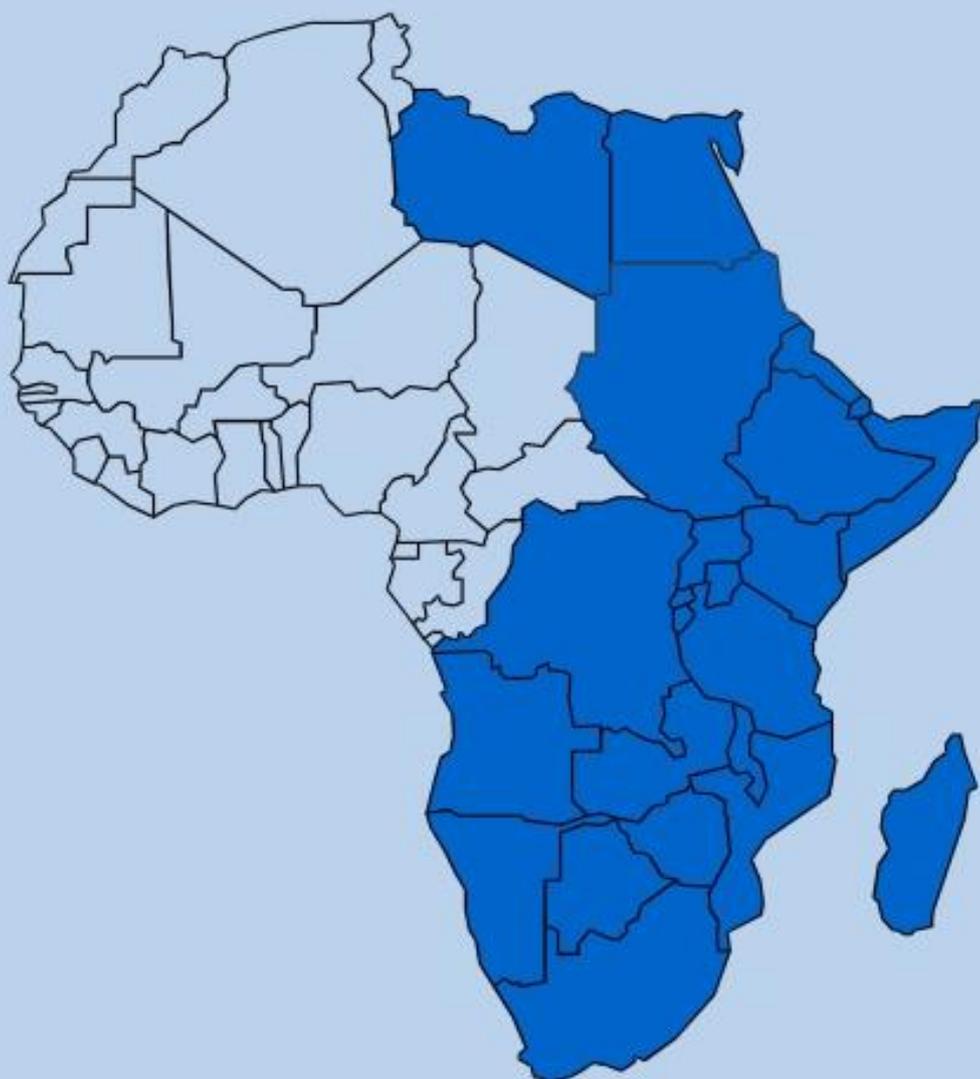


ECHOES FROM THE TRIPARTITE GRAND FTA REGION

REFLECTIONS ON INCLUSIVE
PARTICIPATION IN NEW REGIONALISM IN AFRICA



**ECHOES from the Tripartite
Grand FTA Region**
*Reflections on Inclusive Participation in
New Regionalism in Africa*

A Synthesis Report
December 2015



ECHOES from the Tripartite Grand FTA Region
Reflections on Inclusive Participation in New Regionalism in Africa

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Acronyms

ACP:	African, Caribbean and Pacific
APSEA:	Association of Professional Societies in East Africa
ASCCI:	Association of SADC Chambers of Commerce and Industry
CDF:	Consultative Dialogue Framework
CoG:	Council of Governors
COMESA:	Common Market for Eastern and Southern Africa
CSOs:	Civil Society Organisations
EAC:	East African Community
EACSO:	East African Civil Society Organisations' Forum
EALGA:	East African Local Governments Association
EALS:	East Africa Law Society
EATUC:	East African Trade Union Confederation
EAYN:	East African Youth Network
ECCSA:	Ethiopian Chambers of Commerce and Sectoral Associations
EPA:	Economic Partnership Agreements
FWEA:	Federation of Women Entrepreneurs
IRC:	Inter-religious Committee
ITMP:	Trade Policy Making Process
KEPSA:	Kenya Private Sector Alliance
KNUT:	Kenya National Union of Teachers
KUPPET:	Kenya Union of Post Primary Education Teachers
MoU:	Memorandum of Understanding
MSF:	Ministerial Stakeholders' Forums
NCPD:	National Council for Persons with Disabilities
NDC:	National Dialogue Committee
NDF:	National Dialogue Forum
NFPs:	National Focal Points
NGOs:	Non-governmental Organisations
NSAs:	Non-state Actors
PBO:	Public Benefit Organisation

PPPF:	Private Public Partnership Forum
PSOs:	Private Sector Organisations
RDC:	Regional Dialogue Committee
RDF:	Regional Dialogue Forum
RECs:	Regional Economic Communities
CNGOs:	Council for Non-governmental Organisations
SADC:	Southern Africa Development Community
SDEAA:	State Department of East African Affairs
SRT:	Speaker's Roundtable
TFTA:	Tripartite Free Trade Area
TGE:	Transitional Government of Ethiopia
TPSP:	Tripartite Private Sector Platform

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Preface

Tripartite Free Trade Area (TFTA) was officially launched in 2015 to bring 26 African countries from Cairo to Cape Town under one market. While the grand initiative is noble and in line with the Abuja Treaty that envisages for one African Economic Community, the integration process will have to incorporate the voices of the marginalised as represented by civil society organisations (CSOs) and other non-state actors (NSAs), for deep and meaningful integration.

African regional economic communities are, most often than not, perceived as elitist and government-to-government cooperation, partly because of lack of participation from citizens of Member States. For decades, CUTS has been championing for change in approach where regional integration and trade policy making processes ought to be owned by all for better social and economic benefits.

With the aim of giving voice to the voiceless in the TFTA integration process, CUTS Nairobi implemented the 'Integrating the Voice of Civil Society Organisations in Regional Integration Process in Eastern and Southern Africa (IVORI-ESA)' project in Ethiopia, Kenya and Zambia in 2015. Research studies were successfully carried out in the three countries and three Regional Economic Communities (RECs).

A forward looking 'Engagement Framework and Action Agenda' for Eastern and Southern African CSOs engagement on the TFTA negotiations and implementation processes has been developed under the project. An E-forum, the Eastern and Southern Africa CSOs Network on Integration and Development (ESACSONID) has also been formed as a discussion and information dissemination platform on regional integration, multilateral trade issues and other trade matters.

