

**IMPLEMENTATION OF EAST AFRICAN COMMUNITY COMMON MARKET
POLICIES IN BURUNDI:**

A CASE OF FREE MOVEMENT OF PERSONS

BY NIYOMWUNGERE

FABIOLA

2016/AUG/MIRD/M220734/WKD

**A DISSERTATION SUBMITTED TO THE SCHOOL OF SOCIAL SCIENCES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD**

OF THE DEGREE OF MASTER OF INTERNATIONAL RELATIONS

AND DIPLOMACY

OF

NKUMBA UNIVERSITY

OCTOBER, 2018

DECLARATION

I, Niyomwungere Fabiola, declare that this dissertation under the topic “IMPLEMENTATION OF EAST AFRICAN COMMUNITY COMMON MARKET POLICIES IN BURUNDI, A CASE OF FREE MOVEMENT OF PERSONS” is original work and has never been published or submitted for any award in any higher institution of learning here or anywhere else.

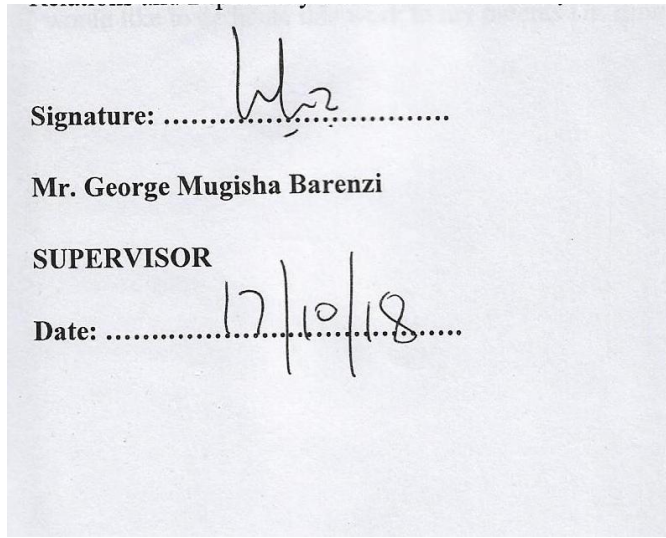
Signature: 

Niyomwungere Fabiola

Date: ... 17th ... October ... 2018

APPROVAL

This dissertation has been approved for the award of the degree of Master of International Relations and Diplomacy of Nkumba University.



Signature:

Mr. George Mugisha Barenzi

SUPERVISOR

Date:

DEDICATION

I would like to dedicate this work to my parents Dr. Emmanuel Seheye and Petronille Uwimana.

ACKNOWLEDGEMENT

Thanks be to God for his grace and mercy that has sustained me through my entire educational process.

My sincere gratitude goes to my parents Dr. Emmanuel Seheye and Petronille Uwimana for their encouragement, prayers and financial support.

I acknowledge my siblings Pastor Oled Ndayisenga, Pastor Alice Nsengiyumva, Dorcas Ndayishimiye, Eliezer Niyintabara and Emmanuela Niyonizigiye for their encouragement and for their patience.

My gratitude goes to Mr. George Mugisha Barenzi, my supervisor who has been obliging in all times I did not keep to the committed deadlines while compiling the various chapters and for his professional guidance and patience throughout the time of this research.

Special thanks go out to Ministry to the office of the president responsible of the East African Community Affairs staff for their cooperation and assistance with information, arrangement of meetings with their employee for their educative guidance. All the interviewees who were very generous with their time, they shared their experience and insights on the study.

To lecturers from Nkumba University School of Social Sciences, indeed you have played a very big role in my academic life, I say thank you.

I also thank Concilie Kabura, Jonathan Mubiru, Bizimana Stève-Cédric, Prosper Ndikumana, Nathanael Mpangaje, Salomon Nibigira, thank you for your support throughout this journey.

Thank you for all the support accorded to me during the course and research process and God bless you all.

TABLE OF CONTENTS

DECLARATION	i
APPROVAL	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
TABLE OF CONTENTS.....	v
LIST OF TABLES	x
LIST OF FIGURES	xi
LIST OF ABBREVIATIONS/ACRONYMS	xii
DEFINITION OF OPERATIONAL KEY TERMS	xiv
ABSTRACT.....	xv
CHAPTER ONE.....	1
GENERAL INTRODUCTION.....	1
1.0 Introduction.....	1
1.1 Background of the Study	1
1.1.1 Historical Background	1
1.1.2 Contextual Background	3
1.1.3 Theoretical Background.....	8
1.1.4 Conceptual background	12
1.2 Statement of the problem.....	13
1.3 Objectives of the Study.....	14
1.3.1 General Objective	14
1.3.2 Specific Objectives	14
1.3.3 Research Questions.....	14
1.4 Scope of the Study	15

1.4.1 Geographical Scope	15
1.4.2 Content Scope	15
1.4.3 Time Scope	16
1.5 Purpose of the Study	16
1.6 Significance of the Study	16
CHAPTER TWO	17
LITERATURE REVIEW	17
2.0 Introduction.....	17
2.1 Regional Integration.....	17
2.1.1 Definition of Regional Integration.....	17
2.1.2 Forms of Regional Integration.....	18
2.1.3 Benefits	19
2.1.4 Theories of Regionalism.....	20
2.1.5 Regional Integration in Africa	23
2.1.6 East Africa Community	24
2.1.7 Challenges to Regional Integration.....	25
2.2. Effectiveness of Policies Instituted by Burundi Emanating From the Protocol of the EAC Common Market for the Free Movement of Persons	26
2.2.1 Domestication and Implementation of Free Movement of Persons in Burundi Under EAC CMP	27
2.2.2 Right of Residence Within the East African Community.....	29
2.2.3 Strength and Gaps in Literature	30
2.3 Practices by Burundi Emanating from the Protocol of the EAC Common Market that Promotes the Free Movement of Persons	31
2.3.1 Factors inhibiting free movement of persons in Burundi	33
2.3.2 Rights of Establishment and Residence	33

2.3.3 Strength and Gaps in Literature	34
2.4 Challenges in Policy and Activity Frameworks that Burundi Faces in Order to Implement the EAC Protocol for Free Movement Of Persons	35
2.4.1 Equal Treatment of Nationals in Partner States.....	35
2.4.2 Free Movement of Persons	36
2.4.3 Migration.....	38
2.4.4 Strength and Gaps in Literature	39
2.5 Conceptual Framework.....	41
CHAPTER THREE	43
RESEARCH METHODOLOGY.....	43
3.0 Introduction.....	43
3.1 Research Design.....	43
3.2 Study Population.....	43
3.2.1 Target Population.....	43
3.3 Sample Size and Selection.....	44
3.4 Sampling Method.....	45
3.5 Data Collection Sources.....	45
3.6 Data Collection Methods	45
3.6.1 Questionnaire	45
3.6.2 Interviewing	46
3.7 Data Collection Instruments	46
3.7.1 Self-Administered Questionnaire Forms	46
3.7.2 Interview Guide	46
3.7.3 Validity of the Instrument	46
3.7.4 Reliability of the Instrument	47

3.8 Data Analysis Techniques.....	47
3.8.1 Data Processing.....	47
3.9 Ethical Considerations	48
3.10 Limitations of the Study.....	48
CHAPTER FOUR.....	49
PRESENTATION, ANALYSIS AND INTERPRETATION OF STUDY FINDINGS	49
4.0 Introduction.....	49
4.1 Background Information of Respondents	49
4.1.1 Gender of Respondents	49
4.1.2 Age Group.....	50
4.1.3 Highest Level of Education	51
Objective one: To Assess the Effectiveness of Policies Instituted by Burundi Emanating from the Protocol of the EAC Common Market for the Free Movement of Persons.....	52
4.2 Understanding of the East African Community Common Market Protocol.....	52
4.2.1 Status of the Right to Free Movement of Persons in Burundi	53
4.2.2. Compliance of Burundi on Enhancing Successful Implementation of Free Movement Of Persons	54
4.2.3. Responsiveness of Population of Member States in Relation to Free Movement of Persons In Burundi	55
4.2.4 Burundi has clear Effective Policies Under CMP About the Right to Free Movement of Persons	56
4.2.5 Right of free movement of persons and the right of establishment and residence in Burundi	57
4.2.6 Efforts made by Burundi in response to the right of free movement of persons	58
Objective two: To Examine the Practices by Burundi Emanating from the Protocol of the EAC Common Market that Promotes the Free Movement of Persons.....	59

4.3 Legislature of Burundi Has a Provision to the Right of Free Movement of Persons	59
4.3.1. Burundi has Prohibition Laws Relating to Immigrants that Have a Direct Negative Impact on the Right to Free Movement of Persons	60
4.3.2 Poor Administration in Burundi About the Right of Free Movement of Persons	60
4.3.3 Immigration Office Is Effective in Executing Provisions in Relation to the Free Movement of Persons.....	61
4.3.4 Right to Free Movement of Persons Are Clearly Understood by Foreigners Who Travel To Burundi	62
4.3.5 Challenges Facing the Practices by Burundi in Ensuring Functioning Under CMP	63
Objective three: To Analyse Challenges in Policy and Activity Frameworks that Burundi Faces in Order to Implement the EAC Protocol for the Free Movement of Persons	65
4.4 Policy and Activity Frameworks of Burundi Face Challenges.....	65
4.4.1 Authoritative Bodies Under CMP in Burundi Come Up with Solutions to Tackle the Challenges Affecting the Policy Framework.....	66
4.4.2 Burundi has Delayed to Fully Integrate and Implement Policies in Relation to CMP	66
4.4.3 Collaboration Effort Amongst other Member States and Burundi in Enhancing the Free Movement of Persons	67
CHAPTER FIVE	69
SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS.....	69
5.0 Introduction.....	69
5.1 Summary of Findings.....	69
5.2 Conclusion	72
5.3 Recommendations.....	73
5.4 Areas for further research	74
REFERENCES	75
APPENDIX A: Map of Burundi.....	81

APPENDIX B: Map of East Africa Community	82
APPENDIX C: QUESTIONNAIRE.....	83
APPENDIX D: INTERVIEW GUIDE	90
APPENDIX E: Expenses Incurred.....	92
APPENDIX F: Time framework	93

LIST OF TABLES

Table 4.1: Gender of respondents	43
Table 4.2: Age group	43
Table 4.3: Highest level of education	44
Table 4.4: As to Understanding the East African Community Common Market Protocol	45
Table 4.5: As to the Status of the right to free movement of persons in Burundi	46
Table 4.6: As to the Implementation of the Free Movement of Persons in Burundi.....	47
Table 4.7: As to the Responsiveness of population of member states in relation to free movement of persons in Burundi.....	48
Table 4.8: As to whether does Burundi have clear effective policies under CMP about the right to free movement of persons?.....	49
Table 4.9: As to whether does the right of free movement of persons extend to the functioning of the right of establishment and residence in Burundi.....	50
Table 4.10: As to Efforts made by Burundi in response to the right of free movement of persons	51
Table 4.11: As to whether the Legislature of Burundi has a provision to the right of free movement of persons	52
Table 4.12: As to whether Burundi has prohibition laws relating to immigrants that have a direct negative impact on the right to free movement of persons	53
Table 4.13: As To Whether there is poor administration in Burundi about the right of free movement of persons	54

