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SCHOOL OF SECURITY, DIPLOMACY & PEACE STUDIES

**DEPARTMENT OF CONFLICT RESOLUTION AND INTERNATIONAL
RELATIONS**

**NON-TARIFF BARRIERS IN THE EAST AFRICAN COMMUNITY AND FREE
TRADE BETWEEN KENYA AND TANZANIA, 1999 to 2016**

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**A RESEARCH PROJECT SUBMITTED TO THE SCHOOL OF SECURITY,
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DECLARATION

Declaration by the Candidate

I declare that this research project is my original work. It has not been submitted to any other university for the award of a degree.

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DEDICATION

I dedicate this research project to the memory of my late mother, Rhodah Nyabwengi Anyona, “Mom, you taught me to persevere and prepared me to face challenges of life with faith and humility, and although you are not here with me, I strive each day to achieve my goals in life in your honor”.

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ABSTRACT

Despite globalization gaining prominence as countries are increasingly becoming borderless, available literature indicates that international trade is still faced with a myriad of challenges among them non-tariff-barriers (NTBs) with EAC not being an exception. This research project titled “non-tariff barriers in East African Community and free trade between Kenya and Tanzania” therefore endeavored to assess the status of implementation of the East Africa Common Market (EACM) Protocol goals, examine the existing trade barriers in East Africa Common Market, and explore how NTBs affect Kenya-Tanzania free trade and the EAC in general. Exploratory research was adopted for this study where data collected from the sampled 25 key informants, various publications and annual reports was qualitatively analyzed and presented. The findings have indicated that the EACM Protocol goals are yet to be fully implemented whereas there exists a number of unresolved NTBs within EAC including high taxation, corruption on the major roads, delays in licensing and permit issuance, administrative requirements, lack of common currency, conflicting policies and regulations, and lack of political goodwill by member countries. The effects of these NTBs include competition among member states who in most instances institute NTBs that undermine regionalism, high costs of doing business within the region and ultimately low Intra EAC trade volumes.

LIST OF ABBREVIATIONS AND ACRONYMS

AMU	:	Arab Maghreb Union
ASEAN	:	Association of South East Asian Nations
CET	:	Common External Tariff
CMP	:	Common Market Protocol
CMS	:	Common Market Scorecard
COMESA	:	Common Market for Eastern and Southern Africa
EABC	:	East Africa Business Council
EAC	:	East African Community
EACM	:	East African Common Market
EACU	:	East African Customs Union
EACUP	:	East African Customs Union Protocol
ECCAS	:	Economic Community of Central Africa States
ECOWAS	:	Economic Community for West African States
EU	:	European Union
KEBS	:	Kenya Bureau of Standards
KEPHIS	:	Kenya Plant Health Inspectorate Service
KIPPRA	:	Kenya Institute for Public Policy Research and Analysis
KNBS	:	Kenya National Bureau of Statistics
KRA	:	Kenya Revenue Authority
LPI	:	Logistics Performance Index

NAFTA	:	North American Free Trade Area
NMCs	:	National Monitoring Committees
NTBs	:	Non-Tariff Barriers
NTMs	:	Non-Tariff Measures
OAU	:	Organization of African Unity
RCT	:	Rational Choice Theory
RIA	:	Regional Integration Agreements
RII	:	Regional Integration Institutions
SADC	:	South African Development Community
SPS	:	Sanitary and Phytosanitary
TBL	:	Tanzania Breweries Limited
TBS	:	Tanzania Bureau of Standards
TBT	:	Technical Barriers to Trade
TFDA	:	Tanzania Food and Drug Authority
WTO	:	World Trade Organization

LIST OF TABLES

Table 4.1: Number of reported NTBs post Common Market Scorecard (CMS) 2014..... 30

LIST OF FIGURES

Figure 4.1: EAC Exports 2000-2010 (US\$bn)	26
Figure 4.2: Perceptions of EAC Country's Trade Logistics	33

DEFINITION OF TERMS

Common External Tariff means an identical rate of tariff imposed on goods imported from foreign countries.

Free trade area refers to the region encompassing a trade bloc whose member countries have signed a free-trade agreement. Such agreements involve cooperation between at least two countries to reduce trade barriers, import quotas and tariffs and to increase trade of goods and services with each other.

‘Kitu kidogo’ is a Swahili phrase commonly used in Kenya to refer to a bribe.

Non-tariff barriers mean laws, regulations, administrative and technical requirements other than tariffs imposed by a Partner State whose effect is to impede trade.

Regional integration refers to the process of states coming together to sign agreements where they agree to cooperate in certain areas common to them key among them trade matters.

Political federation means a political entity characterized by a union of partially self-governing states under a central federal government.

TABLE OF CONTENTS

DECLARATION.....	ii
ACKNOWLEDGEMENTS	iii
DEDICATION.....	iv
ABSTRACT.....	v
LIST OF ABBREVIATIONS AND ACRONYMS	vi
LIST OF TABLES	viii
LIST OF FIGURES	ix
DEFINITION OF TERMS.....	x
TABLE OF CONTENTS	xi
CHAPTER ONE: INTRODUCTION.....	1
1.1 Background to the Study.....	1
1.2 Statement of the Research Problem	5
1.3 Research Objectives.....	6
1.4 Research Questions.....	6
1.5 The Assumptions	6
1.6 Justification and Significance of the Study.....	7
1.7 Scope of the Study	8
1.8 Limitations and Delimitation of the Study.....	8
CHAPTER TWO: LITERATURE REVIEW.....	9
2.1 Introduction.....	9
2.2 The East African Common Market.....	9
2.2.1 Kenya-Tanzania Trade	11
2.3 Existence of Non-Tariff Barriers in the EACM.....	12
2.3.1 Transport, Clearing and Forwarding	12
2.3.2 Sanitary and Phytosanitary Measures	14
2.3.3 Import Requirements.....	15
2.4 Theoretical Review of the Study.....	16

2.4.1 Rational Choice Theory	16
2.5 Summary of the Literature Gap	18

CHAPTER THREE: RESEARCH METHODOLOGY 19

3.1 Introduction.....	19
3.2 Research Design.....	19
3.3 Study Variables	20
3.4 Site of the Study.....	20
3.5 Study Population.....	20
3.6 Sampling Technique and Sample Size.....	21
3.7 Data Collection Instruments and Data Collection Procedures.....	21
3.8 Data Analysis and Results	21
3.9 Data Management and Ethical Considerations	22

CHAPTER FOUR: DATA PRESENTATION, ANALYSIS AND INTERPRETATION 23

4.1 Introduction.....	23
4.2 Goals of the EACM Protocol.....	23
4.2.1 Fast tracking economic growth and development of the member states by ensuring there is free movement of goods, persons, labor, and capital.....	24
4.2.2 Cultivating strong economic and trade relations among Partner States with a view of boosting development within the Community	25
4.2.3 Sustaining the expansion and integration of economic activities, and ensure equitable sharing of the benefits among member states.....	25
4.2.4 Promoting common understanding and cooperation among EAC citizens.....	27
4.2.5 Enhancing research and technological advancement	29
4.3 Existing trade barriers within EAC.....	29
4.4 Effects of Non-tariff Barriers on Kenya-Tanzania free trade	36
4.4.1 Costs of doing business	36
4.4.2 Competition among member states	37

4.4.3 The third effect is low Intra EAC trade volumes	39
4.4.4 The fourth effect of the NTBs is the delay in full implementation of the Protocol	40
4.5 Chapter Summary	41
CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS ..	43
5.1 Summary	43
5.2 Conclusion	45
5.3 Recommendations	47
REFERENCES.....	50
APPENDICES	57
APPENDIX I: INTERVIEW GUIDE	57
APPENDIX II: MAP OF EAST AFRICAN COMMUNITY	60
APPENDIX III: WORK PLAN / TIME SCHEDULE.....	61
APPENDIX IV: BUDGET.....	62
APPENDIX V: RESEARCH PERMIT.....	63
APPENDIX VI: NACOSTI RESEARCH AUTHORIZATION.....	64
APPENDIX VII: APPROVAL OF RESEARCH PROJECT PROPOSAL	65

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Regional integration has verifiably existed in America, Asia, Africa and Europe as bureaucratic endeavors for political unification and capital extension. Haas (1968) defines regional integration as a path that political players in given national settings follow with an aim of crafting new loyalties, desires and political exercises that lead to creation of new institutions. The political integration process finally forms institutions that lead to the existence of a political community. These institutions exercise authority over the preexisting national entities.

A portion of the current advancements in regional integration include the extension of the European Union (EU) from a common market into a financial association; the execution of new and more open Regional Integration Arrangements (RIAs) among nations of the global South like the Association of South East Asian Nations (ASEAN); the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the East African Community (EAC), the latter three all being situated in Africa. The other group of RIAs comprise both the North and South Nations, which have come together to form Free Trade Areas. An example is the North American Free Trade Area (NAFTA) which, in 1994, expanded the Canadian-USA free trade union to Mexico (Fine, 2007; Mehta, 2014; Coe and Hofmeister, 1998).

RIAs in Sub-Saharan Africa began before the accomplishment of political freedom. East African integration goes back to colonial times when the course of action kicked off at the turn of the twentieth century. Nonetheless, the stimulus for the foundation and fortifying of Regional Economic Communities (RECs), was a result of the Abuja Treaty of the then Organization of African Unity (OAU) which came into force in May 1994 (UN Economic Commission for Africa, 1999; Kouassi, 2007).

The main aim of these foundations is to realize social, monetary and political unification among African countries. This is aimed at boosting economic development and reinforcing the wellbeing of African citizens, (Maruping, 2005). Some of the examples of African RIAs include ECOWAS, SADC, EAC, Preferential Trade Area (PTA) covering East and Southern Africa, the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African States (ECCAS) for Central Africa and lastly the Arab Maghreb Union (AMU), (WTO, 2011).

The East African Community is an intergovernmental body made up of six nations, namely Kenya, Uganda, the United Republic of Tanzania, Republic of Rwanda, Republic of Burundi and the Republic of South Sudan with its head office in Arusha, Tanzania. The Community was re-set up by Article 2 of the EAC Treaty of 1999 after the fall of the first EAC in 1977. It is evaluated that the EAC populace is in excess of 130 million with a normal yearly development rate of 2.6% as indicated by the East African Community Secretariat 2012 Annual Report, (EAC, 2012).

True to the fundamental objectives of RIAs, the principal goal of EAC is to achieve monetary, social and political unification. The setting up of a common market gives a chance to the residents of Eastern African countries to exchange goods freely and ultimately boost economic growth that will lead to improvement of their livelihoods, (EACM, 2010 Article 2). Accordingly, the EAC Treaty foresaw the creation of a single market and an investment area, adoption of common laws which will promote a Free Trading Area, infrastructure improvement, and technological and human resource development, (Jackson, 2009).

As part of its strategies for economic unification, the EAC formulated the East African Common Market Protocol in 2009 and operationalized it in 2010 after approval by the heads of the five member states. The Protocol ensures rights of establishment, free movement of products, individuals and capital among other freedoms. The Protocol has

also highlighted other laws like the rules of competition, procurement and other support mechanisms, (EACM, 2010).

Since the collapse of the first EAC integration course in 1977, members of the Community have been struggling with both tariff and non-tariff barriers (NTBs) while trading amongst themselves. NTBs allude to limitations that result from embargos, conditions, or specific market needs that make movement of products difficult and costly. NTBs likewise incorporate unwarranted application of Non-Tariff Measures (NTMs) like sanitary and phytosanitary (SPS) measures and other Technical Barriers to Trade (TBT), (Holmes 2011).