The synthesised report presents a summary of findings of the national studies carried out in Ethiopia, Kenya and Zambia as well as regional studies undertaken in the East African Communities (EAC), Common Market for Eastern and Southern Africa (COMESA), Southern Africa Development Community (SADC) and Tripartite Free Trade Area (TFTA). It gives the reader an overview of the state of NSAs/CSOs engagement in the Eastern and Southern Africa both at national and regional-levels.

It is my expectation that the findings of the project will generate further dialogue within national trade and regional integration forums; prompt government for an institutionalised and well financed engagement of the civil society in matters of trade; as well as guide the donor community on resource and skills gaps.

Let me conclude by expressing my sincere thanks to all who have been involved in the project, including Oxfam Novib for the financial support, IVORI-ESA partner organisations in the three countries and all national and regional stakeholders for their insights during interviews and project workshops. We at CUTS continue to strive to achieve social justice and economic equality within and across borders.

Pradeep S Mehta
Secretary General, CUTS International

Synopsis

The main contention of this paper is that the journey towards a dynamic industrial, globally competitive African economies, characterised by inclusive growth and development, decent jobs and equity, built on the full potential of all their citizens must of necessity integrate an inclusive engagement approach to build one. The early post-colonial attempts at regional economic integration (also known as *old regionalism*), are best remembered for their catastrophic failure to inspire socio-economic transformation of African economies. They were built on inward-looking policy frameworks involving protectionist tendencies (often in the context of authoritarian regimes) and suppressed any space for formations and participation of non-state actors in the processes.

At present, regional and multilateral trade decision and policy making is more far-reaching in its scope and impacts than ever before. For that reason, all sectors naturally want to be part of the decision making. This includes civil society and other NSAs. The emergence of the 'new' regionalism in the 1990s captures this mood as, indeed, a number of Treaties for RECs established since the early 1990s have provisions for participation of NSAs in the regional integration and trade policy-making processes, both nationally and regionally. However, implementation experience differs across member countries within and between regional economic communities (RECs).

Findings from the reviewed country and regional studies show a lot of challenges as far as civil society organisations'(CSOs) and other NSAs' participation in trade issues at the national and regional-level are concerned. Compared to the private sector, which is directly affected by the policies and have better analysis of policy impact, CSOs are engaged by the government less often, in an uncoordinated and *ad hoc* manner. Very few countries like Kenya have gotten this better and present rich experience that others can learn from.

There is a general observation across all the four RECs: EAC, COMESA, SADC and TFTA that private sector's views and contributions are not only highly regarded but also more influential than those of the CSOs. At the same time, the private sector appears to be the most optimistic lot than CSOs in regional integration process although in countries like Kenya, where the NSA dialogue process and experience is more advanced, CSOs are a more optimistic lot than in Ethiopia and Zambia where engagement with CSOs is merely at the discretion of the powers of national governments. In Kenya, awareness about regional integration is considered higher and wider than in the other two countries.

Although trade might have contributed to poverty reduction, it is not a guarantee that it will always be the case. Benefits have eluded poor people for various reasons including their exclusion in the trade policy making process. There is a need for efforts to involve those groups that have so far been on the margins of the trade policy making process.

Despite the institution of consultative processes, the influence of non-state actors has remained limited even though the private sector appears to be naturally more influential than CSOs. Reasons cited for the poor role of the majority of the NSA stakeholders in the regional and trade policy process include: lack of a central coordinating body in the countries; lack of harmonised approach to trade policy making and negotiations; inadequate financial resources, especially by CSOs to finance their participation; information asymmetry given there is no established mechanism in most countries to pass information; weak analytical knowledge; insufficient capacity building programmes; and, inadequate monitoring and evaluation framework.

All these reflections and perspectives are contained in this synthesis paper. What is more, lessons abound which when replicated will continue to inspire an enhanced inclusive engagement and participation of civil society and private sector in the Tripartite region and its constituent sub-regions.

Introduction

Background

The track record of the early post-independence (1950s-80s) attempts at regional integration in Africa (also known as *old regionalism*) had not been impressive as compared to regional arrangements such as European Union in attaining their objectives. Earlier studies found that one of the problems of *old regionalism* in Africa was that they were conducted in a highly top-down manner (Söderbaum, 1998) and as enterprises of the top leaders, political elite and civil service bureaucrats (Mistry, 2000), an aspect that made it difficult to motivate all levels of government to transform regional commitments into national policies. In addition, they were built on inward-looking policy frameworks involving protectionist state-led market strategies (often in the context of authoritarian regimes). At the time, the ruling administrations overlapped both the society and the market, so that formations and participation of private sector bodies and civil society was highly suppressed¹.

Indeed, the literature is littered with views and findings on what might have been the outcomes of those early regional integration attempts. Two things are clear; they remained detached from the lives of the general public (Laaporte, 1995) and their domestication suffered. The EAC is livid about this fact. It acknowledges, in the Preamble of its Treaty, that the earlier EAC integration that collapsed in 1977 was heavily state-driven and lacked in participation of civil society and private sector. It therefore provided in Article 127 of the Treaty that reestablished the EAC explicit provisions for the participation of the private sector and civil society and puts obligations on Partner States to create an enabling environment for these stakeholders to allow them take full advantage of the Community.

In the late 1980s, a new bout of regional integration (also called *new regionalism*) began and continues to-date. Unlike the earlier prototypes, the current wave of regionalism has increasingly recognised NSAs as partners in development. Regional and bilateral trade deals have also mushroomed after the failure of the Doha Round². Africa presently harbours more than 10 regional trade arrangements, which are viewed as foundational to the eventual formation of Continental free trade area³.

¹ The Ethiopian Country Paper reviewed particularly notes that while modern civil society associations began to emerge in Ethiopia during the 1930s and that a law meant to recognise and codify these groups was passed in 1960, civil society entities in general, however, were slow to take root under the imperial regime and were severely restricted during the Derg period (1974–91).

² W.J. Ethier, *The International Commercial System*, 11; H.G. Preusse, *The New Americal Regionalism*, 2; and, The Economist, *In the Twilight of Doha*, 65.

³ However, according to UNECA (2009), the oversupply of regional economic communities (RECs) in Africa is one of the problems that have impeded the aspired continental integration progress due to overlapping memberships with other RECs; non-adherence to the implementation and domestication of the RECs' programmes; and insufficient technical capacity; divergent and unstable macroeconomic policies.

Importance of Regional Integration in Africa and Role of NSAs

Indeed, regional economic blocs in Africa today represents important institutional arrangements that must be advanced for deepening intra-African trade and furthering continental integration. Over three quarters of intra-African trade today takes place within regional trading blocs. Ensuring that regional economic communities (RECs) become the building blocks for continental integration and vehicles for industrialisation makes it imperative to have a more inclusive-engagement process with non-state actors (NSAs), including private sector and civil society.

The current spectrum of NSAs ranging from private sector operators, trade unions, chambers of commerce, professional associations, knowledge-based and service-based civil society organisations (CSOs) are presently playing important roles in promoting regional integration, international trade and economic cooperation. They enhance economic and political integration through enabling the participation of actors other than governments in facilitating trade, economic and cultural integration. For instance, the Kenyan case where the civil society petitioned the Government in October 2007 for lack of transparency, inclusivity and failure to take into account the concerns of CSOs in the Economic Partnership Agreements (EPA) trade negotiations, is an important reminder of the potential that civil society has in facilitating or impeding regional and multilateral trade liberalisation efforts.

