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Putting Lessons Learnt to the Test During Challenging Times: The East African Community And The Covid-19 Pandemic

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Abstract

The East African Community (EAC) celebrated its 20th anniversary in 2020. Overshadowing and bringing the joyous occasion to a halt, the outbreak of the Covid-19 pandemic only depicts the most recent and challenging crisis for the regional organization (RO). This paper discusses how and in what ways the current EAC has implemented mechanisms in its institutional design which can be traced to lessons learnt from its past; that is the first EAC (1967-1977). It uses the concept of transnational diffusion to analyse the impact of the first EAC on the current one and highlights which shortcomings still prevail and come to light - especially - during times of crises. Focusing on four aspects of institutional design, the article points to the most vulnerable aspects of the RO and puts them in the context of the rough patch that the EAC is going through. Here, the Covid-19 pandemic functions as a magnifying glass for the greater underlying problems.

Keywords:

Covid-19 Pandemic, Diffusion, East African Community, Regionalism

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Introduction

In 2020, the East African Community (EAC) is set to celebrate its 20th anniversary. The joyous occasion was overshadowed by the outbreak of the Covid-19 pandemic. This was not the only impact of the supposed health crisis on the regional organization (RO). Strongly diverging perceptions of the virus by the governments of the six partner states¹ have inter alia led to struggles in coping with it and have hampered the EAC to react coherently. For the past (two) years, the EAC has gone through a period of multifaceted challenges which have been accelerated through the Covid-19 pandemic. These concern top-heavy decision-making processes, the speed and depth of integration while widening the membership, the (non)involvement of non-state actors, and the (under)funding. The Covid-19 pandemic was not the root cause for the crisis the EAC is in at the moment: '[t]he gaping holes between the aspirations of the EAC's key advocates on the one hand, and the reality of our economies and their politics on the other were already visible to those who cared to look' (Mwenda, 2020, p. w.p.). As much as the Covid-19 pandemic has not caused the current crises in the EAC, it has exposed them further. I argue in this paper that the engineers of the current EAC were aware of the reasons for the failure of its predecessor, the first EAC (1967-1977) and used this knowledge for its design. With regard to the outcome, this manifested in order to mitigate possible pitfalls for a(nother) disintegration. In practice, the lessons learnt have led to intended and unintended consequences which still leave the EAC prone to internal and external crises. They have furthermore partially fallen short to be adopted to a deepened and widened EAC over the past 22 years of its existence. The theoretical lens of transnational diffusion and more specifically, inter-spatial and inter-temporal learning processes between regional organizations (ROs), provides a useful conceptual basis to disaggregate this and to draw conclusions for the current state of the EAC.

In order to do so, the paper proceeds as follows. First, I will briefly outline some aspects of the scholarly discussion on transnational diffusion. Then, consecutively, four concrete aspects of the EAC's institutional design which have diffused from the former EAC are introduced. These are discussed along the lines of fostering further challenges for the RO until today: the dominant role of the intergovernmental organs of the EAC; the extension of the membership and implementation of the principle of variable geometry; the lack of people-centeredness; and the (under)funding of the RO. On their basis, I will outline the main challenges the EAC faces going into its third decade of existence, elaborating how the Covid-19 pandemic has had the effect of a magnifying glass. In conclusion, the article pinpoints to some of the most pressing issues for the East African integration project and provides some suggestions.

ROs are usually defined as organizations that consist of three or more contiguous states that cooperate in more than one policy area at the regional level (Jetschke and Lenz, 2013). What has (more recently) puzzled scholars concerning the establishment and design of ROs is the general question of the extent of their (inter)dependence on decision-making processes regarding norms, policies, and institutional design. As much as European regionalism theories and new regionalism theory offer diverse and conflicting explanations for integration processes and the establishment of ROs, they have one thing in common: their focus on (purely) functional logic. Theoretical approaches following functionalist

¹ The Democratic Republic of Congo joined the EAC as its seventh partner state in March 2022 (East African Community Secretariat, 2022b).