Table 4.14: As to the Extent to which immigration office is effective in executing provisions in relation to the free movement of persons.....	55
Table 4.15: As To Whether Regulations and laws to right to free movement of persons are understood by foreigners who travel to Burundi	56
Table 4.16: As to the Challenges facing the practices by Burundi in ensuring functioning under CMP	57
Table 4.17: As to Do the policy and activity frameworks of Burundi face challenges	58
Table 4.18: As to Do the authoritative bodies under CMP in Burundi come up with solutions to tackle the challenges affecting the policy framework?.....	59
Table 4.19: As to whether Burundi has delayed to fully integrate and implement policies in relation to CMP.....	60
Table 4.20: As to whether there is collaboration effort amongst other member states and Burundi in enhancing the free movement persons.....	61

LIST OF FIGURES

Figure 1: EAC operational functions and decision making processes.....	25
Figure 2: Conceptual framework	41

LIST OF ABBREVIATIONS/ACRONYMS

AMU	: Arab Maghreb Union
ASEAN	: Association of Southeast Asian Nations
CMA	: Common Monetary Area
CM	: Common Market
CMP	: Common Market Protocol
CU	: Custom Union
COMESA	: Common Market for Eastern and Southern Africa
EAC	: East African Community
ECA	: Economic Commission for Africa
ECCAS	: Economic Community of Central African States
ECOWAS	: Economic Community of West African States
EU	: Economic Union
EU	: Europe Union
FTA	: Free Trade Agreement
IMF	: International Monetary Fund
IGAD	: Inter-Governmental Authority on Development
IOC	: Indian Ocean Commission
MDAs	: Ministries Departments Agencies
MSs	: Member States
MRU	: Mano River Union

OAG : Observatoire de l'Action Gouvernementale

PAFE : Police de l'Air des Frontières et des Etrangers

PTA : Preferential Trade Area

RICs : Regional Integration Communities

RECs : Regional Economic Communities

SADC : Southern African Development Community

WPs : Work Permits

WTO : World Trade Organization

DEFINITION OF OPERATIONAL KEY TERMS

EAC: The East African Community is an intergovernmental organization established under article 2 of the treaty for the establishment of the EAC that entered into force on 7th July 2000. The EAC now comprises of Burundi, Kenya, Rwanda, Tanzania, Uganda, and South Soudan. EAC seeks to encourage economic growth and development, through trade and competitiveness.

EAC Common Market: According to an article by Jumuiya (2018), The Common Market is the second Regional Integration milestone of the East African Community (EAC), which has been in force since 2010, in line with the provisions of the EAC Treaty. It follows the Customs Union, which became fully-fledged in January 2010.

Burundi: Burundi is a landlocked country situated in Central Africa. It has the size of 27,834 square km². According to the provisional general census results of August 2008, Burundi's population was estimated at 8,036,618 inhabitants (Ministry of Water, Environment, Land Management and Urban Planning, 2010). It is bordering Rwanda to the North, Tanzania to the East and South, and Democratic Republic of Congo (DRC) to the West. Burundi's economy is predominantly agrarian with coffee as its main source of export revenue (Omara et al., 2010).

Policy: public policy is what the government chooses to do or not to do. It is a decision made by the government to either act or not act in order to resolve a problem. (Barkland, 2005)

ABSTRACT

The study examined the implementation of the EAC Common Market policies in Burundi using the case study of free movement of persons. It was guided by the three research objectives; i) to assess the effectiveness of policies instituted by Burundi emanating from the Protocol of the EAC Common Market for the free Movement of persons from East Africa Countries, ii) to examine the practices by Burundi emanating from the Protocol of the EAC Common Market that promotes the free Movement of persons from East Africa Countries and iii) to seek solutions to challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Common Market Protocol for the free Movement of persons from East Africa Countries. The study used a cross sectional research design basing on both qualitative and quantitative data. In addition the study used purposive sampling and simple random sampling methods; it used a sample size of 63 respondents. Findings revealed that the progress of free movement of persons in Burundi is still low due to lack of civil liberties and restrictions on freedom of movement. Respondents stated that the country of Burundi welcomes an estimated number of 332 students who are granted gratis student passes. In addition, Burundi has prohibition laws to immigrants that have a direct negative impact on the right to free movement of persons. Findings revealed also that Burundi has taken steps in fostering success in the practice of free movement of persons by issuing common standard document to their nationals and has clear effective policies under CMP about the right to free movement of persons. In recommendations, the study suggested that Burundi should consider the establishment of a High Level Forum or Authority on regional integration for a better coordination and implementation of the initiatives and programmes of all regional integration bodies to which the country subscribes.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

This chapter addresses the background to the study, problem statement, purpose of the study, objectives of the study, research questions, and scope of the study and significance of the study. The purpose of this study was to examine how Burundi has implemented the East African Community Common Market policies basing on a case study of Free Movement of Persons.

1.1 Background of the Study

The background of the study addresses the historical, contextual, theoretical and conceptual background of the study.

1.1.1 Historical Background

After their independence in the 1960s, African countries understood the need to promote bilateral and multilateral economic cooperation. Instead of formation of a Pan-African regional continental economic system, they preferred to integrate gradually through the establishment of sub-regional groups. The United Nations Economic Commission for Africa (ECA) proposed the division of the continent into four sub-regions: Eastern and Southern, Central, West and North Africa. African states were encouraged to strengthen sub-regional economic cooperation and to promote coordination and harmonization among the different groupings for the gradual establishment of an African Economic Community by the end of the century. (EAC Secretariat, 2002)

It is in that context that different blocs have been created in order to meet the objectives of an integration strategy in Africa. We have different blocs which have been founded since 1962 and still active till now and to name a few we have: The East African Community (EAC) founded in 1967 dissolved in 1977 and revived in 1999; the Mano River Union (MRU) formed in 1973, the Economic Community of West African States (ECOWAS) established in 1975, the Economic Community of Central African States (ECCAS) founded in 1983 dissolved in 1992 and revived in 1999; The Common Monetary Area (CMA) established in 1986; The Arab Maghreb Union (AMU) established in 1989, the Common Market for Eastern and Southern Africa (COMESA) formed in 1994 to replace the former Preferential Trade Area (PTA) from the early 1980s; the

Southern African Development Community (SADC) formed in 1992 and formerly called SADCC, which was established in 1980; the Indian Ocean Commission (IOC) created in 1982 and institutionalized in 1984 (Iyoha, 2005) .

Since then, Africa countries understood the importance of integration and several took part to form different regional blocs and Burundi was not left behind. Burundi is member of several regional, political and economic groupings like: the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African states (ECCAS), the Economic Community of the Great Lakes countries (ECGL) and the East African Community (EAC).

Taking the case of the East African Community, as an intergovernmental regional organization constituted of 6 partner States namely: Uganda, Kenya, Tanzania, Burundi, Rwanda and South Sudan which joined the community in 2016. The Republic of Burundi acceded to the EAC Treaty on 18th June 2007 and became a full Member of the Community with effect from 1st July 2007. The Treaty for the Establishment of the East African Community was signed on 30th November 1999 and entered into force on 7th July 2000 following its ratification by the original three Partner States – Kenya, Uganda and Tanzania. The EAC aims at widening and deepening co-operation among the Partner States politically, economically and socially for their mutual benefit (Ogalo, 2012; Kinyua, 2015)

Burundi joined the EAC with an economy that has many weaknesses and compared to other EAC partner States, Burundi seems to be the weakest of the group. Burundi economy is based on agriculture. Export is limited to coffee, tea and, to a lesser extent, sugar. The private sector in Burundi is poorly developed with many difficulties; and also Burundi still applies a very restrictive taxation system. Governance and ease of doing business indicators are not reassuring and Burundi ranks among the last countries in the world. Despite the end of the war, the economic recovery is very slow. Burundi has a structurally weak balance of trade, and the economy is too dependent on the outside world (OAG, 2015).

Advances in East African integration are crucial as it has the potential for higher than usual benefits. For Burundi and other EAC member States such as Rwanda and Uganda the costs of being land locked are very high, successful integration would transform the five countries into one coastal, regional economy, slashing such costs (World Bank, 2012).

Nyamoya et al (2010) assert that to enforce that co-operation, the EAC instituted different policies through different protocol such as Customs Union, Common Market, and Monetary Union and long after Political Federation. The Customs Union was established in 2005 and the Common Market Protocol (Protocol) became effective from 1st July 2010 following ratification by all partner states. The common market was established under paragraph 1 and called the East African Community Common Market and managed in accordance with the relevant laws of the Community.

East African Community common market is used to accelerate economic growth and development for country members. It means that the EAC Partner States maintain a liberal stance towards the four Freedoms of movement for all the factors of production and two Rights between themselves. The EAC Common market Protocol in Article 2(4) highlights those freedoms and rights: a) Free Movement of Goods b) Free Movement of Persons c) Free Movement of Labour / Workers d) Right of Establishment e) Right of Residence f) Free Movement of Services and g) Free Movement of Capital

In order to give meaning to the freedom of movement of persons, that freedom has to be accompanied by a right of residence. To be successful, the EAC Common Market protocol in different article 7(7), (8) and (9) state requirements that are needed to be implemented in each partner State concerning the free movement of persons notably: reciprocal opening of border posts and keeping the posts opened and manned for twenty four hours in all partner states; to use the Standard Identification System and Travel Documents.

1.1.2 Contextual Background

The EAC Member States have made major strides towards the implementation of EAC CM on free movement of persons particularly in the operationalization of border posts on a 24 hour basis (Kigali International Airport, Bujumbura International Airport, Entebbe International Airport, Jomo Kenyatta Airport, Mombasa International Airport, Namanga, Lunga Lunga, Taveta, Katuna, Rutumo, Busia, Malaba), and harmonization of immigration procedures. This action coupled with the waiving of the work permit fee for the EAC citizens by some countries (Kenya and Rwanda), is a great achievement. There is need to urgently address issues related to the inhibitive legal and regulatory frameworks of the different countries. The other impediment to the success of the protocol is the existing disparities with regard to national identification

system among the partner states, a factor that hinders the free movement of people. There is need for all the partner states to expedite the adoption of machine readable identity cards which will facilitate the movement of persons among the member states (Ogalo, 2012).