The numerous instances when the EPAs negotiations came a cropper owing to the “No to EPAs” campaigns are another reminder that the civil society can collectively determine the path and pace of regional integration. In the same breadth, the civil society actions that influenced the negotiation of EPAs between the EU and the African, Caribbean and Pacific (ACP) countries, particularly the insertion of development benchmarks arising from pressure exerted by the civil society; and, the pressure exerted by the private sector on negotiators to have EPAs signed during the post-2007 negotiation period are other illustrative cases of the influence of NSAs in economic integration schemes. In summary, NSAs cannot be left out of the regional integration processes any more. Establishing inclusive engagement frameworks with NSAs is, therefore, perhaps, the best way to ensure shared prosperity and ownership of regional and international trade and economic cooperation.

Some countries in the Tripartite FTA region have moved ahead to provide for *involvement of the people in the process of policy making* in specific articles of their Constitution. For instance, Kenya’s Constitution 2010 is unequivocal on public participation in public services as well as the right to have information. Article 232 (1) (d) directs for the *involvement of the people in the process of policy making*.

Similarly, in Ethiopian, the new CSO laws based on Proclamation No.621/2009, in its Preamble, states that the whole essence of putting in place such a law is to “...ensure the realisation of citizens’ right to association enshrined in the Constitution of the Federal Democratic Republic of Ethiopia...to aid and facilitate the role of Charities and Societies in the overall development of Ethiopian peoples”. Both the SADC and the EAC Treaties contend that civil society and private sector are so important that their involvement in the integration process is no longer an option; it is a given for the success of these schemes.

A key proposition of research papers reviewed in this synthesis paper is that Non-state Actors (NSAs) are becoming increasingly more assertive and demand that policy making processes be as inclusive and equitable as possible. This paper posits that when the private sector and civil society start to receive recognition and immediate gains/benefits from the integration process, they can become real driving forces behind the process.

The journey towards a dynamic industrial, globally competitive African economies, characterised by inclusive growth and development, decent jobs and equity, built on the full potential of all their citizens requires an inclusive engagement approach to build one. This imperative is more than ever clear if for no reasons on the failure of the 'old regionalism' than that the much-hyped trickle-down theory where governments act as omnipotent benefactors to reduce poverty and inequality has failed miserably, as glaringly shown in the literature. The literature series reviewed are highly rich in their contents in terms of unearthing lessons from different countries and RECs, successful cases and less-successful cases of institutionalising inclusive participation of NSAs in regional integration processes. These are summarised in the subsequent sections.

Why Inclusive Participation in Regional Integration Processes Matter

Significance of Inclusive Trade Policy Making Process

The overwhelming evidence from the regional and country papers reviewed makes for a case that the remit of the modern day trade policy is no longer confined to the so-called 'border measures'. Trade policy making today straddles issues related to industrial, science and technology, investment, competition, intellectual property, education, health, environment etc. And that, their impact can be felt by diverse stakeholder groups such as businesses, consumers, farmers, industrialists, innovators, labour, and women alike⁴. Hence, the need for multi-stakeholder consultations and inclusive regional trade policy making and implementation processes. Inclusive trade policy-making process has the potential to significantly contribute to the empowerment of people and result in policies that resonate with realities on the ground and aspirations of indigenous people.

One of the key features of regional and national trade policies is that they have to balance the interests of all key stakeholders; be coherent with national development policies of the member states; and ensure conformity with and not contravene the countries' commitments under the multilateral trade agreements and other regional and bilateral agreements. Because of these requirements, the processes of arriving at such policies have to be seen to be as important as the policies themselves. While adherence to an inclusive process of policy making may not necessarily result in the best policy, it is likely to be in sync with the specific country's context and interests of its people, a feature that can inspire widest possible buy-in, ownership and support from all key stakeholders. Support and ownership are keys in ensuring policy's relevance and proper implementation.

Emergence of NSAs in Regional Integration Processes in Africa

In the last 60 years, NSAs have not only transformed; they have also mushroomed. This transformation has been sparked by the search for better responses to the contemporary realities; that is, international trade and the resultant biased competition; rules of the world-trading system that affect what is consumed globally including people's livelihoods; regional integration and its momentum and unevenness; the suspicion that free trade and integration masks double standards and protect their individual, group or national interest. Rising disparities in wealth between winners and losers, that is growing North-South wealth discrepancies in the course of globalisation, is also fueling the emergence of NSAs in the Regional Integration (RI) arena.

Although three types of NSAs including Chambers of Commerce, sectoral trade associations and trade unions, typically trace their emergence to early 20th Century, the

⁴ Inclusiveness of Trade Policy Making: Challenges and Possible Responses for Better Stakeholder Participation: Commonwealth trade hot topics: Rashid S Kaukab

changing and diversified roles of NSAs and emergence of 'new' type of NSAs is mainly as a response to new global realities that largely defined how these bodies approached issues of economic integration through trade. Mansbach and Taylor (2012) traces the factors that might have sparked the rise of new type of NSAs and the growing need and opportunities for cooperation between civil society, private sector and governments to find solutions for inclusive development. The particular findings are that⁵:

- The growing accumulation of human knowledge, an '*Information Revolution*' and the accessibility of new knowledge owing to the rapid spread of information and new communications technologies have particularly inspired the establishment of new generation NSAs.
- The *unprecedented global spread of democracy and adoption of democratic ideas and institutions* has considerably opened space for engagement of NSAs. This is also confirmed by the Ethiopian Case Paper, in which the emergence and rising number of civil society in Ethiopia will be seen after the demise of the Derg imperial regime and the introduction of the Transitional Government of Ethiopia (TGE), which allowed freedom of association in the country, the number of Non-governmental Organisations (NGOs) increased dramatically and their areas of activity multiplied.
- Similarly, *the rapid proliferation of International Law protecting the individual*, codifying human rights and spreading norms of racial and gender equality has also supported the formation and protection of many new generation NSAs and
- In addition, the *continued growth of authoritative global and regional institutions* such as World Trade Organisation (WTO), World Health Organisation (WHO), European Union (EU), (OPEC) that coordinate national policies with regional and even enforce global norms and practices have further provided space for participation of NSAs in such global institutions and national policy making processes.

The above factors are seen to constitute the driving forces behind the proliferation and spread of NSAs across the globe. In Africa, such forces are responsible for the advent of civil society, NGOs and sectoral private sector associations, in the past two decades, that currently are involved in regional integration and national trade policy making processes as will be discussed.

Given the scope of trade policy measures and commitments under regional and international trade agreements, the number of relevant stakeholders is quite large. However, generally, the private sector participation in regional and national trade policy formulation process is meant to provide inputs on key trade priority areas for business growth while the participation by CSOs/NGOs and research institutions is regarded important in bringing on board views and interests of other segments of the population to the policy makers through their grassroots linkages, advocacy and research.

The claim for participation of the different groups of stakeholders in regional and trade policy making is based either on a formal mandate, direct impact of trade policy measures on the group (private sector), or presentation of interests that are not otherwise directly represented (CSOs). Formal nature and direct relevance of this claim

⁵ Richard W Mansbach and Kirsten L Taylor: *Introduction to Global Politics; 2nd Edition (2012) pg. xxvii-xxviii.*

has a strong influence on the opportunities for participation in formal consultative mechanisms. The next section, therefore, explores the existence participatory and consultative mechanisms at country-level as well as at Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC) and South African Development Community (SADC) and TFTA level. It also provides an appraisal of the NSAs' involvement, their level of influence and implications of the power balances in the ITMP.