explanations, like (neo-) functionalism (Haas, 1958, 1970), (liberal) intergovernmentalism (Moravcsik, 1998), and (neoliberal) institutionalism (Keohane, 1984; Koremenos, Lipson and Snidal, 2001) approach the question why regional or international organizations are established and with a certain institutional design as endogenous decision-making processes. Domestic actors' responses to collective action problems, usually in the areas of economic and/ or security issues, lead to the creation of certain institutions and organizations. New regionalism (Hettne, 1999; Söderbaum, 2004) and constructivist approaches (Katzenstein, 2005) further take into account endogenous and exogenous factors and socialization processes on the domestic, regional, and international level, and assume institution building as a response to such developments. All these approaches are challenged by the assumption that ideas, norms, policies, and (aspects of) the institutional design of international and regional organizations spreads over time and space from one entity to another (Börzel and Risse, 2012). This reasoning follows the logic of (transnational) diffusion. Outcomes of these interdependent decision-making processes can then encompass similarities between (aspects of) ROs, such as their institutional design, in different parts of the world. But also decision-making processes that do not necessarily lead to similarities in outcome can be influenced by diffusion (Solingen, 2012; Reiss, 2022). African-focused and based regionalism theories have centred structural dynamics around the impact of colonization and postcolonial dynamics (Mazrui, 1967; Asante, 1997). They have herewith centred the agency of African actors and identity creation through regionalisms and the debates around state-building processes and sovereignty vis-à-vis regional integration (Abrahamsen, 2017; Coffie and Tiky, 2021; Tiekou, 2021), also stressing interdependencies between African ROs and external actors such as the EU. Asante (1982) conceptualized diffusion between ROs based on emulation and learning and hereby illustrates how policies are diffused between the European Economic Community and the Economic Community of West African States. His analysis rests on a critique of the postcolonial entanglements between the two ROs - perpetuated through the Lomé conventions. How ideas, norms, policies, and (aspects of) the institutional design spread from one entity to another is usually theorized as diffusion mechanisms. Within the transnational diffusion literature, various diffusion mechanisms have been conceptualized (Elkins and Simmons, 2005; Gilardi, 2013; Jetschke and Lenz, 2013). The most prominent distinction is drawn between direct and indirect diffusion (Risse, 2016). The underlying assumption of both logics indicates that the receiving entity is interested to take in what the providing entity is explicitly or implicitly offering². The analytical framework based on diffusion proves to capture the learning processes by the current EAC from the erstwhile EAC very well. As the following analysis demonstrates, diffusion from the first EAC onto the current EAC is based on learning processes and is reflected in divergences in the outcome rather than similarities. Herewith, the paper contributes to two neglected aspects in diffusion studies: deviances in outcome and South-South diffusion. Besides this, the article goes one step further and shows that the diffused aspects have a direct implication for responses to crises - internal and external. Thus, using the magnifying glass that the Covid-19 pandemic is, this article sheds light on inter-temporal diffusion dynamics between the two EACs and suggests looking at their past to better understand the current challenges as well as proposes some concrete lessons for the current debate on the re-construction of the EAC.

² One exception is the direct diffusion through coercion (by the provider). This is rarely accounted for in the literature; however, dynamics such as forced regionalism and regionalization during and by settler colonialism and the imposition of specific norms, policies and rights from the colonial powers onto the respective occupied peoples and territories can be conceptualized as such.

Lessons Learnt

The first EAC was established in 1967 by Kenya, Tanzania, and Uganda. One of the main foci was fostering economic growth through integration, particularly after the struggle for independence and devastated economies. The first EAC was partially built on regional institutions established by the British to extract peoples and resources from the occupied territories - however, the interconnections of the regions' peoples of course predated colonization (Mvungi, 2002; Kasaija, 2004). The first EAC was designed in a way to make use of these institutions but to foster a more equal development across the region. In the early 1960s, the East African Common Services Organization (EACSO) replaced the colonial High Commission to provide a legal foundation for the common market, which then became the foundation of the Treaty for East African Co-operation establishing the first EAC in 1967 (Adar and Ngunyi, 1992; Kiondo, 2002; Kyarimpa, 2002). The first EAC inherited and incorporated the service institutions formerly belonging to the EACSO, aspects of its institutional design like a legislative assembly and an intergovernmental body (the Authority), had a common external tariff and established a common market. This EAC lasted ten years until it formally disintegrated in 1977. The reasons for its collapse are well-known and discussed (Adar and Ngunyi, 1992). They will therefore not be reiterated here in length but discussed with regard to four specific aspects which have an impact on today's crisis management.