1.1.2.1 Analytical Matrix for CMP Domestication According to Ogalo, 2012

CMP Assessment parameters	Indicator(s) of success
Guaranteed freedom of movement of persons within the territories of partner States	<ul style="list-style-type: none"> • Number of EAC citizens granted six (6) months automatic stay or denied the same. • Number of border posts opened on reciprocal basis and manned for twenty-four hours. • Number of border posts with necessary infrastructure and electronically interconnected border management systems. • Number of students granted gratis student passes to stay in a host Partner State.
Amendment of national laws to ensure nondiscrimination against citizens of other partner States	<ul style="list-style-type: none"> • List of immigration laws inhibiting free movement of persons identified and those amended by the partner States • Number of complaints lodged by citizens of other partner states in relation to unequal treatment
Issuance of common standardized national identification documents	<ul style="list-style-type: none"> • Existence of a system for issuance of machine readable and electronic National Identity Cards established

	<ul style="list-style-type: none"> • Number of citizens issued with standardized machine readable National ID"s
Use of valid common standard travel document across the region	<ul style="list-style-type: none"> • Number of citizens using common standard travel document across the region
Use of machine-readable and electronic national identity cards as travel documents by partner states that agree to do	<ul style="list-style-type: none"> • List of bilateral agreements signed by a partner State in relation to the use of machine-readable and electronic national identity cards as travel documents

Kenya has made a number of strides towards actualizations of the CMP. These include facilitation of movement of persons from the territories of the Partner States, opening and operationalization of seven border posts on a 24-hour basis (Jomo Kenyatta Airport, Mombasa International Airport, Namanga, Lunga Lungu, Taveta, Malaba and Busia). All these borders together with Kisumu International Airport are electronically interconnected and have integrated border management system. In 2011 and by May 2012, there were 2,890 and 875 students from other partner states granted gratis entry into Kenya. There has been amendment of national laws and regulations to ensure non-discrimination of the citizens of the Partner States The Kenyan laws such as the Kenya citizenship act (CAP 170), immigration Act (cap 172); Alien Restriction Act (Cap 173) and visa regulations which hitherto inhibited free movement of people have since been repealed. They have been replaced with the Kenya Citizenship and Immigration Act No.12 of 2011 and Kenya citizens and Foreign Nationals Management Act No.31 of 2011. However, Kenya has not harmonized its social security policies, laws and systems with other EAC countries. The country has also not finalized its national manpower survey. The country is also yet to harmonize its curricula, examinations, standards, certificates and accreditation of education and training institutions (Friedrich, 2012).

In Uganda, entry into and exit must be at designated points in accordance with the national laws and immigration procedures. The immigration controls have also not been eliminated. Uganda has tremendously embraced the use of identification card as travel document. Uganda issues visitor's pass to EAC citizens free of charge in accordance with the protocol. However, a visitor's pass allows EAC citizens to enter and stay in Uganda for up to 2 months and not 6 months as provided in the CMP. Student or learning mobility is guaranteed. However, students are required to apply for a pupil pass within 15 days of entry. A worker with a contract must apply for work permit within 12 days of entry. Uganda has also eased cross border movement. The turn-round period for passport processing is 10 days. There are separate counters for EAC nationals at the Entebbe International Airport and 24 hours service at Malaba, Katuna, Busia and Entebbe International Airport. Efforts for one stop border post and integrated Border Management System are ongoing at Malaba, Busia, Katuna and Mirima hills. Border posts have been gazetted at Amudat (Uganda-Kenya) Kizinga-Rwempasha (Uganda-Rwanda) and Omuruhumba (Uganda-Rwanda). Bugango which is at the border of Uganda and Tanzania is now operating and was gazetted in 2013/2014 (ibid).

In Uganda, the free movement of persons is guaranteed under article 7 of the Uganda constitution. Uganda has reviewed laws and policies to implement the CMP. Under free movement of persons those are: Uganda Citizenship and Immigration Control Act, Cap. 66; the Uganda Citizenship and Immigration Control Regulations, 2004 S.I 16 of 2004; the Uganda Citizenship and Immigration Control (Fees) Rules, 2009, S.I 53 of 2009; Employment Act, 2006; Labour Unions Act, 2006; the Trade Unions (Check off) Regulations S.I 223-3; The trade Unions (prescription of Balance sheet) Instrument S.I 223-4; the Trade Unions Regulations S.I 223-1; The trade unions (subscription to the National Organization) Order S.I 223-2; the trade Unions (arbitration and settlement) (Form) Rules S.I 224-2; The trade unions (arbitration and settlement) industrial court) (procedure) Rules S.I 224-3; The trade Unions (arbitration and settlement) (Arbitration Tribunal and Board of inquiry) (procedure) rules S.I 224-1; Workers Compensations act, cap.225; the workers compensations regulations S.I 225-1; The workers compensation (Appointment of officers to act on behalf of workers) S.I 225-2; The workers compensations (prescription of Fees) Regulations S.I 225-3; The workers compensation (Rules of Court) Rules S.I 225-4, Occupational safety and health Act, 2006 and Regulations made under the Act (Legislative drafting & Research Consultants, 2013). According to the National Council

for Higher Education, foreign student entries in the country have been growing at an average rate of about 7 percent annually. Uganda has the highest university enrolment in the region. In 2006/7 and 2007/8 academic years, it registered a total of 162,411 and 117,084 students respectively from East Africa Community (Othieno et al., 2012). However, the free movement of persons is not absolute as it must be undertaken within the best interest of the public, health and security. Consequently, entry of prohibited immigrants is illegal.

In Rwanda, the cabinet approved the National Policy and strategy on EAC integration in February 2012. The aim of the strategy is to ensure alignment of laws with CMP provisions. Rwanda also enacted a new immigration Law No 04/2011 in 2011 to facilitate implementing of Ministerial orders relating to the CMP. In terms of progress, Rwanda provides visitors pass for 6months without visa. The students pass are provided free while work permits are charged Rwandese Franc 20,000 for trade, business, service, semi-skilled and artists from the region as compared to Rwandese Franc 100,000 for non-EAC citizens. Three major border posts namely Kigali International Airport, Gatuna and Rutumo operate 24hours. Others such as Akanyaru and La Corniche operate up to 10pm. 322 students were granted free gratis student passes. Rwanda considers the EAC partner States Rwandans on tuitions fees. It also provides tuition waiver of 50 per cent to all students from EAC partner states. Rwanda has started issuing machine readable and electronic National Identity Cards established. However, there is no regional body in Rwanda that would attract regional labour mobility. Reluctance in implementing CMP decisions such as issuance of electronic IDs, harmonization of social security and employment and conducting of national manpower survey by some partner States slows down progress of implementation of CMP (ibid).

Tanzania is a United Republic (bringing together Tanganyika and Zanzibar) with specific matters listed as union matters in the constitution and other matters are left for each part of the union to have full jurisdiction. Matters of employment and labour relations are not union matters hence it is regulated by two distinct set of laws enacted by two independent legislatures and administered by two different ministries in the United Republic of Tanzania. On the Mainland, the Employment and labour Relations Act (No.6 of 2004) is being administered under the Ministry for Labour, while in Zanzibar there are two statutes, namely the Labour relations Act (No. 1 of 2005) and the Employment Act (No. 11 of 2005). Tanzanian committed herself to implement the

protocol fully by 2015. The reasons for taking the long path originated from both internal and external sources. One of the reasons emanated from the fact that the area covered by the protocol under the freedom of movement of labour in Tanzania was multi-sectored and intra-ministerial. It involved several actors from both governments of Tanganyika and Zanzibar. Tanzania, for example, spread the acceptance of workers from other partner states from 2010 to 2015. The list showed professionals with PhDs, nurses, midwives accepted by 2010. One of the key challenges to effective implementation of the CMP by Tanzania is fear that the nationals will lose jobs once job seekers from other partner states are allowed into the country. The language challenge is also seen as a comparative advantage, especially of Kenyans over Tanzanians. This is mainly in the command of English, a language most preferred by foreign investors. Fears of social dumping, inadequate national capacities, fear of economic losses from the provision of public services to foreign workers and the reluctance of nationals to moves to other partner states are also part of the challenges (ibid). Between 2009/10, students from East African Community Member State who entered in Tanzania under the benefit of the CMP protocol are estimated at 117,057 (Othieno et al., 2012).

Waffubwa (2012) notes that Burundi has to some extent remained non-compliant in enhancing success for free movement of persons because it has unclear immigration laws inhibiting free movement of persons identified and those amended by the partner states and this is also evidenced by the increasing number of complaints lodged by citizens of other partner states in relation to unequal treatment.

1.1.3 Theoretical Background

The study adopted a neoliberalism theory of international relations. The concept suggests its own definition: Neoliberalism is a revival of “liberalism”. This definition suggest that liberalism, as a political ideology, has been absent from political discussions and policy-making for a period of time, only to emerge in more recent times in a reincarnated form. It suggests, in other words, that liberalism has undergone a process of initial growth, intermediary decline, and finally a recent rejuvenation (Kristol, 1983).

Neoliberalism can be seen as an ideology different from, and often opposed to liberalism. The word “liberal” took on a specifically political meaning with the establishment of liberal parliamentary caucuses in Sweden and Spain, and later on throughout Europe, in the first

decades of the nineteenth century (Gray, 1995). When these embryonic political parties coined the term “liberal”, they wanted to signal their favorable assessment of the emerging democratic systems in Britain and especially the United States, as opposed to their conservative opponents, who wanted to return to pre-revolutionary forms of government (Sartori, 1987). It is hard to date back the emergence of neoliberalism precisely, but its foundations can be traced back to the classical liberalism advocated by Adam Smith, and to the specific conception of man and society on which he founds his economic theories (Clarke, 2005).

Harvey (2005) defines Neoliberalism as “in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. The state has to guarantee, for example, the quality and integrity of money. It must also set up those military, defense, police and legal structures and functions required to secure private property rights and to guarantee, by force if need be, the proper functioning of markets. Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security, or environmental pollution) then they must be created, by state action if necessary. But beyond these tasks the state should not venture. State interventions in markets (once created) must be kept to a bare minimum because, according to the theory, the state cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias state interventions (particularly in democracies) for their own benefit”.

Neoliberalism claims that the state ought to be minimal or at least drastically reduced in strength and size, and that any transgression by the state beyond its sole legitimate purpose is unacceptable. These beliefs could apply to the international level as well, where a system of free markets and free trade ought to be implemented as well; the only acceptable reason for regulating international trade is to safeguard the same kind of commercial liberty and the same kinds of strong property rights which ought to be realized on a national level (Norberg, 2001; Friedman, 2006).

Neoliberalism also includes the belief that freely adopted market mechanisms is the optimal way of organizing all exchanges of goods and services (Friedman, 2006; Norberg, 2001). Free

markets and free trade will, it is believed, set free the creative potential and the entrepreneurial spirit which is built into the spontaneous order of any human society, and thereby lead to more individual liberty and well-being, and a more efficient allocation of resources (Hayek, 1973). This view is also promoted by global financial institutions most of the major trading states and multinational corporations.

Regional integration has been identified as one of the different forms that groups of nations may take to enhance their economic, political, social or cultural interaction. Regional integration is different from regional cooperation as to the extent that regional cooperation denotes the coordination and coalescence of policies around common objectives and a process terminating in a stage where states cede some attributes of sovereignty thus integration (Kinyua, 2015).

Regional integration has been defined as a process by which a group of nation states voluntarily and in various degrees have access to each other's markets and establish mechanisms and techniques that minimize conflicts and maximize internal and external economic, political, social and cultural benefits of their interaction (Haarlow, 1997).

