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Burundi's experience in harmonization of national laws for implementation of the East African Common Market Protocol 2010

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Abstract

In 2007, Burundi joined the East African Community and later was ratified in the East African Community Common Market Protocol of 2010. The protocol guarantees various freedoms and rights including the free movements of goods, persons, labour/workers, services, capital movement, the right of establishment and the right of residence. Burundi is committed to implement it and especially in free movement of services. This study explores the experiences of Burundi in complying with its commitments through harmonization of its domestic laws for implementation of the East African Common Market Protocol. Data was collected through interviews conducted with decision makers and document analysis. The study reveals that despite opportunities; the harmonization of national laws process is being undermined by various challenges. The study recommends all stakeholders to reconcile their various interests and be focused in order to implement the Protocol for the interest of Burundi, as well as for the EAC region.

Key terms | *The East African Community, East African Common Market Protocol, Harmonization of laws*

Introduction

Regional integration across the world is gaining momentum through enhanced cooperation between countries, and the East African countries are not left behind. The East African Community that encompasses Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda is one of the African Regional Economic Communities (RECs). The Treaty for the Establishment of the Community (TEC) was signed in 1999, and for the EAC to achieve the treaty's stated goals, common rules, policies, and regulations were established based either on the provisions of the treaty, or derived from the general principles laid down in the objectives of the integration. As a result, the Community established progressing from the Customs Union in 2005, followed by the Common Market in 2010, the Monetary Union in 2014, and it intends ultimately to move on to a Political Federation.

1.2. Statement of the problem

The Republic of Burundi joined the East African Community (EAC) and became a fully-fledged member on 1st July 2007. Almost seven years have elapsed after the establishment of the East African Community Common Market Protocol in 2010. The current status of its implementation through the harmonization laws shows a slow pace, and especially in the free movement of services (East African Common Market Scorecard 2016). The purpose of this study is to explore the experience of Burundi in complying with its commitments towards the implementation of EACCMP.

1.3. Study objectives

The main objective of this research was to explore the experience of Burundi in harmonizing its national laws for the implementation of the EACCMP 2010.

The specific objectives of this research are:

- i) To establish institutional structure, services and stakeholders involved in harmonization of laws of the EAC Common Market Protocol 2010 in Burundi
- ii) To identify challenges and opportunities towards the harmonization of national laws process in Burundi;
- iii) To establish the status of harmonization of laws for implementation of the EAC Common Market Protocol,

1.4. Justification of the study

Integration is all about agreements and laws; therefore, their harmonization is of essence. For the EAC countries to achieve their goal stated by the treaty; they formulated common policies, came up with regulatory common rules as to govern the cooperation. Thereafter, the political will established binding laws through protocols, decisions, and other regulations, to which all participating countries have to comply. Although opportunities to implement regional commitments yield significant progress, there are challenges faced by Partner States. One of the major challenges is the domestication of regional aspirations by the member countries. Without proper integration through harmonization of laws, Burundi will lose benefits of integration, and the entire East African Community will not move smoothly as desired and planned.

1.5. Theoretical framework

The Inter-governmentalism Theory, as proposed by Stanley Hoffman (1928-2015), is a theory of regional integration referring to an arrangement “whereby nation States, in a situation and conditions they can control, cooperate with one another on matters of common interest.” The theory emphasizes the role and primacy of nation States/or governments and the bargaining power between them in the integration process. The theory posits that a State’s power and interests are the motive of integration and through consensus; States are able to determine the level of their cooperation, and set up institutions to govern the cooperation. In this case, the EAC States are the primary actors of the integration, and they play an overriding role. For the EAC, the three initial countries Kenya, Tanzania, and Uganda agreed on its revival through the treaty signed in 1999. Later they agreed on the enlargement of the community in 2007 when Rwanda and Burundi joined it, as well as the latest accession of the South Sudan in 2016. Within the EAC, the Treaty is the source of binding laws as well as protocols. In addition, the Summit Directives, the Decisions of the Council of Ministers, EALA Decisions, as well as EACJ Decisions are a source of laws that bind Partner States.