Regional Experiences on Inclusive Participation of NSAs

The Case of EAC, SADC, COMESA and Tripartite Regions

The three case study countries (Ethiopia, Kenya and Zambia) are members of the constituent Regional Economic Communities (RECs) of the TFTA(FTA) region. All of them are members of COMESA but Zambia has an overlapping membership in SADC while Kenya's membership also overlaps EAC. As a principle, all member states of any REC have an obligation to domesticate the REC's Treaties and Protocols and that obligation includes any provisions for involvement and participation of NSAs in the REC's integration affairs.

At the regional-level, a regional-level participatory mechanism is expected where all national processes vertex at. This section of the paper discusses the available mechanisms of inclusivity in the RECs and Tripartite Free Trade Area (TFTA) Treaties; their domestication and effectiveness. It does provide an appraisal of the different groups of NSAs involved in the Regional Integration (RI) processes, their effectiveness, power of influence, and implications thereof. In the end, where applicable, it outlines important lessons and insights for either further research and/or to promote cross-learning and replication of the good experiences.

Assessment of NSA Engagement in the EAC, COMESA & SADC Processes

Both the EAC and SADC Treaties contain explicit provisions for consultations with and participation of non-state actors in their diverse definitions: the private sector, civil society organisations, professional associations, other interest groups and appropriate institutions. The EAC Treaty in Article 127(4) mandates the EAC Secretary General to provide a forum for consultations with NSAs while in Article 129 (2) it mandates the EAC Council of Ministers to establish modalities that would enable the NSAs in the Partner States to contribute effectively to the development of the Community. On the other hand, the SADC Treaty in Article 16A commits SADC Member States to engage fully the people of the region and civil society on regional integration and development. Consequently, in 2012, the EAC Council of Ministers adopted the EAC Consultative Dialogue Framework (CDF) as a way to operationalise the stated Treaty provisions.

Suffice to mention upfront that unlike the two RECs, COMESA Treaty is mute on involvement of CSOs in its affairs. It only places emphasis on private sector participation in Articles 151, 152 and 153. Specifically, Article 151 emphasises the need for the COMESA Secretariat and Member governments to promote a continuous dialogue with the private sector organs at the national and regional-levels to help create an improved business environment for the implementation of agreed decisions in all economic sectors. Article 152 focusses on strengthening the Private Sector, and goes further to identify them to include the Chambers of Commerce, Confederation and Associations of

Industry, agriculture, manufacturers, farmers, external trade, commodities, services, professional development groups and others.

The established EAC CDF envisages regular and continuous dialogue between EAC Secretariat, Partner States, CSOs, PSOs and other interest groups both at national and regional-levels. Rules of Procedure to guide the participation of the NSAs are also included in the CDF. At the regional-level CSOs and PSOs are respectively represented and coordinated by their regional umbrella apex bodies: The East African Civil Society Organisations Forum (EACSO) and the East Africa Business Council (EABC). At national-level, EACSO has National Chapters while EABC has National Focal Points (NFPs). From the government part, the Ministries in Charge of EAC Affairs; for instance, in Kenya, the State Department of East African Affairs (SDEAA), are charged with the responsibility of institutionalising and giving life to National Dialogue Forums (NDFs) that feed the Regional Dialogue Forums (RDFs) under the CDF.

The main avenue for engagement created by the EAC CDF is the Secretary General's Forum, an annual meeting convened by the Secretary General of the EAC based on an agenda prepared in advance by a Regional Dialogue Committee consisting of representatives of all the dialogue parties. The meeting provides a forum for frank exchange of views on a particular aspect of the EAC integration. It eventually comes up with recommendations for consideration and implementation either by the dialogue parties or organs and institutions of the Community.

It is the responsibility of the Secretary General to forward relevant recommendations to the EAC organs for their further action. The principles of the dialogue focus on exchange of views in an atmosphere of respect, consultation and mutual trust and based on clear evidence and not rumours and innuendos. It appreciates that the parties might have different perspectives but must always engage with an eye on furthering the integration process.

While the EAC established institutional frameworks, i.e. the CDF operated through NDFs and RDFs, SADC took the shorter route to operationalising Article 16A of the SADC Treaty by merely signing a MoU with the SADC Council for Non-government Organisations (SADC CNGOs) in the hope that this mechanism would serve to promote constructive dialogue and engagement with NSAs. Whatsoever under this Article, each Member State is mandated to create a SADC National Committee to enable NSAs at the national-level to participate in the formulation of SADC policies, strategies and oversee national-level implementation of the same.

This template and approach seems to have been borrowed by COMESA as it also in January 2015, signed a MoU with the Global Network for Rights and Development (GNRD)⁶, in the hope that this will foster participation of CSOs, PSOs and COMESA Parliamentary Forum in areas of human rights and electoral processes aimed at bringing and promoting democracy and good governance, peace and security in the region, through training research and policy advocacy and implementation.

⁶ Memorandum of Understanding between COMESA and GNRD
See: <http://gnrd.net/seemore.php?id=1307#sthash.XJu6Bpa.dpuf>

The point of note here is that MoUs are never legally binding and cannot be used to seek redress in case of failure to implement them. Such arrangement is bound to be riddled with challenges that cannot have legal redress. In deed as the regional paper underscores, SADC regional dialogue sessions are held with CSOs, often in an *ad hoc* manner, not well-coordinated and at the discretion of the SADC Secretariat. In the same vein, it would be naïve to suggest that Article 153 of the COMESA Treaty, which mainly deals with co-operation with Chambers of Commerce and other business organisations, could be sufficient to legally guarantee CSO's participation on regional integration matters related to trade as reportedly suggested by the TFTA COMESA Office. These are vague provisions, which could be subjected to interpretation ambiguities.

Assessment of NSA Engagement in the TFTA Processes

At the TFTA level, just like in COMESA, there is no framework of engagement with CSOs. Institutional architecture for private sector players exists though through Tripartite Private Sector Platform (TPSP) – a platform that consists of the COMESA Business Council (CBC), the East African Business Council (EABC) and the Association of SADC Chambers of Commerce and Industry (ASCCI). This platform is seen as a key step forward in providing opportunity for networking and fostering new relationships for business and advocacy purposes.

Throughout all the country papers and the regional paper, the following quotes capture in no other better terms sheer lack of involvement or engagement mechanism for CSOs in the TFTA process:

- *“...there is limited information in the public domain on the TFTA process, issues agreed and those outstanding or contentious; and virtually no engagement of the civil society in the grand integration process. This is (seen as) the primary responsibility of the Ministry of Foreign Affairs and International Trade (MOFAIT)”*

- Kenya Country Case Study

“...lack of engagement mechanisms with CSOs is the main reason why the SADC CNGO believes that NSAs were generally not consulted in coming up with negotiation positions under the TFTA, as the majority of the CSOs are not involved in the TFTA process. In addition, the architecture of the TFTA process and of SADC in general, which does not involve CSO participation, could also explain this lack of participation”.