Integration may be taken as a process whereby an intergovernmental organization, three or more countries, pools their resources together with the target of creating a larger and a more open economy to benefit member states (Kinyua, 2015). Integration schemes vary across the globe in terms of functional scope, size of membership and institutional set up. The linear progression in the process of economic integration follows seven stages namely: Preferential Trade Area, Free Trade Area, Customs Union (CU), Common Market (CM), Economic Union (EU), Monetary Union and Political Union (Kinyua, 2015)

EAC Secretariat (2002) highlights the criteria and conditions for choice of an integration stage:

1. Preferential Trade Area, Free Trade Area, Custom Union : (potentially) competitive domestic sector, specialization, scale economies or competition potentials, avoidable trade restrictions
2. Common Market: Non-exploited scale economies, specialization or competition potentials, Non-crucial comparative disadvantages in competition, similar economic

systems, similar preferences for administrative policies, developed and liberalized national capital and labor markets

3. Monetary Union: Integrated common goods and factor markets, similar economic policy particularly, equal preferences for monetary policies, similar inflation rates, similar long-run nominal interests rate, de facto independent national central banks, compatible fiscal policies, balanced public budgets or similar new public debts in the medium-run, no financing of public deficits by money printing, no exchange rate illusions, no active appreciation or depreciation policies, stable exchange rates between the member candidates in the medium-run, similar consequences of external shocks or flexible adjustment mechanisms i.e., flexible wages and prices, high capital and labor mobility, compensatory mechanisms of fiscal federalism.
4. Political Union: Common political interests, similar political evaluation systems and preferences (equal valuation of peace, individual freedom, democracy, environment, similar law traditions...), similar identity and feeling of solidarity.

According to Shen (2007), common market is trade bloc comprising a customs union with common policies on product regulation and freedom of movement of the factors of production (Capital, Labour and Enterprise). A single market is a more advanced form of common market with more efforts geared towards removal of physical (borders), technical (standards) and fiscal (taxes) barriers among member states so as to facilitate free movement of the factors of production. A common market is where member countries of a regional economic community, in this case the EAC, agree among themselves to operate as a single market with free movement of people, services, labor and capital to overcome their weakness and poverty in order to meet the objectives of development. It is a legal and binding commitment to a deeper and stronger functional integration by member countries to remove all trade barriers on goods and services; and liberalization of movement of the factors of production.

Shen (2007) further observed that the basic elements of a common market are; a smoothly functioning customs union including complete elimination of all tariff and non-tariff barriers plus a common external tariff, free movement of persons, labor, services and right of establishment and residence, free movement of capital within the community, enhanced macro-economic

policy harmonization and coordination particularly with regards to fiscal regimes and monetary policy and setting up, strengthening and empowering the necessary institutions/organs to support the common market operations.

Migration, in the context of a Common Market, is reflected under article 104 of the Treaty Establishing EAC and in article 5 of the Protocol on the Establishment of the EAC Common Market that was adopted in 2009. The Protocol states the right of cross-border movement of persons; the adaption of integrated border management; the removal of restrictions on movement of labour and services; and the right of establishment and residence. Furthermore, the harmonization of labour policies for the purposes of guaranteeing free movement of labour, as stated in article 12 of the Protocol, provides that member States harmonize labour policies, laws, and programmes to enable the free movement of labour within the EAC region (Ibid, 2007).

According to World Bank (2012), border crossing in the East Africa Community is characterized by different problems such as excessive documentary requirements and anachronistic official procedures, insufficient use of information and communication, technology systems, questionable due processes, lack of transparency, predictability and consistency in customs activities and determinations, unclear demarcation of responsibilities and lack of efficient cooperation among a country's customs and other governmental agencies. Obtaining consensus from all governments in East Africa for a regional infrastructure policy and regulation is problematic due to different attitudes and commitment towards reform as well as concerns about national sovereignty.

1.1.4 Conceptual background

Currently, the world is witnessing an increase of regional integration as a popular trend and the justifications of many integration initiatives are mainly economic. The main basis of creation of various regional integrations across the world is therefore to enhance development through free movement of persons.

The EAC countries were not left behind, thus innovation as in the year 1999 witnessed the revival of the EAC after its collapse in 1977 mainly on account of inequitable distribution of costs and benefits among the partner States and ideological differences, which led to the three

countries adopting different politico-economic models. (Economic Commission for Africa, 2013)

The free movement of persons in EAC can be traced back to the Treaty for East African Cooperation between Kenya, Uganda and United Republic of Tanzania from 1967, which ensured the free movement of persons within the region as one of the key cooperation elements. Member States adopted measures to achieve the free movement of persons, labour and services, and the right of establishment and residence of their citizens in the EAC region under article 104 of the Treaty Establishing EAC (1999).

The free movement of persons in EAC CMP guarantees EAC citizens the freedom to move within the territories of any partner States without being discriminated against on the basis of their nationalities. The freedom of movement of EAC Citizens has been provided and applies only to citizens of a partner States moving to another partner States for purposes of visit, transit, education and training or any other lawful purpose other than as a worker or self-employed person. This is ensured through four major measures. Citizens should enter the territory of another partner States without a visa, be able to move freely within the territory of that partner State, stay in there and exit the country without undue limitation. While in the territory of another partner States, the citizens are guaranteed the right to protection based on the national laws of that partner State. A national of a partner State shall not be exempted from prosecution or extradition. The protocol also requires the partner States to observe reciprocal opening of the border posts as well as opening and manning the post for twenty four hours. This requires partner States to establish in all border posts the necessary infrastructure and to have in all the borders electronically interconnected border management systems. In order to identify the citizens of the EAC partner States, the partner States are required to establish a common standard system of issuing national identification document, nationals of partner States wishing to travel to another partner states are required to have a valid common standard travel document (Ogalo,2012).

1.2 Statement of the problem

Despite the implementation of the East Africa Community Common Market in Burundi since it entered into force in 2010, the country has not yet put in place effective structures and functioning regulations that give meaning to the right of movement of persons.

This is despite EAC Presidents having signed the treaty to give the citizens of the member countries, freedom of movement of persons, to significantly boost trade, economy and investment and make the region more productive. It is based upon this background that the researcher will carry out this study. Hence, this study will cover the extent to which Burundi has put in place structures and regulations to give meaning to the right of movement of people from the member states of the EAC, generally.

1.3 Objectives of the Study

1.3.1 General Objective

The research undertaken sought to examine the implementation of the EAC Common Market policies in Burundi using the case study of free movement of persons.

1.3.2 Specific Objectives

The study was guided by the following study objectives;

1. To assess the effectiveness of policies instituted by Burundi emanating from the Protocol of the EAC Common Market for the free Movement of persons.
2. To examine the practices by Burundi emanating from the Protocol of the EAC Common Market that promotes the free Movement of persons.
3. To analyse challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Common Market Protocol for the free Movement of persons.

1.3.3 Research Questions

The following research questions were guided by the study;

1. How effective are the policies instituted by Burundi emanating from the Protocol of the EAC Common Market for the free Movement of persons?
2. What are the practices of Burundi emanating from the Protocol of the EAC Common Market that promotes the free Movement of persons?
3. What are the major challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Common Market Protocol for the free Movement of persons?

1.4 Scope of the Study

The scope of the study was divided into geographical scope, content scope and time scope.

1.4.1 Geographical Scope

Burundi is a small, landlocked country (27,830km²). It is located between 29° and 30°25 eastern meridians and between the 2°20 and 4°25 southern parallels. It shares borders with Rwanda to the North and North East, Tanzania to the South and South East and The Democratic Republic of Congo to the West. Burundi Republic is divided into 18 provinces (Ruyigi, Gitega, Cankuzo, Makamba, Rutana, Muyinga, Kirundo, Bururi, Cibitoke, Ngozi, Karuzi, Kayanza, Bubanza, Rumonge, Bujumbura Rural, Muramvya, and Bujumbura Mairie, Mwaro) with Bujumbura Mairie as the capital city. Since November 2014, the 13 former communes of the capital city of Burundi have been merged into 3 communes. We have Muha commune, Mukaza Commune and Ntakangwa Commune. Burundi is an essentially agricultural country. Agriculture and animal husbandry contribute a part usually estimated between 40 and 60% of the Gross Domestic Product (GDP). Growth of Gross domestic product (GDP) in real terms is estimated at 4% in 2011 slightly above the 2010 level of 3.9%. Inflation stood at 8.3% at the beginning of 2011 before reaching a peak of 13.3% at the end of the last quarter 2011. This drastic rise was due to a rapid increase in the cost of foodstuffs and fuels. State income exclusive of foreign aid remained at about 19% of GDP. 53.5% of the total budget for the financial year 2011 came from aid (African Economic outlook, 2012). Burundi has 16 borders namely: Rumonge, Nyanza-Lac, Mabanda, Mugina, Gisuru, Mishiha, Gasenyi, Kobero, Kanyaru Haut, Kanyaru Bas, Kabarore, Ruhwa, Mutimbuzi, Vugizo, port de Bujumbura and International Airport of Bujumbura

1.4.2 Content Scope

The study presents a brief background about the East African Community Common Market in Burundi and also examines the protocol of its establishment. This enabled the study to determine whether Burundi has been successful in developing structures emanating from the protocol of the EAC Common Market for the free movement of persons. The study also assessed the practices by Burundi emanating from the protocol of the EAC Common Market that promotes the free movement of persons. The study also helped to seek solutions to challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Protocol for the free movement of persons.

1.4.3 Time Scope

The study covered a period of 3 years from 2012-2015. The researcher believed this was a reasonable period for the gestation of Burundi after its entry into the EAC in 2007; and its signing of the EAC Framework for the Freedom of Movement of Persons from the member states of the EAC in 2010. This helped to gather the most relevant and reliable information about the study variables.

1.5 Purpose of the Study

Many people especially Burundians have been asking questions such as: What are advantages of Burundi in joining the EAC? Why is it still hard to cross borders when entering in EAC member state? This research bring answers to such question by showing up different realization that have been done and show up different challenges that Burundi is facing in implementing the EAC Common Market policies using the case of free movement of persons. This was also one of the partial fulfilments that have to be undertaken in order to obtain my Master"s Degree award.

1.6 Significance of the Study

The study intended to add knowledge to the world of international relations while benefiting many stakeholders including the following:

To member states government: The study intended to help them gain knowledge about the extent to which the Burundi government has implemented the East African Community Common Market under the right of free movement of persons

To other academicians : The study intended to provide a source of documentation for whoever wants to know how Common Market contributes to economic growth of countries members of the community. In addition, it also intends to be used by researchers who want to carry out similar studies in the domain of custom union or political federation.

Policy makers: Policy makers in different ministries in Burundi, international Government organization such as the World Bank, IMF, donors and other regional bodies may find it useful in understanding different challenges that Burundi is facing in the implementation of EAC Common Market policies in Burundi.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

In this chapter, the focus was put on the views of different authors who gave their views relevant to the topic of the study. The literature reviewed aligned to the study objectives namely the effectiveness of policies instituted by Burundi emanating from the Protocol of the EAC Common Market for the free Movement of persons, the practices by Burundi emanating from the Protocol of the EAC Common Market that promotes the free Movement of persons, challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Common Market Protocol for the free Movement of persons. The literatures reviewed were from different sources like the text books, newspapers, websites and journals. The chapter presents the definition, forms, theories, benefits of regional integration. It presents also regional integration in Africa, the EAC also the challenges to regional integration.