The following subsections outline these four aspects of the EAC's institutional design which can mainly be traced back to diffusion from the first EAC in order to then discuss how and in what ways they still cause some of the challenges the RO faces. This is to say that the lessons learnt were not taken far enough when the EAC was re-established. The first aspect is the dominant role the Summit and the Council of Ministers play in the institutional configuration and the occasional incapability to jointly react to internal and external challenges. Second, the configuration of the membership, coupled with the decision-making procedures, has often led to a standstill - which is becoming more difficult with a broader and more diverse membership. Third, the EAC has been largely lagging and slow in the implementation of its principles as enshrined in the Treaty, such as people-centeredness and the involvement of non-state actors. Fourth, the lack of sufficient internal funding, which has largely to do with the budget allocation and the resulting continuous dependency on external funding, results in constant underfunding. In the following, these prevailing troublesome aspects of the institutional design will be discussed more in-depth and traced to diffusion from the first EAC and adaptation processes during the time of the EAC's establishment. The paper reasons that the adjustments to the shortcomings did not go far enough - based on unintended but also intended consequences. Leaving today's EAC vulnerable to crises.

The Omnipotent Summit

Among the reasons for the disintegration of the first EAC was the ideological rift between capitalist-oriented Kenya and the other more socialist countries (at the time), the political trends in Uganda, and following from this, the impracticable EAC Authority (Adar and Ngunyi, 1992), the principal executive and most important decision-making body within the RO, consisting of the Heads of State or Government. The Authority gave the general direction of the first EAC and was assisted by the East African Ministers. The decision-

making procedure was consensus-based, explicitly stated in the Treaty for East African Co-operation as: any objection from any partner state to a proposal led to a halt of the procedure (Annex XI). Thus, the Heads of State or Government were unable to convene when Ugandan President Obote was overthrown in 1971 by the military leader Amin, with whom Tanzanian President Nyerere had major ideological differences and whose government he did not recognize. Consequently, the EAC Authority did not meet while Amin exercised power in Uganda. During this time the RO was essentially not functioning, since much of the decision-making power lay with the Heads of State and the respective Ministers. These changes in the Ugandan political landscape led to the slow disintegration of the EAC already in the early 1970s. Subsequently, a long-lasting conflict between Kenya and Uganda intensified, leading Kenya to close its borders to Uganda in 1976. In 1978 then, Tanzania went to war with Uganda, which led to the overthrow of Amin (Biira, 2017).

During the establishment phase of the current EAC in the early 1990s already, Kenyan Foreign Minister Ayah, who was part of the committee to propose the way forward for the East African integration scheme, made a case for gradual integration in order to avoid repeating mistakes from the past and for 'creating institutions which could survive political shocks and individual initiatives' (*Third Meeting of the East African Co-operation Forum*, 1992, p. 3). In order to explicitly overcome the dilemma of the omnipotent Summit - which, in the worst case would paralyze the whole RO - the current EAC was designed with more checks and balances. One way this was done is that the Summit and Council of Ministers are two distinctly different organs; in the former EAC the Authority and the Ministers were much more intertwined, and the latter did not make up a distinctive organ of the RO. Some of the Summit's functions can be delegated to the Council or the Secretary-General - which was not an option under the former EAC (Oloo, 2005; Kaahwa, 2017). 'The current Council can be contrasted to its predecessor which existed under the framework of the defunct EAC. Notably, in comparison to the Ministers of the Community, the current Council is significantly less powerful' (Kaahwa, 2017, p. 59). In the first EAC, each partner state nominated one Minister to be an East African Minister (Mvungi, 2002). The partner states of the EAC created designated national Ministries of East African Community Affairs (MEACA). The East African Ministers were personally involved in all Councils, the Legislative Assembly, and the Corporations - thus in all processes and organs/ institutions of the EAC except the judicial ones. The institutional design of the current EAC involves the Council of Ministers personally only in the East African Legislative Assembly (EALA) - without the right to vote - and the Sectoral Councils. Nevertheless, the Council also occupies a central position in the EAC, as it has legislative, budgetary, and policy-making responsibilities. As much as setting up the Summit and Council as separate bodies with overall fewer decision-making powers was a reaction to the strong stance of the presidents (and ministers) in the first EAC, both organs still hold crucial functions within the institutional set-up. Combined with the decision-making procedure of consensus, this has occasionally led to the slow implementation and even the halt of responses crucial to urgent matters.