Trade barriers have been a key test influencing exchange of goods among the members including intra state duties, notwithstanding the clashing taxes levied on products. In attempting to respond to these trade barriers, the EAC formed the East African Customs Union (EACU) Protocol in 2005, with the purpose of addressing the existing tariff issues and boost cross border trade. The EACU in turn stipulated the institution of the Common External Tariff (CET) whose role was to harmonize tariff charges levied within EAC and ensure that goods attract same charges at the first entry point into the Community (EACU, 2005). This combined with the international efforts to liberalize trade seem to have contained tariffs to some extent.

However, difficulties to EAC free trade appear to continue in spite of the setting up of the CET. NTBs are suspected to be among the difficulties hampering trade within the EA Common Market. This is in spite of the EACU convention of 2005 Article 13, which states that all the member states consented to quickly removing all the NTBs that hamper free movement of products within the community [into their territories from other member countries] and not to create any new NTBs going forward, while also defining systems for recognizing and observing the elimination of NTBs. Internationally, there is basically no country today where free trade truly exists, and as tariff charges have reduced, new difficulties like trade barriers have come up.

Studies done demonstrate that NTBs keep on hindering the full realization of Common Market integrations. For instance, the 2012 World Bank Report titled “Non-Tariff Measures on Goods Trade in East African Community” indicates that NTBs have been expanding as of late, both in size and frequency, and it is often said that they are used as substitutes for tariffs. The EAC Development Strategy (2011) also recognized NTBs related to administrative inefficiencies, standards and technical needs to be the main obstacles to trade within the community. Other factors include poor transport and communication networks.

With respect to trade limitations, the EAC dedicated itself to advancing plans and schemes that would promptly abolish obstacles in order to guarantee free trade, (Hooker, 2009). Ray (2007) says that the EAC set up CET whose role is to ensure common tariff charges for goods but at the same time allowing member countries to use different import quotas. The EACU laws state that removal of tariffs and non-tariff barriers is key in the achievement of free trade. This will boost EAC intra-trade volumes besides increasing economic competence and creating socio-cultural interactions among the member states.

Fugazza and Maur (2008) similarly agree that some strides have been made in the EAC economic cooperation process. For example, the Community has been successful in removing the intra-community tariffs and implementing a CET. They nonetheless observe that the setting up of the CET is not adequate and that member states may not appreciate all the benefits of free trade while NTBs still persist. Jackson (2009), however, suggests that despite tariffs declining as a result of multilateral, regional and bilateral free trade, most countries have introduced other protective mechanisms like NTBs which are multifaceted and incapacitating the international free flow of goods.

NTBs may be put in place for diverse reasons. Among them could be willingly protectionist inclinations detrimental to traders from other countries. They could also be instituted to support local manufacturing with no direct intention to weaken international competition. Moreover, they can be non-protectionist but at the same time purposefully

prohibitive of certain trade. Studies carried out have consequently not exhaustively discussed the effects of NTBs on Kenya-Tanzania free trade and EACM in general. For instance, computations of the impact of extra licensing needs, duplicative health declarations, or distribution limitations can be uncertain, strongly disputed and emphatically questioned. This study was therefore set out to interrogate these aspects of NTBs. It was important to undertake the study since NTBs seem to be strong to the extent of threatening the success of a common market within the East African Community, given that NTBs are majorly subtle and hidden in laws and policies.

1.2 Statement of the Research Problem

Universally, NTBs lessen the potential advantages that could be accrued from the trade agreements offered through RIAs. The EAC scenario seems not to be an exception. Among the benefits of free trade is better access to member state markets, expanded trade volumes and better prices, enhanced economic welfare, job creation opportunities, and realization of quick economic growth. The implementation of EACM might be a positive step in the development of the socio-economic and political integration of the EAC. One of the main goals of the Protocol is to hasten economic growth and development of the member states by ensuring that goods, persons, capital, labor and services move freely across borders; and that the rights of EAC citizens to reside in any of the countries are not violated, (EACM, 2010 Article 4).

However, studies carried out from 1999 to date, on the progress of the EA Common Market integration revealed that goods within the community do not move freely as envisaged in the EACM. Studies also seem to indicate that trade barriers and specifically NTBs, are among the factors hindering free movement of goods across borders. The NTBs appear to be persistent and multifaceted in nature despite attempts by stakeholders to resolve them. A portion of the examined NTBs exist in the general areas of business enlisting and permitting, customs processes, police checks, road axle limits, and documentation requirements. Nevertheless, there seems to be a gap in terms of a detailed study scrutinizing the goals of the EACM, the existing trade barriers and establishing

how these barriers are applying to a trade setting of two countries within the RIA. This study therefore sought to explain the EACM goals, the existing trade barriers within the EACM and the effects of NTBs on Kenya-Tanzania free trade and EAC in general. The thrust was that an understanding of the prevailing status and an elaboration of links would be useful to scholars of international relations in general and trade and regional integration in specific.

1.3 Research Objectives

The study seeks to answer the following objectives:

1. To assess the status of implementation of the East African Common Market Protocol goals.
2. To explain existing trade barriers within the East African Common Market.
3. To explore the effects of existing non-tariff barriers in Kenya-Tanzania free trade under the East African Common Market.

1.4 Research Questions

1. What is the status of implementation of the East African Common Market Protocol goals?
2. What are the existing trade barriers within the East Africa Common Market?
3. What are the effects of the existing non-tariff barriers in Kenya-Tanzania free trade under the East Africa Common Market?

1.5 The Assumptions

- i. The East Africa Common Market protocol goals have not been achieved.
- ii. There are tariff and Non-Tariff Barriers that exist within the East African Common Market arrangement.
- iii. The existing barriers have led to low trade volumes within EAC.

1.6 Justification and Significance of the Study

A corpus of literature exists on NTBs in general aspects of Common Market Cooperation in EAC but scanty literature exists on how they are regulated and how they affect free trade. The 2013 UNCTAD secretariat publication on NTMs to trade titled “Economic and Policy Issues for Developing Countries in International Trade Studies” points out the fact that tariff relaxation only has become ineffective in providing open market access and has drawn further focus to NTBs as main causes of market entry controls. The publication further points out to the fact that scarce information of the implications of NTBs on free trade is particularly troubling for policymakers, trade negotiators and development agencies that need information and analysis so as to direct their efforts for maximum gain.

It was therefore envisaged that this study would contribute to knowledge on the extent of implementation of the EACM Protocol goals, the existing trade barriers within EACM and effects of NTBs on Kenya-Tanzania free trade within EACM framework. Understanding the relationships among various variables relating to free trade would be a step forward in global research given that findings would build the theoretical and empirical knowledge on NTBs, regional integration and other related aspects.

Additionally, the study would benefit the general EAC members and trade stakeholders through provision of information on how maximization of free trade would benefit the region, add new insights to the literature debate on NTBs while also providing information that is important for policymakers, enable individual traders to make informed decisions about trade restrictive measures that they may face while conducting cross border trade and identify areas which need special reforms as far as the law regulating NTBs is concerned.

1.7 Scope of the Study

The scope of this study was restricted to the effects of Non-Tariff Barriers on Kenya-Tanzania free trade and EACM in general. This study focused on movement of goods within EAC. The study covered the period 1999 to 2016 because firstly, 1999 is when the three founding states; Kenya, Uganda and Tanzania signed the EAC treaty while 2016 is the period this study was conceptualized.

1.8 Limitations and Delimitation of the Study

Primary data was collected from key informants who included customs officers from Kenya and Tanzania, Ministry of Trade officers, the EAC secretariat officials, traffic police, KEPHIS officer, Immigration officers from both Kenya and Tanzania, International Relations scholar; Dr. Fred Jonyo from the University of Nairobi and cross border traders. Trade barriers within RIAs is a wide field of study, therefore this research only focused on existing NTBs within EAC. Due to the expansive nature of the area targeted for this study, the Tanzanian key informants who were interviewed were sampled from Nairobi City County market, Mlolongo weighbridge and the Namanga border only.

Use of interview method to collect data limited the sample size to twenty five correspondents since it is time consuming and expensive. The researcher therefore adopted the key informant sampling technique to increase the consistency of the data collected. Secondary data was collected from publications and annual reports from Ministries of Trade and Commerce; WTO, UNCTAD and the World Bank reports; the Kenya Bureau of Statistics (KEBS), the Kenya Institute for Public Research and Analysis (KIPPRA) reports and the EAC publications. Data was used as it was obtained from the sources, and therefore the study results were be subject to the validity of the data used.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This review presents the debates and analysis on the issues that have occupied researchers on integration generally and EAC in particular. More narrowly, the chapter examines what various scholars have said about NTBs in EAC and other RIAs, and their effects to Kenya-Tanzania free trade and EAC in general. In particular, the chapter is presented in sub-sections covering East African Common Market; Kenya-Tanzania trade; existence of non-tariff barriers in EACM; transport, clearing and forwarding, sanitary and phytosanitary measures and import requirements; theoretical review of the study; rational choice theory; and lastly the summary of the literature gap.

2.2 The East African Common Market

The East African Common Market was founded so as to boost intra trade among the founding members by creating a free trade zone. Member states, therefore, progressively enacted various laws in order to attain the common market. To begin with, members established the EAC Treaty which they signed in 1999 and later in 2000; it was operationalized after heads of the three founding Partner States endorsed it. The Treaty envisaged integration through the creation of one single operating area governed by same laws. The Treaty also centered on harmonization of strategies to promote regional trade and investment, facilitate cross border trade activities, development of infrastructure, and improvement of both human and technological capacity, (EACM, 2010).

The EAC Treaty was closely followed by the formulation of EACU Protocol, the second improvement strategy covering the period 2001-2005. The purpose of the Protocol included easing regional trade laws to mutually benefit all the member states, advance prompt production of goods within EAC, and also promote economic growth and industrial expansion. Reardon and Barrett (2010) also state that the Protocol provided for

the investigation and suppression of custom offenses, setting up of the CET and adopting a constant procedure of valuing goods while collecting duty.

Article 5(2) of the EAC Treaty provided that after the Customs Union, member states were to advance to a Common Market. Therefore in 2009, the EACM Protocol was approved and came into being in July 2010 after the approval by the heads of state of the five-member states - Kenya, Uganda, Tanzania, Rwanda and Burundi. The EACM Protocol of 2010 stipulated free movement of products, people, and services among others and also guaranteed EAC citizens the right to reside anywhere within the Community. The Protocol also explained other areas of collaboration by partner states, laws governing competition among members, public procurement and grants to traders. This can be said to have been among the initial steps taken by EAC to cement the EACM conglomerate.

Braude (2008) notes that the EACM aimed at easing mobility of people by introducing an East African passport, approving a single immigration entry by operationalizing use of special passes for border communities, setting up laws that will ensure that, services, labor, and capital move freely within the Community; and that citizens have a right to reside in any of the EAC countries. It also purposes to attain harmonization of monetary laws through easing controls on exchange rates and interest rates, similar investment inducements, and joint capital markets development policy. Jackson (2009) however takes note that regardless of advances being enlisted in the abrogation of levies, most nations have initiated other protectionist components like NTBs which are regularly changing and are undermining the soul of the EACM and by extension the universal free stream of merchandise and ventures.

This section has highlighted the provisions of EAC Treaty which include setting up of the EACU to regulate tariffs within the region in 2005, and thereafter the establishment of the EACM Protocol in 2010. The aim of EACM Protocol is to ensure that products traded within the region and persons move freely in order to boost trade.