In Neo Functionalism theory, Ernst Haas argues that “Spillover is the most important driving process of integration: deepening integration in one sector is expected to create pressures for further economic integration within and beyond that sector that is spillover effects, also called functional spillover” (Haas E. , 1968). The Neo Functionalists argue that integration in one sector creates pressures for integration in related sectors – “functional spillover”. Initially, States integrate in limited functional or economic areas. Thereafter, partially integrated States experience increasing momentum for further rounds of integration in related areas – “invisible hand” also called “spillover”

The Neo Functionalism within the EAC is reflected by the fact that when EAC Partner States agreed to integrate economically through the Customs Union, the Common market, and the Monetary Union, the cooperation creates incentives to cooperate in other related sectors such as legal matters to facilitate the integration. The Inter-governmentalism and Neo

Functionalism theories complement each other to explain the implementation of the EAC Common Market Protocol. On the one hand, the fact that governments drive the integration process, the theory explains the harmonization of laws by States as dominant actors. Without the political will/ commitment, and the calculated interests of the government, the implementation cannot take place. On the other hand, cooperation in one area implies cooperation in another or related area, recalling thus the spillover effects even in the harmonization of laws.

1.6 Literature review

1.6.1 The concept of regional integration

The constantly changing world has brought us political, economic, and social phenomena that shape the behavior of nation States, as well as human beings, changing the way people live and think. Among other phenomena is regional integration. Though ancient, it is flourishing across the world. Regional integration has become a worldwide phenomenon by which States within a particular region increase their level of interaction with regard to economic, security, political, social, and cultural issues. As defined by Ernst Haas, regional integration is a “Process whereby political actors in several distinct settings are persuaded to shift their loyalties, expectations, and political activities, toward a new centre, whose institutions possess or demand jurisdictions over pre-existing national states.” (Haas E. B., 1968, p. 16). In other words, within regional integration, all activities require agreements among members. Treaties, protocols, and laws bind different States in their cooperation. For instance the economic integration will require the harmonization of domestic laws by participating countries in achieving their objectives. To remove or reduce barriers for mutual exchange for instance will imperatively imply the setting up of specific laws at regional level, which are incorporated at individual national level.

1.6.2 The revival of EAC integration

Despite the collapse of the attempted integration between Kenya, Tanzania, and Uganda in 1977, cooperation between the three countries remained. After signing the Mediation Agreement in 1984, the three countries agreed to revive the cooperation in 1991 (Article 14 (02)). Then, they established the Tripartite Commission in 1993 and the Secretariat in 1994. The new East African Community cooperation envisioned to cover all aspects in promoting economic, social, cultural, security and political issues. In November 1999, Kenya, Uganda and Tanzania reestablished the East African Community by signing the treaty which entered into force in 2000 (Secretariat E. A., EAC Treaty). The EAC Treaty set four phases of integration the Customs Union, the Common Market, the Monetary Union, and ultimately the Political Federation.

The Customs Union was signed in 2004 and benefits along with its establishment are manifold as it led to the increase of intra-regional trade from US\$ 3,148.7 million in 2008 to US\$ 5,470.7 million in 2012 (an increase of 70%)” through the establishment of the Single Customs territory, the removal of Non- Tariff Barriers (NTBs), and the establishment of One Stop Border Posts. (Mutai, 2015). Some of the positive consequences of certain measures towards both Customs Union and Common Market are the harmonization of commercial laws that smoothen trade within the region. For the Monetary Union, benefits are expected after EAC Partner States having integrated their financial markets, aligned their exchange rates, making their currencies convertible across the region, and harmonized monetary policies.

1.7 Research methodology

The methodology used in this study was descriptive research that has no control over the variables but only reports what has happened, what is happening, and discovers the causes. (Kothari, 2004, pp.2-3). Primary data were collected from selected governmental officials and staff as well as some professional associations, who were the most appropriate persons as they are the representative of the State, which is the major actor in EAC integration process. Then 25 persons including individuals appointed by the government such as ministers and permanent secretaries, director general, and directors, members of the sub-committee and task force on the harmonization of laws, process, and representatives of professional associations and some staff of the Burundi Investment Promotion Authority (API) were selected. Secondary data come from the document analysis method by reviewing available official government documents: decrees and reports, official EAC documents, academic papers, dissertations, books and journals, and other channel of information such as media and

Internet. Both primary and secondary data were analyzed qualitatively and quantitatively using the Statistical Package for Social Sciences (SPSS).