This holds true also with regard to the Covid-19 pandemic. The EAC Secretariat convened a joint meeting on the 25th of March 2020 between the Ministers of Health and Ministers at the MEACAs to deliberate on a joint and coordinated EAC response. In April 2020 a comprehensive response plan was developed following a directive by the Joint Meeting of Ministers responsible for Health, Trade and EAC Affairs and submitted to the partner states. Despite this concerted effort, a coherent response to the multifaceted crisis remained wanting; which is at least in part due to postponed Summit meetings and such diverging stands on the urgency of the crisis itself (O'Reilly and Vaughan, 2020). Burundi, South

Sudan, and Tanzania only implemented a few measures suggested by the World Health Organization and the EAC between March and June 2020 (Kalolo, 2020) and removed them with the declaration that they successfully defeated the virus (The Citizen, 2020). Since March 8th 2020 Tanzanian officials have not submitted the case numbers to the WHO and the EAC - which put up a tool on its website (<https://www.eac.int/coronavirus>). Whereas Kenya, Uganda, and Rwanda implemented strict lockdowns throughout the occurrence of the infection, have continuously submitted their numbers of cases and have worked on collaborative strategies like mobile testing facilities early on (Kalolo, 2020). The composition of the Summit is thus crucial, and the change in leadership in Tanzania in early 2021 had a positive impact. Former President of Tanzania, Magufuli passed away in March 2021 and then vice-President Hassan took office. This goes to show that even though the EAC Secretariat as well as working bodies within the Community have made efforts to tackle the crisis collaboratively at the regional level, as long as the Summit holds such a strong position within the EAC and its members have diverging perspectives (on the crisis itself and answers to it), the EAC is unable to react as an entity. Crises like these thus reveal the built-in challenges of the institution's design.

Membership, Consensus, and Variable Geometry - (un)intended consequences

Even during the early stages of re-establishing the current EAC, it was clear that the membership was confined to Kenya, Tanzania, and Uganda (Secretariat of the Commission for East African Co-operation, 1993). Already in 1996 and 1998, Rwanda and Burundi respectively applied to join the EAC but were not accredited members until 2007 (Mwapachu, 2012). In 2002, the Council of Ministers decided that Rwanda and Burundi, or any other new members, were only to be admitted after the Protocol for the Establishment of the Customs Union had been finalized, signed and came into effect (East African Community Secretariat, 2002). The involved actors from the governments clearly reiterated the connection of the three original partner states in reference to their first approach to integration. Shared regional cultural and societal ties and a shared East African identity were referenced as reasons for the re-establishment of the EAC with the original three partner states (Mwapachu, 2012).

As of the February 2021 Summit, the first one since the outbreak of the pandemic with all six partner states represented³, another enlargement of the Community to include Somalia and the Democratic Republic of Congo (DRC) was considered and further inquiry into the matter delegated to the Council by the Summit (East African Community Secretariat, 2021). These two applications have been pending for many years. In a very speedy process, the DRC was formally admitted to the EAC in April 2022 (East African Community Secretariat, 2022a).

Enlarging the block to seven states complicates the decision-making even further if the consensus procedure is not amended. It is important to note the historical significance of joint consensual decision-making as a way of strengthening solidarity among the partner

³ The regular Summit in April 2020 was rescheduled on the request of South Sudan. It then took place in May, but without Burundi and Tanzania (O'Reilly and Vaughan, 2020). Yet, also at the Summit in February 2021, Tanzanian President Magufuli did not take part but was represented by Vice-President Hassan (East African Community Secretariat, 2021).

states – also in other ROs on the continent. Discussions around the trade off between national sovereignty and submitting power to supranational organizations are a constant in the Global North and South, however, they are especially relevant in the Global South (Kingah and Akong, 2018). Thus, invoking variable geometry to mitigate a potential standstill because of the consensus principle is certainly an improvement from the first EAC, however, with growing membership and in times of crisis, it still has the potential to undermine the EAC internally and externally.

