

# BIEAC Project



# Impact Evaluation Report

August 2014



## **Project details**

Project title: Trade Policy and Trade Promotion Fund

Project Processing No.: 02.2476.6-000.00

Contract No.: 81171651

Organization: CUTS International

Submitted to: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

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# ABBREVIATIONS & ACRONYMS

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ACORD	Agency for Cooperation and Research in Development
ACP	African, Caribbean and Pacific
ADRI	Action Développement et Intégration Régionale
BIEAC	Building an Inclusive East African Community
CARRIFORUM	Caribbean Forum
CBO	Community Based Organisation
CDF	Consultative Dialogue Forum
CMP	Common Market Protocol
CSO	Civil Society Organisation
CUTS	Consumer Unity and Trust Society
EABC	East African Business Council
EAC	East African Community
EACM	East Africa Common Market
EACSOF	East African Civil Society Organisations' Forum
EACSONEI	East Africa Civil Society Network on Economic Issues
EALA	East African Legislative Assembly
EARATC	East African Revenue Authority Technical Committee
EASSI	Eastern African Sub-regional Support Initiative
EBA	Everything-but-Arms
EPA	European Partnership Agreement
EU	European Union
FES	Friedrich Ebert Stiftung
FDI	Foreign Direct Investment
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
GSP	Generalised System of Preferences
ICBT	Informal Cross-Border Trade
IFC	International Finance Corporation
KHRC	Kenya Human Rights Commission
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KSSFF	Kenyan Small Scale Farmers Forum
LDC	Least Developed Country

MFN	Most Favoured Nation
MINEAC	Ministry of EAC
NCM	Non-Conforming Measure
NGO	Non-Governmental Organisation
NMC	National Monitoring Committee
NSA	Non-State Actors
NTB	Non-Tariff Barriers
OSBP	One Stop Border Post
RCSP	Rwanda Civil Society Platform
RoO	Rules of Origin
SADC	Southern Africa Development Community
SGF	Secretary General Forum
SEATINI	Southern and Eastern African Trade Information and Negotiation Institute
SPS	Sanitary and Phyto-sanitary
TANGO	Tanzania Association of Non-Governmental Organizations
TBP	Time Bound Programme
VAT	Value Added Tax

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# EXECUTIVE SUMMARY

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This report assesses the sustained impacts of the Building an Inclusive East Africa Community (BIEAC) project, and the extent to which its overarching objective of empowering Civil Society Organizations (CSOs) in EAC has been achieved. It should be recalled in this regard that a number of activities were undertaken during the BIEAC project, these included studies that made specific recommendations, as well as advocacy activities to ensure that these recommendations were adopted by the relevant authorities. Resolutions were also reached, which aimed at enhancing CSOs role and participation in the EAC integration process and external trade policies of the region. The project was based on a participatory approach that brought together relevant stakeholders including government officials, CSOs, private sector, academia, and media.

The *BIEAC* project impact assessment study indicates that sustainable results have been achieved to some extent, particularly in improving CSOs' capacity to understand and actively engage in the EAC integration process as well as the EAC-European Union EPA negotiations, albeit more in certain countries than others.

During the impact assessment exercise, all CSOs that were involved in the survey indicated that research and outreach activities carried out by the *BIEAC* project allowed them to enhance their know-how on EAC integration and trade related issues; and that the advocacy and networking events allowed them to better co-ordinate their activities with other stakeholders including government officials, the private sector and academia.

As a result of the *BIEAC* advocacy and networking activities, the dialogue between CSOs and governments has been institutionalized enabling CSOs' participation in various governmental bodies such as the "National Implementation Committees of EAC processes" and the "Non-Tariff Barriers Monitoring Committees". With regard to the resolution that was made at the end of the project, to establish a regional forum for CSOs to network with each other on economic issues, CUTS Nairobi created the "East Africa Development Forum", an e-forum facilitating information sharing and coordination among over 300 stakeholders many of them being CSOs representatives in all five EAC countries.

The increased know-how and the improved coordination among CSOs in the EAC integration and liberalization dynamics, has allowed them to advocate for interests of their constituents more effectively. In this context, the main initiatives attributable to the *BIEAC* project include the following:

- A number of follow-up activities were undertaken following the conclusion of the BIEAC project. Such initiatives include advocacy campaigns for faster implementation of the EAC Protocol on "Free Movement of Persons and Labour" (Part D of Common Market Protocol). By facilitating regional migration in various ways, these provisions significantly simplify the lives of border communities, students and professionals operating across borders. Of all the Partner States, Rwanda has been found to be the most progressive, mainly due to favourable political will
- Regarding informal cross-border trade (ICBT), research conducted within the BIEAC project found that a majority of small-scale traders were not aware of the EAC governments' initiatives to mainstream ICBT into formal channels by minimizing transaction costs, which are often the main cause of illicit trade. This knowledge gap has been addressed through outreach workshops for

cross-border traders informing them on new simplified and favourable trade regimes in the region. In Burundi the workshops motivated by the BIEAC project continue to be carried out by the Ministry of Trade

- Advocacy campaigns targeting the removal of non-tariff barriers (NTBs), successfully contributed to CSOs involvement through contribution on the establishment of National Monitoring Committees (NMC) overseeing trade regulations in the EAC. Beyond the BIEAC project, there have been continuous efforts to increase the capacity of the NMCs whereby for instance in Tanzania, the active engagement of CSOs has resulted in NTB-reduction being at the forefront of national policies
- Regarding the EPA negotiations between the EAC and the EU, the extensive research conducted not only enhanced CSOs' understanding of especially the contentious issues, but was also used by the EAC governments to strengthen their negotiation position with the EU where for instance special attention has been given to the provisions on export taxes.
- BIEAC project's work on EPA led to the recognition of CUTS International as a centre of excellence for trade policy, which resulted in a 2010 signing of a Memorandum of Understanding with the EAC Secretariat that provides for cooperation to undertake further work related to trade and development
- A number of spin-off projects have followed the BIEAC project. In Kenya for instance, CUTS implemented a follow-up research project on the "Operationalisation of the EAC Competition Act" in all Partner States with an overall objective of strengthening CSOs and consumer organizations to pursue vibrant competition regimes and strong consumer protection in all EAC countries.

Despite the positive results of the *BIEAC* project, there is still a lot that needs to be done in order to increase the voice of CSOs in EAC. More importantly there is the need to consolidate the gains achieved thus far in the project while organically tackling emerging challenges and recommendations. Given the short duration of the project as well as capacity limitations and in some cases a lack of political will, some of the project outcomes and recommendations have not been implemented. This calls for more concerted efforts in this regard.

The Report has been organised in four parts: Part I is the introduction; Part II assesses the status of implementation of *BIEAC* project recommendations under nine themes; Part III provides an overview of the project's impacts as well as some further recommendations; and Part IV draws overall conclusions arising from the assessment.

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# INTRODUCTION

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## 1. Background

The *BIEAC* project was undertaken from 2008 to 2010 by CUTS International with support from Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). The project aimed at supporting a range of Civil Society Organizations (CSOs) in Burundi, Kenya, Rwanda, Tanzania and Uganda to examine the implications of the East African Community (EAC) and external trade policies on the welfare and livelihood of people in order to provide a better understanding of both challenges and opportunities for the poor and marginalized, as well as to identify policies that would respond to the issues.

In implementing the project, three core activities of Research; Advocacy; and Networking were undertaken to ensure better understanding of the EAC integration process and the regions external trade policies, specifically the Economic Partnership Agreement (EPA) negotiations. Outcomes from these activities were aimed at enhancing involvement and engagement of CSOs in the region with regard to both the integration process and EPA negotiations.

Three years after completion of the project, an impact assessment has been undertaken to establish the extent to which project objectives and outcomes have been implemented, and where they have not, identifying the reasons thereof. More specifically, the assessment establishes developments in the regional integration process including in the EPA negotiations, with a focus on CSOs role, and their inclusiveness therein.

## 2. Scope of the assessment

The assessment has undertaken a thorough investigation of recommendations of the *BIEAC* project (2008-2010). It compares intended and achieved impacts by assessing the current situation in EAC countries with regard to the role of CSOs in the process of regional integration and ongoing trade negotiations with the EU (EAC-EU EPA).

## 3. Methodology

To assess the impact of the *BIEAC* project and establish whether proposals that were made at both national and regional levels have been taken up by the EAC member countries and at the EAC Secretariat, a two-pronged methodology was employed *viz.* desktop literature review as well as in-depth interviews with stakeholders. Policies and protocols, media publications and reports related to the *BIEAC* project outcomes and recommendations have been included in the literature review. To supplement the insights from the literature review and to gather first-hand information on the ground, stakeholders from regional bodies; relevant government offices; CSOs; the private sector; and partner organizations involved in implementing the *BIEAC* project were interviewed through face-to-face interaction<sup>1</sup> and electronic means. Interviews were also conducted with officials of regional bodies

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<sup>1</sup>While the project funding was limited to travel to Arusha, Tanzania only to interview EAC Secretariat and some other regional stakeholders based there, CUTS used its presence in Nairobi and opportunities when its staff travelled for other meetings in the region to carry out as many face-to-face interviews in all the five countries as possible.

including the EAC Secretariat, East Africa Civil Society Forum (EACSOFF) and East African Business Council (EABC).

At the national level, interviews were conducted with representatives from Ministries responsible for Trade, EAC Affairs and Revenue Authorities. From non-state actors (NSAs), officials of private sector alliances, CSOs and farmers' associations were involved in the survey. A structured questionnaire that was developed and used for the interviews is annexed to this report.

Finally, the assessment investigated both the direct and indirect impacts attributable to the *BIEAC* project, including spin-offs, shortcomings, and the reasons thereof.