2.2.1 Kenya-Tanzania Trade

Scholars have indicated that NTBs generally exist in various integration arrangements around the world, EAC notwithstanding. Kenya-Tanzania trade within the EAC framework is a good example of highlighting the status of free trade in the common market. Trade relations between Kenya and other EAC member states is marked with suspicions because of the competitive advantage Kenya enjoys given that its manufacturing base is more advanced compared to the other member states, (Maasdorp, 1999). The EAC 2011 report on the creation of an East African Trade Regime affirms this perception that industrial sectors in both Tanzania and Uganda do not have capacity to contend the more diversified and larger Kenyan producers in the EAC free trade area, (EAC Secretariat, 2011).

Maasdorp (1999) further echoes that fears by Tanzania of trade inequalities caused by the EA Customs Union are long standing and date back to the first EAC which collapsed in 1977. It is noted that Tanzanian stakeholders have the conviction that "the issue of trade inequalities particularly between Kenya and Tanzania was a major contributory factor to the collapse of the former East African Community". This narrative has been a common view in the literature on EAC. Maier (2000) also concurs with Maasdorp (1999), and says that the economic dominance of Kenya and the large trade deficits of Tanzania and Uganda vis-à vis Kenya was a key reason for the collapse of the former EAC.

It is important to note that significant efforts have been made in EAC to enhance integration since its re-launch in 1999. The Customs Union was effected in 2005 and on 1st January 2010, it was fully functional. The year 2010 also saw the beginning of a new age of opportunities for EAC as the Common Market Protocol was enforced. Various legal requirements such as the harmonization of national laws to conform to the expectations of the Common Market are now being assumed by individual Partner States, (EACM, 2010).

Despite all these developments, World Bank (2012) notes that Kenya's trade with Tanzania is the most affected by NTBs in East Africa since their market share are declining. This was further emphasized in the 16th EAC Regional Forum on NTBs held in December 2014 (in Kigali), where it was reported that eighteen (18) NTBs were unresolved and Tanzania led in imposing NTBs within the community followed by Kenya. The 2008 World Bank Report on NTMs on Goods Trade within EAC also notes that Tanzania's trade relations with Kenya are characterized by trade barriers aimed at accomplishing either local or national interests. This has negatively affected regional trade and impacted on interstate relations over time.

To sum up, this sub section has noted that Kenya-Tanzania trade is marked with suspicions as Tanzania fears the domineering nature of Kenya which has a more advanced and diversified manufacturing base compared to her. This has led to low intra state trade volumes.

2.3 Existence of Non-Tariff Barriers in the EACM

This section will discuss the NTBs that exist within the EAC. There are a number of NTBs that affect EACM integration and these are manifested in transport, clearing and forwarding barriers, import requirements, sanitary and phytosanitary measures and technical standards.

2.3.1 Transport, Clearing and Forwarding

Transport, clearing and forwarding is a crucial aspect that facilitates market integration within a region. Gilson (2011) states that regional infrastructure in the transport, energy and telecommunications sectors are vital in moving products, services, people and information between countries. These networks not only enlarge market access and facilitate exchange of goods, but they also boost investment levels in the Community. The case of Kenya-Tanzania and EAC as a whole is characterized by a weak transport and communication network and unreliable energy supply. This in turn makes trading

activities expensive and destabilizes the competitive edge of respective countries thereby hindering their ability to fully integrate.

The impact of a poor transport system is also pointed out by Hosny (2013). The author avers that NTBs originating from national guidelines and their application on movement of goods in the member states constitute another important category. Application of these barriers varies considerably within EAC and can be discriminatory, thereby emphasizing the importance of this research. Accordingly, Reardon and Barrett (2010) note that Kenya- Tanzania free trade is affected by police road blocks and mobile control. As such, the numerous police road checks and mobile controls along the transit routes remain a much-discussed but stubborn NTB. Additionally, the operation of Mombasa, Dar es Salam, Bujumbura and Kigoma ports; inland container freight stations and the several manned weighbridges by different government institutions have been identified by the private sector stakeholders as NTBs that are inhibiting economic activity in the region (EAC, 2012).

In terms of clearing and forwarding, according to Mwamnyange (2008), rules of origin are a crucial feature of free trade treaties because they dictate the goods that qualify for preferential treatment. In a common customs territory, goods move either from one-member country to another or they enter the territory from a third country. However, this is not the case in established customs unions like the European Union, where rules of origin are not applied. For the case of trade within EAC, rules of origin do apply owing to the progressive nature of the integration and the many exemptions outlined in the CET rules. An estimation of about 59 products are exempted from the CET due to their sensitivity, (EACU Protocol, 2005).

On the other hand, Ogaga (2011) indicates that the EACU Protocol states that goods qualify for Community tariff treatment if they solely originate from the partner countries. According to the author, the EAC Rules of Origin has four ways of identifying which imports can be accepted as originating from the Community. The first one is for products

that are wholly produced in partner states, while the second criterion is for products produced wholly or partially from raw material imported from outside the Community. The third alternative specifies products manufactured from imported material with a value-addition of at least 35 per cent of the goods' ex-factory cost while lastly is the category of goods that are classified under a tariff heading other than that under which they were imported.

Even so, Ola-David (2013) states that while the procedures appear to be clear, they have raised disagreements on how they should be applied. For instance, Tanzania did not permit motor vehicles assembled in Kenya to their market duty free on grounds that requirements of the rules of origin were not met. Kenya-Tanzania trade regime is therefore yet to fully effect the requirements relating to harmonization of Customs measures and other charges on imports so as to optimize on the provisions of intra-regional trade liberalization.

2.3.2 Sanitary and Phytosanitary Measures

Sanitary and Phytosanitary measures (SPS) are another NTB affecting not only trade among EAC partner states, but also other RIAs across the world (Lincoln, 2011). SPS measures are guidelines, laws and standards that states use to safeguard their environment and citizenry from diseases, pests, toxins, and other contaminants. As barriers, SPS measures cover technical guidelines, product standards and environmental procedures involving human and animal welfare. For instance, meat and poultry traders can be prevailed upon to reduce pathogens and other chemical residues to agreed limits, (EACM, 2010).

Other barriers that fall under the category of SPS measures include labeling of goods, trademarks and patents, packaging regulations and documentation procedures. Besides, SPS measures cover a group of different measures that countries use to regulate markets, protect their consumers, and preserve natural resources.

The 2013 WTO Report on Technical Barriers to Trade indicates that as tariff-related barriers to trade have been brought down by various agreements, the SPS procedures have become more visible concerns for Kenya-Tanzania agricultural exporters and policy makers. The concerns include whether SPS procedures may be used to fraudulently discriminate against imported products or generate unnecessary obstacles to trade in food and other traded goods. In support of this argument, ASARECA (2009) posits that Kenya-Tanzania trade is marred with a variety of common sanitary and phytosanitary barriers that apply to most goods traded across the borders. A smaller list of NTBs has begun affecting product specific trade in the region in the recent years.

2.3.3 Import Requirements

Studies demonstrate that import permits have turned out to be compelling mechanisms for limiting imports thereby qualifying as NTBs. According to Anadi (2006), under an import certification plan, importers of a commodity are needed to acquire a permit for each shipment entering a particular country. Without explicitly utilizing a quota mechanism, a country can decide to limit imports on any basis it chooses because it has the monopoly of apportioning import licenses to the traders. EAC guidelines on import laws and regulations that can be used to introduce import limitations remain to be finalized. Particular cases that have been coming up in the recent years cover trade in milk, poultry, beef and maize. This area of NTBs ought to be of particular concern since agricultural products are the leading group of goods traded within EACM (Anadi, 2006).

Akatsa-Bukachi (2012), agrees with Anadi (2006) that the EAC Council of Ministers assumes that concerted efforts by member countries to domesticate the Community trade laws will ease and synchronize Customs certification and procedures at the border posts. Currently, there are substantial delays from the time EAC rules and regulations are made to the time the laws are domesticated and operationalized at Customs departments at the border posts of the member countries compared to other national legislations. However, countries are putting efforts to build capacity by undertaking donor-funded Customs systems upgrade and modernization undertakings at the different border posts

where these efforts have been largely bilateral, sometimes slow and uncoordinated across the EAC, (TMEA, 2016). As a result, the concept of ‘one-stop-center’ for clearing goods doesn’t seem to be operational within the region in general and between Kenya and Tanzania in specific.

This sub-section has revealed the status quo as regards the existence of NTBs within the EACM. Among the barriers that have been identified include transport, clearing and forwarding barriers, import requirements, sanitary and phytosanitary measures and technical standards. Through this sub-section, the study attempted to elaborate how it adds knowledge to the topic of regional integration through probing how the objectives of the EACM become defeated by the prevailing trade barriers.

2.4 Theoretical Review of the Study

The field of International Relations and Diplomacy has many theories which include Realism by Machiavelli, Hans Morgenthau and Kenneth Waltz. Proponents of Realism view the international system is anarchic, noting that there is no authority to govern it and therefore members adopt a self-help tactic for survival, while Liberalism theory explains that cooperation within the international system can be achieved through institutions set up by states in a bid to work together for relative gains as opposed to absolute gains. The other theories include Marxist-Imperialist, Constructivist, Rational Choice and the Feminist theories. This research however adopted the Rational Choice Theory because it explains social phenomena by showing how they arise from deliberate or intentional pursuit of self-interest by social actors who include states and individuals in decision making positions. It will therefore be useful to narrate why RIAs are still faced with trade barriers despite efforts to eliminate them.

2.4.1 Rational Choice Theory

Proponents of Rational Choice Theory (RCT) like Gary Becker and Duncan Snidal understand Rationality in terms of the optimization of values under constraints in choosing alternatives that will optimize on previously determined goals. Frank (2014)

also notes that RCT is a framework for understanding and often formally modeling social and economic behavior. It is widely used as an assumption of the behavior of individuals in microeconomic models and analysis of human decision-making. Thompson (2010) too explains rationality in terms of how actors in the international system act in their rational self-interest whereby gather sufficient information to make rational calculations and pursue an option that will benefit them most using the least resources.

The Rational Choice Theory of International Politics therefore offers a more realistic alternative to the realist school of thought, which holds the view that the anarchic structure of the international trading system consistently forces both the regional and global powers to seek security by outdoing each other, (Shapiro, 2011). Further, the Rational Choice Theory highlights that having options when pursuing an agenda is fundamental to what strategy the actor adopts. RCT will therefore be useful to explain why EAC member states have joined other regional arrangements and why they continually strive to do away with NTBs. Besides, the theory explains why international interactions among actors sometimes favor cooperation over competition, (Snidal, 2012).

Rational Choice Theory takes the state actors as the core unit of analysis, and inter-state relations as the basis for analysis. The state is seen as a monolithic unitary actor, which has the ability to make rational decisions based on ranking of available options then carrying out a profit maximization audit before adoption. According to this theory, states are the key actors in the international regimes, and they adopt the rational decision making process in their foreign policy choices, (Snidal, 2012). This is because the underlining hypothesis is that governments are unified and rational and they opt for carefully planned and well defined foreign policy goals, (Hosny, 2013).

This theory is thus useful because it offers an ideal framework for understanding why EAC states still generate NTBs despite frameworks to eliminate them being in place. Accordingly, the theory has been useful in this study because its assumptions are often correct and a crucial guide to the formulation of Foreign Policy. Lastly, the theory is

modest enough to explain trade trends and the persisting issue of NTBs in EACM integration.