The fallout between the former presidents and the related disintegration of the first EAC has resulted in two principles or norms which have clearly influenced the current EAC's institutional set-up: subsidiarity and variable geometry – manifested in the Treaty (Art. 7 (1d, 1e)). The first underlines integration and regionalism as a multi-level scheme in which various stakeholders are involved and the decision-making starts at the 'lowest' level of the governance structure. Variable geometry offers a certain group of countries within an RO the opportunity to move forward with certain cooperation and integration efforts. Hence, it allows partner states of the EAC to integrate at different speeds. The principle of variable geometry is inter alia an answer to the paralyzed first EAC – it allows some member states to pursue deeper integration within the overall regional framework (Kamanga and Possi, 2017). Although the principle mitigates the possible negative implications of consensus decision-making when the partner states cannot reach a consensus, it also opens the door for rifts and fallouts between the Heads of State or Government. The so-called 'coalition of the willing' – Kenya, Rwanda, and Uganda – is a prominent case in point. This has thrown the EAC into a crisis before when the partner states could not reach an agreement on an infrastructure project (Mwapachu, 2012). An ongoing discussion in this regard is the Economic Partnership Agreement (EPA) between the EU and the EAC (Ouma, 2019). During the 2021 Summit, the principle of variable geometry was formally invoked again with regard to the EPAs. It is again Kenya and Rwanda that have signalled an interest to move forward in this matter (East African Community Secretariat, 2021).

As pointed out above, also during the Corona crisis, Kenya, Rwanda, and Uganda worked together closely to tackle the spread of the virus and have been invoking the Community to take a strong stance together. Even though through the principle of variable geometry, the consensus decision-making procedure of the Summit can be mitigated and does not automatically lead to a halt in all undertakings, in situations where a swift and coherent response from the highest authority is necessary, the EAC is unable to deliver. The principle of variable geometry thus allows for the option to formally (EPAs) and informally (corona response) move forward on the regional level, but also has the explosive power to deepen the rift in the Community.

Lack of People-Centeredness

The first EAC was formed partially based on institutions inherited from British colonial occupation of eastern Africa. This is proclaimed as one of the reasons why political leaders of the newly independent states lacked political commitment to seriously carry on with it after independence (Adar and Ngunyi, 1992; Shao, 2002; Kibua and Tostensen, 2005). The disintegration of the first EAC because of the inoperable Authority partially speaks to this; yet, considering Tanzanian President Nyerere's strive for Pan-African and East African cooperation/integration, this seems questionable. However, not only the presumed lack of commitment from the political elite, the lack of involvement of the private sector and the

general public was an even more important factor which contributed to the collapse (Shao, 2002; Vinnai, 2010). The introduction of these principles can be traced to lessons learnt from their past. The EAC Treaty clearly spells out the need to involve non-state actors and the aim to achieve a 'people-centred and market-driven co-operation' as operational principles (Art. 7) as well as the notion to promote 'an enabling environment for the participation of Civil Society in the development of activities within the Community' (Art. 127). Although the private sector and civil society at the respective national levels as well as transnational/regional networks of private companies and trade unions played a significant role in the revitalization of the current EAC already during the early negotiation processes (during the 1990s), the systematic involvement of non-state actors largely remained wanting (Reiss, 2014).

More than twenty years on, the EAC has made some strides to become more people-centred. In 2012, the (annual) Secretary General Forum was initiated, which is a meeting intended for deliberations between civil society organizations, representatives from the private sector, and other interest groups with the SG and other staff of the EAC (Reiss, 2014). Yet, according to polls by the Afrobarometer and reoccurring statements by EALA parliamentarians, the EAC is still not well known let alone close to the people (Knowles, 2014). The pandemic called the non-governmental umbrella bodies to the stage, as they have undertaken collaborative efforts on the regional level. The private sector through the East African Business Council (EABC) as well as umbrella bodies for civil society, like the East African Civil Society Forum and the East African Law Society have convened in May of 2020 already and have addressed issues where they perceive the EAC has not reacted adequately to the pandemic. They urge the EAC to increase production within the Community, waive customs on medical devices, and ensure the free movement of people as well as goods in line with the guidelines of the World Health Organization (Anami, 2020). This goes to show how (the current) crisis can invoke dialogues and collaborative efforts from non-state actors across the board. These already existing coalitions unfold new dynamics in times of crises; now it is up to the EAC to engage in the dialogue - as part of and - beyond crisis management.