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# REGIONAL INTEGRATION ISSUES AND EPA NEGOTIATIONS

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## State of play in light of BIEAC project recommendations

Studies that were conducted under the *BIEAC* project made a number of recommendations for the better implementation of the EAC regional integration efforts, as well as for a beneficial EAC-EU EPA (see *Annex I* for a synopsis of *BIEAC* recommendations). The research studies were complemented with advocacy activities targeted at the relevant government and regional authorities. This section analyses the state of play in this regard, it is organised under nine themes that correspond to the main recommendations from the project.

### 1. Regional migration

Free movement of persons within the EAC was identified as one of the main recommendations from the *BIEAC* project, since it would enhance opportunities for better livelihoods through trade, employment, and education to mention a few. The Common Market Protocol (CMP), which came into effect on 1 July 2010, laid down provisions for Free Movement of *Persons and Labour* (Part D). These provide for the following: Standard Identification System (Article 8); Harmonisation and Mutual Recognition of Academic and Professional Qualifications (Article 11); and Harmonisation of Labour Policies, Laws and Programmes (Article 12); Rights of Establishment and Residence (Part E); Free Movement of *Services* (Part F); and Free Movement of *Capital* (Part G). Other relevant provisions for regional cooperation in the Protocol include Harmonisation of Tax Policies and Laws (Article 32); Consumer Protection (Article 36); Harmonisation of Social Policies (Article 39); and Cooperation in Statistics (Article 41).

The main beneficiaries of this agreement include students; professionals such as teachers and consultants; traders, particularly bus operators; and border communities. Within the EAC, visa requirements for travels have been abolished. The pace, at which members are implementing the agreement however, is different.

Rwanda is the most compliant Member as it has reviewed its employment and immigration laws, and has managed to attract the highest number of migrants from the region to-date. Kenya has also reviewed its immigration laws though not its labour laws. Tanzania and Kenya have removed the

requirement for declaration of arrival and departure for EAC citizens. A trilateral agreement among Kenya, Rwanda and Uganda has allowed their citizens to use National Identity cards as travel documents from January 2014, Burundi and Tanzania are yet to join this arrangement. In addition Rwanda and Kenya have a bilateral agreement for the removal of work permit requirements.

However, there are still some barriers to free movement of persons in the form of requirements such as yellow fever certificate requirement; roadblocks; and access to travel documents that either take too long to process or come at a high official cost. With regard to common travel documents, although an EAC passport was introduced, some members are yet to issue them to their citizens.

The rights of establishment and residence are still guarded as national sovereignty concerns and access and use of land and premises is regulated by national policies and laws. These concerns have resulted in harassment of some residents in the region; for instance, Tanzania in 2013 carried out mass expulsion of around 35,000 people of Burundi, Rwanda and Uganda origin, from the western part of the country, despite the fact that these people had settled there long before there were any borders to speak of<sup>2</sup>. Although the official explanation for the expulsion was insecurity, some took the action as subtle rejection of the EAC integration process. Another similar incidence is the expulsion of Ugandan teachers from Tanzania at the end of 2013 who failed to obtain valid work permits due to high costs and lengthy process of accessing the permits<sup>3</sup>.

The main finding of the survey on the issue of free movement of persons and its perceived benefits is that there is still little or lack of awareness about the agreement at grassroots level despite the requirement for member countries to implement an outreach strategy for information dissemination. With the exception of Rwanda that already has ongoing sensitisation programmes on integration for stakeholders, taking advantage of its devolved governance system, in the other countries information remains with policy makers, which is not easily accessible to the common person. Sentiments on the ground indicate that political will from signing members determines the level of interest to sensitise the common citizen through various channels, including reaching out to CSOs, trade unions, CBOs and other NSAs.

With regard to employment policies, studies have been carried out within all the five member countries to assess convergence and divergence but a model employment/social security for the region is yet to be formulated.

In relation to Article 39 of the CMP on Harmonisation of Social Policies, a number of Bills have been prepared for adoption. The Persons with Disability Policy was the first to be approved by the Secretariat followed by the Youth Policy. The Gender Equality Bill is at the draft stage and Children's Policy is at the zero draft stage. Other bills include the EAC HIV/AIDS Prevention and Management Bill; and the Anti-Counterfeit Bill for Generic Medicines. The main challenge with harmonisation of social policies is that it takes time especially given that as many as five countries are involved in the process. Information on the ground also indicates that when the East African Legislative Assembly (EALA) passes a bill, like the HIV/AIDS Prevention and Management Bill, it takes time for these bills to be promulgated by members mainly due to lack of political will.

Our findings on the ground are consistent with the East African Common Market scorecard for 2014, which indicates that 86 percent non-conforming measures (NCMs) affect the free movement of trade in the form of presence of natural persons (Mode 4); followed by 67 percent NCMs affecting trade in

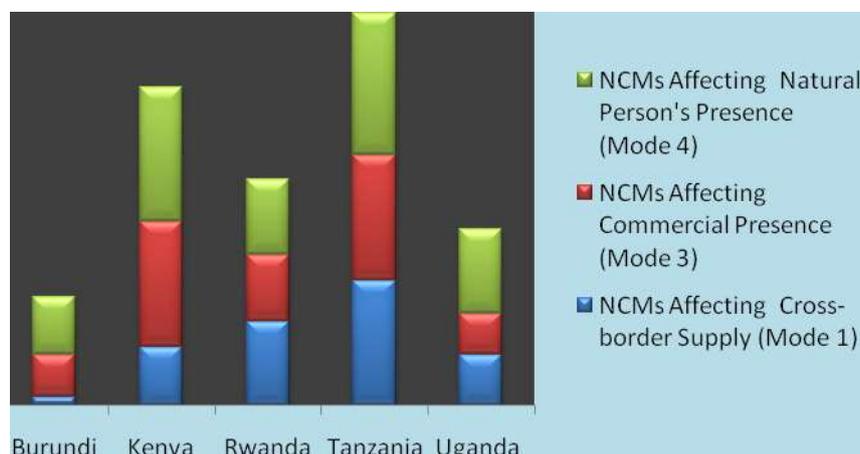
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<sup>2</sup><http://www.irinnews.org/report/98789/humanitarian-crisis-looms-for-migrants-expelled-by-tanzania/>;

<sup>3</sup><http://www.businessdailyafrica.com/teaching-jobs-on-the-line-as-Dar-expels-aliens/-/539546/1993924/-/1432a4ez/-/index.html>

the form of commercial presence (Mode 3); and 54 percent NCMs imposed on cross border supply (Mode1). No NCMs was found to affect Mode 2, which is consumption abroad.

Tanzania has the highest number of NCMs that affect freedom of movement of services, closely followed by Kenya, particularly in Mode 3 and Mode 4.



Data Source: EACM Scorecard2014

In terms of professional sectors attracting the most NCMs in member countries, engineering services are highly protected in Kenya and Tanzania. Accounting, auditing and bookkeeping services attract a relatively large share of NCMs in Burundi, Tanzania and Rwanda but none in Kenya.

Our findings indicate there is mutual recognition of some sectors including accounting, engineering, architecture and banking. More generally, from the above analysis it can be deduced that the *BIEAC* recommendation on ensuring free movement of people, and harmonization of social policies and employment laws that would promote free movement, has been partially implemented and at different levels in the EAC countries, with Rwanda being more advanced than the others. The main reason for slow progress in this regard could be attributed to lack of political will, and resistance of the populations in some of the countries.

## 2. Informal cross-border trade

Addressing informal cross-border trade (ICBT) in the EAC is amongst the main recommendations made during the *BIEAC* project. To this end, it was found that there was need for harmonizing the business environment at the regional level in order to minimize transaction costs, which were the main cause of ICBT. In addition, the need for raising awareness amongst traders especially the border communities on the regional integration processes and the opportunities therein for small holder producers and traders was identified as a possible means of addressing ICBT.

Generally, ICBT is considered to be 'illegal' and detrimental to economic growth because of unfair competition, lowering the efficiency of health/safety measures, and the inability to collect revenue through taxation (OECD, 2009). However, it has also been recognized that it ensures food security and creates income and employment opportunities particularly for rural/border populations (AfDB, 2012). Indeed, according to EASSI (2012), ICBT does not only cover a considerable amount of the

EAC intra-regional trade, but it is also the sector in which women represent the biggest portion of small business holders. This makes ICBT extremely important as a source of income and employment for women in the EAC region.

The study conducted by EASSI (2012) on the dynamics of ICBT among women in the EAC region finds that although the majority of women who are engaged in informal cross border trading had heard of the Customs Union and Common Market Protocol, knowledge on specific policies varied greatly. While 60% were aware of the principle of free movement of goods, services and people, the same percentage of women was unaware that trade taxes were to be eliminated on goods/services originating from the EAC region, harmonization of tax rates would be implemented, and that traders should carry certificates of origin to benefit from exemptions for goods originating in the region.

Respondents to the issue of ICBT during the project impact assessment exercise were of the view that there has been an improvement in the business environment at the regional level, most notably the changing relationship between businesses and government authorities. For instance, according to the EABC, in the past there was a lot of mistrust between government and business people. Government officials had an attitude that businesses were always out to dodge taxation, while the businesses were of the view that governments were blocking their efforts to trade. There is now a marked change of attitude; businesses are starting to work with governments having realized that compliance facilitates business. Governments are also viewing these businesses more positively as a source of revenue and employment for the masses.

Other improvements have occurred, like the increase in sensitization campaigns, development of simplified cross-border trade regimes, and introduction of the certificate of origin provisions to facilitate free movement of goods emanating from the region. According to the Chief Advocacy Officer of the Rwanda Private Sector Foundation, these positive changes are contributing to the mainstreaming of ICBT into the formal channels, and efforts to develop a platform for raising awareness and information exchange between government and private sector continue in the region.