- Regional Paper Case Study

- *“...the process of integration looks [more like] a diplomatic exercise than a real desire for integration... NSAs are not sensitised regarding the TFTA negotiations and the country’s status in the negotiation process. This is partly because there is no clear direction from the government on the country’s participation in TFTA negotiations...”*

- Ethiopia Country Case Study

- *“...what is worrying has been the absence of a mechanism to engage CSOs and other non-state actors in the TFTA...It is therefore quite apparent that there is a risk that a non-inclusive TFTA Treaty (could) be adopted with the omissions of interest of marginalised stakeholders.”*

- Zambia Country Case Study

Like EAC, it would be imperative that both COMESA and SADC develop and institutionalise a similarly well-defined engagement framework for CSOs and CSOs and make efforts to domesticate the same at Member State-level. Perhaps the main challenge that could be faced at that stage would be the potential existence of two parallel national engagement frameworks in the case of countries that have overlapping membership between COMESA and EAC; SADC and EAC or SADC and COMESA. In that instance, it would be important to marry both and have a singular institutionalised NSA engagement platform at the national-level; however, this is suggestion is merely speculative and actual trial may require further research.

Country Case Studies on Involvement of NSAs in Regional Integration and Trade Policy Making

The Ethiopian Case

Role of NSAs and availability of their Engagement Mechanism

Ethiopia does not have an established legal mechanism to engage both the private sector and CSOs in the country's regional integration processes. Trade negotiation and integration agenda is in most cases conducted as a diplomatic exercise than a real desire for integration. Currently, though, the private sector is engaged better than CSOs as it is regarded that issues or trade are more of the private sector domain than CSOs who are regarded to have little role in the trade policy making and trade negotiation process of the country. This engagement with the private sector, nevertheless, is *ad hoc* and unstructured. It is largely at the behest of the line Ministry concerned.

There has been established a dedicated unit, Private Public Partnership Forum (PPPF), as an avenue for private sector participation in some national trade committees but the Ethiopian Chambers of Commerce and Sectoral Associations (ECCSA) has been pushing for establishment of a legal platform with permanent meeting arrangements instead of the current *ad hoc* arrangement.

The private sector representative, ECCSA, has reportedly been engaged in some of the country's negotiation processes to a certain degree but not in all. Particularly, in the course of the country's WTO accession negotiation process, ECCSA is represented in the technical committee. In relation to bilateral trade negotiation, private sector is represented in the trade committees that the responsible Ministry established.

The paper further emphasises that the role of private sector has not been clear with regard to regional trade negotiation in COMESA and TFTA; perhaps, because there is no established mechanism for their participation to start with. NSAs are generally not sensitised regarding the TFTA negotiations and the country's status in the negotiation process. This is partly because there is no clear direction from the government on the country's participation in TFTA negotiations.

According to the Paper, both the private sector and CSOs have provided little or no inputs towards TFTA negotiation process so far due to various reasons including lack of awareness and established engagement framework, which would facilitate NSAs' engagement. However, sensitisations regarding COMESA-FTA were made and consultations were undertaken with the private sectors, particularly representatives from the manufacturing sector and export activities.

NSAs working space and empowerment

The paper notes that the space under which the CSOs operate in the country has been shrinking in the recent past due to the enactment of a new CSO law in 2009, which came into effect in 2011. Consequently, the number of CSOs working on policy advocacy issues has been witting down and CSOs in this sector are getting weakened by day. According to the paper, CSOs have not been empowered to take an active and vibrant role in national trade policy making or regional integration process. This can improve by engaging the government and showing it how the law has grossly weakened the CSOs, including those which constructively contribute towards policy formulation and its implementation. Moreover, there has not been any significant institutional support for CSOs, so that they could participate in regional integration process or trade policy making. The private sector too has not been empowered to further take an active and vibrant role in national trade policy making or regional integration.

Optimism or ambivalence about integration

CSOs remain concerned about the potential adverse impacts of integration agenda that the country is involved in on the local economy, sectors of the economy and the marginalised segment of the country's population, however, there remains no public-CSO dialogue forum with legal backing in the country on which issues of concern to CSOs can be discussed and addressed. Given its importance, a public – CSOs dialogue forum should be established, institutionalised and conducted periodically.

Unlike the CSOs, the private sector remains more optimistic about the TFTA to have benefits because it will improve the trading among member countries thereby making them competitive in the global market as well as it helps to strengthen people to people relations. However, they remain ambivalent regarding direct benefits to Ethiopia given the low competitiveness of the local economy compared with some of the TFTA member countries and the potential deindustrialisation effect on Ethiopia due to opening up of the economy for foreign competition.

Challenges

Some of the challenges of the TFTA negotiations and implementation process like all the other trade integration process include, weak political commitment, lack of NSAs engagement, inability to employ different professionals, lagging in write decision making, not using opportunities, etc.

The Kenyan Case

Role of NSAs and availability of their Engagement Mechanism

Participation of NSAs and the general public is supreme in the Kenyan landscape as is backed by a series of laws that clearly seem to empower NSAs and regard their contribution highly. Section 84(1) of the Repealed Constitution relates to the State's obligation in facilitating public involvement in public governance, formulation of public policy, legislative processes. Through this Section 84(1) alone, the government of Kenya found itself in the dock having been sued by representatives of civil society in 2007 for lack of transparency in the process of formulation and conclusion of international agreements and treaties, particularly EPA.

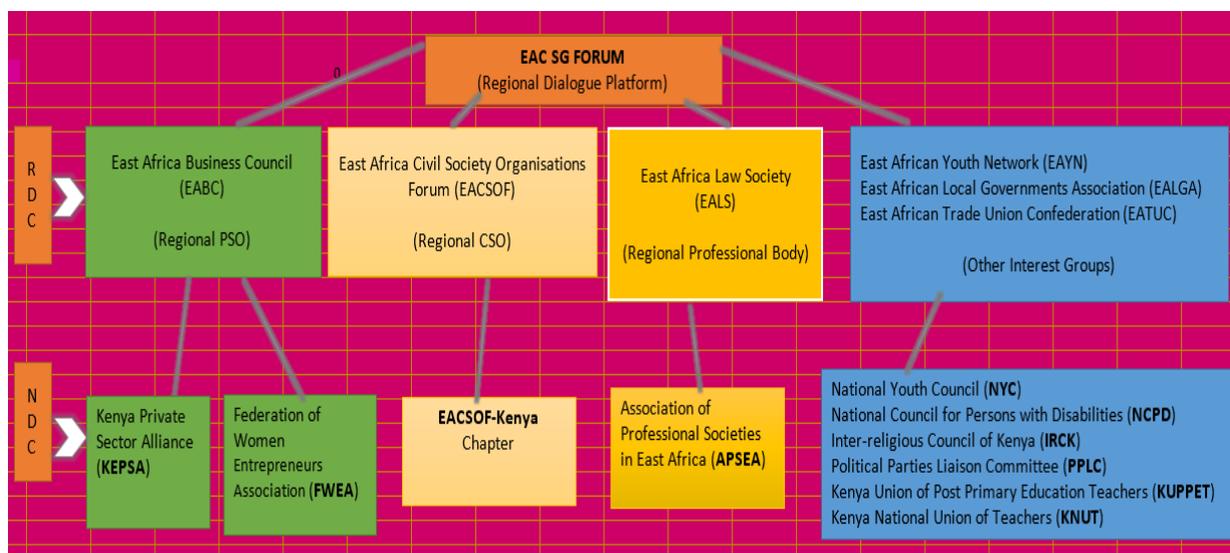
Article 232 (1) (d) of the 2010 Constitution directs for the *involvement of the people in the process of policy making*. In terms of access to information Article 35 (1) (a) states that every citizen has the right of access to information held by the State and the information should be transparent and accurate as indicated in Article 232 (1) (f) that demands for *transparency and provision to the public of timely, accurate information*. Article 35 (3) further directs the State to *publish and publicise any important information affecting the nation*. In conclusion, the supreme law of the country is clear in the participation of the public and provision of timely information but is that what is actually happening with regard to regional integration, particularly in the TFTA?