1.8 Findings and discussion

1.8.1 Burundi's national mechanism for harmonization of EAC laws

Table 1 | Mechanisms/structures available for harmonization of EAC laws

| | | High Level of decision making | | Middle level of decision making | | Low level of decision making | | Total | |
|--|--|-------------------------------|------------|---------------------------------|------------|------------------------------|------------|-------|-----|
| | | Count | Column N % | Count | Column N % | Count | Column N % | Count | % |
| 1. What are mechanisms/ structures available for harmonization of EAC regional laws? | 1. National Drafting Service(SNL) | 4 | 66,7% | 5 | 33,3% | 1 | 25,0% | 10 | 40 |
| | 2. No unique structure in charge of harmonization of laws(sub committees, commissions, government institutions such as Parliaments | 2 | 33,3% | 7 | 46,7% | 1 | 25,0% | 10 | 40 |
| | 3. Do not know | 0 | 0,0% | 3 | 20,0% | 2 | 50,0% | 5 | 20 |
| Q1a. What are the Structures or services which deal with harmonization of EAC laws? | 1. National Drafting Service(SNL) | 4 | 66,7% | 11 | 73,3% | 1 | 25,0% | 16 | 64 |
| | 2. Sub committees, ad hoc commissions | 2 | 33,3% | 3 | 20,0% | 1 | 25,0% | 6 | 24 |
| | 3. Do not know | 0 | 0,0% | 1 | 6,7% | 2 | 50,0% | 3 | 12 |
| Q1b. When was it set up? | 1. Before the Burundi acceded to the EAC | 5 | 83,3% | 10 | 66,7% | 1 | 25,0% | 16 | 64 |
| | 2. Do not know | 1 | 16,7% | 5 | 33,3% | 3 | 75,0% | 9 | 36 |
| Q1c. What is its mandate? | 1. To deal with all matter pertaining to both national and international laws | 6 | 100,0% | 15 | 100,0% | 4 | 100,0% | 25 | 100 |
| | 2. Do not know | 0 | 0,0% | 0 | 0,0% | 0 | 0,0% | 0 | 0 |
| Q1d. Who are the members? | 1. Governmental nominees(Attorney General, Ministry of Justice, Ministry of EAC Affairs | 6 | 100,0% | 15 | 100,0% | 1 | 25,0% | 22 | 88 |
| | 2. Do not know | 0 | 0,0% | 0 | 0,0% | 3 | 75,0% | 3 | 12 |
| Q1e. What is the criteria to nominate them? | 1. Experience and qualification(Lawyer) | 6 | 100,0% | 14 | 93,3% | 1 | 25,0% | 21 | 84 |
| | 2. Do not know | 0 | 0,0% | 1 | 6,7% | 3 | 75,0% | 4 | 16 |
| Q1f. Who nominates them? | 1. The President of the Republic of Burundi | 6 | 100,0% | 15 | 100,0% | 4 | 100,0% | 25 | 100 |
| | 2. Do not know | 0 | 0,0% | 0 | 0,0% | 0 | 0,0% | 0 | 0 |

Source: Field data, 2018

The Republic of Burundi has to revisit its national laws so as to make sure that existing laws and regulations are in conformity with the EACCMP provisions. Hence, results of my study show the existence of governmental mechanisms for harmonization and approximation of national laws to the EACCMP ones. Thus, the responsibility to harmonize laws falls within the Ministry of Justice and Custodian of the Seals and its National Drafting Service/Office (SNL). Furthermore, the Ministry to the Office of the President Responsible For East African Community Affairs (MPACEA) has a mandate to coordinate the EAC integration process and plays its coordination and guidance role vis-à-vis other ministries, departments and agencies (MDAs) to ensure the compliance of Burundi's commitments toward EAC. (Burundi L. R., 2012).

Members of the harmonization task are dedicated experts, mostly lawyers from the Ministry of Justice and Custodian of the Seals and National Drafting Service/Office, the Ministry of EAC Affairs, and other line ministries, institutions and bodies. For the former, members are nominated according to the law that they intend to harmonize.

Institutional and legal frameworks to support the EAC integration are of essence. The SNL was established by the 'decret loi' of 1989. Its mandate is at a maximum extent to deal with all legal matters as provided for in Article 3 of its establishment (100%). At the time it was established, Burundi was a member of few RECs, that is the ECCAS established in 1983. Thus, the SNL relies on the interpretation of the articles 3 (2) and (4) for the harmonization of EAC laws. (ZD, 2017).

Comparing to other EAC Partner States, the Law Reform Commission (LRC) deals with the harmonization. In Kenya for instance, its mandate is to "keep under review all the law of Kenya to ensure its systematic development and reform, including in particular the integration, unification and codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally its simplification and modernization". (<http://www.klrc.go.ke>, 2013).