The aforementioned improvements in raising awareness and addressing informal cross-border trade are attributable to the *BIEAC* project to the extent that advocacy campaigns brought the issues to the forefront whereby some of the countries such as Burundi have now instituted programmes to sensitize cross-border traders – according to ADIR the *BIEAC* project partner, this initiative was a direct result of the *BIEAC* project findings and advocacy efforts.

### 3. Tax policy and law harmonisation

Harmonization of tax policies and regimes including the Value Added Tax model (VAT) in the EAC is another recommendation arising from the *BIEAC* project. This is in line with the EAC CMP Article 32 that provides for tax harmonization in the region as a way of facilitating free movement of goods, services, and capital, and the promotion of investment within the Community.

The goal of such harmonization is to decrease the costs of compliance, to increase the efficiency of administration, and to encourage voluntary tax compliance. Progress that has been made in this regard includes: the conversion of tax reports of each country into status reports (April 2012); a comparative matrix established (July 2012); and an agreement by Heads of respective Tax authorities on specific areas of alignment (2012). In this regard the East African Revenue Authority Technical Committee (EARATC) and the International Finance Corporation (IFC) have worked together and proposed the following elements of alignment:

- Tax Payer Registration
- Filling procedure and payment for tax return
- Tax return filling extension
- Audit procedure
- Procedure for enforcement and recovery of tax
- Procedure for tax refund
- Dispute Settlement procedure for tax related disputes

Efforts towards tax harmonization in the region are still ongoing, including through support from development partners, for instance in November 2013, the EAC partnered with the German Development Agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and initiated a project for the harmonization of policies for excise taxes, and VAT, through an international consultancy firm.

During interviews with stakeholders on this issue, concerns were raised to the effect that the process of harmonizing tax policies is quite slow, and has affected the effective implementation of the CMP that provides for free movement of goods and services in the region.

With regard to availability of information and statistics for regional tax planning at the EAC Secretariat, interviewees' revealed that in the case of Customs taxes and duties there was much improvement in information sharing; however in the case of domestic taxes, data is still lacking and internal trade statistics not readily available.

It can therefore be said that the BIEAC project has not had much impact with regard to issues of tax harmonization given the slow pace of the exercise due to several factors including financial and capacity resource constraints; nevertheless the region is benefiting from international support towards harmonization of tax regimes.

## 4. Non-tariff barriers

The Treaty Establishing the EAC under Article 75 (5) stipulates for removal of all *existing* non-tariff barriers (NTBs) on the importation of goods originating from the other member countries and urges members to refrain from imposing *any further* NTBs. Members, under Article 13(1) of the EAC Customs Union Protocol also agreed to remove with immediate effect all the existing NTBs on importation into their respective territories, of goods originating from the other members. Furthermore, Article 13(2) obliges members to formulate a mechanism for identifying and monitoring the removal of NTBs.

Members put in place National Monitoring Committees (NMCs) on NTBs constituted by key government institutions, the business community and CSOs<sup>4</sup>. The region has adopted the EAC Time Bound Programme (TBP) to identify and eliminate NTBs. The NMCs submit their report to the

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<sup>4</sup> Note that one of BIEAC's recommendation was for CSO representation in the NMC, which might have informed the decision to bring them on board

Regional Forum on NTBs on a quarterly basis, which updates the TBP. Findings indicate that although members have brought down tariffs and endeavour to remove existing NTBs, they also introduce new administrative and technical measures. In the Regional Forum held from 25<sup>th</sup> to 27<sup>th</sup> February 2014<sup>5</sup>, it was reported that 24 NTBs remained unresolved; 7 new NTBs were introduced; and 62 NTBs were resolved cumulatively.

The NMCs are tasked to prioritise NTBs affecting trade and relations in trade and investment with other EAC countries; monitor decisions of the Sectoral Council on NTBs and other challenges; follow up on existing and new NTBs; report to the Regional Forum; ensure reported measures are resolved; and hold consultation with stakeholders.

During the project implementation, a monitoring mechanism already existed but an effective implementation of the mechanism remained to be achieved, which was identified as one recommendation area of the *BIEAC* project. Indeed despite their wide mandate, stakeholders are critical of the NMCs for their lack of legal mandate to direct actions; and to refer NTB cases to the EAC Court of Justice. In order to address this concern and to fast track elimination of reported NTBs, the EAC Council of Ministers adopted the EAC NTBs Bill on Legally Binding Mechanism on Elimination of NTBs in the region<sup>6</sup>. The Bill is also expected to resolve disputes from existing NTBs and to ultimately reduce the cost of doing business in the region.

Another challenge cited by stakeholders is the inappropriate reporting mechanism, which is not cognizant of the fact that commercial drivers and clearing and forwarding agents do not often have time to fill compliant forms or go online to report. In addition, the NMCs lack sufficient resources to gather information; organise meetings; research on alternatives to NTBs, and other activities that could improve the elimination of NTBs.

The EACM scorecard 2014 report indicates that all members use NTBs most commonly in the form of rules of origin (whereby at border posts, the EAC rules of origin certificates are often not recognised); surcharges; technical barriers to trade; and sanitary and phyto-sanitary (SPS) measures. With the latter, ratification of the EAC Protocol on SPS Measures is currently underway; nonetheless, the EAC approved 59 harmonised standards and endorsed 80 international standards for adoption in July 2013.

In relation to infrastructure related NTBs, stakeholders commend the installation of one stop border posts (OSBPs) that avoid duplication of clearance procedures and delays; and the electronic single window system that eased and enabled faster clearance of at the port of Mombasa.

OSBPs like Nemba and Ruhwa at Rwanda-Burundi border offer clearance services with officials of both countries, from immigration, revenue authorities and standards bodies working under the same roof. Works on the Rusumo OSBP at Rwanda-Tanzania border is expected to be completed soon<sup>7</sup>.

With regard to the electronic single window system, interface has been done between Rwanda electronic single window, Kenya Revenue Authority system, Kenya Port Authority and Uganda Revenue Authority for faster clearance of goods at Mombasa Port and real time exchange of

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<sup>5</sup> NMC-Rwanda, March 2014. <http://nmcrwanda.org/spip.php?article146>

<sup>6</sup> *ibid*

<sup>7</sup> The New Times, Rwanda's Daily (May 07, 2014) <http://www.newtimes.co.rw/news/index.php?i=15715&a=76604>

information<sup>8</sup>. However, nothing much has been done on rail, water and air infrastructure to eliminate infrastructure related NTBs.

The *BIEAC* project clearly identified the need for tackling infrastructure-related NTBs. In general, since the completion of the *BIEAC* project, there has been reduction in infrastructure-related non-tariff barriers, particularly with installation of OSBPs, which is in line with one of the project's recommendations *viz.*, to reduce border checkpoints. However the extent to which this and other developments can be attributed to the project cannot be easily established given that there are several players including concerted international development assistance dealing with the issues. What can be deduced is that concerns raised during the project in this regard are being addressed.

## 5. Accession implications on private sector development in Rwanda and Burundi

At the time of the *BIEAC* project, there were concerns that the accession of Burundi and Rwanda to the EAC would affect private sector development initiatives in the two countries given the smaller size of their economies in comparison to the other member countries. According to stakeholders interviewed, the impact of accession on the private sector in the two countries has been mixed.

In Burundi it is felt that joining the EAC was rushed, although in absolute terms it has derived some positives for the private sector. Small and medium size operators have been able to access the regional market, for instance in Burundi the art and crafts sector is developing rapidly due to the expanded market and its competitiveness in the region. Nevertheless NTBs and other constraints remain a challenge impeding the pace of private sector development.

In Rwanda there have been positive gains as well, according to interviewees during the evaluation exercise, small and medium size firms have more opportunities for supplying inputs such as milk, fruits, maize and others to the bigger processors in the region, hence contributing to their development.

According to stakeholders interviewed, the above progress could be partially attributed to the *BIEAC* project, since relevant authorities were lobbied to ensure that requisite policies were adopted in Burundi and Rwanda that would take into account the vulnerabilities of their economies.

Going forward, stakeholders in the region called for harmonized FDI promotion strategies that would spur private sector development. Currently member country strategies differ, which diminishes the region's attractiveness as a single market with a huge population and therefore conducive for investors. For the big investors, if they are not able to enjoy similar incentives from member countries, investment on a regional basis is not worth it. For instance while Uganda allows up-to 99 year leases for land to foreign investors, in Tanzania it is limited to 25 years, which may discourage investors who might prefer a regional approach of investment.

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<sup>8</sup>Rwanda Electronic Single Window (November 01, 2013). [www.sw.gov.rw](http://www.sw.gov.rw)

## 6. Status of the implementation of the Competition Act

To maintain and protect fair competition and provide for consumer welfare, the EAC Competition Policy and Law was adopted by the EAC Council in 2004, which was later assented to by Heads of State as The EAC Competition Act of 2006. The Act deals with issues such as anti-competitive practices; abuse of market dominance; mergers and acquisitions; public procurement procedures; and consumer welfare. To operationalise the Act, Partner States are required to have national competition laws in place and establish independent institutions.

The EAC competition policy regime can only be harmonised when all the countries have complied with the obligations set out by the Agreement. However, currently only Kenya, Tanzania, Rwanda and Burundi have competition laws with Kenya and Tanzania having operationalised their laws and have competition authorities in place. Rwanda has passed the Competition and Consumer Protection Act in Parliament and is on the process of establishing an independent institution a process that will be done once the ongoing development of competition and consumer protection regulations is complete. However, Uganda lags behind all other members as the draft Policy and draft Bill 2012 are yet to be endorsed by Cabinet for lack of supporting documents from the Ministry of Finance, Planning and Economic Development, according to senior officials interviewed.