2.5 Summary of the Literature Gap

From the foregoing literature review, the main goal of EACM is to ensure socio-economic development among the Partner States as a result of deepening cooperation. To achieve this, free movement of goods from one state to another is imperative. However, studies indicate that this goal has not been fully realized and it seems that the existing trade barriers are among the hindrances that have delayed full realization of free trade within the EACM. This study therefore sought to assess to what extent EACM Protocol goals have been implemented and to scrutinize how the trade barriers have hindered the full realization of free trade in EACM.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the methodology adopted in this research. It is structured into various sub-headings aligned as follows: research design, variables, site of the study, target populations, sampling technique and sample size, research instruments, data collection procedures, data analysis, data management and ethical considerations.

3.2 Research Design

This study was conducted using the exploratory research design, and employed qualitative methods of data collection as well as referencing to existing quantitative data. According to Malhotra (2010), exploratory research equips the researcher to choose the best research design, data collection method and selection of subjects. It also helps the researcher to draw definitive conclusions only with extreme caution besides exploring and expounding on what exists. The design was also appropriate in focusing on current affairs of EAC free trade, thereby giving insights and familiarity for later investigation on NTBs and their effects on regional trade.

Qualitative research method seeks to find out the individuals' own accounts of issues in question, as well as their attitudes, motivations and behavior. It is used to address social and economic problems because of its in-depth analysis of variables under study (Kothari, 2004). Data was collected through interviews that were conducted on key informants to obtain the required data. Qualitative method was ideal in this study since it enabled collection of data based on subjective assessment of attitudes, opinions and behavior of actors within the community.

3.3 Study Variables

This investigation sought to establish the impact of NTBs on the EACM integration. The variables under investigation included Non-Tariff Barriers and EACM integration. By quantifying the number of NTBs and their effects, the study explored the state of EAC market integration. Kenya-Tanzania trade was the other variable that explored the status of free trade within EAC by indicating past and future prospects, policies and efforts put in place to sustain EAC trade integration. Non-tariff barriers were used as the independent variable while free trade within EACM was used as the dependent variable.

3.4 Site of the Study

The site of the study was Kenya and Tanzania with specific focus on the EAC Secretariat, Kenya Bureau of Standards (KEBS) and Kenya Revenue Authority (KRA) offices, the Ministry of Trade offices, Mlolongo weigh bridge, Embakasi Inland Container Depot and Nairobi City County market in Kenya. This study did not include other entry points like Malaba, Isebania and Mariakania weighbridge because it would have been too expensive. The map of the East African Community which this study has used to show the area under study is shown in appendix II.

3.5 Study Population

Ngechu (2004) defines a population as a group of individuals, elements or events being investigated. This research therefore included in its target population for the study key informants who are professionals in EAC trade matters, as well as traders who are directly involved in import-export trade activities within EAC. Respondents were identified from the Ministry of Foreign Affairs and International Trade, Traffic Police Department, KEBS, KRA, the EAC Secretariat and the EAC Trading Community. They consisted of 4 clearing agents, 3 customs officers, 2 standards officers, 2 EAC Secretariat administrators, 3 Trade officers, 1 KEPHIS officer, 1 International Relations scholar from the University of Nairobi, 7 EAC traders and 2 traffic policemen. The target population in this study was identified on the basis of the survey of existing literature on NTBs in the various RIAs.

3.6 Sampling Technique and Sample Size

A sample size was drawn from the study population using key informant and convenience sampling techniques. The strata included key stakeholders in trade within EAC and in particular Kenya and Tanzania, who included officials from Ministry of Foreign Affairs and International Trade, the EAC Secretariat, KEBS, KRA and the EAC Trading Community. The study sample size comprised of twenty five (25) respondents from the targeted institutions. As earlier indicated the study sample was limited to 25 because the interview method is costly and time consuming.

3.7 Data Collection Instruments and Data Collection Procedures

Data from both primary and secondary sources was incorporated in this research. The interview method facilitated the collection of primary data from the targeted institutions including the Nairobi City County market, Embakasi Inland Container Depot and the Mlolongo weigh bridge. Secondary data collection instruments were documentary sources and publications obtained from the EAC secretariat, EABC, TMEA, KEBS, WTO, UNCTAD and the World Bank.

Interviews were administered to EAC Secretariat officers, clearing agents, customs officers, trade officers, and EAC traders from member countries, traffic police officers and a regional integration scholar from university of Nairobi. The interviews were conducted by the researcher in English and Kiswahili for the respondents of Tanzanian origin. The assumption of this study was that the selected informants were aware of NTBs and the effects they have on Kenya-Tanzania free trade and the EACM.

3.8 Data Analysis and Results

Qualitative data obtained from interviews was organized, edited and coded according to the stated research objectives of the study. Data collected was then analyzed, discussed and finally conclusions and recommendations were drawn. .

3.9 Data Management and Ethical Considerations

Written consents of the participants were obtained before carrying out the study. Consents were also obtained from the management of the offices that were incorporated in this study before the data collection exercise. Data gathered was well managed with confidentiality. Participants were not coerced or harassed in any way to give information. Participants voluntarily gave the needed data.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter presents data that was collected, collated, analyzed and interpreted to give an informed report of the actual findings. This study set out to assess to what extent the EACM Protocol goals have been achieved, existing trade barriers in EACM and how NTBs in particular have affected free trade between Kenya and Tanzania and the EAC arrangement in general. Necessary lines were therefore drawn to connect the research objectives to the data collected and the theoretical framework that was chosen for the study.

A recap of the findings of the study indicates that despite regional integration arrangements gaining prominence from the 1990s, they are still faced with myriad challenges among them NTBs which have hindered the full realization of the integration benefits. As a result, findings of this study will assist policy makers in the EAC and other trade organizations to better address the issue of NTBs so as to maximize on its benefits, besides adding to the knowledge gap on NTBs and their effects to free trade.

The findings are discussed in three sections as follows: Goals of the EACM protocol, existing barriers to trade and effects of NTBs on Kenya-Tanzania Free trade and within EAC in general.

4.2 Goals of the EACM Protocol

Overall, this work sought to investigate whether NTBs could be among the factors undermining the realization of the goals of the EACM Protocol. To assess the possible contribution of the NTBs in this regard, it is important to understand to what extent the EACM Protocol goals have been achieved.

4.2.1 Fast tracking economic growth and development of the member states by ensuring there is free movement of goods, persons, labor, and capital

This is the first goal of the Protocol where the drafters envisaged that the four freedoms stated above are crucial in attaining integration. This is why member countries have been working towards formulation of laws which will remove barriers to trade, domesticate the EACM laws which will lead to the implementation of a common trade policy for the Community, ensure free movement of persons within the Community and eventually adopt an integrated border management system, (EACM, 2010, Article 5).

However, member countries have been uncoordinated in granting the stated freedoms and rights thereby slowing the integration process. For instance, despite the Protocol proposing that the region should have a standard identification system whereby anyone moving from one state to the other within the Community will only require a national identity card as stipulated in the Protocol, Tanzania still requires a citizen from any of the member states to have an additional permit for travel into Tanzania., (EAC, 2012). This has derailed the free movement of people as well as goods within the member states.

A key informant from the Tanzanian department of immigration who did not want to be identified (personal communication, 28th April 2017) confirmed the requirement by Tanzanian authorities for EAC citizens to pay for permits in order to gain entry into Tanzania, and said that this has slowed the realization of the EACM. He however noted that Tanzania has instituted these regulations to protect her 'national interests'. His sentiments align with those of Rationalists who assume that individuals working in government institutions act on behalf of states and are guided by their rational self interest in making decisions, (Quackenbush, 2004). In this regard, Tanzanian immigration workers charge Kenyans for permits so as to restrict their access to Tanzanian market because of fears that Kenyans will dominate them.

4.2.2 Cultivating strong economic and trade relations among Partner States with a view of boosting development within the Community

The other goal the protocol envisaged is that member countries should work to ensure that their economic and trade relations are coordinated smoothly in order to boost trade within the region. However, competition among the countries especially between Kenya and Tanzania to outdo each other and gain more than the other have negatively impacted on the realization of this goal, a situation that agrees with proponents of rationalist theory who say that government actors tend to choose options with maximum benefits to their countries. Mutambo, A. (7th November, 2017), “Kenya protests over Tanzanian hostility”. The Daily Nation, outlined how Kenya protested when the Tanzanian authorities burnt 6,400 chicks that had been imported from Kenya while also auctioning 1,325 head of cattle belonging to Kenyan herders after being confiscated by Tanzanian authorities for illegally grazing on Tanzanian land.

A Kenyan trade officer who did not want to be named in this study (personal communication, 25th April 2017) said that “Tanzania has taken advantage of the EAC provisions which classify Kenya as a developing country in the region to bully and undermine her in order to gain economically. Tanzanian authorities illegally disadvantage Kenyan goods and her citizens in disregard of the common market laws.

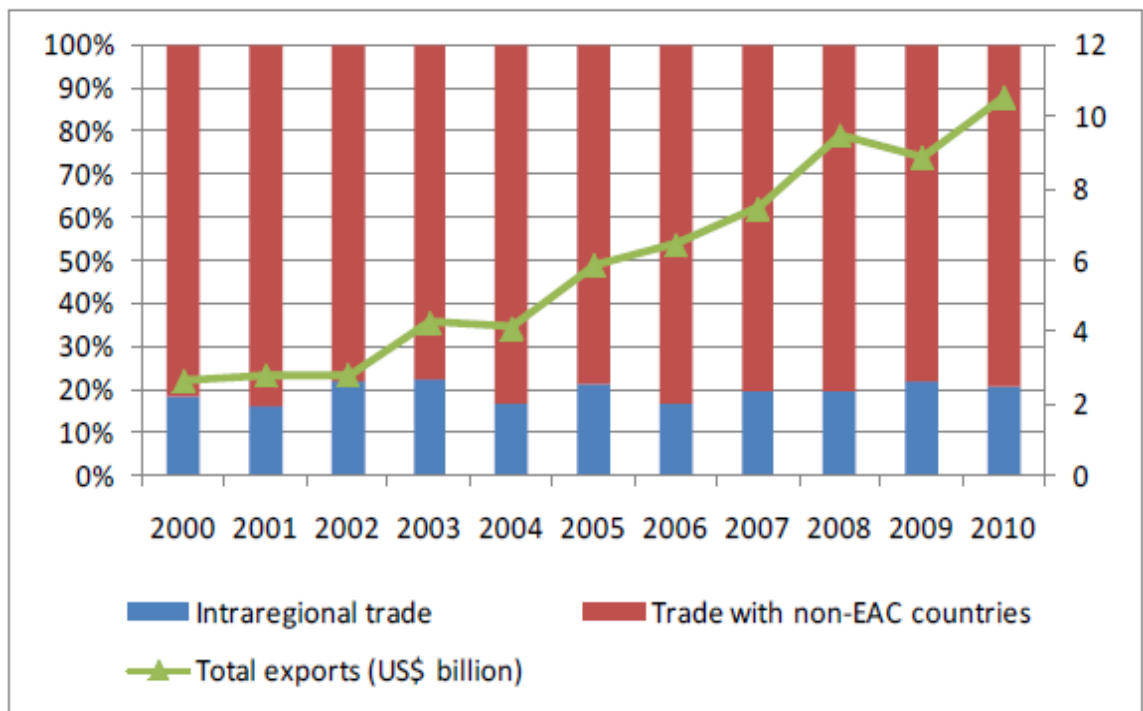
4.2.3 Sustaining the expansion and integration of economic activities, and ensure equitable sharing of the benefits among member states

This goal is key in achieving the overall objective of the EAC treaty which is integration of the region. However, findings of this study show that the realisation of this goal is faced with challenges. Member states selectively implement it, and in some instances in a disjointed manner. This lack of harmony when it comes to policies creates a roadblock to realizing the EACM Protocol goals. Kenya’s Principal Secretary for Trade Dr Chris Kiptoo (personal communication, 5th May 2017) who was a key informant in this study said that EAC intra trade volumes are still low compared to other successful regional arrangements like the EU. He noted that generation of NTBs by EAC actors has hindered

the expansion and integration of economic growth as projected by trade experts. He however noted that EAC can realise even faster economic growth if member states commit to eliminate NTBs.