For Rwanda "the work tasked to Rwanda Law Reform Commission to further Rwanda's interests in the EAC includes to ensure that new national legislation enacted is in EAC compliance, incorporate practical law reforms, maintain the EAC legislative compliance audit as a rolling tool to track Rwanda's EAC commitments which have legislative implications, and develop an EAC checklist for Ministry of Justice to ensure that proposed new national legislation is in EAC compliance." (Bangayandusha, 2016, p. 44)

From the above, the Law Reform Commission has the power to reform national laws whenever and wherever it is necessary, an ability which the SNL in Burundi do not have. Scholars posit that "the process of legal approximation is very challenging given the complexity of the process and the needed capacities for local institutions" (Beqiri, 2016, p. 298).

1.8.2 National priorities/interests and Political Will

Table 2 | Since 2010, what are the achievements in harmonization of EAC laws as to implement EACCMP?

| | | High Level of decision making | | Middle level of decision making | | Low level of decision making | | Total | |
|--|--|-------------------------------|------------|---------------------------------|------------|------------------------------|------------|-------|-----|
| | | Count | Column N % | Count | Column N % | Count | Column N % | Count | % |
| Q3. Since 2010, what are the achievements in harmonization of EAC laws as to implement EACCMP? | 1. Some laws are harmonized | 6 | 100,0% | 7 | 46,7% | 3 | 75,0% | 16 | 64 |
| | 2. Commissions and Technical Working Group are set up to deal with the harmonization of laws process | 0 | 0,0% | 8 | 53,3% | 1 | 25,0% | 9 | 36 |
| Q3a. How many laws that are harmonized so far? | 1. Two laws: Code of Commerce and law governing Public and Private partnership are harmonized | 6 | 100,0% | 11 | 73,3% | 4 | 100,0% | 21 | 84 |
| | 2. Do not know | 0 | 0,0% | 4 | 26,7% | 0 | 0,0% | 4 | 16 |
| Q3b. How long does it take to harmonize a law? | 1. It depends on the availability of funds | 0 | 0,0% | 9 | 60,0% | 0 | 0,0% | 9 | 36 |
| | 2. It depends upon the political will | 0 | 0,0% | 4 | 26,7% | 1 | 25,0% | 5 | 20 |
| | 3. It depends upon many factors | 6 | 100,0% | 2 | 13,3% | 3 | 75,0% | 11 | 44 |
| Q3c. Is there any law harmonized concerning the free movement of services? | Yes | 6 | 100,0% | 13 | 86,7% | 3 | 75,0% | 22 | 88 |
| | No | 0 | 0,0% | 0 | 0,0% | 0 | 0,0% | 0 | 0 |
| | Do not know | 0 | 0,0% | 2 | 13,3% | 1 | 25,0% | 3 | 12 |
| Q3d. With regard to the EACCMP, why some laws are harmonized while others are not? | 1. Prioritization | 3 | 50,0% | 6 | 40,0% | 1 | 25,0% | 10 | 40 |
| | 2. Financial constraints | 3 | 50,0% | 5 | 33,3% | 2 | 50,0% | 10 | 40 |
| | 3. Do not know | 0 | 0,0% | 4 | 26,7% | 1 | 25,0% | 5 | 20 |
| Q3e. Is there any challenge in the process of harmonization of EAC laws in Burundi? | 1. Yes | 6 | 100,0% | 15 | 100,0% | 4 | 100,0% | 25 | 100 |
| | 2. No | 0 | 0,0% | 0 | 0,0% | 0 | 0,0% | 0 | 0 |
| | 3. Do not know | 0 | 0,0% | 0 | 0,0% | 0 | 0,0% | 0 | 0 |
| Q3f1. The huge number of laws to be harmonized | 1. Yes | 5 | 83,3% | 13 | 86,7% | 3 | 75,0% | 21 | 84 |
| | 2. No | 1 | 16,7% | 2 | 13,3% | 1 | 25,0% | 4 | 16 |
| Q3f2. Financial resources deficit | Yes | 6 | 100,0% | 12 | 80,0% | 2 | 50,0% | 20 | 80 |
| | No | 0 | 0,0% | 3 | 20,0% | 2 | 50,0% | 5 | 20 |
| Q3f3. No appropriate structure in charge of harmonization of laws | Yes | 4 | 66,7% | 8 | 53,3% | 2 | 50,0% | 14 | 56 |
| | No | 2 | 33,3% | 7 | 46,7% | 2 | 50,0% | 11 | 44 |
| Q3f4. Lack of political will | Yes | 0 | 0,0% | 15 | 100,0% | 2 | 50,0% | 17 | 68 |
| | No | 6 | 100,0% | 0 | 0,0% | 2 | 50,0% | 8 | 32 |
| Q3f5. Bureaucracy | Yes | 5 | 83,3% | 11 | 73,3% | 3 | 75,0% | 19 | 76 |
| | No | 1 | 16,7% | 4 | 26,7% | 1 | 25,0% | 6 | 24 |
| Q3f6. Reluctance | Yes | 1 | 16,7% | 14 | 93,3% | 3 | 75,0% | 18 | 72 |
| | No | 5 | 83,3% | 1 | 6,7% | 1 | 25,0% | 7 | 28 |