Part IX Article 37 of the Competition Act provides for the establishment of the EAC Competition Authority. A report on the public hearing workshop for all member countries conducted by the EALA Committee on Legal Rules and Privileges in its 23<sup>rd</sup> sitting in 2013 reveals that establishment of the EAC Competition Authority has not been sufficiently prioritised. The report also reveals that sections of the private sector are lobbying against establishment of the authority and implementation of competition law.

Pro-poor competition policies target anti-competitive practices that often expose consumers to products that do not meet quality standards; create anti-competitive environment among market players; and encourage counterfeits. In general, there is lack of appreciation and understanding of the benefits of the competition policy for a wide range of producers and consumers; this explains why despite the many benefits of such a policy, there is little interest from CSOs in promoting competition and consumer welfare issues.

## 7. Economic Partnership Agreement negotiations

The Economic Partnership Agreement (EPA) negotiations between the EAC and the EU have been underway for the last twelve years.

Kenya, a low middle income country and the only non-LDC member of the group, is also a beneficiary of the EU Generalised System of Preferences (GSP) under Market Access Regulation 1528/2007; Kenya remains the most enthusiastic for signing the Agreement. Of the remaining four Party States, all of which are LDCs and therefore beneficiaries of another preferential trade regime with EU under the Everything-but-Arms (EBA) Market Access Regulation 1528/2007, Uganda is the keenest to conclude EPA while Tanzania remains the least interested in signing EPA<sup>9</sup>.

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<sup>9</sup>Kwa et al. (2014)

The EU Market Access Regulation 1528/2007 allows countries that have initialled or signed the EPAs to export to the EU under duty-free, quota-free provisions of the Cotonou agreement. However, the European Parliament and the Council of the EU endorsed an amendment of Regulation 1528/2007 to remove that have initialled EPAs but not taken the necessary steps towards ratification of the agreement by 1 October 2014.

### ● Status of EAC-EU EPA Negotiations (as of mid-2014)

The Ninth Negotiations Session of Senior Officials of the EAC and EU was held on the 27<sup>th</sup> of March 2014 in Nairobi Kenya to consider the outstanding issues of the EAC-EU EPA negotiations, referred to it by the Ministerial meeting that took place in Brussels on 30<sup>th</sup> January 2014.

Outstanding issues include: rules of origin (RoO); Most Favoured Nation (MFN); Duties and Taxes on Exports; Agriculture; Final Provisions in Relations to the Cotonou Agreement; Good Governance in the Tax Area; and Consequences from Customs Union Agreements concluded with the EU. Results from the session indicate that the RoO Text was agreed upon in principle, where Cumulation in the EAC member countries (Article 4), Cumulation in the EU (Article 5) and Asymmetry (Article 42) has all been agreed by both parties. In addition, an agreement has been reached on 15 outstanding product-specific rules. After adding an elaborative text, both parties also agreed on the MFN Clause (Article 16)<sup>10</sup>. However, certain outstanding issues were referred back to the Ministers since agreement was not reached and these include: Duties and Taxes on Exports (Article 15); Agriculture; and Article 42 of the Final Provisions in relation with the Cotonou Agreement. In addition, the EU was tasked to submit a proposal on “Good Governance in the Tax Area” under the Rendezvous Clause. Furthermore, the EU is submit a proposal for a joint declaration on “Consequences from Customs Union agreements concluded with EU, although EAC is of the view that such declaration need not be included in the EPA.

### ● Stakeholders Views

Government officials in member countries that were interviewed indicated that multilateral and EPA trade negotiations are generally informed by various sources of information. Studies by international, inter-governmental and non-governmental organisations such as UNCTAD, South Centre, Third World Network, CUTS International, as well as national think tanks and CSOs provide inputs in developing negotiation positions.

For the EPA negotiations, evaluations of the MFN clauses in the SADC-EU and CARIFORUM–EU agreements have been undertaken in order to help EAC develop a better position, which is in line with one of the *BIEAC* project’s recommendations. Similarly, at individual member country, the Kenya Institute for Public Policy Research and Analysis (KIPPRA) has been instrumental in providing evidence based macro and sectoral studies that inform the country’s position in the negotiations. In Uganda, studies have been done on issues of SPS; the fisheries sector; on market access; trade facilitation; and trade, environment and sustainable development.

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<sup>10</sup>Both Parties agreed on additional text in Article 16(2) as follows: Where the EU Party can demonstrate that it has been given less favourable treatment than offered by the EAC Party to any other major trading economy, the Parties shall, to the extent possible, consult and jointly decide on how best to implement the provision of Paragraph 2 on a case by case basis

After examining the fact that 65.4 percent of trade value with EU is already zero rated, EAC committed to liberalise 82.6 percent of all imports from the EU by 2033, which in fact is a commitment to liberalise 17.2 percent of the remaining committed sectors in the next 19 years. Out of those, 14.6 percent are industrial inputs which EAC industries import from EU but are not produced in EAC and currently attract 10 percent common external tariff (CET). It is assumed that 10 years period is needed to phase down at the rate of 10 percent per annum. The remaining 2.6 percent trade value currently attracts 25 percent CET, which largely comprises non-strategic products in the EAC industry and in the agricultural sector development context. It is expected to take 25 years to phase down at the rate of 10 percent per annum. Such a careful sectoral approach has been one of the recommendations of the BIEAC project.

Delay in concluding the EPA is causing anxiety to the Kenyan horticulture sector since the country has a significant market share, around 38 percent, in the EU market for rose cut flowers, putting pressure on the government to conclude the agreement. This has prompted some to ask if EPA should be dubbed HPA (Horticulture Partnership Agreement).

The Kenya Small Scale Farmers Forum (KSSFF) and the Kenya Human Rights Commission (KHRC) are among the NSAs that are actively urging the government to be cautious and hold off signing the EPA until sticky issues are resolved in a manner that is consultative and transparent. In a petition filed by the KSSFF and six others against the Republic of Kenya in 2007, the High Court of Kenya in 2013 ruled in favour of the petitioners to have full access to information relating to the negotiations and directed the Kenya government to put mechanisms in place to facilitate participation of all EPA stakeholders so interested.

While the degree of involvement in the EPA negotiations by national private sector alliances and CSOs in the member countries varies, our assessment indicates that governments in the region are now more receptive to NSAs, although they tend to consult more with the private sector than with the CSOs. The private sector's concerns on rules of origin; asymmetry; market access; agricultural support; product exclusion; and MFN were taken into account and some are reflected in the current negotiation positions. In contrast, CSOs concerns have not received similar consideration in the negotiation process, leading to a general attitude that the agreement might end up benefiting only the elite and organized private sector, at the expense of the wider population.

With regard to the project's recommendations on the need for maintaining development and poverty reduction focus in negotiations; and negotiating for mutual recognition agreements, it was indicated that these issues are catered for under the 'Development Context', which is already agreed upon. Recommendations on the need to undertake research on the impact of EU product standards on EAC exports, Partner States have not still managed to carry out the relevant studies. Nonetheless, similar to the other capacity issues, adherence to standards also falls under the areas of co-operation covered in the 'Development Context'.

## **8. Changes in the role of non-state actors**

Article 127 of the Treaty of Establishing EAC provides for creation of an enabling environment for the Private Sector and CSOs to participate in the integration process. In addition, the Treaty under Article 127 (4) stipulates that 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.

Since completion of the BIEAC project in 2010, there has been improvement in the role of CSOs in the regional integration processes. The Consultative Dialogue Framework (CDF) for Private Sector and CSOs participation was adopted by the Council of Ministers in November 2012. A regional CSO umbrella, the East African Civil Society Organisations' Forum (EACSOF), has been mandated as the focal point for CSO voices in the CDF by coordinating perspectives and key issues for the Secretary General Forum (SGF).

Held annually since 2012, the SGF allows NSAs from the private sector, NGOs and other interest groups in the region to interact and dialogue with the EAC Secretary General on regional integration issues. The SGF has created participation space for representatives of ordinary citizens to address macro and socio-economic challenges through deeper integration. The annual Forum's deliberations generally include a list of recommendations from participants.

CSOs in the region are utilising EACSOF, CDF and the SGF to advocate for various social bills at the EAC Secretariat, for instance the HIV/AIDS Prevention and Management Bill that was later adopted by the Secretariat. The adoption of the Bill can be cited as one of the successes from the SGF where recommendations were followed through including the Youth Policy. EACSOF has also prepared the Draft Gender Protocol for consideration by the EAC Council of Ministers. In addition NSAs, EACSOF and EABC, with support from GIZ have initiated and launched the EAC Health Platform for harmonisation of health policies and health services.

At national level, the Ministry of EAC (MINEAC) in Rwanda organises policy dialogues on regional integration issues; while CSOs organise their own dialogue platforms to discuss themes under regional integration, supported by the Rwanda Civil Society Platform (RCSP). The platform also houses the EACSOF Rwanda chapter secretariat. In Tanzania, the Tanzania Association of Non-Governmental Organizations (TANGO) has a website to facilitate dialogue on EAC issues while the Tanzania Chamber of Commerce has a small and medium enterprises platform to address NTBs. Nonetheless, initiatives by CSOs and participation in government led processes fall short in terms of sustainability since capacity and logistical facilitation is dependent on external funding from donors.

Further assessment of the role of NSAs in ongoing negotiations, particularly the EPA negotiations process, reveals that the private sector, such as the EABC has been comparatively active in the process through consultation as well as forwarding position papers. In contrast, CSOs contribution has been limited since their role in the EPA negotiation process was not institutionalised in the engagement framework.