Through time, CSOs seem to have gained recognition of their important role in international trade, regional integration and in the general development discourse, which is evident by the inclusion of 'public participation' in major international, regional and national laws and/or structures that provide for consultation and negotiated processes involving the state, CSOs and other NSAs including the private sector.

Within the region, Kenya's NSAs participate in the EAC processes and overseeing the domestication through an established Consultative Dialogue Framework (CDF) in place for the EAC Secretariat, Partner States, CSOs, private sector and other interest groups at the national and regional-levels. The national dialogue is being coordinated by the State Department of East African Affairs (SDEAA) whereas the East African Civil Society Organisations Forum (EACSOFF)-Kenyan chapter is recognised as the current national representative of the civil society in Kenya.

The CDF envisages two levels of dialogue, national and regional-levels, in which the structure depicted below is expected to capture the views of all stakeholders, CSO, PSO and other interest parties, as represented by their respective apex bodies.

Figure 1: CDF Structure for Consultations of Kenya's National CSO, PSO and other Interest Groups



Source: 'From EAC to TFTA: Integrating the Voice of the Civil Society in Kenya' CUTS (2015)

Regional Dialogue Committee (RDC) has membership from the private sector represented by the region's private sector apex body, the East Africa Business Council (EABC); the civil society as represented by EACSOFF; the region's professional body, East Africa Law Society (EALS); and other interest groups represented by the East African Youth Network (EAYN), East African Local Governments Association (EALGA); and East African Trade Union Confederation (EATUC). Only EABC and EALS have observer status at the EAC meetings while EACSOFF is yet to gain this status after all its members in the five Partner States have been officially recognised and registered by their respective governments. So far, only EACSOFF-Kenya and EACSOFF Tanzania have been registered as the apex organisations for respective national CSOs.

EAC CDF allows national and regional dialogue committees to co-opt new interest groups. Kenya's National Dialogue Committee for instance has managed to co-opt Kenya Union of Post Primary Education Teachers (KUPPET), Kenya National Union of Teachers (KNUT), Inter-religious Committee (IRC); whereas the RDC has co-opted the East African Youth Network (EAYN).

Kenya's NDC constitutes KEPSA, EACSOFF-Kenya Chapter, Federation of Women Entrepreneurs Association (FWEA), IRC of Kenya, KUPPET, KNUT, Political Parties Liaison Committee, National Youth Council-Kenya; National Council for Persons with Disabilities (NCPD); and Association of Professional Societies in East Africa (APSEA).

NSAs working space and empowerment

The registration, regulation of operations, formation of board and tribunal, finances and dissolution of CSOs in Kenya (otherwise also known as Public Benefit Organisations or PBOs) are currently governed through the NGO Coordination Act 1990 although this is

set to be repealed upon coming into force of the 2013 Public Benefit Organisations Act No. 18. The PBO Act (2013) directs the government and public benefit organisations to comply with the *principles of effective collaboration* for the purpose of, *inter alia*, strengthening collaboration between the government and CSOs; and reinforcing complementary efforts of the government and CSOs and their contribution in enhancing the country's development among others.

The PBO Act was assented on January 14, 2013, but before it could even be enforced, a series of amendments have been proposed to the Act that CSOs have been fighting off due to the perceived intention to use the law to disempower CSOs. One of the strongly resisted amendments is the proposal to cap the amount of funding NGOs can receive from external donors at 15 percent of their budget under the Statue Law Miscellaneous Amendments Bill, 2013 (October 30, 2013).

However, this intention was defeated during the Second Reading in Parliament. Another proposed amendment was put by the government in the Statue Law Miscellaneous Amendments Bill, 2014, which is replete with 54 proposed amendments that many recognise are mostly in line with the enabling-environment-spirit of the ACT but concerns still remain that it sought to give the PBO Regulatory Authority discretionary power to impose infamous terms on CSOs upon registration; have not only greater say in the appointment of the Authority's board but also reduce the number of CSO representatives to the board.

Kenyan experience shows that the private sector, under the umbrella body KEPSA has been more proactive and aggressive in organising itself around lobby themes to engage government. Unlike the CSOs that have one major engagement platform, the private sector uses additional formal structures and partnerships (presented below) put in place including the biannual *Presidential Round Table* (PRT) whereby private sector players meet the President of the Republic of Kenya together with his Cabinet and various arms of government bi-annually to discuss matters of concern to the private sector:

- ***Council of Governors (CoG) Forum*** whereby the private sector engages with county governors through the CoG held once a year. The Forum provides a platform of dialogue and stocktaking on devolution matters affecting private sector besides establishing mechanisms for better interaction and coordination between the Private Sector and Council of Governor.
- ***Ministerial Stakeholders' Forums (MSFs)***, which is a bi-monthly sectoral dialogue platform for line ministries and sector boards of KEPSA to address sector specific priority issues relating to policy, administrative and operational issues affecting private sector.
- ***Speaker's Roundtable (SRT)*** at which the private sector engages parliament (both the National Assembly and the Senate) annually on matters of interest to the business sector to enhance private sector participation in the legislative processes after which the sector boards engage various departmental committees and special parliamentary committees on priority Bills and policies.
- ***Attorney General's Forum*** – a partnership with the State Law office that provides an opportunity for the private sector to use the office to petition and inform the AG on the Bills stuck in his office for fast tracking and for publishing.

- **Chief Justice Forum** – Forum aimed at improving the Commercial Justice process in a manner that ensures efficient resolution of Commercial and Industrial Relations Disputes as well as discuss other ways the Judiciary can facilitate an enabling business environment.
- **Development Partners’ Roundtable** – this is an engagement that provides an opportunity for the private sector to inform and partner on the development agenda and priorities for the country’s national development and private sector development and
- **EAC Regional Ministerial Forum** – an engagement with the EAC Council of Ministers aimed at highlighting the issues to be forwarded to the heads of State Summit. The platform offers an opportunity for the participation of the private sector in the formulation of regional policy.

In terms of monitoring or tracking commitments, the State established in 2015 both the Presidential Delivery Unit (PDU) and Business Environment Delivery Unit (BEDU) to ensure that commitments are delivered within stipulated timeframes. Furthermore, KEPSA uses Speaker’s Roundtable meetings to track pending bills and assists relevant committees to expedite relevant bills.

In conclusion, the private sector goes that extra mile to ensure that regional integration benefits are preserved and opportunities expanded, which explains the keen interest and proactive involvement of the private sector in different dialogues since stakes of regional integration in terms of profit are much higher.