(Under)Funding the EAC

One of the colonial legacies in the eastern African region was the inherited uneven levels of development of the three countries. Due to the "preferential" treatment of Kenya, favoured economic developments, industries and agricultural sectors, and support to the transition into a market-based economy, the country was comparatively in an advanced economic position after the formal end of the settler colonial period (Mugomba, 1978). In the (immediate) post-colonial period, further reinforcements of the economic dependencies on countries in the Global North deepened these inequalities. This particular aspect of the (post-)colonial impact on eastern Africa has had a lasting effect on the RO in various ways. From the outset of the first EAC, trade between the countries was distributed unequally - leaving Kenya, as in all previous regional activities, to be the dominant player in the region (Okoth, 1990; Adar and Ngunyi, 1992; Nying'uro, 2005). In reaction to this, one of the major aims of the first EAC was to enable the equal development of the partner states and even the distribution of the benefits of regional cooperation and integration. Yet, the first EAC was not able to achieve this which is perceived to be another factor contributing to its collapse (Adar and Ngunyi, 1992).

The first EAC's common services institutions were located in Nairobi; as discussed above, due to the "inherited" institutions from British colonial occupation and it was in the interest of the newly independent states to use this infrastructure. However, this deepened prevailing inequalities between the three partner states even further. In 1984, the assets and liabilities of the disintegrated RO were divided in the 'East African Community Mediation Agreement'. The Agreement also formally suspended the first EAC. At the same time, the three states agreed to "explore and identify further areas for future co-operation and to work out concrete arrangements for such co-operation" (*The East African Community Mediation Agreement Act. 1987, 1987, p. 39*). The decision to locate the current EAC headquarters in Arusha, Tanzania, was again an effort to learn from past mistakes and mitigate the uneven levels of development of the three partner states.

The first EAC's bureaucracy was much smaller in size and manageable with rather limited resources. The same could be said about the early days of the current EAC with only three partner states. The Tanzanian government provided adequate infrastructure for the RO in Arusha and, from the beginning, external partners and donors equipped the EAC with financial support (Interview with Fasbender, 2019; Interview with Wambugu, 2019). When the EAC began to grow, the parliamentarians of the EALA and the judges of the East African Court of Justice took up their roles; when the EAC was deepened and widened, shortcomings of the original financing system became more visible. The budget for the EAC steadily increased, yet the institutionalized budget contributions were not amended. They were - and still are - set to an equal contribution by each partner state. This approach caters to the strong narrative of equal partnership between the members. During the early years, with three partner states and a relatively concise bureaucracy, this worked quite well (Anami, 2021). Yet, with the accession of more members - Burundi and Rwanda (in 2007) and South Sudan (in 2016) - and with such relatively unequal levels of their GDP, the imbalances grew even wider. This was cushioned by external partners i.e. donors such as the German development cooperation (GTZ and later GIZ) and the EU. Limited to project funding, and excluding staff salaries, the donor community has been providing a substantial part of the EAC's budget (Mathieson, 2016). Throughout all this, the budget contributions by the partner states were not adjusted. For some time, Uganda covered part of the contributions for Burundi, still leaving the country indebted to the EAC with \$30 Mio. South Sudan owes the EAC \$10 Mio. as of 2020 in its short membership history (Shaban, 2020). This has caused some fallout between the heads of state or government and has put them up against each other and vis-à-vis the donor community to some extent. Recently, a new hybrid model was proposed which would reduce the equal contribution by the partner states to 65% and the rest would be contributed according to each partner state's average nominal GDP per capita (Amani, 2022). This is of course also a critical issue during 'normal' times, but even more so during times of crises. Then additional funds are needed to take care of economic fallouts and strategic planning to cope with the short- but also mid- and long-term economic implications triggered by the closure of borders and the restriction of the freedom of movement of people and goods (Anami, 2020). The dependency on donor funding for parts of the budget and implementation of projects is thus also further perpetuated in times of decreasing development budgets of the donors and overall shrinking international solidarity - a reality also further amplified by the reactions to the Covid-19 pandemic (see Iroulo and Boateng, 2021).

The EAC Under the Magnifying Glass

The analysis shows how the architects of the current EAC adopted and adapted various aspects of the former EAC. This can be conceptualized with the framework of diffusion and more specifically through learning processes. However, as the analysis clearly spells out, there are (at least) four distinct aspects of the institutional design, which constitute some shortcomings and ultimately make coherent and swift responses to crises difficult. These aspects are partially built into the institutional set-up intentionally and partially portray unintended consequences. They can be seen as a constant challenge for the EAC, yet, during times of crises even more so.