There is a general feeling among stakeholders that CSOs, especially the media and NGOs are viewed as anti-establishment by state functionaries in the region. Although there is a general feeling that CSOs are excluded in the EPA negotiations, they, by themselves lack capacity and interest to proactively be engaged in the process. Since negotiations had not been envisaged to continue beyond 2007, the interest from donors in supporting EPA related issues has gone down remarkably forcing the already handful project-based CSOs working on trade issues to shift to other issues currently of interest to their funders, such as climate change.

In sum, the challenges hindering CSOs from actively participating in regional integration and initiatives such as EPA negotiation processes include: absolute dependency on donor funding; lack of capacity often related to financial constraints; as well as the tendency to pursue too many issues often without realistic evidence to back-up their positions.

## 9. Policy challenges and opportunities: harmonizing domestic and external trade policies

According to senior Government Officials in EAC interviewed, the process of harmonizing domestic and external trade policies is ongoing, though at varying paces among member states. In Kenya a proposed draft policy has already been prepared, while the other members are yet to develop and present theirs, which will then be the basis of agreeing on common policies in this regard. Despite the delay in harmonizing the policies formally, in practice member countries are striving to implement similar domestic and foreign trade policies, for instance in Rwanda the EAC trade strategy is soon expected to be validated.

Policies and regulations such as those pertaining to economic processing zones (EPZ) have been enacted at the regional level through the EAC Secretariat in order to ensure uniformity in implementing the Customs Union EPZ provisions. The 2007 EAC Trade Negotiation Act is another mechanism through which the region will be able to enter into bilateral, regional and multinational trade arrangements as a bloc. The Act provides for constitution of a joint trade negotiations commission at the EAC Secretariat that would develop an EAC trade regime harmonizing negotiation positions and conducting trade negotiations on behalf of member states. However this mechanism is yet to be operationalised due to a number of challenges, including concerns of sovereignty by some member states, and the fact that Kenya is classified as a developing country while the others are least developing countries.

Despite this, the region is currently negotiating the EPA with EU as a bloc, which is a positive step. Experience gained and lessons drawn from the joint negotiations may spur operationalization of the Trade Negotiation Act, 2008.

From the foregoing, there is still need for the following actions that would further strengthen the EAC integration process and external trade policies, more specifically the EAC-EU EPA:

### ● Migration

1. Free movement of people should be accompanied by improvement in infrastructure.

### ● EPA

2. There is still a research gap on the impact of EU product standards on EAC exports.
3. There is a need for systematic engagement of CSOs and consumer organisation in the EPA negotiations process.

### ● NTB

4. Introduce a dashboard mechanism to monitor NTB in an effort to gauge whether the measures are accelerating or otherwise.

### ● Competition

5. There is need for sensitisation of consumers, traders and policy makers on the Act. There is a need to demystify what competition policy is and its benefits to the public.

6. CSO networks need to be strengthened so as to share information on competition and consumer benefits from regional integration.

● **NSA**

7. Replicate the regional consultative dialogue framework at the national level in each country on quarterly basis.

8. Sensitise the common citizen on regional agreements and perceived benefits of deeper integration, MINEAC in the respective countries must strengthen their outreach programmes to reach out to the mass through for instance strengthening farmers' associations and other CBOs for effective information dissemination among members; supporting public debates on the benefits of regional integration; and preparation of information materials in non-technical and vernacular languages.

● **WTO**

9. One of project's recommendations was for EAC to negotiate as one at the WTO. However, the project impact assessment found that has not been the case mainly due to difference in the categorization of countries where Kenya is a developing country while the rest are LDCs. In addition there is little political will from countries to come together and negotiate as a bloc either to protect their policy space and/or sovereignty.

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## **OBSERVABLE IMPACTS OF THE BIEAC PROJECT**

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The overarching objective of the *BIEAC* project was to support civil society organizations in EAC member states to understand and actively participate in the integration process, as well as external trade policy initiatives of the region. The purpose was to ensure that challenges in both processes were identified and addressed, while the opportunities therein were leveraged to improve the welfare and livelihood of the population more especially the poor and marginalized. To this end, the project activities that included research, advocacy to implement requisite policies identified from the studies, and networking amongst stakeholders, impacted on the region in a number of ways as established from interviews with stakeholders.

According to Victor Ogalo, one of the project implementers and now a project manager with Kenya Private Sector Alliance (KEPSA), the *BIEAC* project has had a number of observable impacts in the region. For instance before the project CSOs were hardly involved in the integration process and external trade initiatives such as the EPA negotiations, which were a preserve of government functionaries. The project raised the level of awareness amongst the CSOs and their advocacy campaigns based on well researched information has resulted in their being regarded as equal partners in the both the integration process and EPA negotiations.

The project plugged a resource gap in that it addressed issues that complemented what the partner states would have done, but lacked resources; studies that were undertaken on issues such as

“revenue implications of the EPA” were able to inform government positions with regard to the extent and pace of liberalization in the EPA negotiations. According to Ogalo, the project kick-started discussion on various important issues such as Tax harmonization, which had an immediate buy-in by the EAC Secretariat, and follow-up initiatives have since been pursued to ensure realization of that objective.

In addition CSOs have now become issue-oriented in pursuing interests of their constituencies e.g. cross-border traders that were previously harshly treated, but now are embraced by authorities. The initial discussion on informal cross-border trade issues under the *BIEAC* project has now been turned into an action/work plan by government authorities at both national and regional level.

There has also been marked improvement on traders’ awareness on the benefits of regional integration and the opportunities therein. The *BIEAC* project complemented the EAC Secretariat in awareness raising campaigns by ensuring that national activities brought together all relevant stakeholders, including traders through their representatives.

In the context of the EPA negotiations, the *BIEAC* project undertook studies on the contentious issues such as export taxes, the MFN clause and others, outcomes of which were able to inform and strengthen EAC negotiators positions, as well as advocacy campaigns of the CSOs. The fact that agreement is yet to be reached on some of those issues, before addressing and ironing out the sticky points manifests to the project’s impact on the negotiations.

In Kenya, Clement Onyango Director of CUTS Africa Resource Centre-Kenya observes that the *BIEAC* project generated important spinoff projects such as an ongoing project on fast tracking of the operationalization of the EAC Competition Act, the project is still ongoing and aims at further strengthening CSOs and consumer organizations to pursue vibrant competition regimes in all the EAC member countries, as well as strong consumer protection constituencies. Other *BIEAC* project spinoffs include further research studies that were conducted by CUTS including one on the EACM following conclusion of the *BIEAC* project. *BIEAC* work led to the recognition of CUTS as a centre of excellence for EAC integration, and in 2010 a Memorandum of Understanding was signed with the EAC Secretariat; it provides for cooperation to undertake work related to trade and development, advocacy, competition policy and law and economic regulation. According to Ngunga Tepani of Tanzania Association of Non-Governmental Organizations (TANGO), the regional partner in the *BIEAC* project, the level of awareness on the EAC integration process and EPA issues that the project created in Tanzania is impressive. This led to spinoff projects that have been able to build on what was done under the *BIEAC* project. One such initiative is a baseline survey on the likely benefits of the customs union and common market protocols for Tanzania that TANGO is now undertaking with support from a development partner. Similar to the *BIEAC* project model, the findings of the baseline survey will be used for advocacy and capacity building of relevant stakeholders including businesses. Tepani echoed Ogalo’s observation that the *BIEAC* project kick-started discussions on important issues like NTBs that are now at the forefront of national and regional action/work plans.

Similarly, in Kenya, subsequent projects were initiated to complement the *BIEAC* project. Notably one on “operationalization of the EAC Competition Act”, funded by Trade Mark East Africa, investigates the mechanisms of ensuring vibrant competition regimes in the region along with strong consumer protection constituencies. In addition a plethora of further research on the impact of the Common Market in the region has been done and disseminated to stakeholders.

Joyce Kevin Abalo of the EA Health Platform, Arusha is of the view that that *BIEAC* project created awareness on the economic aspects of regional integration and was an avenue through which

perspectives and interests of the citizens on the integration process could be identified. The project also introduced the inclusiveness aspect by bringing together all the relevant stakeholders, a model that has since been adopted in other similar initiatives.

Francois Munyentwari, of ACORD Rwanda, a participant in the *BIEAC* project, stated that among the project impacts on Rwanda is that his organization directly benefited from the project which generated great interest among staff involved in agriculture related projects. The organization built internal capacity that has enabled it to participate more actively in the EPA negotiations and in the EAC integration process, more especially on issues of agriculture and migration where they are able to engage both at the national and regional level.

Jane Nalunga of SEATINI Uganda a leading trade and development NGO and participant in the *BIEAC* project opined that to some extent the dialogue between CSOs and governments at both the national and regional level has been institutionalized through a number of forums such as co-opting CSOs on the National Implementation Committee of EAC processes and the NTB monitoring committee, which were both direct recommendations from the *BIEAC* project.

Nalunga further attributed CSOs capacity and effective participation in the EPA negotiations to the *BIEAC* project, which for the very first time brought together CSOs in the region and gave them an opportunity to dialogue and come-up with a voice on issues pertaining to the negotiations that could not be ignored by the governments. At the regional level CSOs now have a much stronger voice and are recognized as critical stakeholders, which was not the case in the past when the government and private sector dominated the regional trade and related agenda. An observable impact from the *BIEAC* project is the improved collaboration amongst CSOs in the region, as well as their understanding and appreciation of the EAC integration processes where they insist on inclusiveness. Collaboration between CSOs in the region has continued, and extends to their active engagement with government and private sector.