Optimism or ambivalence about integration

Generally Kenyan NSAs are the most optimistic about regional integration efforts in Africa, and specifically about EAC and TFTA, according to the country case studies. Concerted efforts by CSOs and PSOs have tremendously contributed towards the goals of the EAC integration.

National CSOs represented by their regional apex body have also managed to champion for the promotion of Cross-border Legal practice; extended jurisdiction of the East African Court of Justice; development of the East African Bribery Index (2013); in addition to sensitisation of constituencies on integration process. The region’s civil society has been acknowledged for their contribution towards the development and advocacy of the following Bills/Policies: HIV/AIDS Prevention and Management Bill, Gender Equality Bill, Youth Policy, and, Persons with Disabilities Policy.

The private sector, on the other hand, has played vital role in terms of advocating for harmonisation of product standards, free movement of services and labour; highlighting trade barriers against women traders and small and medium scale traders; monitoring, tracking and eliminating non-tariff barriers and enhancing competitiveness.

Challenges

The EAC CDF sets out eight principles which can be used to measure the success rate of the national dialogue in Kenya: *cooperation for mutual benefit; mutual respect, trust and goodwill; active and constructive participation; inclusivity; unity in diversity;*

accountability and feedback to stakeholders; evidence-based dialogue with a focus on results and, consensus building approach.

Based on these principles, the country paper established that the NDF process for Kenya has been fairly satisfactory given that it has met half of the principles and failed in the two. The main weaknesses of the current dialogue mechanism have been to satisfy the principles of *active and constructive participation*, and, *inclusivity*. National dialogue parties tend to present inadequate capacities and specialisation on various integration issues for substantive dialogue. So far, there has not been an effort to build the expertise of dialogue parties, either by development partners or SDEAA.

Inclusivity remains a concern given the observation that the marginalised groups such as cross border traders, majority of whom are women; micro, small and medium business, grassroots organisations are not included in the Kenyan NDF. This lack of *inclusivity* puts into question the NDF's credibility in integrating the 'voice of the voiceless'.

Other areas that require further improvement to enhance the effectiveness of the national dialogue process with NSAs is to *unity in diversity* and *evidence based dialogue focused on results* by ensuring that each dialogue party's role complement the other and at the same time providing for research and capacity building within the NDF to ensure issues discussed are backed by research and evidence.

The Zambian Case

Role of NSAs and availability of their Engagement Mechanism

The Zambian government has established avenues through which NSAs' views and concerns on the subject are captured in the national trade policy making processes. These avenues include:

- consultations in public private dialogue forums
- sector development reform programmes
- *ad hoc* committee arrangements
- the annual business forum
- calling CSOs for consultations as and when an issue arises

Within the established Trade and Industry Sector Advisory Group (SAG)), and the National Inter-Ministerial Coordination Committee (NIMCC) both CSOs and PSOs are included as members. The SAG has generally ensured that deliberate efforts are done to have the voice of CSOs heard. SAGs, which comprise both state and non-state actors, are designed to facilitate participation of NSAs in the formulation, implementation, monitoring and evaluation of government policies and development plans. As a result, these are more preferred during the discourse of national development plans rather than regional integration issues.

Thus in Zambia, CSOs have opportunities to participate in trade and regional integration processes on formulation, implementation and negotiations on trade issues through the different working groups in the MCTI. They also use the platform of roundtable meetings with relevant ministries to lobby the government and run media campaigns.

The Ministry of Commerce, Trade and Industry (MCTI) believes that CSOs and other organisations should make contributions that feed into the country's position based on the research they have conducted. However, the main concern is that none of these engagement platforms have any legal backing nor have they been institutionalised.

NSAs working space and empowerment

The registration, regulation of operations of NGOs in Zambia is currently governed by the NGO Act, which was passed in 2009 but only came to force in 2013. The Act was introduced as an effort to address the challenge posed by the multiplicity of legislations for NGOs; it therefore harmonises five pieces of legislations, which had hitherto governed registration and regulations of NGOs in Zambia: the Companies Act (Cap. 388); the Lands and Deeds Registry Act (Cap. 185); the Trustee Act, 1898 of the United Kingdom; the Societies Act (Cap. 119); and the Adoptions Act (Cap. 54). Implementation of the NGO Act was however suspended sooner than it began operation due to many concerns with the Act.

Firstly, concerns have been raised with respect to the functions of the Board, especially given government-dominated board has the power to determine NGOs' thematic and geographic areas of operation and in a way control their activities. Secondly, the power to provide policy guidelines to harmonise the activities of NGOs with the national development plan might make it easy for CSOs to be simply co-opted into assisting in the fulfilment of the political priorities of the government. Thirdly, the power to advise on strategies for efficient and effective planning and coordination of activities of NGOs is seen as treating NGOs as government subsidiaries, as opposed to independent entities free to formulate and execute action plans in line with identified priorities.

As discussed below, Zambian CSOs have not been empowered to take an active and vibrant role in national trade policy making or regional integration. Trade has not been classified as a priority area by most CSOs and Government is seen as relying more on their own experts and consultants from outside the country on trade issues and not necessarily consulting with the CSOs.

Optimism or ambivalence about integration

The general CSOs landscape is that of ambivalence although from the higher level of engagement of private sector the private sector is expected to be a bit more optimistic than CSOs in trade and regional integration matters at the country-level.

Generally, CSOs in Zambia have not shown much interest in regional integration agenda. The Ministry of Commerce, Trade and Industry (MCTI) identifies only two organisations as the only CSOs with a clear interest in trade i.e. CUTS International Lusaka and the Centre for Trade Policy and Development (formally Civil Society Trade Network of Zambia). The two are identified based on their active independent interactions, interest and advocacy in trade policy discourse with the Ministry. Other CSOs recognised in the space of trade and trade-related work including the Civil Society for Poverty Reduction (CSPR), Jesuit Centre for Theological Reflection (JCTR), and, Caritas Zambia.

Although there are many CSOs in Zambia, most of them only work in trade and regional integration issues episodically; trade and regional integration agenda is not part of their core areas of work. For such CSOs, participation is mostly on consultation basis when there are developments at regional-level, such as negotiations on trade issues.

Challenges

The evidence adduced in the *Zambian paper* reveals some of the shortcomings for NSAs in engaging in regional integration and trade policy making processes in the country. Specifically, in the case of CSOs, lack of capacity mirrored in their inability to mobilise resources for participating in regional integration issues, and lack of technical capacity to work on trade issues constrains their vibrancy in Zambia.

Moreover, CSOs have not been empowered to further take an active and vibrant role in national trade policy making or regional integration. This is also due to lack of a well-coordinated mechanism, typical of Kenya's NDF that would enable the government to involve them better. Presently, the lack of coordination presents a challenge for government to create space to engage with CSOs.

Most CSOs work on areas that they have managed to get some support, especially donor support. At the same time, they are challenged due to low/lack of awareness of the trade issues, including the trade process, due to limited information passed on to the CSOs. As evidence in the *Paper*, many CSOs are not aware of any consultations that the Government had done to solicit ideas from them on trade issues nor were they aware of the TFTA process.

The *paper* further notes that many CSOs in Zambia do not conduct proper evidence based research that would assist them in effectively performing the roles that the Ministry would expect from them. It therefore boils down to a question of value addition they bring to the process should the government want to involve them in discussions.