Source: Field data, 2018

At regional level, the sub-Committee on harmonization urged the Republic of Burundi to fast-track the harmonization of certain laws that have a direct bearing on the implementation of the EACCMP such as the law on commerce, law on commercial Enterprises, law on insolvency, law on immigration and the law on Public-Private Partnerships (PPP) (EAC, 2011). At the time of this study, laws that are already harmonized are 2 out of the 5 which were prioritized (84%). In 2014, the SNL identified 34 pieces of legislation to be harmonized but only 2 are already harmonized, 2 pending approval and 2 under the process. Then how long will it take compared to the schedule set up was noted as the year 2015). Suffice is to notice the delay and that the road ahead is long.

Respondents assumed that national interests/priorities are the factors that curb or boost the harmonization of a law (40%). The code of commerce whose process took less than six months is in point (July 2015 to January 2016) (CEA, 2016). Whereas Law on Insolvency (since February 2016) and the Company Law (since May 2016), are pending approval by the Parliament. (Ministere du Commerce, 2015). At each stage of integration, countries have to politically and willingly accept, while looking for the benefits, the costs that such a path implies. Of course we cannot over attribute all to the political will and national priorities. Reasons for the slow or lack of implementation are manifold. However, if an EAC Partner State has a strong political commitment to integrate, at national level, such commitment must be demonstrated through measures and actions towards legal framework starting by the harmonization of national laws to treaty and protocol's provisions.

To a certain extent, there is divergence of national interests from regional and national ones, even between countries. 40% of respondents converge that priority accorded to other national programmes by the parliament is a challenge, and the perception of the benefit from the integration. National interests and priorities prevail in most of RECs. Recalling the Maastricht Treaty in 1991 when the EC become the EU, the ideas of monetary Union, political and military integration were not well welcomed by Britain and Denmark who didn't support the political union, whereas German and French were disputing over the ECB' leadership. (Goldestein, 2001, p. 451)

The study gave attention to the liberalization of services whereby no law was harmonized (this is exclusively for the three (3) professional associations most advanced as they signed the MRAs at EAC level). Some respondents (56 %) attribute the fact to the lack of clear regional coordination to the fact that the States are the primary actors within EAC integration. Although some professional associations have already signed the MRAs between themselves under the EAC umbrella, it seems not to be the governmental priority to liberalize these services as these MRAs were signed between professionals without necessarily binding legally their respective governments (EAC Meeting on the MRAs, 2017). At national level, there are discriminatory laws and regulations on some professional services according to the free movement of services provisions of the EACCMP; whereas for others, they do not exist and need to be put in place. During the study, 50% of respondents within mentioned professional associations were not aware of the progress made in harmonizing laws related to their field. In addition, there is lack of ownership by professionals where their associations are often weak (financial deficit often not able to fund even their secretariats) and not vibrant (low influence).

1.8.3 Financial and Technical Constraints

There is a generalized problem within regional integration in Africa that is the heavy reliance on external funding. The China's construction of the AU's new headquarters serve as an example (Bach, 2012, p. 97). From respondents, the funding constraint was high rated (80%) as one of challenges. To identify laws both at regional and national levels for legal reform implies financial resources. The harmonization of laws requires a comprehensive review of all national laws as well as international ones for the establishment of a reference point. My study came up with some cases whereby at both regional and national levels, funds to convene meetings were challenging. For illustration, on a period of more than two years, at regional level, only two meetings of the sub-Committee on harmonization and approximation of laws were held (EAC S. , 02-07 March 2015), (EAC S. , 8-13 February 2016). Similar to the work at national level, from 2015 to date, 2 meetings out of 4 scheduled were held due to the budget' constraints (MPACEA, 19 mai 2016); (MPACEA, 13 avril 2016)

Besides funding constraints, there are technical ones related to the language of the EAC integration. As we are aware, the first three EAC Partner States Kenya, Tanzania and Uganda share a common legal system (Common Law) while Burundi follows civil law system. To harmonize national laws, the committee has to analyze, identify gaps, convergences and divergences, but they cannot do such a work without understanding the EACCMP's principles written in English.