In Burundi, according Godefroid Manirankunda of ADIR, an NGO and a country project partner in the *BIEAC* project, recommendations arising from the project e.g. those pertaining to cross-border trade have been implemented to some extent, including sensitization of cross-border traders by the Ministry of trade with support from Trade Mark East Africa, and COMESA. Further, that by participating in the *BIEAC* project ADIR has gained credibility in Burundi on trade and regional integration issues, and is often consulted by the government, which regularly invites them to participate in the negotiations at the regional level.

## **Establishing an EAC Civil Society Network on Economic Issues**

Establishing an East Africa Civil Society Network on Economic Issues (EACSONEI) was one the main resolutions reached at the conclusion of the *BIEAC* project. Amongst its objectives, was to carry forward the work that had commenced under the *BIEAC* project, which laid a foundation for CSOs in the region to actively engage in the EAC integration process and external trade initiatives such as EPA negotiations.

According to Clement Onyango, Director CUTS-Kenya, several possible funders were approached to assist in the establishment of EACSONEI, these include KEPA a Finnish NGO and more recently DIAKONIA, a Swedish development organisation; and although both supported the idea, the budget requirements were beyond their means.

Nevertheless CUTS-Kenya has since created the East Africa Development Forum, an e-forum based on its website and currently with a membership of about 327 persons and Organisations. Relevant information is regularly uplinked on the forum on a bi-weekly basis, discussions amongst members on topical issues is encouraged, however the major challenge to-date has been the need to sustain discussions across a range of trade and development related issues in the region.

Besides the e-forum, CUTS has spearheaded other initiatives for improving CSOs participation and influence in the regional integration processes, which includes a Friedrich Ebert Stiftung (FES) funded project termed Vision East Africa that is headquartered in Dar es Salaam, with the Kenya chapter coordinated and chaired by Clement Onyango of CUTS International. The initiative addresses trade and development issues such as research and advocacy on competition policy as well as other economic regulation issues in the region.

Despite the positive impacts that the *BIEAC* project created region, interviewees in the project impact assessment exercise were of the view that some project objectives were not wholly achieved. The main issues that remained unresolved are the capacity constraints for most CSOs to effectively understand the implications of the EAC integration process and actively advocate for their constituents interests. This is mostly attributed to the fact that the project had a short time period of two years, interviewees, especially from Government and CSOs felt that at least three years would have been necessary to crystallise the capacity of CSOs and to ensure wider outreach of the advocacy campaigns that were initiated.

The observation is supported by the fact that only the CSOs who were direct partners in the *BIEAC* project are still actively pursuing its objectives, while the majority remain inactive due to knowledge and funding deficiencies.

Another shortcoming is that despite advocacy campaigns on the need for harmonized external trade policies in EAC, including joint negotiation teams that could leverage combined resources, capacity, and negotiating power; member countries continue to negotiate individually at the multilateral level. Reasons for this include sovereignty issues and the fact that Kenya is differently categorised as developing country, while the others are still least developing countries and therefore treated differently in the multilateral trading system.

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## CONCLUSION

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The *BIEAC* impact assessment exercise found that the project set the stage for discussion and serious consideration of critical issues that were identified through the various studies and workshops conducted during the project.

Issues such as NTBs; ICBT; CSOs role in the integration and EPA negotiation; raising awareness on the EAC process and others that were covered under the project have been taken forward at both the national and regional levels in form of action and work plans.

Another important impact of the *BIEAC* project was the improvement of CSOs capacity to understand and actively engage in the EAC integration process as well as external trade policy negotiations such as the EPA, although this is still at a limited level as exemplified by the fact that only the CSOs that were partners in the project are still more actively involved in these processes.

In Rwanda ACORD diversified its work programme to include trade and related issues, and is now playing an active role on behalf of CSOs in the country; in Burundi ADIR are now recognized as a leading organization on trade and related issues, and are regularly included on the Government trade negotiation team; in Kenya and Tanzania, CUTS and TANGO were able to continue with work initiated under the *B/EAC* project by having spinoff projects that will build wider capacity of the private sector to reap from the integration process; in Uganda SEATINI continues to play the leading role in trade and related issues both at the national and regional level where they have successfully advocated for beneficial trade and related policies taking into account interests of the poor and marginalized societies. In Kenya CUTS was able to put in place a forum for the regional CSOs to continue dialogue on the integration and external trade policy issues, which has enhanced knowledge and capacity of wider constituents in appreciating and participating in the discussion on important economic policies in the region.

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## ANNEX I

### BIEAC PROJECT RECOMMENDATIONS: A SYNOPSIS

The research findings of the studies undertaken under the *BIEAC* project had highlighted certain key challenges in relation to the regional integration process. These included: inadequate political will; resistance to ceding sovereignty; fragmented public policy formulation; limited participation of NSAs especially CSOs; structural and capacity constraints; as well as inadequate arrangements for sharing costs and benefits of the regional integration. In relation to EPA negotiations, the research had noted challenges such as lack of capacity and support for preparation of negotiation positions on some issues; limited use of empirical evidence for policy options; structural constraints in the economies; and European Union's (EU) tactics that put pressure on the negotiating Parties.

In line with the above main findings, the project had made policy recommendations for deeper regional integration as well as those required for a beneficial partnership agreement with the EU. These included the following:

1. Regional Migration
  - a. Publicise and maximise the provisions and benefits of the EAC treaty concerning the free movement of people; and
  - b. Harmonise social policies and employment laws to facilitate the free movement of people.
2. Informal Cross-border Trade
  - a. Harmonise the business environment at the regional level to minimise transaction costs; and
  - b. Raise awareness about opportunities within the EAC for small holder producers and traders.
3. Tax Harmonisation:
  - a. Develop a common Value Added Tax model;
  - b. Strengthen tax payers' rights; and
  - c. Improve information & statistics for regional tax planning at EAC Secretariat.
4. Non-Tariff Barriers
  - a. Adopt common regional standards;
  - b. Tackle infrastructure-related non-tariff barriers; and
  - c. Establish NTB monitoring body.
5. Implications of Accession on Private Sector Development
  - a. Facilitate macroeconomic and fiscal convergence; and
  - b. Encourage bottom-up development of small scale enterprises.
6. Competition
  - a. Harmonise regional competition regime and link with pro-poor policy initiatives; and
  - b. Encourage inflow of favourable foreign direct investment (FDI)
7. Policy Challenges and Opportunities in a resurgent EAC
  - a. Harmonise domestic & external trade policies; and
  - b. Negotiate as one at the World Trade Organisation (WTO).

To maximise EPA negotiation outcomes, policy recommendations focused on the following:

1. Technical preparation
  - a. Prepare adequate empirical and research-based papers; and
  - b. Sensitise national stakeholders, especially the private sectors and CSOs, regarding the negotiations and issues at stake.
2. Revenue Implications of EPA

- a. Commit EU to development support provisions; and
  - b. Develop supply capacity within the weaker economic sectors.
- 3. The Most Favoured Nation (MFN) provision
  - a. Evaluate MFN clauses from other EPAs; and
  - b. Understand EAC's negotiation strengths and weaknesses in MFN negotiations.
- 4. Trade in Services
  - a. Research EAC's capacity & competitiveness;
  - b. Maintain development & poverty reduction focus in negotiations; and
  - c. Develop a research based sectoral liberalisation approach for trade in services.
- 5. Standards
  - a. Research the impact of EU product standards on EAC exports; and
  - b. Negotiate mutual recognition agreements.
- 6. Export Taxes
  - a. Retain flexibility in using export taxes as a developmental policy tool; or
  - b. Exchange concession of doing away with export taxes, for capacity-building in R&D.

## ToR for impact assessment

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### 1. Project introduction:

Project title: Trade Policy and Trade Promotion Fund  
Project number: 02.2476.6-000.00  
Organisation: CUTS International Geneva

### 2. Background:

The Trade Policy and Trade Promotion Fund supported from December 2008 to December 2010 the *Building an inclusive East African Community (BIEAC)* project, implemented by the NGO CUTS. The project aimed at supporting a range of civil society organizations in Burundi, Kenya, Rwanda, Tanzania and Uganda to examine the implications of the East African Community (EAC) and external trade policies on the welfare and livelihood of people and provide a better understanding of both challenges and opportunities for the poor and marginalised, while identifying policies that will respond to these issues. In the course of the project a number of recommendations were elaborated. Three years after completion an impact assessment should be undertaken.

### 3. Scope of advisory service:

The project partner CUTS International Geneva shall provide a thorough investigation of formulated recommendations and draw conclusions as well as lessons learned of the BIEAC Project Impact Assessment. The impact assessment includes the following aspects:

- Comparison of intended and achieved impact
- Assessment of the current situation in the countries with regard to the role of the civil sector:

Has the civil sector been empowered to further take an active and vibrant role in both the integration and other economic issues such as the EPA negotiation? Has a dialogue between civil and government constituencies been institutionalized? Were recent EAC negotiating positions agreed with the civil sector? Has the civil sector continued to create awareness for the EPA negotiations after the project end? Has research based advocacy on the proposed COMESA-EAC-SADC tripartite arrangement taken place?

Has the civil sector worked on competition and consumer rights emanating from regional integration initiatives?

- Detailed review of recommendations identified during the BIEAC project: Were policy recommendations (at national as well as at regional level) taken up at least by EAC partners? If not, why not? Were these EAC positions already accepted by the EU? Were more specific suggestions on some of the broad recommendations emanating from the project identified? Has EACSONEI, the regional umbrella organization for CSOs, been founded? If yes, please provide us with further information, e.g. scope of work, services, number of employees. Has CUTS created a space on its website for discussions of the East African Civil Society Network on Economic Issues (EACSONEI)? Were identified national associations strengthened? Were tax authorities in Uganda educated and social security legislation strengthened? Was institutional support for trade unions and CSOs in Arusha created?
- Can any other impact be observed that can be attributed to the project activities?
- Definition of factors of success and constraints: What worked, what did not work and why?
- Development of a methodological design for information gathering.