Figure 4.1 below goes further to explain that expansion and integration of trade activities within the EAC has been sluggish and therefore showing a relatively flat trend for intra-EAC exports compared to trade with non-EAC countries. As depicted in the table, throughout the decade, intra-EAC trade accounted for only about a fifth of total trade by community members. Thus, absolute increases in intra-regional trade are part of a general increase, not a structural reorientation. A working paper by Goto (2012) titled “Regional Integration in East Africa Diversity or Economic Conformity” concluded that ‘there has been no clear boost.’ More recently, the chairman of the East African Business Council (EABC), Dennis Karera, also noted that “Intra-EAC trade has increased but not to the anticipated level and still lags behind. ...”

Figure 4.1: EAC Exports 2000-2010 (US\$bn)



Source: SID (2012) citing United Nations Comrades

An analysis of regionalism indicates that it is an uphill task to realise regional economic integration. Findings in this respect auger well with the proponents of Rational Choice Theory who argue that rationality is comprehended as ways of optimizing on the choices one makes in achieving a given need. These therefore means that what is key is not the actor's goals but rather if the actor occupies themselves with an end means calculation and chooses those options that are likely to maximize on returns, (Thompson, 2010). Hence, with regional trade, each country tends to come to the table seeking to pursue its own goals, which might be the same, yet different in some ways and therefore ultimately conflicting. This situation therefore explains why member states keep introducing NTBs so as to outdo each other in a bid to gain more from the integration compared to others.

However, Mwangi, I. (9th November, 2013), "Is the coalition of the willing the beginning of the end of EAC?" The East African noted that with the commencement of 'the coalition of the willing' initiative, Kenya, Uganda and Rwanda agreed to abolish any NTBs that are hindering intra trade activities amongst themselves. This initiative saw a boost in the freedom of movement of persons within the community since citizens from the 3 states started using national identity cards to travel while visas were abolished, while also allowing their citizens to work in either country without a work permit among other gains. On the contrary, Mwangi notes that the coalition of the willing created suspicions between Kenya and Tanzania thereby negatively affecting trade since Tanzania became more aggressive in instituting NTBs on Kenyan goods.

4.2.4 Promoting common understanding and cooperation among EAC citizens.

The drafters of the EACM Protocol envisaged that to attain meaningful regional integration through attainment of a Common Market, citizens of the member states should have a common understanding of what the EA Common Market is and how it will benefit them. They also emphasized that a Common Market will be realized if member states cooperate in enacting the Protocol laws. However, the 2016 EAC Secretariat Report on the East African Common Market Scorecard on free movement of capital, services and goods in EAC contradicts the Protocol. The report which focused on

“Tracking EAC Compliance in the Movement of Capital, Services and Goods” said that EAC member states were enacting laws and enforcing regulations that go against the spirit of the CMP.

The report went on to explain that in 2015, member countries had either passed new laws, amended regulations or are in the process of doing both, they ended up impacting negatively on some of the provisions of the EACM Protocol. Some of the laws that were in question included Tanzania enforcing the 2016 Immigration (Amendment) Regulations which requires EAC nationals to buy \$250 passes to engage in business, their profession or assignments. Kenya on the other hand has enforced laws which restrict professionals in Law and Engineering sectors from practicing within its territory. For instance, the Kenya Advocates Act, Cap 16, Section 11 (Amended 2012) restricts advocates from other EAC partner states from Kenyan courts unless accompanied by a Kenyan advocate.

One of the key respondents, an EAC secretariat administrator, (phone communication, 10th May 2017) noted that: “The back and forth in terms of cooperation that is characteristic of Kenya and Tanzania trade is a major drawback in achieving EACM Protocol goals. He said that the self-seeking nature of states and her nationals has hindered the realization of a common understanding and cooperation among the EAC nationals. His sentiments are echoed by another key informant, an International Relations Scholar, (personal communication, 15th April 2017) who noted that: “Every country is looking out for themselves and their goals matter more than those of the EACM. Regional integration can be achieved by member states if each one aligns their goals to those of EACM Protocol. This will be such that nationals of the 6 countries are not against one another, but promoting each other’s interests instead. This way, everyone wins.” His sentiments align with liberal thinkers in international relations who believe that countries gain more in cooperation as opposed to adopting the realist perspective of an anarchic and self-seeking atmosphere within the regional framework, (Hosny, 2013).

4.2.5 Enhancing research and technological advancement

This is the last goal of the EACM protocol which has emphasized that for East Africa to attain a Common Market, enhancing research and technological advancement are key. Kessides and Benjamin (2012) also note that, ‘...improving transport and communication network is more important for the establishment of an open, integrated regional economic space than trade policy reforms narrowly defined.’ They continue to say that ‘... Deficient infrastructure has disadvantaged regional mobility, repressed the cross-border flow of goods and services, and hindered the integration of EAC and Africa at large with the global economy.’”

However, a trade officer at the EAC secretariat who was interviewed as a key informant but requested not to be identified, (Personal communication, 21st May 2017) noted that the EAC budget allocation for research and technological advancement is still meager compared to other regional organizations like EU, ASEAN and even ECOWAS. He said that these budget constraints have hampered meaningful research within the community thereby negatively affecting the implementation of the EACM. He nonetheless noted that the small scale research by organizations like TMEA have had a positive impact on the growth of the Common Market.

Findings have indicated that although a Common Market is in place, the goals of the Protocol are yet to be achieved because member states are yet to domesticate the agreed common standards and harmonized regulations. Despite most EAC country authorities having plans to improve the investment climate, progress to date has been uneven across the region. Removing these remaining obstacles could facilitate faster export-import growth for the region and boost the integration process.

4.3 Existing trade barriers within EAC

The foregoing discussion has explained the goals of the protocol but the extent to which they have been achieved is in doubt. It is suspected that NTBs are among the factors that have hindered the achievement of the EACM goals. In order to assess the success of the EACM, there is need to understand the existing trade barriers that are hindering the full

realization of the protocol. Studies have indicated that global and regional efforts to promote free trade have seen formulation and implementation of rules and regulations that have addressed the issue of tariffs to trade. The setting up of the CET by EACU has also addressed tariff issues in EAC thus making NTBs prevalent.

To begin with, table 4.1 below presents a report on the East African Community Common Market Scorecard (CMS) 2016 which shows how NTBs have been affecting trade from before the 2014 CMS report to the 2016 report. According to the report, The NTBs reported fell into the following six EAC NTB classifications: Customs and Administrative Entry Procedures (Category 1), TBT measures (Category 2), SPS measures (Category 3), Specific Limitations (Category 4) import charges (Category 5) and Other Procedural challenges (Category 6).

Table 4.1: Number of reported NTBs post Common Market Scorecard (CMS) 2014

	CMS 2014		CMS 2016			
	Reported 2008- June 2013	% share in total	Continuing NTBs from 2014	New NTBs	Total NTBS in review period	% share in total NTBs
BURUNDI	3	6	3	2	5	6%
KENYA	16	31	10	13	23	29%
RWANDA	5	10	6	4	10	13%
TANZANIA	18	35	7	17	24	31%
UGANDA	9	18	6	10	16	21%
TOTAL	51	100	32	46	78	100
Percentage increase in reported NTBs post CMS 2014					+53%	

Source: EAC Time Bound Tables

From this table, a total of 78 NTBs were documented from July 2013 to December 2015. They depicted a 53% increase of NTBs compared to NTBs reported in 2014 review period. These NTBs included 46 new ones which were introduced post CMS 2014 in addition to the 32 NTBs that remained unresolved from the 2014 CMS. Tanzania

generated 31% of the total NTBs during the period under review while Kenya and Uganda followed at 29% and 21% respectively, Rwanda too accounted for 13% while Burundi was at 6%. Generation of these NTBs goes against the provisions of Article 13 of the EACU Protocol which has categorically called on members states to eliminate existing NTBs and not to introduce new ones. The Scorecard advocated for a collective approach in resolving NTBs that are common to all EAC Partner States.

Also, a report presented to the EAC Sectorial Council of Ministers on Trade, Industry, Finance and Investment on February 2, 2017, places Tanzania to be the country with the highest number of NTBs in the region. This report is corroborated by one of the key respondents, a trade officer, (personal communication, 26th April 2017) who note that in Tanzania, one is required to pay \$2,000 to register a product against other countries in the region who levy \$1,000. Even more, after registering the product, Tanzanian laws demand the same fees for renewal of the permits every five years besides the \$300 annual retention fees. He added that the Tanzania Food and Drug Authority also (TFDA) registers injectable and other products per pack size and treats each pack as a product by itself whereas in other EAC states, manufacturers register all products as one but highlight all the presentations on the same certificate. This is one of many situations that have caused laxity in EAC integration process.

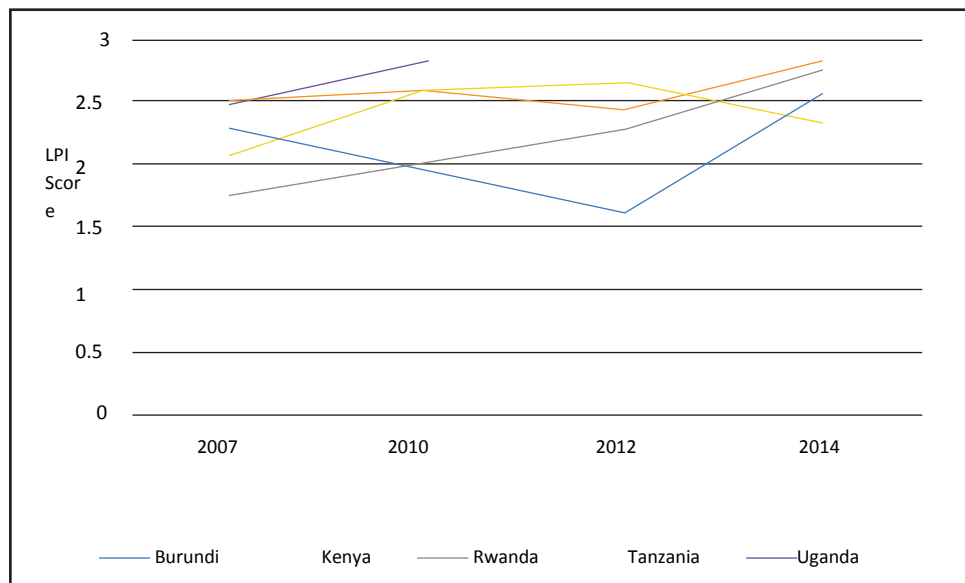
Kirk (2010) too notes that the most prolific NTBs in the EAC are: government participation, customs and administration procedures, additional importation fees and charges and lack of infrastructure. Other NTBs experienced in the region include non-harmonized SPS requirements and arbitrary technical standards, roadblocks and inspections. The EAC 2014 annual report has noted that non-recognition of EAC rules and certificates of origin, corruption at weighbridges along major highways, Kenya's lack of recognition of SPS certificates, inspections required for Tanzanian imports; and import bans on milk, poultry, day-old chicks and beef are NTBs that should be immediately looked into and appropriate action be implemented.