2.1 Regional Integration

2.1.1 Definition of Regional Integration

Arndt (2013) define regional integration as a process in which neighboring states enter into an agreement in order to upgrade cooperation through common institutions and rules. The objectives of the agreement could range from economic, political to environmental, although it has typically taken the form of a political economy initiative where commercial interests are the focus for achieving broader socio-political and security objectives, as defined by national governments

Regional integration proceeds when States enter into regional agreements in order to enhance co-operation through regional institutions and rules. Units that have until then been separate develop a relationship of mutual dependence. It is an association based upon location in a given geographical area. When regional integration occurs, the results is not simply a sum total on the component parts but the process yields system properties or attributes that were not in existence at the individual component level" the concept also implies ceding to varying degree of the sovereignty of the States involved in the process of integration. The purposes or objects of

regional integration are manifold. These may be political, economic, social, cultural, environmental etc. (ibid)

2.1.2 Forms of Regional Integration

Integration may be political or economic. Moreover the two aspects may be sequenced. Economic integration has a number of forms that are also often sequenced in an incremental manner. These forms are preferential Trade Area, Free Trade Area, Customs Union, Common Market, Economic Union and political Union. The sequencing of these forms of integration has been followed in Europe. It is reflected in Art 5(2) of the Treaty for the Establishment of the East African Community as well as in the treaties of other regional economic communities. It is also the sequence in the Treaty establishing the African Economic Community.

Preferential Trade Area: this is the lowest form of economic integration in which member countries extend preferential treatment in terms of charging lower tariffs on imports produced in member countries, than they charge on imports from nonmember countries

Free Trade Area: A regime of free trade within the Area prevails. This means both tariffs and non-tariff barriers, such as quotas or administrative barriers are removed. The arrangement falls short of a customs union because each Member State levies its own regime of tariffs on imports from non-members. Because of the differences in external tariffs it becomes necessary to agree on rules of origin so that goods imported from outside the free trade area are not passed off as products of a member state that charges lower tariffs

Customs Union: In addition to the other element in the Free Trade Area a customs union develops a regime of external tariffs on goods imported from countries outside the customs union. This implies that a member of a custom union cannot unilaterally extend preferential tariffs to a non-member of the customs union, a problem that now arises with membership to different regional organizations on the part members of the EAC

Common Market: in addition to what obtains in a customs union there is free movement of labour, capital, goods and service amongst member countries. There is the right of nationals to establish themselves economically in any member State

Economic Union: this stage, in addition to the attributes of a common market has high degree of integration harmonization and integration economic police trade policy, fiscal and monetary policy.

Political Union: this is the culmination of the integration process; the member countries can either completely unite and give up all their sovereignty or they may federate.

2.1.3 Benefits

These are benefits that are said to accrue from integration. Some of these depend on the acceptance of free trade history. Such benefits include resultant large markets; hence the expression in economic activity and the attraction of foreign direct investment if this is to be regarded as an advantage, especially in the case of third world countries. The economies of scale as well as the operationalization of the principle of comparative advantage should promote productions. The integrated region should also be in a better bargaining position than that of the separate constituent states. There are social and cultural benefits that would arise out of harmonization and standardization in the areas such as labour standards, products quality, social security, environment, health culture etc. given historical link between economic rivalry and war and abuse of human rights, there are clear political, peace and security dividends that are ensured from integration including democracy and respect of human rights and the peaceful resolution of disputes.

In case of East Africa Community, integration will enable East African partner states to withstand the force of globalization, provide an enabling environment for attracting foreign direct investments, create a large market of over 90 million people, remove barriers and obstacles of trade within the East African Community, reduce the cost of doing business in East Africa and eventually improve the standard of living for East African, the exchanges of experience between entrepreneurs of the community. At the political and diplomatic level the credibility and trust between the states will be significantly improved which could lead the partners of the community to invest in the resolution of national and interstate political problems. With the adoption of the clauses of the social and political union, political governance and the rights of citizens could be better and diplomatic pressure to solve the internal problems of states could establish peace in the community (OAG, 2009; Kinyua, 2015).

2.1.4 Theories of Regionalism

2.1.4.1 Functionalism

Much of the literature on regionalism has rightly been criticized for its preoccupation with the EU, an outlier in global experiences of regionalism. Although the European experience may be *sui generis*, and the institutional forms that regionalism has taken in the EU do not exhaust the possibilities available to economies in other parts of the world, the literature on European regionalism is relevant to the extent that other groupings are attempting to pursue similar activities to those undertaken within the EU. While institutional configurations in other regional schemes may differ, functional equivalents will need to be devised if regional collaboration is to be successfully institutionalised. For instance, all forms of regional collaboration require dispute settlement mechanisms in some form. Various institutional alternatives are available—from a highly legalised procedure, as in the EU, with disputes over treaty provisions ultimately subject to the European Court of Justice; to the highly informal – and politicized – procedures of ASEAN, where disputes ultimately are the responsibility of heads of state. Different forms of dispute settlement mechanisms may generate outcomes that diverge considerably and which may be more or less functional for the tasks at hand. The key point here is that the choice of institutional design matters. In some circumstances, soft law institutions may be preferable and indeed the only viable approach – but they may dictate that collaboration remains shallow, subject to the whims of political figures (Ravenhill, 2016).

2.1.4.2 Institutionalism

Economic regionalism in Africa has often combined a commitment to a very ambitious integration agenda (notably, customs unions and common currencies), with a very shallow institutional framework, in which few responsibilities are delegated to regional institutions. This lack of correspondence between institutional design and the purported mission of regional collaboration has been a major factor in the credibility gap that African regionalism has faced. To observers, it often appears that African regional institutions have been “designed to fail”. Does this preclude the possibility that they may have “latent” functions? Not necessarily. As with SADCC, (largely ineffective) economic cooperation may have been pursued primarily because it helped attain political objectives. But such examples seem rare. If the intention was to improve political relations with neighbours then regional institutions were designed very poorly,

seemingly in a manner that guaranteed that they would enhance the likelihood of inter-state conflict. A more cynical explanation that might be advanced is that the latent function that some regional institutions served was to enable governments to stake a claim to aid funding through creating institutions to which they had little commitment. Again, the argument is not that regional collaboration is impossible with shallow institutionalization. Various FTAs, such as the North American Free Trade Agreement (NAFTA) area, are able to conduct their business successfully without a common secretariat, relying solely on national government agencies for coordination and implementation. But deeper integration typically requires the delegation of tasks to one or more joint institutions. Few governments in the developing world (Africa is not unique in this respect) have been willing to relinquish sovereignty to permit the requisite transfer of authority to regional institutions. And, in Africa, national institutions are frequently so overextended that they cannot substitute for lack of capacity at the regional level (Ravenhill, 2016).

2.1.4.3 Intergovernmentalism

The theoretical literature in political science on regionalism places a great deal of emphasis on the significance of domestic political coalitions in determining governmental preferences for collaboration. It was no accident that pluralism was at the heart of neo-functionalist analysis of domestic political systems, given the dominance of the concept in US political science at the time that neo-functionalist ideas were formulated. Interest groups were perceived to be the principal drivers of regionalism, their promotion of collaboration a function of an increasing realisation that the challenges they faced could no longer be resolved at the national level. And even in the liberal intergovernmental approach that rejected some of the key premises of neo-functionalism (such as any automatic “spill-over” from one area of cooperation to another), the preference formation that determines foreign economic policy goals is perceived to be a “response to shifting domestic social groups, whose preferences are aggregated through political institutions”. Domestic interests – the emergence of internationalising coalitions that are the beneficiaries of economic openness – are also the overriding explanatory factor in Solingen’s arguments as to why we see the development of cooperative regional orders in some parts of the world, for example, Southeast Asia, and conflict-prone orders elsewhere, as in the Middle East. The presence of democratic forms of government is also viewed as an important facilitator of

international collaboration because it reduces uncertainty about the behavior of partners. Pluralism and democratic political institutions were the key political background conditions in whose absence the prospects for institutionalised regional governmental collaboration were remote. Inward-looking, rent-seeking coalitions that frequently dominate the political scene in Africa are likely to derail the regionalism project (Ravenhill, 2016).

The economic background conditions for African regionalism are equally unsupportive. The economic case for regionalism is well-established. Regional economic integration, by creating a larger “domestic” market, will intensify competition among producers and enable a more efficient allocation of resources through the realisation of economies of scale. Returns to investors should increase, which in turn should make the region more attractive to foreign investors. Regional schemes are often attractive to international development aid agencies (the EU has been particularly supportive of regionalism in other parts of the world). And a commitment to legally-binding treaties that underpin regionalism can be an important signaling device, helping to lock in trade and other economic policy reforms in the face of domestic opposition. It has long been recognised, however, that the case for what is essentially the promotion of import-substituting industrialization on a regional scale rests on conditions that are absent in most parts of Africa. In particular, the expectation is that regional partners must have the potential to mobilise resources within a reasonably short timeframe, so as to be able to supply a significant part of the import demand of the regional economy. In Africa, this has proved not to be the case. Potential African exporters are frequently less competitive suppliers, even with the protection of an external tariff, than extra-regional sources. Opportunities certainly exist for a substantial increase in the share of intra-regional trade in total trade from its currently very low base, but even if this were to be achieved, its share in the overall trade of the vast majority of African states would still be relatively small. Moreover, the principal barriers to enhanced supply within the region are usually not tariffs but poor infrastructure, which is often compounded by a plethora of non-tariff barriers. Neither of these issues is addressed by conventional preferential trade agreements. The consequence is that despite decades of attempts to promote import-substitution through regional trade schemes, dating back to the 1980 Lagos Plan of Action, intra-African trade remains very low in terms of the share of total African trade. The most recent data from the AU suggest that intraregional exports constitute on average only 10.4 percent of total African exports. Even if a comprehensive FTA were to be introduced for the continent, estimates

are that intra-African trade by 2022 would only increase to percent of the continent's total trade. In Africa, the experience has frequently been one of regionalism without regionalisation. African regional trade areas are not substantially different from other regional economic schemes among developing economies in this regard. To be sure, intra-regional trades in ASEAN as a share of the region's total trade is double that of Africa. But this share is largely unchanged from when ASEAN was first created, nearly half a century ago, and the figure is dominated by two countries (Singapore and Malaysia) that together account for half of intraregional trade. Regional schemes in other parts of the developing world have similarly low levels of intra-regional trade to those prevailing in Africa, simply a reflection of the non-competitiveness of economies in supplying the import needs of their partners. The question arises, therefore, whether in an increasingly globalised economy the traditional type of regional economic collaboration that continues to be given priority in Africa is really the best means of realising aspirations for enhanced economic growth through regional collaboration (Ravenhill, 2016).