#### **4. Deliverables:**

- Methodological Design for the assessment until 07.03.2014.
- CUTS GRC will submit a report in English stating all identified results of the assessment until 16.05.2014.

Ute Dannenmann [ute.dannenmann@giz.de]

Eschborn, January 29<sup>th</sup>, 2014

## ANNEX III

## LIST OF CONTACTED INTERVIEWEES

No	Name	Organisation	Position	Contact Address	Target Survey Questions
Arusha					
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9	DicksonsKateshumb wa	Assistant Commissioner Uganda Revenue Authority			
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## ANNEX IV

### BIEAC PROJECT IMPACT ASSESSMENT QUESTIONNAIRE

#### Government (EAC Secretariat)

1. Have the provisions of the EAC treaty concerning the free movement of people been implemented?
  - a. Have the provisions and benefits of the EAC treaty been well-publicised in your view?
  - b. Is there evidence that people have been taking advantage of these benefits? (i.e. more migration happening, etc.)
2. Have social policies been harmonised to facilitate the free movement of people?
  - a. If yes – what kind of policy harmonisation has occurred?
  - b. If no – why not? What challenges remain in this regard?
3. Have employment laws/policies been harmonised to facilitate the free movement of people?
  - a. If yes – which laws specifically have been harmonised?
  - b. If no – what are the possible reason for the non-harmonization of the laws/policies
4. Have common regional standards with regards to Non-Tariff Barriers been adopted?
  - a. If so – to whom has this been most beneficial and in what ways?
  - b. If no – why has this yet to happen?
5. Have the infrastructure-related non-tariff barriers been tackled?
6. Has a NTB monitoring body been established?
  - a. If yes – which activities has the body carried out? Has it achieved any tangible results?
  - b. If no – are there plans for it to be established in the future? Why not?
7. Has the regional competition regime been harmonised/implemented and linked with the pro-poor policy initiatives?
  - a. If yes – to what extent would you say the pro-poor policy initiatives have improved in terms of effectiveness?

#### Government (Revenue/Tax Authority)

1. Has a common VAT model been created?
2. Have the information and statistics for regional tax planning at EAC Secretariat been improved?
3. Has there been effective implementation of the Customs External Tariff? And harmonization of Customs legislation and procedures?
4. Have tax payers' rights been strengthened?
  - a. If so, in what ways? Through which policies?

#### Government (Ministry of Trade)

1. Has the regional competition regime been harmonised/implemented and linked with the pro-poor policy initiatives?
  - a. If yes – to what extent would you say the pro-poor policy initiatives have improved in terms of effectiveness?
2. Have domestic & external trade policies been harmonised?
  - a. To what extent has this happened?
  - b. What remains to be done?
  - c. If not – can you say why?

3. Has the accession to EAC facilitated macroeconomic and fiscal convergence? (Burundi and Rwanda only)
  - a. If so, in what ways has it been beneficial for the private sector?
  - b. If not, why?
4. Do you feel that the bottom-up development of small scale enterprises has been encouraged? (Burundi and Rwanda only)
  - a. If so, in what ways? And how?
  - b. If not, why?

#### Government (EAC EPA Negotiations)

1. Do you feel that the EAC has begun to negotiate as one at the WTO?
  - a. If no – what could be the reasons for this? Are there any particular issues of contention?
2. Have efforts been made to prepare adequate empirical and research-based papers feeding into EPA negotiations?
  - a. If so, which issues?
  - b. If not, why?
3. Were national private sectors sensitised regarding EPA negotiations and issues at stake?
  - a. If so, which sector(s)?
  - b. To what extent have the private sector made inputs to EPA negotiations?
  - c. Are there channels of communication through which private sector is informed on EPA negotiations?
  - d. If not, why?
4. Has the EU committed to development support provisions?
  - a. If so, for which sector(s)?
  - b. To what extent? Are there any conditions attached to the provisions?
  - c. If not, why?
5. Have evaluations been made of MFN clauses from other EPAs?
  - a. If so, what did the evaluations entail in a nutshell?
  - b. To what extent have these conclusions informed the EAC in MFN negotiations?
  - c. How have these conclusions informed the EAC on the MFN clause negotiations?
  - d. If not, why?
6. Has there been any research on EAC's capacity and competitiveness?
  - a. If so, what were the main lessons? How could EAC's capacity and competitiveness be developed?
  - b. If not, why?
7. Has there been a development and poverty reduction focus in negotiations?
  - a. If so, to what extent has there been such a focus and which topics are concerned?
  - b. If not, why?
8. Has there been any research on the impact of EU product standards on EAC exports?
  - a. If so, concerning which sector(s)? Which product standards?
  - b. To what extent? Have all product standards and sectors been covered? Or only partially?

- c. If not, why?
- 9. Have mutual recognition agreements been negotiated?
  - a. If so, in which sector(s)?
  - b. If not, why?
- 10. Have negotiations on the standstill clause for export taxes been concluded? If so what position was adopted?
- 11. Have domestic & external trade policies been harmonised?
  - a. To what extent has this happened?
  - b. What remains to be done?
  - c. If not – can you say why?
- 12. Has there been any research on developing a sectoral liberalisation approach?
  - a. If so, has a sectoral liberalisation approach been implemented so far?
  - b. In which sector(s)?
  - c. To what extent? Does it concern full or partial liberalisation?
  - d. If not, why?

#### Government (Domestic Policy – Engaging CSOs)

1. Has the civil sector taken an active and vibrant role in both the EAC integration and other economic issues such as the EPA negotiation?
  - a. If no – why not? What could be done to encourage this?
2. Has a dialogue between civil and government constituencies been institutionalized?
  - a. If yes – how was this done? Were new institutions created or is this interaction more informal?
  - b. If no – can you think of any reasons why? How can this be tackled/improved?
3. Were recent EAC negotiating positions in EPA agreed with the civil sector?
4. Has research based advocacy on the proposed COMESA-EAC-SADC tripartite arrangement taken place?
  - a. If yes – with what results?
  - b. If no – why did this not happen? Can anything be done to remedy the situation?
5. Have the EAC positions already been accepted by the EU?
  - a. If so, which one(s)?
  - b. To what extent? Are there any conditions?
  - c. If not, why?
6. Have national CSOs participation in EAC integration and EPA negotiations been strengthened?
  - a. If so, to what extent have they been strengthened? What are the factors of success?
  - b. If not, why? What are the constraints
7. Has any institutional support for trade unions and CSOs been created?
  - a. If so, in what form?
  - b. How? Which funds were made available for this support?
  - c. For which trade unions and CSOs?
  - d. If not, why?

## Government (Domestic Economic Policy – Burundi and Rwanda Only)

1. In your view, has the accession to EAC facilitated macroeconomic and fiscal convergence that is beneficial for the private sector?
  - a. If not – why?
  - b. If yes – in what kind of convergence has occurred? In what ways has it been beneficial?
2. Do you feel that the bottom-up development of small scale enterprises has been encouraged as a result of the accession to EAC?
  - a. If yes – is there any evidence or substantial examples to support this?
  - b. If no – can you think of why?
3. Have the supply capacity constraints within the weaker economic sectors being redressed? If so, which sector(s)?
  - a. To what extent? Which components of supply capacity have been addressed?
  - b. If not, why?
4. Has the accession to EAC facilitated macroeconomic and fiscal convergence?
  - a. If so, in what ways has it been beneficial for the private sector?
  - b. If not, why?
5. Do you feel that the bottom-up development of small scale enterprises has been encouraged?
  - a. If so, in what ways? And how?
  - b. If not, why?

## EABC and Private Sector Alliances

1. Has the business environment at the regional level improved so as to reduce informal trade?
2. Have the opportunities within the EAC for small holder producers and traders been identified?
  - a. If so, what?
3. Have small holder producers and traders been aware of these opportunities within the EAC?
  - a. If so, how has this been done? Would you say this was effective?
  - b. If not, why has this not happened? Is it a matter of resources?
4. **Have tax payers' rights been strengthened?**
  - a. If so, in what ways? Through which policies?
5. Have the information and statistics for regional tax planning at EAC Secretariat been improved?
6. Have the Customs External Tariff, legislation and procedures been effectively implemented?
7. Have common regional standards with regards to Non-Tariff Barriers been adopted?
  - a. If so, to whom has this been most beneficial? In what ways?
  - b. If not, why has this yet to happen?

8. Have the infrastructure-related non-tariff barriers been tackled?
9. Has a NTB monitoring body been established?
  - a. If so, which activities has the body carried out? Any tangible results?
  - b. If not, why?
10. Has the inflow of favourable FDI been encouraged?
  - a. If so, by what means?
11. Has there been an inflow of favourable FDI as a result of EAC integration?
  - a. If so, to what extent has this been meaningful for small holder producers and traders?
12. Have domestic & external trade policies been harmonised?
  - a. If so, to what extent
  - b. If not, why?
13. Was the private sector sensitised regarding EPA negotiations and issues at stake?
  - a. If so, which sector(s)? To what extent has the private sector made inputs to EPA negotiations? Which channels of communication were used to inform the private sector?
  - b. If not, why?
14. Has there been any research on developing a sectoral liberalisation approach?
  - a. If so, has an approach been implemented so far? In which sector(s)? To what extent?
  - b. If not, why?
15. Have evaluations been made of MFN clauses from other EPAs?
  - a. If so, what did the evaluations entail in a nutshell? To what extent have these conclusions informed the EAC in MFN negotiations? And how?
  - b. If not, why?
16. **Has there been any research on EAC's capacity and competitiveness?**
  - a. **If so, which main lessons? How could EAC's capacity and competitiveness be developed?**
  - b. If not, why?
17. Has there been any research on the impact of EU product standards on EAC exports?
  - a. If so, concerning which sector(s)? Which product standards? To what extent?
  - b. If not, why?
18. Have mutual recognition agreements been negotiated?
  - a. If so, in which sector(s)?
  - b. If not, why? Have negotiations on the standstill clause for export taxes been concluded? If so, what position was eventually adopted?