An interview with a group of EAC traders (from both Kenya and Tanzania) on their experiences on free trade across EAC borders (personal communication, 4th May, 2017) agrees with Kirk's sentiments. The seven traders said that administrative procedures negatively play a distinct role in trade relations between Kenya and Tanzania. One of the traders; a Kenyan pointed out that her goods take less time to be cleared into the Ugandan market from the Busia border compared to when she exports to the Tanzanian market through the Isebania border. She gave an example of a time in May 2017 when her beans were barred from accessing the Tanzanian market. The border officers told her that they already have enough beans and could not allow more.

Another Kenyan trader said that, "When you go to Uganda or even Rwanda, all you need is your national Identity Card (ID); however, to travel to Tanzania you need a permit, which makes me wonder why". But then Tanzania and Kenya have "strained trade relations", because both do not trust one another. That is why Kenyan traders, while travelling to Tanzania are subjected to intense (and sometimes even unnecessary) administrative procedures. Another trader who is Kenyan too highlighted refusal by Tanzanian authorities to recognize certificate of origin for the cigarettes manufactured in Kenya thereby classifying them as not satisfying the rules of origin. A Tanzanian trader on the other hand also said that his maize was refused entry into the Kenyan market by officers at the Namanga border who told him that the aflatoxin levels had exceeded the required levels.

The 2016 Trade Mark East African evaluation report also explains that NTBs present a serious challenge to EAC trade resulting particularly in high transport costs in the region. This is in part illustrated by Figure 4.2 below which shows comparatively high Logistics Performance Index (LPI) scores for the EAC countries. The general LPI score reveals perceptions of a country's logistics based on the effectiveness of Customs procedures, trade standards, transport set up and capacity to track and trace shipments.

Figure 4.2: Perceptions of EAC Country’s Trade Logistics



Source: World Bank Logistics Performance Index (LPI)

Some of the interviewed traders opined that transport logistics is another NTB between Kenya-Tanzania trade. Of the 7 traders who were interviewed, 5 agreed that the transport system had improved in both countries in recent years. Nonetheless, they pointed out that the problem on the roads involved clearing and forwarding. In this case, government policy and regulations, transport related corruption, axle load limits and delays at border points are the issues raised during interviews with the key respondents.

The European Centre for Development Policy Management (ECDPM) discussion paper 186 of May 2016 highlights that “Tanzanian clearing and forwarding agents, travel and tourism companies and trade unions strongly resist deeper integration under the EAC Charter”. Even so, with regard to freedom of movement of goods, the EAC 2014 report on the status of elimination of NTBs notes that: “All Partner States still apply NTBs relating to sanitary and phytosanitary measures, rules of origin, additional taxes and charges, and technical barriers to trade.”

Sanitary and phytosanitary measures are necessary for consumer protection and the protection of public health and safety. KEPHIS is a government body whose role is to guarantee the quality of agricultural inputs and produce to prevent adverse impact on the economy, the environment and human health. According to a KEPHIS officer, (personal communication, 20th May 2017), Sanitary and Phytosanitary measures affect free movement of goods. For instance, meat, poultry and dairy processing standards vary between Kenya and Tanzania. This causes standard disparities as was the case in early 2017 when Tanzania banned importation of milk from Kenyan dairy farmers. Additionally, residue limits for pesticides in foods and product standards were also noted to be a point of dispute. Lack of harmonized standards for both countries leads to a situation whereby grain exports from Tanzania are sometimes rejected by Kenya as earlier noted.

This negatively affects trade between the two countries since some trade items are banned from accessing the Kenya-Tanzania market thereby violating the freedom of free movement of goods guaranteed by the EACM Protocol and economic integration is not realized as envisaged. According to Cooksey (2016), if economic and ideological differences contributed to the failure of the first EAC, then Tanzania's reservations on Kenya's economic dominance is a prime cause of the slow pace of economic integration in EAC II. The government of Kenya and business communities pursues an aggressive trade strategy generally and in EAC. Consequently, Kenyan companies are among the biggest investors in Tanzania as well as in Uganda. Booth et al, (2014) confirmed this by observing that as at 2009, about 50 Kenyan companies were operating in the Tanzanian financial, tourism, and natural resources sectors. Kenya also became the second largest investor in Tanzania after the UK.

A trade economist within the Ministry of Foreign Affairs and International Trade in Kenya; one of the key informants in this research (personal communication, 5th May 2017), when asked for his view on the general experience of doing business within the EAC member countries, he opined that: "It is positive with a lot of challenges along the

way. Partner States are protecting their domestic market in fear of competition and dominance while also there is the aspect of misinterpretation and/or misuse of the EAC Rules and Regulations (Council Decisions)” He also added that “Technical standard measures also affect free movement of goods between Kenya and Tanzania. For example, intergovernmental acceptances of testing methods and standards are supposed to be aligned among the member states”. However, some of these methods and standards differ in Kenya and Tanzania. Also, packaging, labeling and marking of goods is an issue that hampers the Kenya-Tanzania Free trade whereby both countries are in the same Common Market yet they stipulate different regulations on the above issue”.

Among the interviewed respondents were also a KRA officer and a Tanzanian clearing agent both of whom opined that despite efforts by EAC to do away with NTBs, import requirement measures still affect free movement of goods between Kenya and Tanzania. In their opinion, import licensing requirements, administrative fees, importation fees and border taxes are some of the import requirements that impede the Kenya-Tanzania trade. Some of these fees are inflated by Tanzanian/Kenyan government actors and even more, corruption comes into play as traders bribe customs officers and the police officers for their goods to be allowed into the Kenyan and the Tanzanian market.

In conclusion therefore, NTBs have generally become persistent while others, with time, are dying a natural death. Even so, one cannot tell whether or not an NTB has been fully done away with as reports by NMCs are reportedly unreliable in some member states. This makes it difficult to trace the status of elimination of NTBs in the region. Either way, the TMEA 2016 report titled: “elimination of non-tariff barriers advances trade within EAC”, showed that some NTBs are slowly being done away with. Emerging results from the TMEA 2016 assessment of the NTBs program indicate a 14 per cent drop in time taken to import goods from each East African country (from 36 days to 31 days) and a 20 per cent reduction in time taken to export goods from each EAC country (from 33 days to 26 days).

Burundi is top on the list of the East African countries that have witnessed the highest import reduction time – from 43 days to 30 days. Uganda has also successfully reduced her export from nearly 35 days in 2010 to less than 30 days in 2015. Other countries that have witnessed good progress include Tanzania where time taken to get an electronic certificate of origin has witnessed a 99 per cent reduction; from 5 days to only one hour. These improvements, even though minor in some ways, have an impact on Free trade among EAC member states and more especially contribute directly and indirectly towards elimination of NTBs.

4.4 Effects of Non-tariff Barriers on Kenya-Tanzania free trade

In the previous sections of this chapter, we have discussed the EACM goals whose main aim is to enhance cooperation among the Member States in the socio-economic fields for the benefit of the EAC States, and also the existing trade barriers within the EA Common Market. Intra-EAC trade faces barriers; institutional as well as regulatory barriers which slows down the economic progress in the region. This section will therefore discuss the effects of NTBs on the Kenya-Tanzania Free trade and the EAC in general.

4.4.1 Costs of doing business

One of the effects of the existing NTBs to Free trade within the EACM is the cost of doing business, which in most instances goes high. This therefore undermines regional trade and integration with the main offenders being Tanzania and Kenya. To benefit from deeper regional integration, member states should strive to achieve greater international competitiveness, an improved business enabling environment and better logistics performance index (Cooksey, 2016). A review by the EAC Sectorial Council of Ministers on Trade, Industry, Finance and Investment on February 2, 2017, highlighted a case where Tanzania complained that the Kenya Revenue Authority (KRA) takes up to 7 days for physical inspection and approval of Tanzania Breweries Ltd (TBL) products at the border, and stated that the Kenya Bureau of Standards conducts double checks on products approved by the TBS and TFDA thereby raising the cost of doing business through extra storage charges and other taxes.

This multiple quality checks for import products in Kenya in some cases can mean up to 21 days delay. Additionally, Kenya invoked the EAC rules of origin and imposed duties on TBL products by insisting that Redds and Castle Lite beer are manufactured in South Africa while they are known to be manufactured in Tanzania. Pursuant to the Kenya Excise Act 2015, the KRA introduced tax stamps or printed codes on beer and keg manufactured or imported with manual application, which raises the cost to \$5.5 per half litre and also introduced conditions for excise remission that hinder TBL beer exports to Kenya.

The difficulty in harmonizing regional trade policies in EAC is showed in Tanzania's management of inter and intra EAC food exports as well as imports. Since Tanzania mainly exports maize (in regards to grain) to Kenya, the government of Tanzania has been reluctant when it comes to liberalizing cross-border trade as stipulated in the EACM Protocol. They instead prefer to negotiate ad hoc deals with EAC partners on the movement of food surpluses. This in turn makes business unpredictable, slow and ultimately costly.

4.4.2 Competition among member states

Competition among member states is the other effect of existing NTBs within EACM. Findings show that competition among member states has had both positive and negative outcomes. Member states and especially Kenya and Tanzania have had strained relations arising from mistrust that has been occasioned by negative competition. According to Cooksey (2016), Mistrust of EAC neighbors is widespread among the Tanzanian population, making anti-EAC pronouncements a useful political tool for the ruling elite to maintain its legitimacy while protecting its own perceived interests.

Nelson Ndirangu, a trade expert and Director of the Directorate of Economic Affairs within Kenya's Ministry of Foreign Affairs and International Trade (personal communication, 28th April 2017) confirmed that member states within RIAs still guard their national interests mostly with a view to having absolute gains as opposed to relative

gains as embodied in the regional integration theory. He went ahead to say that EAC member states are no different and the July 2014 EAC National NTBs Monitoring Committee meeting is a good example. In this meeting it emerged that two Kenya Companies -Tropical Heat Food Company and General Motors (K) Ltd filed an official complaint over NTBs affecting their products. Tropical Heat Food Processing Company complained that the Republic of Ugandan Trade Regulatory Authorities had rubbed the batch numbers on her products and requested the company to register with Uganda Food and Drugs Authority in order to be allowed to import Tropical Heat Food products into her territory. Similarly, General Motors Kenya Ltd complained that the partner states were not applying the CET on foreign competitors in an industry selling the same vehicles like them within the EAC market, thus denying the company the benefits of the Custom Union protocol provisions.

A Tanzanian immigration officer who sought anonymity in this interview, (personal communication, 15th May 2017) said that institution of some NTBs by her government triggered growth of some domestic industries in Tanzania. He gave an example of the fees charged on work permits and also the refusal by Tanzania to allow dairy imports and BAT products from Kenya as some of the reasons that have seen the growth of Tanzanian dairy and BAT industries. He concluded by saying that some NTBs are necessary to allow growth of domestic industries. However, his sentiments were countered by an EAC secretariat member, (personal interview, 17th May 2017) who said that NTBs are not good for growth of a Common Market arrangement because they promote marginal growth in trade and should therefore be discouraged.

Just like proponents of rational choice theory argue that players in business do want to go for options that enrich them the most using the least expensive options (Levy & Thompson, 2010), Uganda wants to benefit more from the Tropical Heat Food Company by asking the company to register with the Ugandan Food and Drugs Authority. Ndirangu concluded by saying that “EAC member states need to embrace the CMP and do away with negative competition since it is undermining the success of the protocol”.