2.1.5 Regional Integration in Africa

Since independence, Africa countries have embraced regional integration as an important component of their development strategies and concluded a very large number of regional integration arrangements (RIAs), several of which have significant membership overlap. There are however few success stories. African RIAs are generally ambitious schemes with unrealistic time frames towards deeper integration and in some cases even political union. African RIAs are usually neighborhood arrangements. Traditionally, the European Union was Africa's most important trade, investment and development partner. Trade with the EU was governed by a series of Lomé Conventions, which granted African countries (excluding South Africa) unilateral preferential access to EU markets. The EU and African countries concluded the Cotonou Agreement which paved the way for the negotiation of World Trade Organisation (WTO) compatible Economic Partnership Agreements, in 2000. Various configurations of African countries have constituted negotiating groups; many of which however cut across existing neighborhood regional integration arrangements, adding an additional layer of complexity to the regional integration process in Africa. The protracted and difficult EPA negotiations reflect to some extent the difference between the African paradigm of regional integration and the EU's model of regional trade agreements, but also the challenges of African regional integration. The EPA negotiations revealed important gaps between political ambitions and economic reality in

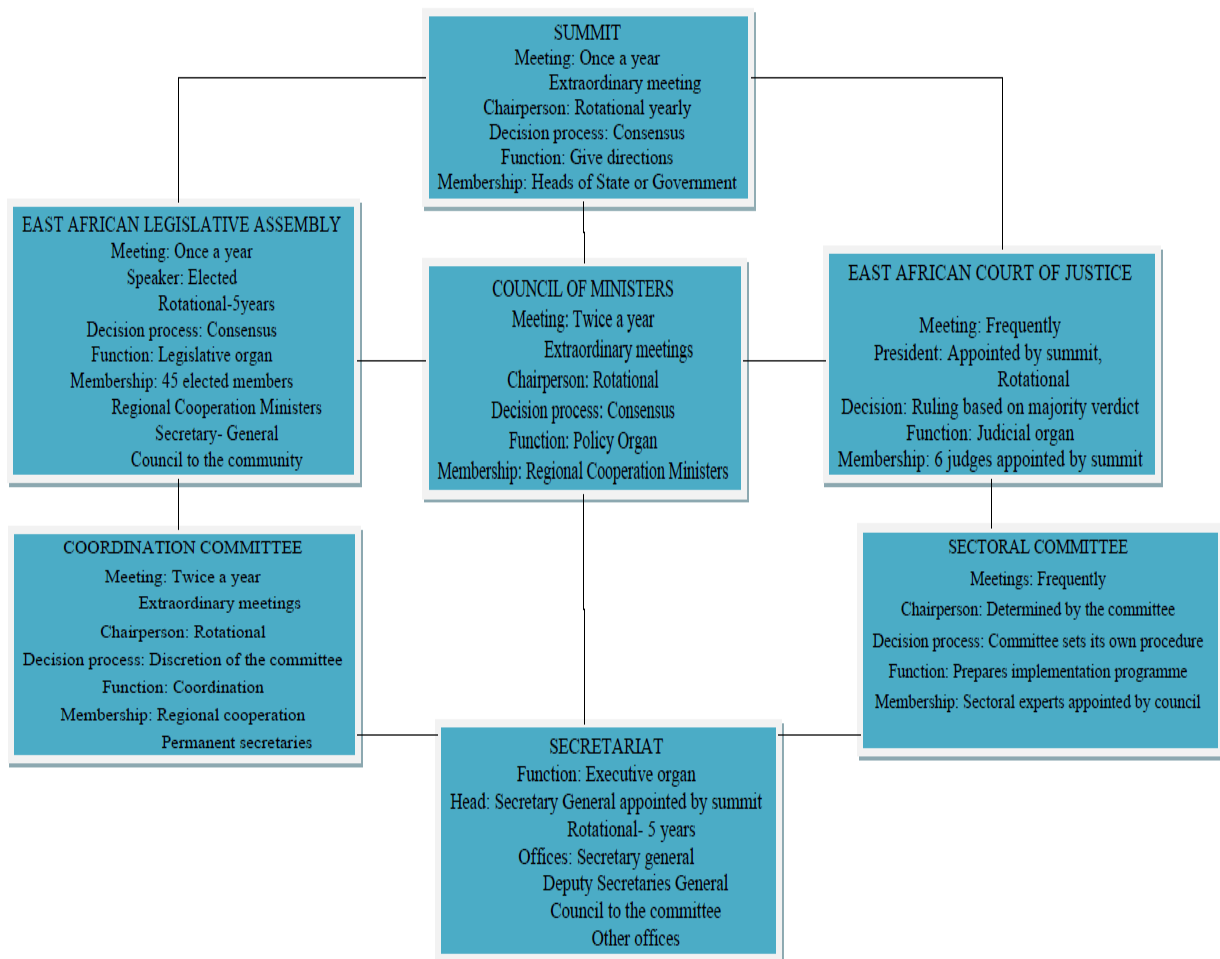
African regional integration. Debates about the African integration agenda and indeed Africa's strategy for integration into the global economy are emerging from these negotiations, which are still ongoing. The African paradigm is that of linear market integration, following stepwise integration of goods, labour and capital markets, and eventually monetary and fiscal integration. The starting point is usually a free trade area, followed by a customs union, a common market, and then the integration of monetary and fiscal matters to establish an economic union. The achievement of a political union features as the ultimate objective in many African RIAs. This process is followed by the various regional economic communities (RECs) in Africa and at a Pan African level, eight of the RECs have been identified as the building blocks of the African Economic Community (Hartzenberg, 2011).

2.1.6 East Africa Community

The drive for the transformation of the East African region, particularly Kenya, Tanzania and Uganda, into a functioning entity with rights and duties in international relations is not new. It dates back to the time when the three East African colonies were still objects of international law.¹ The completion of the *Uganda Railways* (as it was originally known) from Mombasa (Kenya) to Kampala (Uganda) by the British colonial administration (1895-1903), set the stage for *Phase I* (1903-1947) of the formal socio-economic and political cooperation and integration in the region. A number of institutional mechanisms were established with the objective of promoting and institutionalising the colonial administration's project on cooperation. The persistence of the market inequalities coupled with the centralisation of most of the headquarters of the common services in Nairobi, Kenya, continued to pose structural challenges to the EACSO, creating a center-periphery relations in the region. Newlyn (1971) observes: "the gains from East African common market were unevenly distributed between the participating countries". This was a result of the fact that the industry [...] tended to cluster in Kenya." The EAC I disintegrated in 1977 due to the political, economic, institutional, structural and personality conflicts. It was not until 1999 that the treaty establishing *Phase V* of the East African regional integration was signed by the member states, Kenya, Uganda and Tanzania. The EAC II treaty entered into force on 7th July 2000 after its ratification by the member states. The Republic of Rwanda and the Republic of Burundi acceded to the Treaty on 18th June 2007 and became full Members of the Community with effect from 1st July 2007 and South Sudan gain entrance in 2016. The EAC aims at widening and deepening co-operation among the Partner

States in, among others, political, economic and social fields for their mutual benefit. The EAC integration is a four 7 stage model; Customs Union, Common Market, Monetary union and Political Federation. The Customs Union was established in 2005 and the Common Market Protocol (Protocol) that came into force on the 1st July 2010 lays down the framework through which the Common Market will be progressively attained (Adar, 2011).

Figure 1: EAC Operational Functions and Decision Making Processes



Source: Adar, 2011

2.1.7 Challenges to Regional Integration

There are challenges and threats to integration. Experiences from various integration schemes including the EAC amply highlight these. These range the insistence on sovereignty, which is also related to borders; adoption of intergovernmentalism at the expense of supra-national

institutions and such related issues as tardiness in decision making. There are also issues of funding. Lastly as both the old and current EAC demonstrated the marginalization of the people in the process of integration and perceptions of unequal benefits do pose serious questions.

Most of Africa's countries have low per capita income levels and small populations which result in small markets. In 2008, SSA states had populations of less than 2 million while 19 had a gross domestic product (GDP) of less than US\$5 billion, six of which had a GDP of less than US\$1 billion. Not only are most SSA economies small and poor, but 15 are also landlocked, an important contributory factor to high trade transaction costs, and more generally to the high costs of doing business in Africa. In addition to border barriers, many other constraints exist, increasing the transaction costs of trade. Geography is an important consideration. Low per capita densities of rail and road transport infrastructure, which in colonial times was designed to transport primary products to port. Poorly developed cross-country connections are the outcome (McCord et al., 2005: 37). It has been pointed out that "the reality on the ground is that transport costs in Africa are still among the world's highest. For example, shipping a car from Japan to Abidjan costs US\$1 500 (including insurance); shipping that same car from Addis Ababa to Abidjan would cost US\$5 000. "Throughout the continent, many road, air, and rail networks remain unconnected" (Hartzenberg, 2011).

2.2. Effectiveness of Policies Instituted by Burundi Emanating From the Protocol of the EAC Common Market for the Free Movement of Persons

In negotiations for the accession of Burundi to the East African Community, Burundi Republic (2006) had pledged to facilitate the movement of people in different ways. In first, crossing the border Burundi agrees to implement the decision of the Council of Ministers this one is about the adoption of the single declaration of exit and entry form and this as of the first quarter of its entry into the East Africa Community. In second, the abolition of visas: Burundi accepts the abolition of visas for nationals of the community. Burundi is committed to create an East Africa Community counter at points of entry and informing the community of its implementation as early as the first quarter of its entry in the community. In third, the free issue of the pass to the students: Burundi has agreed to give free pass to the students. Burundi has undertaken to review the legislation as of the 1st quarter of its entry in the community. In fourth, Passport: Burundi accepts the passport of the EAC. Burundi has adopted the EAC passport upon adoption. In fifth,

Granting of a work permit: Burundi accepts the principle of granting a work permit. It has committed to review the labor legislation and participate in the program in the first half of 2017. In sixth, Harmonization of Immigration Laws: Burundi agrees to participate in the Immigration Law Harmonization Program. It has committed to participate in the program and to harmonize upon admission. In seventh, let it pass from the community: Burundi agrees to participate in the process of creating the pass of the community for regular travelers especially businessmen. Burundi has committed to participate in the process from the moment of admission

In regard of what Burundi has committed itself to do while entering in EAC, Nothing much has been done to implement the East Africa Community Common Market Policies effectively. Among the factor holding up the implementation are that reforms of border management and protocol are costly and governments do not want to give up the revenue and jobs generated by immigration control and custom fees. One way to encourage the members of the RECs, to open up their borders, uniformly would be to replace the revenue that was created previously by visa fees. New border technology and infrastructure such as scanners, cameras, satellites, roads and bridges are also costly.

However, Nkurunziza et al (2010) explains that Burundi, just like other EAC Partner States, has made some progress towards implementation of the CMP. There were, for example, 132,083 EAC citizens who had been granted access into Burundi for the period January to May 2010. The EAC citizens passed through Gasenyi-Nemba and Kanyaru Haut border posts. Between June 2011 and April 2012 some 922 students who are citizens of EAC had been granted gratis student passes to visit and study in Burundi. Also, Burundi harbours no discriminatory legislations inhibiting freedoms of movement of citizens of other partner states into Burundi. In the five months to May 2012, some 48,646 Burundians had entered into other EAC partner states using the Burundian national Passport. Burundi has entered into a memorandum of understanding with the Republic of Kenya on exchange of students and teachers and mutual recognition of educational qualifications.

2.2.1 Domestication and Implementation of Free Movement of Persons in Burundi Under EAC CMP

Regarding the number of EAC citizens entering Burundi or denied access, Ogalo (2012) made research and revealed that during the first five months of the year (May 2010), there were

132,083 EAC Citizens who had been granted access into Burundi, passing through the Gasenyi-Nemba and Kanyaru Haut border posts.