1. Is there free movement of persons in the region?
  - a. Have the provisions and benefits of the EAC treaty been well-publicised in your view? Are people more aware of these benefits?
  - b. Is there evidence that people have been taking advantage of these benefits? (i.e. more migration happening, etc.)
2. Have social policies been harmonised to facilitate the free movement of people? OR Has the movement of people within the region become freer due to a harmonisation of social policies and employment laws?
  - a. If yes – are you aware of the kind of policy harmonisation that has occurred and in what ways has it helped the free movement of people?
  - b. If no – why do you think not? What challenges remain in this regard?
3. To what extent would you say the local communities have been able to benefit from the harmonisation/improvement of the business environment in the region?
4. Has a dialogue between civil sector (NGOs and CBOs) and government constituencies been institutionalized?
  - a. If yes – how was this done? Were new institutions created or is this interaction more informal?
    - i. Would you say that this dialogue has brought positive benefits?
    - ii. Has the civil sector been empowered to further take an active and vibrant role in both the EAC integration and other economic issues such as the EPA negotiation?
    - iii. In what ways have NGOs/CSOs demonstrated their increasingly active role? How has this been facilitated?
  - b. If no – can you think of any reasons why? How can this be tackled/improved?
5. Were recent EAC negotiating positions in EPA agreed with the civil sector?
  - a. Do you perceive the EAC negotiating positions taken as generally positive?
    - i. If yes – in what ways would you say the positions taken are beneficial?
    - ii. If no – why not? What should have been different in your opinion?
  - b. In your view, have some civil sector actors been excluded or was the agreement generally sector-wide?
6. Has the civil sector worked on competition and consumer rights emanating from regional integration initiatives?
  - a. If yes – what work exactly has been done?
  - b. If no – why not? Can anything be done to encourage this work?
7. Has the civil sector participation in EAC integration and EPA negotiations been strengthened?
  - a. If so, to what extent have they been strengthened? What are the factors of success?
  - b. If not, why? What are the constraints?
  - c. What worked as a result of BIEAC project? What did not work and why?
  - d. What other observable impacts can be attributed to the BIEAC project?
8. Has any institutional support for the civil society organisations been created?
  - a. If so, in what form? Which funds were made available for this support?

#### Trade unions and worker cooperatives

1. Have the provisions and benefits of the EAC treaty concerning the free movement of people been implemented?
  - a. Is there free movement of persons in the region?
  - b. Have the provisions and benefits of the EAC treaty been well-publicised in your view? Are people more aware of these benefits?

- c. Is there evidence that people have been taking advantage of these benefits? (i.e. more migration happening, etc.)
2. Have social policies been harmonised to facilitate the free movement of people?
  - a. If yes – what kind of policy harmonisation has occurred and in what ways has it helped the free movement of people?
  - b. If no – why not? What challenges remain in this regard?
3. Have employment laws/policies been harmonised to facilitate the free movement of people?
  - a. If yes – which laws specifically have been harmonised? In what ways has this been helpful?
  - b. If no – what are the possible reason for the non-harmonization of the laws/policies
4. To what extent would you say the local communities have been able to benefit from the harmonisation/improvement of the business environment in the region?
5. Have the trade unions and worker cooperatives been empowered to further take an active and vibrant role in both the EAC integration and other economic issues such as the EPA negotiation?
  - a. In what ways have they demonstrated their increasingly active role? How has this been facilitated?
  - b. If no – why not? What could be done to encourage this?
6. Has a dialogue between trade unions and government constituencies been institutionalized?
  - a. If yes – how was this done? Were new institutions created or is this interaction more informal?
    - i. Would you say that this dialogue has brought positive benefits? Has it been meaningful?
  - b. If no – can you think of any reasons why? How can this be tackled/improved?
7. Were recent EAC negotiating positions in EPA agreed with the trade unions?
  - a. Do you perceive the EAC negotiating positions taken as generally positive?
    - i. If yes – in what ways would you say the positions taken are beneficial?
    - ii. If no – why not? What should have been different in your opinion?
  - b. In your view, have some civil sector actors been excluded or was the agreement generally sector-wide?
8. Has trade union participation in EAC integration and EPA negotiations been strengthened?
  - a. If so, to what extent have they been strengthened? What are the factors of success?
  - b. If not, why? What are the constraints
9. Has any institutional support for trade unions been created?
  - a. If so, in what form?
  - b. How? Which funds were made available for this support?
  - c. For which trade unions and CSOs?
  - d. If not, why?

#### Consumer associations

1. To what extent would you say consumers have been able to benefit from the harmonisation/improvement of the business environment in the region?
2. Have tax payers' rights been strengthened?
  - a. If yes – in what ways and through which policies?

- b. Have the information and statistics for regional tax planning at EAC Secretariat been improved?
3. Have common regional standards with regards to Non-Tariff Barriers been adopted and if so how have these benefitted consumers?
4. Has the regional competition regime been harmonised/implemented and linked with the pro-poor policy initiatives?
  - a. If yes – to what extent would you say the pro-poor policy initiatives have improved in terms of effectiveness?
5. In your view, would you say that there is a noticeable inflow of favourable FDI, and has this been beneficial to the local community?
6. Has there been any research on the impact of EU product standards on EAC exports?
  - a. If so, concerning which sector(s)? Which product standards?
  - b. To what extent? Have all product standards and sectors been covered? Or only partially?
  - c. If not, why?
7. Have consumer associations been empowered to further take an active and vibrant role in both the EAC integration and other economic issues such as the EPA negotiation?
  - a. How has this been facilitated?
  - b. If no – why not? What could be done to encourage this?
8. Have consumer association participation in EAC integration and EPA negotiations been strengthened?
  - a. If so, to what extent have they been strengthened? What are the factors of success?
  - b. If not, why? What are the constraints
9. Has any institutional support for consumer associations been created?
  - a. If so, in what form? Which funds were made available for this support?
  - b. If not, why?
10. Has the civil sector worked on competition and consumer rights emanating from regional integration initiatives?
  - a. If yes – what work exactly has been done?
  - b. If no – why not? Can anything be done to encourage this work?

#### Farmers Cooperatives

1. Is there free movement of persons in the region?
  - a. Have the provisions and benefits of the EAC treaty been well-publicised in your view? Are people more aware of these benefits?
  - b. Is there evidence that people have been taking advantage of these benefits? (i.e. more migration happening, etc.)
2. Has the movement of people within the region become freer due to a harmonisation of social policies and employment laws?
  - a. If yes – are you aware of the kind of policy harmonisation that has occurred and in what ways has it helped the free movement of people?
  - b. If no – why do you think not? What challenges remain in this regard?
3. Has the business environment at the regional level improved so as to reduce informal trade?
4. Have the opportunities within the EAC for farmers been communicated/publicised to these stakeholders?
  - a. If yes – how has this been done? Would you say this was effective?

- b. If not – why has this not happened? Is it a matter of resources or implementation difficulties?
- 5. To what extent would you say the local communities have been able to benefit from the harmonisation/improvement of the business environment in the region?
- 6. Have the information and statistics for regional tax planning at EAC Secretariat been improved?
- 7. Has there been effective implementation of the Customs External Tariff? And harmonization of Customs legislation and procedures?
- 8. Have common regional standards with regards to Non-Tariff Barriers been adopted?
  - a. If so – to whom has this been most beneficial and in what ways?
  - b. If no – why has this yet to happen?
- 9. Have the infrastructure-related non-tariff barriers been tackled?
- 10. Has the regional competition regime been harmonised/implemented and linked with the pro-poor policy initiatives?
  - a. If yes – to what extent would you say the pro-poor policy initiatives have improved in terms of effectiveness?
- 11. Has the inflow of favourable FDI been encouraged?
  - a. If yes – by what means? To what extent has this happened: is a substantial change visible?
  - b. Would you say this happened as a result of EAC integration?
- 12. Has a dialogue between farmers' cooperatives and government constituencies been institutionalized?
  - a. If yes – how was this done? Were new institutions created or is this interaction more informal?
    - i. Would you say that this dialogue has brought positive benefits?
    - ii. Has the civil sector been empowered to further take an active and vibrant role in both the EAC integration and other economic issues such as the EPA negotiation?
    - iii. In what ways have farmers' cooperatives demonstrated their increasingly active role? How has this been facilitated?
  - b. If no – can you think of any reasons why? How can this be tackled/improved?
- 13. Were recent EAC negotiating positions in EPA agreed with the farmers' cooperatives?
  - a. Do you perceive the EAC negotiating positions taken as generally positive?
    - i. If yes – in what ways would you say the positions taken are beneficial?
    - ii. If no – why not? What should have been different in your opinion?
  - b. In your view, have some civil sector actors been excluded or was the agreement generally sector-wide?
- 14. Have national CSOs participation in EAC integration and EPA negotiations been strengthened?
  - a. If so, to what extent have they been strengthened? What are the factors of success?
  - b. If not, why? What are the constraints
  - c. What worked as a result of BIEAC project? What did not work and why?
  - d. What other observable impacts can be attributed to the BIEAC project?
- 15. Has any institutional support for farmers' cooperatives been created?
  - a. If so, in what form? Which funds were made available for this support?
  - b. If not, why?