4.4.3 Low Intra EAC trade volumes

The main objective of the EACM protocol is to boost economic growth in the region by promoting Free trade. However, findings of this study show that EAC is still recording low trade volumes and persisting NTBs is among the reasons causing this. The magnitude of the effects of NTBs is articulated in the 2010 TMEA report which has pointed to the fact that NTBs present a grave test to trade with an EAC-wide cost estimate of NTBs (in 2010) being approximately US\$490 million. The effects of NTBs on Kenya-Tanzania Free trade, and the rest of EAC seem to have a ripple impact on EAC member countries. Despite the 2014 substantial progress, 2015 showed a downward trend in terms of increased NTBs in EAC.

The Intra-African Trade Report of World Bank 2012 too indicates that the intra-EAC trade is low given that it stands at 13% of the total trade volume. It ranks poorly to other RIAs such as the North American Free trade Agreement which accounts for 48% of the total trade and the EU which accounts for 60%. Additionally, Cooksey (2016) states that a recent World Bank report shows that Kenyan manufactured goods for exports to Tanzania fell by 36% between 2008 and 2014, and growth in exports to Uganda slowed. By reviewing the trade data, Kenya's 2015 Economic Survey concludes that "The greater overlap in East Africa suggests that Chinese goods will likely displace Kenyan exports". This does not favor economic development because intra trade trends among Kenya, Tanzania and the rest of the partner states will slug.

Generally, NTBs are a conundrum with known solutions; yet, EAC states refuse to implement necessary measures to deal with them. This only leaves them thriving and consequently holding back integration and economic development in the region. However, the EACM 2016 Scorecard report indicates that EAC Member States have recognized the importance of the EAC market and its untapped potential by pledging to open trade in goods through elimination of barriers to trade while mutually recognizing standards and SPS measures.

4.4.4 Delay in full implementation of the Protocol

As noted in the previous section, NTBs do hinder the full implementation of the CMP. In Kenya for instance, KRA is one of the major institutions that plays a key role in intra-EAC trade. It is also the institution which is mandated to enforce and manage Customs laws, administer external tariffs and clear goods. The 2012 intra-African report by World Bank states that delays in movement of goods are experienced due to the slow pace of clearing goods by KRA, and this is as a result of lack of harmonization of the export/import documentation and procedures. At present, the digital data exchange system used by revenue authorities is operational in Uganda, Rwanda and Kenya; leaving out Tanzania and Burundi. However, only the Kenyan Customs operates for 24 hours, meaning that goods cleared in Kenya, will still experience delays into other EAC markets.

Also, Kenyan investors in Tanzania are said to have been discouraged by Tanzanian protectionism. For instance, back in 2008, Tanzania banned Brookside Dairy, a Kenyan firm, from getting the raw product from Tanzanian farmers and processing it in Kenya. Consequently, Brookside withdrew from the market and milk prices paid to farmers in northern Tanzania significantly collapsed. When asked for their opinion about NTBs, two Kenyan clearing agents at Mlolongo weighbridge (personal communication, 8th May 2017) noted that the Kenyan 'kitu kidogo' culture is known among East Africans, and this makes some traders prefer other EAC states for business. Additionally, a Kenyan police officer; a key informant of this research, (personal communication, 4th May 2017) explained that the Kenya-Tanzania Free trade is clouded with suspicion and lack of political goodwill. He said that this is reflected in some of the erratic directives given to them to effect; for example not allowing entry of trucks carrying maize from Tanzania into the Kenyan market. The officer also dismissed claims of corruption among the traffic police as usually exaggerated and fueled by lack of credible information.

The WTO's trade monitoring reports also show trends in NTBs around the world where the 2016 report showed that WTO members who include EAC members, continued to introduce trade barriers in 2015. Given the continuing uncertainties in the global economy, the report stressed the need for members to show restraint in imposing new trade restrictions and to eliminate the existing barriers so as to realize better regional integration.

4.5 Chapter Summary

This study set out to explain the EACM goals, examine the existing trade barriers and also explore the effects of NTBs on Kenya-Tanzania Free trade and EAC in general. From the findings, it has emerged that despite the EACM Protocol clearly stating its goals, member states are yet to fully align their domestic laws and policies with the said goals. Among the reasons for the delay in achieving the goals is the existence of NTBs. Findings also indicate that these NTBs are still persistent and multifaceted despite efforts by stakeholders to address them. Their effects on trade within the EAC and in particular between Kenya and Tanzania also vary. Some NTBs are weak while others are strong thereby hindering the realization of the full benefits of the Common Market arrangement.

The persistent barriers include prolonged Customs and administrative documentation procedures; duplication of immigration procedures; cumbersome scrutiny requirements; disjointed standards; police road blocks, among others. While the EAC is continuously trying to harmonize and integrate regional trade, their efforts are thwarted by member countries that refuse to oblige to EACM Protocol rules and regulations. The scenario therefore seems futile to this end as NTBs keep coming up, new and old alike while others persistently reoccur. Even so, all hope is not lost since countries like Rwanda have managed to reform their systems and are continuously reducing NTBs.

Effects of NTBs in the region are far and wide, with Kenya-Tanzania trade being the most affected. These effects include delay in the implementation of the CMP which in turn negatively affects the EAC economic growth; competition among member states

who in most instances institute NTBs that undermine regionalism and the progression of the Common Market; high costs of doing business within the region that put off investors; and ultimately low Intra EAC trade volumes.

As mentioned earlier, all member states do generate NTBs for varied reasons with Tanzania being at the forefront. However, it has been indicated that the problem is not only on Tanzanian side, the Kenyan institutions have also been known to impose NTBs that hinder integration in trade. With the correct diplomatic approach, combined efforts by all countries involved and full implementation of the EACM Protocol, EAC stands a better chance at regional integration and economic development.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

Overall, NTBs can be obstacles to trade at both regional and global levels. The implementation of the EACM goals mainly depends on removal of obstacles and attainment of free trade, (EACM, 2010, Article 4). The adoption of the EACM was a positive direction in entrenching the socio-economic and political integration of the EAC. However, the literature that was reviewed in this study indicated that goods do not move freely as envisaged in the EACM thereby making this research crucial. This study therefore seeks to answer the following questions: to what extent have the EACM goals been implemented, what are the existing trade barriers in the EACM and what effects do NTBs have on Kenya-Tanzania free trade and the EAC in general. Data collected from the sampled 25 key informants and various publications and annual reports was qualitatively analyzed and presented.

Hastening of economic growth and development of the member countries is a key goal of the EACM Protocol. However, findings show that member countries are yet to achieve this because they have not addressed the issue of NTBs. Other goals of the protocol include fostering the socio-economic relations of member countries; maintain the expansion and integration of economic activities within the Community to equitably benefit and improve the livelihoods of all EAC citizenry; and also research funding and technological advancement.

EACM goals have been well articulated in the protocol. However, findings indicate that the member states are yet to fully align their domestic policies to this agenda because of fear of domination by one state compared to the rest, or because some states are deliberately lagging behind with an agenda of promoting their domestic industries. Dr Chris Kiptoo, Kenya's Trade Principal Secretary (personal communication, May 5, 2017) who was a key informant in this study confirmed that member countries are disjointed in

implementing the protocol and said that there are efforts to try and harmonise the various domestic policies to ensure uniformity. This therefore affirms the rationalist thinking where actors tend to make an analysis of situations and adopt options from which they gain most using minimal resources. This theory therefore depicts that member states are pulling in different directions so as to achieve their national interests as opposed to regional interests.

Research findings have also identified existing trade barriers within the Common Market as high taxation, corruption on the major roads, delays in licensing and permit issues, administrative requirements, lack of common currency, conflicting policies and regulations and lack of political goodwill by both countries. The findings show that the implementation of the EACU Protocol addressed most of the tariff barriers that existed thereby making NTBs to be the pronounced barriers existing within the region.

This research also endeavored to find out the effects of NTBs on Kenya-Tanzania free trade, where it was deduced that the impact NTBs have on trade between the two countries vary. Some NTBs are weak as others are strong consequently having a much stringent impact on free trade. These effects include delay in implementation of the EACM Protocol, raise in cost of doing business in EACM, competition among member states and also low Intra EAC trade volumes. The Intra-African Trade Report of World Bank 2012 indicates that the intra-EAC trade is low given that it stands at 13% of the total trade volume. From data collected from key informants in the sector as well as EAC traders; the perception is that residue limits for pesticides in foods; import licensing requirements; intergovernmental acceptances of testing methods and standards; standard disparities and illegal border taxes are some of the main factors that negatively contribute to free movement of goods between Kenya and Tanzania.

It can be said that the idea of an integrated EAC whereby economic development is realized in each state is rationally ideal. In line with this assumption, rational choice theory articulates that a state is the primary unit while inter-state relations are the

background used for analysis. The underlying assumption is that governments are rational and unified in the manner that they deal with foreign policy. With this in mind, a rational process of making decisions is then the best example in the decision making process of states as actors within the East African Community. The process takes into account: goal setting and ranking, consideration of options, assessment of consequences and profit-maximization. To this end, EAC has been working towards elimination of NTBs, yet, the status of existing NTBs on Kenya-Tanzania free trade within the community ranks higher, according to the East African Community 2014 trade report. This is especially due to continued frustration from both countries.

Also, the theory assumes that some state actors continue enforcing NTBs to ensure that their businesses operate at an advantage and accumulate maximum profits to other states. Cooksey (2016) thus notes that: “a partially defensive, partially aggressive Tanzanian nationalism has emerged in recent years in which the ruling elite and Tanzanians more generally are struggling with the existential choice between trying to compete in international markets and retreating behind a wall of NTBs that protect local professionals, companies and entire sectors against external competition. Tanzanians identify themselves with strands of political, economic and socio-cultural nationalism. The key message is that, taken together, all the three strands undermine Tanzania’s motivation to open up its borders to its neighbors in compliance with EAC trade protocols”. Consequently, Tanzania’s stand in EAC trade is steadily growing while Kenya’s dominance in the EAC trade is progressively being challenged by the other partner states including Uganda, Tanzania and Rwanda.

5.2 Conclusion

Trade barriers within EAC, just like in any other regions, result in interruptions and increased costs which ultimately hinder the free movement of goods. Removal of these barriers will effectively enhance intra-regional trade than the adoption of tariff liberalization alone (Odhiambo, W. 2010). To date, the persistent barriers include lengthy Customs certification procedures; extensive and duplicated immigration processes;

cumbersome examination procedures; disjointed standards; police road blocks, among others. The EABC 2014 report notes that the most notorious agencies and departments in generation of NTBs include revenue authorities, the immigration, police, bureau of standards and local government agencies.

A number of literatures involving EAC integration seem to be of the opinion that the Kenya-Tanzania trade is largely threatened by NTBs imposed by Tanzania. This factor, in turn threatens to undermine Tanzania's participation in deeper EAC integration. According to the former Secretary General of the EAC, Dr. Richard Sezibera: "EAC ... is under pressure largely for arbitrary causes and Tanzania ranks first in the blame list. Members understand that regional cooperation is primarily politically driven. ... Tanzania ought to openly opt out from areas of cooperation and integration it finds irrational to her. However, deliberate attempts to either block or delay decisions towards deepening and widening EAC integration by Tanzania will prompt Kenya, Uganda and Rwanda to move forward without her," (Cooksey, 2016).