Conclusion and Recommendations

Conclusions

Presently, regional and multilateral trade decision and policy making is more far-reaching in its scope and impacts than ever before. For that reason, all sectors naturally want to be part of the decision making. This includes civil society and other NSAs. This paper attempted to understand how NSAs have engaged in the regional integration and national trade policy making processes with a set of case study countries and RECs. For Case Studies, Ethiopia, Kenya and Zambia were selected; and for the RECs, the EAC, COMESA, and SADC were considered as constituents of the recently launched Tripartite FTA.

All of the Case Study countries are members of COMESA but Zambia has an overlapping membership in SADC while Kenya's membership also overlaps EAC. In principle, therefore, it should be assumed that countries have an obligation to domesticate regionally-agreed Protocols and Treaty Provisions and that includes any provisions for involvement and participation of NSAs in the REC's integration affairs.

The synthesis paper has discussed the available mechanisms of inclusivity in the RECs and TFTA Treaties; their domestication and effectiveness using the case countries to draw examples and lessons. The paper does provide an appraisal of the different groups of NSAs involved in the RI processes, their effectiveness, power of influence, and challenges they face.

In retrospect, the paper makes the observation about the efficacy of the early post-colonial attempts at regional economic integration (also known as *old regionalism*), which it posits did not accomplish much in terms of inspiring socio-economic transformation of African economies. A key weakness of those early attempts at regional integration are that they were littered with inward-looking policy frameworks involving protectionist tendencies (often in the context of authoritarian regimes) and suppressed any space for formations and participation of NSAs in the processes. It notes the departure and a paradigm shift in the wave of the 'new-regionalism' era of the 1990s, which continues to-date, which have been relatively more open, democratic and receptive of participation of NSAs than during the 'old regionalism' era.

A key driving force underlying the imperative for the involvement of NSAs in regional integration and trade policy making processes is that the remit of modern day trade policy-making is no longer confined to the so-called 'border measures'. Rather, the trade policies today straddle issues related to industrial, science and technology, investment, competition, intellectual property, education, health, environment etc. as such, they tend to have more far-reaching effects and impact diverse stakeholder groups that it becomes a matter of right rather than a favour for all the concerned stakeholders to be consulted in the processes of development and implementation of those national, regional and multilateral trade decisions and policy making.

The paper notes, however, that providing for space for inclusive participation is one thing and empowering all stakeholders involved to make more meaningful contribution is another thing altogether. It is more clear that inclusive trade policy making process has the potential to significantly contribute to the empowerment of people and result in policies that resonate with realities on the ground and aspirations of indigenous people

The evidence adduced in the paper reveals some of the shortcomings of the present processes of ensuring inclusive trade policy making process (ITMP). To a great extent, the inherent drawbacks are to be found in the character of authoritarian mind-sets that seems to continue to linger amongst governments who have not appreciated the extent to which the democratic ground has shifted over the past two decades.

Other drawbacks to the ITMP are to do with sustainability and vulnerability issues that stand out as enigmatic challenges of the ITMP. Weak financial position amongst CSOs is cited as the main cause for CSOs' feeble sustainability and vulnerability to donor interest, putting their credibility under question with regard to reflecting their constituencies' interests in the ITMP.

The study findings show there is total information blackout on the TFTA initiative, process and outstanding issues. This is true for all the country case studies. So far, there has been no engagement of non-state actors on the TFTA and no indication that the TFTA Treaty or Secretariat will allow for an engagement framework for non-state actors.

The greatest challenge remaining is to recognise the existence and contributions of other actors than states, to accommodate them, and to maximise their contributions in the regional integration and trade policy making processes in all Africa. There's need for a new awakening that as formal and informal dimensions of integration are commonly intertwined, a fuller picture of regional integration can emerge only when the two sets of processes are accepted as overlapping and the two sets of participants (states and non-state actors) are accepted as equal partners in development. Needless to argue that the separation between the state and NSAs is artificial, worse still where the place of NSAs is completely ignored as happens in conventional approaches to regional integration.

Recommendations

Institutionalising the Inclusive Trade Policy Making Process (ITPM) approaches is not only an imperative in modern day regional integration and trade policies. It makes every government look good in terms of promoting governance; and, it is a powerful tool to promote ownership of policies and enhance the chance that they will be implemented sufficiently fairly well and will have the greatest positive impacts on both the economies involved and the lives of their people. Given the importance and complexity of the nature of partnership between the national government and NSAs,

both parties need to set out engagement strategies that are sustainable and can be owned by each party for the public good. These comprise:

1. ***Need to raise awareness on ITMP and opportunities existing for engagement***
Awareness generation should be pursued not only on the opportunities that regional integration provide but also on the fact that there exist opportunities for people to make their contributions in issues that affect them directly. Indeed, awareness can be a powerful tool to ensure that CSOs develop an interest in trade and regional integration issues.
2. ***Need to separate engagement framework for private sector and civil society***
CSOs and PSOs pursue completely different interests in most cases. They are also embodied with different capacities financially as well as technically. Having one engagement framework for both of them with the government appears, therefore, to be tricky, and perpetuates an uneven playing field. It would be a wise idea to consider establishing a separate engagement for the two parties that will consider their interests and capacities.
3. ***Funding Basket for Facilitation of Engagement***
There is need for stronger lobby for inter-governmental organisations, the State and development partners to set aside a funding basket to address *inclusivity and representation of marginalised stakeholders*; as well as allow meaningful engagement of CSOs/NSAs in regional integration processes, including a CSO delegate in national negotiation teams.
4. ***Thematic Grouping of Stakeholders***
Within the civil society, there is difference in capacity and expertise. To have more substantive contribution in an organised manner, stakeholders should be organised under certain groups, such as those working on or with cross-border traders, farmers, arid and semi-arid land, Lake Basin and so forth and included in thematic work groups, such as trade facilitation, regulatory, non-tariff barriers and so forth. This is closely tied to membership in the national CSO apex body *whereby members should be theme based networks* and not individual organisations. Moreover, more efforts need to be made by EACSOFF to include rural based and grassroots organisations.
5. ***Developing and Institutionalising an Engagement Framework***
A TFTA that does not tag along with its citizens and business persons is bound not to accomplish much in the way of impact. The TFTA requires an engagement framework to be developed that spells out the composition, and procedural requirements. This framework should define the form and how horizontal engagement processes (i.e. umbrella CSO regional organisations with REC secretariats and other players) will be sustained on one hand and how the vertical (i.e. umbrella CSO regional organisations and national focal CSO points) will be consistently maintained to ensure quick uptake and transmission of issues into the dialogue framework. The EAC experience with CDF could be further refined and extrapolated for use at the TFTA level and Continental FTA level.

6. ***Capacity building***

Improving the capacity of the CSOs for regular participation in stakeholder consultations through better CSO internal coordination will require little resources but can pay substantial dividends. Similarly, capacitating the existing institutional arrangements for ITPM will greatly improve the effective participation of stakeholders. The legal mandates of engagement mechanisms should be clarified to endow them with some advisory role.

7. ***Improving Secretariats of umbrella organisations and respective constituencies links***

This is to ensure regular two-way inputs and feedback should be a priority for both the private sector and CSOs. This should also involve improving coordination and interaction between RECs, relevant line Ministries and other government agencies and CSOs to either provide inputs/feedback on or assist in the implementation of trade policy measures is urgently needed.

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