. Other (Specify) [].....				
6.	Scope of operation (Tick)	1. Local []; 2. National []; 3. Regional []; 4. International []				
B. Influence Sphere						
(To what scale do CSOs exert influence on the following aspects; where 1 is leastand 5 is most)						
	Level of participation in steps of policy making	1	2	3	4	5
	a) Agenda setting					
	b) Formulation					
	c) Adoption					
	d) Implementation					
	e) Monitoring					
	f) Evaluation					
	Comments:					

(To what scale do CSOs participation manifest in the following aspects; where 1 is leastand 5 is most)						
Nature of participation in the policy process		1	2	3	4	5
	a) Provision of information					
	b) Consultation					
	c) Dialogue and partnership					
	d) Campaigning & advocacy					
	e) Awareness building					
	f) Expert advice					
Comments:						
(To what scale is the impact of CSOs on the following aspects; where 1 is leastand 5 is most)						
		1	2	3	4	5
9.	Impact on development of regional policies & programmes.					
	a) Democratization of Regional Governance					
	b) Social and Economic justice					
	c) Promotion of Peace and Security					
	d) Enhancing Agriculture					
	e) Sustainable utilization of natural resources					
	f) Environmental protection					
	g) Mitigating effects of Climate change					
	h) Co-operation in Science and technology					
	i) Strengthening Socio-cultural ties					
	j) Co-operation in Legal and judicial affairs					
	k) Gender mainstreaming					

	Comments:					
C. Determinants						
(Rate the determinants of CSO influence on EAC integration policies on a scale of 1 -5; where 1 is leastand 5 is most)						
	Internal determinants	1	2	3	4	5
	(a) Organizational strength					
	(b) Strategy					
	(c) Leadership					
	(d) Resource endowment (Human, capital, financial)					
	External determinants					
	(a) Political environment					
	(b) Regulatory framework					
	(c) Socio-economic context					
	Issue characteristics					
	(a) Policy type					
	(b) Degree of technicality					
	(c) Public salience					
	Comments					
D. Strategies of CSOs						
(Rate the significance of the following strategies of CSO in influencing the EAC integration policies on a scale of 1 -5; where 1 is leastand 5 is most)						
		1	2	3	4	5

	(a) Advocacy & lobbying					
	(b) Persuasion					
	(c) Complementing state initiatives					
	(d) Confrontation					
	(e) Facilitation					
	(f) Collaboration					
	Comments:					
E. Challenges						
	The following are some of the identified negative externalities of CSO involvement in governance processes. Rate the impact of each of them on your participation in the integration process of the EAC on a scale of 1 -5; where 1 is leastand 5 is most)					
		1	2	3	4	5
	(a) Lack of local finance					
	(b) Influence of Western practices and standards					
	(c) Inequalities of access to members of the public					
	(d) Difficulties in responding to problems of collective action					
	(e) Opaqueness in their consultation process					
	(f) Undue influence of special interests					
	(g) Structural underrepresentation of broad public interests and marginalized groups					
	(h) Pursuit of own parochial interests					

	Indicate any other challenges that CSOs face in their objective of seeking to influence the EAC regional integration process:
	(a)
	(b)
	(c)
	(d)
	(e)

- END -
- THANK YOU -

Appendix 2: Interview Schedule

EAC Officials (national and regional) and EACSOFF Officials (national and regional)

A. What is the influence of CSOs on the East African Community integration policies?

1. What is the actual participation in the following policy making steps:

- i) Agenda setting
- ii) Formulation
- iii) Adoption
- iv) Implementation
- v) Monitoring
- vi) Evaluation

2. What is the nature of participation in the following aspects of the policy process:

- i) Provision of information
- ii) Consultation
- iii) Dialogue and partnership
- iv) Campaigning & advocacy
- v) Awareness building
- vi) Expert advice

3. What is the actual impact on the development of regional policies & programmes in the following areas:

- i) Democratization of Regional Governance
- ii) Social and Economic justice
- iii) Promotion of Peace and Security

- iv) Enhancing Agriculture
- v) Sustainable utilization of natural resources
- vi) Environmental protection
- vii) Mitigating effects of Climate change
- viii) Co-operation in Science and technology
- ix) Strengthening Socio-cultural ties
- x) Co-operation in Legal and judicial affairs
- xi) Gender mainstreaming


- B. What are the determinants of the influence of CSOs on the EAC policy processes?
- C. What are the strategies adopted by CSOs in seeking to influence integration policies in the EAC?
- D. What are the challenges facing CSOs in their attempts to influence integration policies in the East African Community?

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