The East African Development Strategy report (2011) notes that the number of students granted gratis (free) student passes to stay and study in Burundi ranges between 850-922 students who are citizens of EAC and these are granted gratis student passes to visit and study in Burundi. It was also revealed that the government of Burundi has immigration laws inhibiting free movement of persons and these identified laws required amendment, however, the country does not have any discriminatory legislations inhibiting freedoms of movement of citizens of other partner states and there is no record of complaints lodged by citizens of other partner states in relation to unequal treatment in Burundi.

The report further notes that the CMP had also envisaged a situation where nationals of EAC would be able to move freely within the EAC territory through use of machine-readable electronic identification cards. Currently, the only travel documents recognized in EAC are the national passports and the EAC Passport. While Kenya, Tanzania and Uganda have been issuing EAC Passports, Rwanda and Burundi have not issued the same to their nationals. In the five months to May 2012, some 48,646 Burundians had entered into other EAC partner states using the Burundian national Passport as follows: 19,933 to Rwanda, 18,370 to Uganda, 4,500 to Kenya and 5,843 to Tanzania. It is instructive to note that on the one hand it takes long for one to obtain a national passport; on the other, it is expensive (ibid).

Kyambalesa et al, (2001) expressed that, similarly, these passports can get filled up very quickly because of stamps, which may mean that those who frequently visit or conduct business within EAC have to frequently renew their passports. It is therefore important that EAC partner states can jointly agree on use of machine-readable electronic IDs since these do not have to be stamped and either it don't expire or they could have longer expiry period. In the whole EAC, only Rwanda has such IDs but use of them is still restricted and the CMP had envisioned that such IDs could be used as travel documents between partner states that adopt such a system. Currently, only Rwanda and Kenya have reached such bilateral agreement but Kenya is still at the pilot stage of issuing such IDs and by May 2012 over 60,000 Kenyans had been issued with the machine-readable electronic IDs. The study finds that, while such system is not yet applicable in Burundi where citizens still use non-machine readable IDs, a project exists and the

UNDP had organized a survey on its feasibility but non-availability of funds have held back this project.

It is also noted that while Kenya, Tanzania and Uganda have been issuing EAC Passports, Rwanda and Burundi have not issued the same to their nationals. Burundi is also yet to put in place the machine-readable electronic IDs. Further, Burundi does not have a border post that operates 24 hours apart from Bujumbura Airport. Work is in progress to render operational, on a 24- Hour basis, the Gasenyi and Kobero borders. Burundi does not also have a single border post with the necessary infrastructure and electronically interconnected or integrated border management systems between Burundi and the bordering EAC Partner States. This makes it hard to collect data on movement of persons across these borders and ability to track and respond to any human tracking situation is acutely curtailed (Ogalo, 2012).

2.2.2 Right of Residence Within the East African Community

Article 24(2) of the East African Community Protocol guarantees the EAC citizens who have been granted the freedom to work and establish within the territories of other Partner States the right to reside in those territories. The right of residence is applicable to the spouses, children and dependent of workers or self-employed persons. Nationals of EAC Partner States who qualify in accordance with the provision on Right of Establishment should be issued with residence permits by the host Partner States. The right of residence is restricted on public policy, public security or public health grounds but such restrictions should be communicated to the other Partner States accordingly.

The provisions of the Article on Right of Residence shall not affect the provisions of national laws, administrative processes and practices of a Partner State which would be more favourable to the nationals of the other Partner States. In addition, matters pertaining to permanent residence will be governed by national policies and laws of the Partner States.

The World Bank (2012) report notes that the challenges to implementation of the CMP in Burundi are poor perception of educational qualifications. Although it is not written, there is a widespread perception by many would-be employers in countries like Kenya, Uganda and Tanzania that Burundi does not have the higher tertiary level training institutions to provide the level of education and certification that is considered as satisfactory. As is the case with other

countries of the region, low public awareness of the opportunities and threats of the CMP, and the roles and obligations of the public in promoting CMP is a key hindrance to effective implementation of the CMP in Burundi. Impact of differentiated commitments in the CMP and fear of job losses constitute other challenge. There is also no comprehensive regional integration strategy to steer implementation of the CMP in Burundi. Burundi also lacks an institutional mechanism to coordinate and monitor implementation of the CMP. (Ibid)

In conclusion, it can be noted that the right to free movement of persons entails the abolition of any discrimination based on nationality. It includes the right to enter the territory of a Partner State without a visa; the right to move freely within the territory of a Partner State; the right to stay in the territory of a Partner State; the right to exit without restrictions; and the right to full protection by the laws of a Partner State. The enjoyment of the rights shall be subject to limitations justified on grounds of public policy, public security or public health. A Partner State imposing such limitation shall be obliged to notify the other Partner States accordingly. The movement of refugees within the Community shall be governed by the relevant international conventions.

Currently the government of Burundi does not have active practices to operationalize the aspects of the Free Movement of Persons as per the CMP.

2.2.3 Strength and Gaps in Literature

Ogalo (2012) revealed that the EAC Common Market Protocol guarantees citizens of the five EAC Partner States the freedom to move within the territories of any of the Partner States without being discriminated. However, he did not discuss the terms and conditions on which a person is entitled to the right of free movement within the East African States.

Nkurunziza et al (2010) in his work explained that Burundi has made some progress towards the implementation of the Common Market Protocol and sighted an example of 132,083 EAC citizens who had been granted access into Burundi for the period January to May 2010. However, he failed to mention the state in which these citizens lived to establish whether it was in accordance with the requirement and regulations of the protocol.

The World Bank (2012) report provided information about some of the challenges that Burundi faces in the implementation of CMP relating to free movement of persons and these included but

not limited to the country of Burundi not having comprehensive regional integration strategy to steer implementation of the CMP. However, the report did not provide solutions or strategies on how Burundi can overcome the challenges.

Ogalo (2012) observed that there is no border post operating 24hours services that would enable East Africans wanting to enter Burundi at any time apart from International Bujumbura Airport; however he failed to mention why Burundi has failed to render the border operational for 24hours.

Ogalo (2012) made research and revealed that during the first five months of the year (May 2010), there were 132,083 EAC Citizens who had been granted access into Burundi, passing through the Gasenyi-Nemba and Kanyaru Haut border posts but his findings did not make any reports on how responsive other member states were in allowing Burundian citizens free movement into their respective countries.

The East Africa Development strategy (2011) provided information in relation to the right of free movement of persons basing its findings on students. The report revealed that Burundi grants access that ranges between 850-922 students to visit and study in Burundi. The findings however, did not mention any information about the corresponding number of Burundian students that are granted access to other East African countries; this would help in establishing whether all member states are implementing the Common Market Protocol and if Burundi citizens have understood the benefit of integration.

Kyambalesa et al, (2001) in his findings revealed that the only travel documents recognized in EAC are the national passports and the EAC Passport. It was also revealed that these passports can get filled up very quickly because of stamps, which mean that those who frequently visit or conduct business within EAC have to frequently renew their passports. However, Burundi does not issue the same to their nationals; the findings did not indicate why the Burundian government has not yet followed the same direction.

2.3 Practices by Burundi Emanating from the Protocol of the EAC Common Market that Promotes the Free Movement of Persons

Bennet (2009) explains that with regard to the EAC integration agenda, minimal progress has been achieved toward implementation of the EAC Common Market Protocol due a number of

constraints. The delay in revising laws and regulations to conform to the CMP, in particular is a major challenge likely lead implementation targets not being met. The institutional set-up for the implementation of the CMP, if made fully operational could speed up its implementation, provided that adequate resources are committed for this purpose.

Some practices emanating from the protocol of the EAC Common Market policies are being held in Burundi, however they are still limited and full of reservation.

The free movement of persons is guaranteed in Burundi's constitution. However, in relating to Article 7 of the EAC Common Market Protocol, the free movement of persons is not absolute as it must be undertaken within the best interest of the public, health and security. Consequently, entry of prohibited immigrants is illegal. The immigration controls have also not been eliminated. Entry into and exit out of Burundi must be at designated points in accordance with the national laws and immigration procedures. Burundi is yet to embrace the use of identification card as travel document.

Ogalo (2012) considered whether there was any immigration laws inhibiting free movement of persons identified that required amendment and those amended by Burundi. Interviews with the ministry in charge of immigration in Burundi indicated that *Burundi harbours no discriminatory legislations inhibiting freedoms of movement* of citizens of other partner states into Burundi and that there was no record of complaints lodged by Citizens of other Partner States in relation to unequal treatment in Burundi.

Kanyangoga (2010) states that Burundi issues visitor's pass to EAC citizens free of charge in accordance with the protocol. However, a visitor's pass allows EAC citizens to enter and stay in Uganda for up to 2 months and not 6 months as provided in the CMP. Student or learning mobility is guaranteed. However, students are required to apply for a pupil pass within 15 days of entry. Those attending training of less than two months are exempt. The visitors and pupil passes are issued free of charge.

The World Bank report (2012) further explains that free movement of persons was guaranteed in Burundi where entry visas have been abolished and citizens of East Africa are issued with six months visitors pass at the point of entry as long as they produce either their national passport, the EA passport, a temporary permit or an identity card for the citizens of Rwanda and Uganda.

2.3.1 Factors inhibiting free movement of persons in Burundi

Work Permits

In this regard, Egan (2011) free movement of persons is one of the most challenging freedoms in regional integrations; this freedom has both legal and political implication. The political implications are manifested on issues of immigration, social security employment and public order. Such political implications manifested themselves in EU. Using the CMP on Free Movement of Workers entitles a worker to apply and accept employment offers in any of the East Africa countries and is also entitled to conclude contracts and take employment in accordance with that contract. The CMP however does not exempt the workers from getting WPs; the CMP instead obliges MSs to harmonize the classifications of WPs. The Republic of Burundi possesses a WP regime of 3 classes (A-C), and so does the United Republic of Tanzania (inclusive of Zanzibar). In Kenya and Uganda both countries count around 20 permit classes, while Rwanda counts 19 classes and 36 subclasses issuing authorities also differ in the five countries.

Ombudo (2014) also observed that a worker wishing to obtain a Working Permit has to apply online by filling forms and attaching the necessary documentations. This however has to be downloaded and presented physically at the immigration headquarters and it was also established that as much as systems ease the process of permit application, the system has been experiencing numerous technical hitches making it hard to track information. This means that with the lack of computer and internet, one is forced to engage the services of a cyber café making the process expensive. In addition, the requirement of presenting the online application in immigration headquarters is cumbersome and expensive for workers working outside Burundi. This does not only waste time along long queues at the headquarters, but also increase travelling and accommodation costs.

2.3.2 Rights of Establishment and Residence

Egan (2011) explains that the rights of establishment and residence are guaranteed under articles 3-15 of the CMP and the implementing regulations are under annex iii and annex IV of the CMP. The right of establishment extends to self-employed persons and companies and firms. For a self-employed person, there is the requirement of a WP or a special pass. The requirement of a self-employed person is proof of documentary proof of registration certificate of business.

Currently the government of Burundi have some practices that operationalize the aspects of free movement of persons as per the CMP, however there are still with full of reservation.

2.3.3 Strength and Gaps in Literature

Bennet (2009) in his work revealed that there is minimal progress that has been achieved under the EAC integration agenda towards the implementation of the EAC Common Market Protocol due to a various constraints. However, he did not identify some of the constraints that lead to this and how they may be tackled so as to achieve greater progress.