The secondary data analysis reveals that NTBs continue to exist as others reoccur after being addressed. For instance, Article 13 of the Customs Union provides that each of the member countries committed to immediately remove all the existing NTBs to importations into their respective territories of goods originating from other member countries and thereafter not to generate any new NTB. However, as indicated above, NTBs do still exist and they have hindered the realization of the first freedom in the EA Common Market, which is "free movement of goods and services". Exporters from the region continue to experience NTBs imposed by partner states in total disregard of the provisions of Article 13 of the Custom Union Protocol.

The NTBS imposed by Tanzania on Kenyan exports have significantly reduced Kenya's trade volumes to Tanzania and the EA Common Market. It was established that the NTBs legal framework under the EACU protocol was too weak to address the prevalence of NTBs in the region. Rules relating to infant industry protection, rules of origin, use of

local materials and 30% value addition and the dispute settlement mechanism were found to be weak and therefore used by states to generate NTBs instead of being guidelines to effectively address the NTBs.

Despite the setbacks, this study concludes that member states are putting efforts to work towards realizing a Common Market in East Africa albeit at a slow pace. These efforts should however gear to genuine engagements that will lead to the realization of the true spirit of regionalism as captured in its goals. In conclusion therefore, the larger EAC challenge still remains the difficulty with which collective action for sustainable and inclusive development is achieved.

5.3 Recommendations

The status of non-tariff barriers within the EAC reveal that efforts to eliminate NTBs are being made by the member states albeit riddled with conflicting national interests that make their success slow and sometimes unsuccessful. There is need to put more efforts in eliminating NTBs since findings indicate that they still persist. Some of these NTBs have reportedly been addressed, but this is just on paper as the respondents attested. NTBs are escalating due to lags in policy and legislative implementation, and also mistrust among partner states due to the collapse of the 1st EAC in 1977.

From the findings, it emerged that majority of the traders are not well versed with the Common Market operations. This study therefore proposes that the EAC secretariat in partnership with the media and the private sector should conduct routine public awareness exercises to sensitize the traders and other stake holders on what a Common Market is, how it works, its benefits to traders importing and exporting within the Community and other actors, for example boosting economic growth and creation of opportunities for exploitation by the people of EAC.

It was also established that The EAC Committee on Trade Remedies under Article 24 of the Customs Union is weak and should therefore be strengthened to make it more effective. One of the key steps is to create an effective Non-Tariff Barriers Legal Framework and mechanisms for identifying and verifying information about NTBs and prioritizing and ensuring their elimination. The Committee on Trade Remedies also needs to set up its own investigating arms which will work independently unlike currently where they rely on the investigating arms of the partner states that risk being manipulated by their governments.

Findings also indicated that partner countries have formed the NMCs to address the issue of NTBs at national levels and report back to the EAC secretariat annually. However, they still face challenges of fully addressing NTBs since the reported ones are more often general and not thorough enough to outline concrete action plans to resolve them. The monitoring of elimination of NTBs should therefore be strengthened in order to avoid having “resolved NTBs” simply being replaced by other restrictive measures. There is need too for member states to come up with a policy that gives the NMCs powers to take disciplinary action on the various entities generating the NTBs to make them more effective.

There is need too to operationalize a legally binding NTBs regulatory mechanism given that the current one is based on political goodwill. EAC member countries should approve the NTB Act. The NMC report of 28th- 30th June 2016 meeting indicated that the NTB Act had been signed by Tanzania and Kenya and the other members were yet to sign. Finally, the EAC partner states should introduce international best practice with respect to national technical regulatory frameworks, which should include the adoption of the principles applied in multilateral trading system in line with WTO agreement.

Further research is recommended on how member states are taking advantage of the provision of Rules of Origin in Article 14 of the EACU Protocol to generate NTBs within the EACM. This is because, findings from this study indicate that member states are using Rules of Origin to favor their domestic industries while denying access of similar goods from other member states into their territory.

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APPENDICES

APPENDIX I: INTERVIEW GUIDE

Dear Respondent,

My name is Peris N. Anyona, a student at Kenyatta University. Am carrying out research on **Non-Tariff Barriers in the East African Community and trade between Kenya and Tanzania, 1999 to 2016**. This is aimed at establishing hindrances to the optimization of free trade between Kenya-Tanzania within the EA Common Market arrangement. Your responses to the questions below will only be used for academic purposes and will be treated with a lot of confidentiality. I therefore kindly ask you to respond to the items appropriately and with honesty.

SECTION A: Biographic Information

1. Tell me about yourself
2. What is your profession, and for how long have you been working in this organization?
3. What are the duties and responsibilities of your position?

SECTION B: EACM

4. Are you aware of the East African Common Market (EACM) Protocol? (Tick as appropriate)
Yes [] No []
5. What is the status of implementation of the EACM protocol goals? Explain
6. What are some of the existing trade barriers within the Community?
7. Is the scenario any different in trade between Kenya-Tanzania?

(To be answered by traders/manufacturers only)

8. What are some of the challenges you experience in exporting/importing goods and services to/from Tanzania/Kenya?

SECTION C: Effects of Non-Tariff Barriers between Kenya- Tanzania trade

The following questions are to be asked to key informants as stipulated.

(To be answered by trade experts)

9. How do these barriers affect trade between Kenya-Tanzania?

(To be answered by KEPHIS officers)

10. Do Sanitary and Phytosanitary measures affect free movement of goods between Kenya and Tanzania? To what extent do they negatively affect trade between the two countries?

(To be answered by Police officers)

11. Do transport related corruption, axle limits and licensing requirement measures affect free movement of goods between Kenya and Tanzania? To what extent do they negatively affect trade between the two countries?

(To be answered by KEBS officers)

12. Do technical standard measures affect free movement of goods between Kenya and Tanzania? To what extent do they negatively affect trade between the two countries?

(To be answered by Immigration/KRA officers)

13. Do import requirement measures affect free movement of goods between Kenya and Tanzania? To what extent do they negatively affect trade between the two countries?

14. What are some of the steps the EAC has taken to address these issues?

15. What suggestions would you propose in addressing the NTBs in EAC?

Thank you very much for your knowledge and insights to this study.

APPENDIX II: MAP OF EAST AFRICAN COMMUNITY



APPENDIX III: WORK PLAN / TIME SCHEDULE

ACTIVITY	1st month				2 nd month				3 rd month				4 th month				5 th month				6 th month							
	Week				Week				Week				Week				Week				Week							
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Research Problem																												
Literature Review																												
Research Design																												
Research Proposal																												
Data Collection																												
Data Analysis																												
Summary and Conclusion																												
Report Submission																												

APPENDIX IV: BUDGET

The researcher financed the project in full. The estimates are as indicated in the schedule.

ITEM	TOTAL (KShs)
1. Stationery & Photocopy	2,500
2. Field Data Collection (research assistants)	25,000
3. Transport and Materials	25,000
4. Report Writing, Printing and Binding	5,000
5. Contingency	5,000
Total	62,500

APPENDIX V: RESEARCH PERMIT

THIS IS TO CERTIFY THAT:
MS. PERIS NYABISI ANYONA
of KENYATTA UNIVERSITY, 2224-200
NAIROBI, has been permitted to conduct
research in Kajiado, Nairobi Counties
on the topic: NON TARIFF BARRIERS IN
THE EAST AFRICAN COMMUNITY AND
TRADE RELATIONS BETWEEN KENYA
AND TANZANIA, 1999 TO 2016
for the period ending:
19th June, 2018

Permit No : NACOSTI/P/17/45555/17640
Date Of Issue : 19th June, 2017
Fee Received :ksh1000



[Signature]
Director General
National Commission for Science,
Technology & Innovation

Applicant's
Signature

CONDITIONS

- 1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit.**
- 2. Government Officer will not be interviewed without prior appointment.**
- 3. No questionnaire will be used unless it has been approved.**
- 4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.**
- 5. You are required to submit at least two(2) hard copies and one (1) soft copy of your final report.**
- 6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice**



REPUBLIC OF KENYA



National Commission for Science,
Technology and Innovation
RESEACH CLEARANCE
PERMIT

Serial No. A14450
CONDITIONS: see back page

APPENDIX VI: NACOSTI RESEARCH AUTHORIZATION



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

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

9th Floor, Utalii House
Uhuru Highway
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No. **NACOSTI/P/17/45555/17640**

Date: **19th June, 2017**

Peris Nyabisi Anyona
Kenyatta University
P.O. Box 43844-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *“Non Tariff barriers in the East African Community and Trade Relations between Kenya and Tanzania, 1999 To 2016,”* I am pleased to inform you that you have been authorized to undertake research in **Kajiado and Nairobi Counties** for the period ending **19th June, 2018.**

You are advised to report to **the Principal Secretaries of selected Ministries, the County Commissioners and the County Directors of Education, Kajiado and Nairobi Counties** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.

**GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The Principal Secretaries
Selected Ministries.

The County Commissioners
Kajiado County.

National Commission for Science, Technology and Innovation is ISO9001:2008 Certified

APPENDIX VII: APPROVAL OF RESEARCH PROJECT PROPOSAL



KENYATTA UNIVERSITY GRADUATE SCHOOL

E-mail: dean-graduate@ku.ac.ke

P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 810901 Ext. 4150

Website: www.ku.ac.ke

Internal Memo

FROM: Dean, Graduate School

DATE: 23rd May, 2017

TO: **Peris N. Anyona**
C/o Hist. Arch & Pol. Studies Dept.

REF: C50/CTY/PT/24543/2013

SUBJECT: APPROVAL OF RESEARCH PROJECT PROPOSAL

This is to inform you that Graduate School Board-at its meeting of 17th May, 2017 approved your Research Project Proposal for the M.A Degree Entitled, “**Non-Tariff Barriers in the East Africa Community and trade relations between Kenya and Tanzania, 1999 to 2016**”.

You may now proceed with your Data Collection, Subject to Clearance with Director General, National Commission for Science, Technology and Innovation.

As you embark on your data collection, please note that you will be required to submit to Graduate School completed Supervision Tracking Forms per semester. The form has been developed to replace the Progress Report Forms. The Supervision Tracking Forms are available at the University’s Website under Graduate School webpage downloads.

Thank you.

GIDEON KAIMENYI
FOR: DEAN, GRADUATE SCHOOL

c.c. Chairman, Department of History. Archaeology & Policy. Studies.

Supervisors:

1. Dr. Joseph Wasonga
C/o Department of History, Archaeology & Political Studies
Kenyatta University

GK/Inn

APPENDIX VII: GRADUATE SCHOOL RESEARCH AUTHORIZATION



**KENYATTA UNIVERSITY
GRADUATE SCHOOL**

E-mail: dean-graduate@ku.ac.ke

Website: www.ku.ac.ke

**P.O. Box 43844, 00100
NAIROBI, KENYA
Tel. 8710901 Ext. 57530**

Our Ref: C50/CTY/PT/24543/2013

DATE: 23rd May, 2017

Director General,
National Commission for Science, Technology
and Innovation
P.O. Box 30623-00100
NAIROBI

Dear Sir/Madam,

**RE: RESEARCH AUTHORIZATION FOR PERIS N. ANYONA – REG. NO.
C50/CTY/PT/24543/2013.**

I write to introduce Ms. Peris N. Anyona who is a Postgraduate Student of this University. She is registered for M.A degree programme in the **Department of Hist. Arch & Pol. Studies**.

Ms. Peris intends to conduct research for a M.A Project Proposal entitled, “**Non-Tariff Barriers in the East Africa Community and trade relations between Kenya and Tanzania, 1999 to 2016**”.

Any assistance given will be highly appreciated.

Yours faithfully,

**MRS. LUCY N. MBAABU
FOR: DEAN, GRADUATE SCHOOL**

GK/lnn