1.8.4 Bureaucracy

The bureaucracy has six (6) major principles according to Max Weber. One of them is the formal hierarchical structure by which each level controls the level below and is controlled by the level above; a formal hierarchy which is the basis of central planning and centralized decision making; that is at the centre of the process of harmonization of laws in Burundi.

The National Drafting Service/Office identifies laws to be harmonized in line ministries and institutions and then works on them. Such a technical work is often done when funds are available. Thereafter, the technical team submits the draft to the hierarchical authority for further action. The process of harmonization starts at the technical level including sectoral ministries or line ministries in initiating laws to be harmonized in line with EACCMP. Then, the National Drafting Service/Office deals with drafting and other required actions. Before the submission of the law to the Council of Ministers for discussion, the law has to go back where it was first initiated to ensure its conformity, for necessary inputs. After the ministerial level, the law is submitted for discussion and approval to the parliament. The final steps are the signature by the higher level (the presidency) after which it is gazetted (EAC M. t., 2017, p. 11).

1.8.5 Reluctance

Though the EAC intends to improve life conditions of its citizen through benefits along with the integration process, change is not always easy as people are reluctant (72%). In this study, in the free movement of services, some professional associations are not well organized so that they should be able to influence decision makers. Decision makers do not have the same perception of benefits in liberalizing services.

Moreover, the National Drafting Service/Office (SNL) was qualified as a suitable structure (56%) to carry out the process of harmonization of EAC laws. With regard to this, experts developed a draft for the establishment of the Burundi Law Reform Commission (LRC). However, since 2015 until now, the draft is pending approval by the authorized authority (WV, 2017)

1.8 Conclusion

Burundi's integration within the EAC implies the translation of commitments into concrete actions through the implementation process. The harmonization of EAC laws falls under a settled legal framework although there are still some imperfections to be addressed. Moreover, national preferences coupled with the goodwill of decision makers hamper the harmonization of domestic laws. From this study, the Burundi's successful integration within the EAC is being challenged by delays in harmonizing laws and other related legal and judicial affairs. Though Burundi's integration avails opportunities expressed by the legal framework as provided for by the treaty, protocols, and national structure for the conduct of the harmonization and approximation of national laws in the EAC context, challenges that work against the successful implementation of common interests exist. Those are unappropriated institutional mechanisms, national preferences, financial and technical constraints, as well as bureaucracy and reluctance, among others.

My research revealed the vital role of political leaders in fast-tracking the implementation of any agreed regional decision as they interpret national interests, which shape the choice of what can be done. Though the EAC is people-centered, it is worth noting the little influence of the private and civil society to fast-track the implementation of regional decisions as its pace is determined by the goodwill of governmental leaders. The study also found the need to connect regional and national players in terms of harmonizing of laws process so that the regional commitments get implemented at national level. The EAC will not move smoothly in implementing its common decision if there is no effective coordination.

With regard to the liberalization of services, the study reveals that most of services are reserved to nationals, while the EACCMP provisions urge the openness for EAC citizens. In addition, providers of services have also to contribute actively to strengthen their associations (funds and human resources), in order to become competitive nationally and regionally.

Recommendations

At regional level, EAC should coordinate the process of harmonization of laws in a comprehensive manner. As demonstrated in this study, if the current pace is to be maintained, it will take long for the EAC integration process to have a region with harmonized laws, and this hampers the successful integration. The EAC should also mobilize enough technical and financial resources to support the harmonization of laws in EAC Partner States. EAC should also enforce the use of laws passed by the East African Legislative Assembly (EALA), for its laws supersede EAC Partner States' national laws, as an alternative to overcome certain delays at individual national level. The EACJ should also ensure that the community law is enforceable and EAC Partner States should sue member States that fails to comply with its commitments.

At national level, Burundi needs to establish the Law Reform Commission or to empower/entrust the National Drafting Service /Office additional mandates for more effectiveness and efficiency. Burundi should plan and found the harmonization of laws, to avoid the delay in conducting such a process. This study noticed the delay in the free movement of services. Decision makers should consider the value addition of services liberalized due to their usefulness in developing countries like Burundi. Moreover, professional associations should claim their right for integration through strong lobbies so that at both regional and governmental levels clear mechanisms are drawn towards the harmonization of the laws governing their professions. Burundi should also revise the schedule of commitments made toward the implementation of EACCMP in general, and in the free movement of services, in particular.

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