First, the situatedness of the summit within some institutionalized checks and balances, and an independent Council of Ministers, depicts an intent to learn from their past. However, the power that rests within the highest decision-making organ of the EAC and thus its individual members and herein its configuration was only partially intended as the current EAC was designed to withstand intergovernmental crises. Thus, diverging perspectives on the crisis itself and answers to it leaves the EAC unable to react as an entity - at least partially because of the stance of the summit. Second, and related to the first aspect, even though through the principle of variable geometry, the consensus decision-making procedure of the Summit can be mitigated and does not automatically lead to a halt in all undertakings; in situations where a swift and coherent response from the highest authority is necessary, the EAC is unable to deliver. The principle of variable geometry thus provides ways forward - formally (EPAs) and informally (corona response) - but has the explosive force to deepen the rift in the Community. The expansion of the membership did not go along with an amendment of decision-making procedures, a consequence that was neither anticipated nor unintended, but speaks to a lack of (institutional) learning over the timespan of the EAC's existence. Third, from the outset, non-state actors have been trying to participate in the dialogues at the regional governance level. They have done so generally and specifically addressing issues where they perceive the EAC has not reacted adequately to internal and external crises. They have largely been sidelined - especially civil society actors. This is partially intended and a more general phenomenon in regional arenas which tend to keep non-state (and especially civil society) actors at bay, however, its extent at the EAC level is unintended. These already existing coalitions have the potential to unfold new dynamics in times of crises; now it is up to the EAC to engage in the dialogue - as part of and - beyond crisis management. Fourth, the dependency on donor funding for parts of the budget and implementation of projects is an unintended outcome when considering the discussions in the 1990s. A contribution by the partner states based on their capabilities could mitigate deepening inequalities - which was an explicit learning from the first EAC and to be averted. Yet, the lack of fully financing the EAC from within cannot be understood as an unintended consequence but rather a deliberate choice within a broader structural problem of unequal economic structures. This, like many other structural issues, is accelerated in times of crisis. Here, decreasing development budgets of the donors and overall shrinking international solidarity is a reality further amplified by the reactions to the Covid-19 pandemic.

Building on these insights and with regard to the ongoing discussion on the reconstruction of the institutional design of the EAC, the last section of this article makes some recommendations. There is a need to build an even stronger secretariat with well-paid bureaucrats who are able to run the RO even when the intergovernmental leadership is divided. A recent change in the key personnel of the EAC is a point in case. In April 2021,

the former EALA member and subsequently EABC chief executive, Mathuki, was appointed as Secretary General of the EAC (East African Community Secretariat, 2021). He has brought a new dynamic and level of engagement, of various non-state stakeholders, to the EAC. Accrediting the EALA more responsibilities helps mitigate the challenges addressed in several of the four aspects. A directly elected legislative body that can have an actual impact on the budget rather than rubber-stamping it would be a vital legislature. Furthermore, the EALA members could yet engage more in their respective constituencies and further develop tools to engage with non-state actors - organized and on an individual level. The Secretariat and the EALA are also the dedicated bodies within the EAC that connect the RO to the people, strengthening their mandate would surely contribute to an increased people-centeredness. Related to this is another aspect, discussed under point three, namely institutionalizing the exchange with non-state actors further and funding these formats, rather than leaving this (mainly) to the donor community. As pointed out, the harmonization and decision-making processes between the seven partner states is a challenge. The consensus decision-making principle is a core norm of the EAC and should stand as such, but an RO with increasingly diverse partner states will most likely run into a deadlock over any (slightly controversial) issues. Thus, a decision-making principle, catering to the core norms but allowing the EAC to move forward on (urgent and controversial) matters is required. Lastly, the dependence on donor money could be mitigated by introducing a contribution scheme based on a percentage of the custom duties the EAC collects or a percentage of the national GDP (the latter being the current suggestion for a reform) - both ideas are similar to proposed reforms by Rwandan President Kagame to the African Union. The proposed suggestions go beyond mitigating the crisis inflicted by the Covid-19 pandemic, they offer a way forward to be better equipped in general.

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