The World Bank report (2012) revealed that the implementation of the East Africa Community Common Market Protocol has gone through mixed results and sighted an example of Kenya which made remarkable progress and there is free movement of persons from various territories. However, he did not mention the state of border control and management within the other member states to help establish whether the respective countries have developed the infrastructure to foster and ease free movement of persons.

In relation to the factors that inhibit the free movement of persons in Burundi, Egan (2011) revealed that working permits are some of the challenges facing free movement of persons mainly has political implications and as such affect regional integrations. He revealed that among the member states of CMP, Burundi possesses a work permit regime of only 3 classes compared to other countries like Uganda and Kenya which both have a count of 20 permit regimes. Egan failed to mention why Burundi just only has 3 work permit regimes.

In addition, Ombudo (2014) also added that a worker wishing to obtain a WP has to apply online by filling forms and attaching the necessary documentations. However, it was also noted that the system for processing has technical hitches; his research therefore did not mention on whether the country has done or come up with strategies on how to improve on the system.

Egan (2011) revealed that another reason inhibiting the free movement of persons in Burundi is the rights of establishment and residence which are a guarantee under articles 3-15 of the CMP with relevant implementation regulations. Egan however, failed to provide information indicating a clear situational status about the issue in Burundi.

2.4 Challenges in Policy and Activity Frameworks that Burundi Faces in Order to Implement the EAC Protocol for Free Movement Of Persons

According to Fuster (2011), the full implementation of the Common Market is a challenging task since it calls for strong implementation by all parties, particularly the Partner States, so as to deliver the rights and freedoms enshrined in the East African Community Common Market Protocols. The Partner States are under obligation to make sure that their existing laws and regulations in their respective countries are in conformity with the common market provisions. In that respect, this work shall analyze the legal challenges to the implementation of Common Market Protocol but with emphasis on the case of free movement of persons in Burundi and shall suggest possible measures for the smooth running of common market.

Kamanga (2010) asserts that the EAC comprising of Burundi, Kenya, Rwanda, Tanzania, Uganda and South Soudan is a regional organization which seeks to encourage economic growth and development, through trade and competitiveness. That makes free movement of persons to be a critical component in the attainment of regional competitiveness and efficiency in the integration process. In fact, once the free movement of capital is not assured, the trade and competition are affected thus, delay of economic growth and development in the region. The Protocol for the Establishment of the East African Community Common Market provides for the free movement of persons whereby the elimination of restrictions on the Free Movement of Persons by the partner States. The rationale for the East African Community Common Market is compelling; the common market in EAC has the potential to build economies of large scale, to accelerate competitiveness, and to bring the region closer in achieving its dream of becoming a single investment destination.

2.4.1 Equal Treatment of Nationals in Partner States

The CMP also guarantees citizens of Partner States equal treatment as nationals in relation to: Employment; access to employment opportunities; remuneration; and other conditions of work and employment. A worker also has the right to be accompanied by his/her spouse and children, who are also entitled to work in host partner state. The prohibition of discrimination on grounds of nationality is also of great symbolic importance, inasmuch as it demonstrates that the community is not just a commercial arrangement between the governments of the member states

but is a common enterprise in which all the citizens of community are able to participate as individuals (Ogalo,2012).

The nationals of each partner states are entitled to live, work and do business in other partner states on the same terms as the local population. They must not simply be tolerated as aliens, but welcomed by the authorities of the host state as community nationals who are entitled, within the scope of the application of the Treaty, to all the privilege and advantages enjoyed by the nationals of the host state. In the context of the EAC, which aims not merely at the creation of a single economic space, but a single political one as well, these words ring true and with even greater force (Haywood, 2010).

2.4.2 Free Movement of Persons

Kamanga (2004) notes that free movement of workers is often defined as a significant element of the acquisition of the freedom of movement for persons guaranteed under Article 7 of the CMP. To this end, Partner States are required to enable without any discrimination citizens of other partner States entry without a visa; free movement within the territory; freedom to stay within and exit the territory without any restrictions and the right to full protection in accordance with the laws of the Partner State. The right of free movement of persons applies to citizens of a Partner State who move to stay in and exit another Partner State for purposes of a visit, medical treatment, transit, education and training or any other lawful purpose other than as a worker or as a self-employed person. For purposes of clarity, the free movement of persons and free movement of workers are distinct rights under the Protocol.

Daniels (2011) asserts that the major challenges to the implementation of a policy include the level of success of an agreement regarding the scope and degree of liberalization of movement, as well as the incertitude of actual ratification of a signed agreement, which is necessary for its entrance into force. Therefore, once a concrete legal text on the facilitation of movement has been drafted, the first challenge is to reach a consensus among member states on its content. The implementation of regional free movement has encountered severe problems across all East Africa. Although a deeper understanding of these issues is needed to improve current practices, few studies exist which try to analyse this part of the policy cycle more systematically and in-depth. One major issue when implementing free movement policies relates to the weak administrative capacity of implementing bodies and the general lack of financial and human

resources. This can affect the regional, national and local levels alike. Key officials such as immigration officers or border agents must be informed and trained on a regular basis in order to assure that they act according to the latest legislation regarding regional free movement rights (especially in the case of national laws).

Adepoju (2009) explains that capacity building of officials both at the national and regional level must be a top priority if free movement is to materialize. In Burundi, successful implementation also requires consultation and cooperation between and among government agencies (or ministries) to assure the development of a coherent policy framework for migration. Another related problem is the absence of monitoring mechanisms. Hardly any regional organisation monitors systematically the implementation of regional migration policies. Even in the case of CMP free movement of workers has not been accompanied by systematic monitoring or evaluation of conferred rights. Violations of free movement rights have instead been revealed by academic institutions in the framework of periodic reports.

Furthermore, De Melo, J, et.al (2013) states that a serious barrier to effective free movement is the absence of regional enforcement mechanisms and legal remedies. Multiple examples exist where mobility rights are openly violated by host member states without any consequences. This is especially true during economic downturns where migrants are often the first to suffer from discrimination and expulsion. A possible example in this regard is the European Union, where European Commission (mainly through its infringement procedure) have substantially contributed to strengthening free movement rights laid down in primary and secondary law.

Burundi should use the example of other partner States. According to the World Bank report (2012) the implementation of the East African Market Protocol has seen mixed results. Kenya for example has made remarkable progress and there is free movement of persons from various territories. Free movement of persons as envisaged in the CMP entails entry and exit from the territories of member countries without visas or any hindrances, freedom of movement within the territories of MSs and freedom of stay within the territories as per the stipulated period issued at the point of entry related to free movement of border management. According to the CMP's regulation eight annex one, there should be ease of border crossing, reciprocity in opening border controls, manning of border 24 hours, harmonisation of border procedures and the border having the necessary infrastructure for effective border management.

2.4.3 Migration

It is widely believed by economists, policy makers and politicians that movements of people in turn yields much in terms of tangible contribution to nations' economic development. Traditionally being treated as separate policy portfolios, migration and development are today increasingly viewed through the prism of the many links that exist between these two fields (De Lombaerde et al., 2007). While development oriented actions can help tackle the root causes of migratory flows, migration can, in turn, contribute positively to development, including economic growth, social empowerment and technological progress.

In a common market, economic integration is promoted by the removal of restrictions on trade of all kinds, the liberalisation of capital transfer and the freedom of movement for labour. A common market increases economic competition, accelerates structural adjustment and, in the medium term, increases the rate of innovation in an economy. While the increased competition pushes prices downwards, output and the average national income grows. All those effects are difficult to measure, because they do not show up in absolute changes (growth rates), but in relative differences to what would have happened without economic integration (Fuchs, 2003).

There must be emphasis on legal relational issues, it is aimed at bringing to the fore the importance of law as an instrument for economic integration. A purely economic or socio-political approach to, or analysis of, economic integration should be viewed with caution. Obstacles to trans-boundary economic activity are not only economic or socio-political, but are also sometimes legal. National laws and international agreements limit the movement of persons, goods, services and capital. These limitations may be informed by economic and socio-political considerations, but it is through the medium of law that the limitations are realized. An understanding of regional integration that envisions laws as an instrument for integration should immediately position law at the forefront of economic integration processes. In addition, the process of integration can have no real consistency and, above all, no real stability or lasting force unless we succeed in giving it a sufficiently solid institutional and legal framework. Attention to relational issues is an important aspect of this endeavor (Ezekiel, 2009).

To emphasize the place of law in East Africa's regional integration processes is not to underestimate the importance of socio-economic and political factors in these processes. Indeed, regional integration should be well grounded in the socio-economic and political realities of a

region. These realities can and often do shape the workings or effectiveness of law in the processes. The emphasis placed on law on this study is meant to challenge the existing literature, which is vast and sees progress in regional integration as being hindered by socio-economic, political, cultural and infrastructural problems. Without denying the importance of these problems, this study aimed at demonstrating that even if all the problems were to disappear today, there are many legal issues, which if unaddressed will hinder the effectiveness of East Africa Community's economic integration processes (Ibid). Currently, the government of Burundi does not have active practices to operationalize the aspects of the Free Movement of Persons as per the CMP.

2.4.4 Strength and Gaps in Literature

Fuster (2011) argued that the partner states are under obligation to make sure that their existing laws and regulations in their respective countries are in conformity with the common market provisions. However, he did not provide information about the legal challenges to the implementation of the Common Market Protocol in particular about the free movement of persons.

Kamanga (2010) also revealed that the regional organisation amongst EAC seeks to encourage economic growth and development through means of trade and competitiveness. However he did not establish a link between the rights of free movement of capital and the free movement of persons so as to achieve the set goals.

The Ministry of East African Community Affairs (2011) made a report that revealed that the Common Market Protocols calls for prohibition of discrimination on grounds of nationality as a symbolic importance, and this was to demonstrate that the community is not just a commercial arrangement between governments of member states. However, the report failed to provide the status (statistically) of this provision in each of the member states and in particular Burundi

Haywood (2010) provided information that nationals of each partner states are entitled to live, work and do business in other partner states on the same terms as the local population. As such, EAC aims not merely at the creation of a single economic space, but a single political one as well. In this regard, his study did not clearly indicate whether the EAC much as it considers one trade arrangement, is its aim also aiming at a single and unified political situation.

In addition, Kamanga (2004) right of free movement of persons applies to citizens of a Partner State who move to stay in and exit another Partner State for purposes of a visit, medical treatment, transit, education and training or any other lawful purpose other than as a worker or as a self-employed person. However, the findings did not indicate on how long the visit or stay is supposed to last any international individual in pursue of the free movement of persons.

Daniels (2011) observed that the major challenges facing Burundi in the implementation of a free movement of persons under the policy and for instance sighted the incertitude of actual ratification of a signed agreement. Daniel however failed to provide information about the possible mitigation measures that can be adopted to overcome the challenges faced.

Adepoju (2009) made research and explained that if free movement of persons is to materialize in Burundi, there is need to emphasize capacity building of officials at both the national and regional level as a top priority. He also mentioned that there is absence of monitoring mechanisms. However, he failed to mention on how the regional integration may come together to solve this phenomenon so as to improve on monitoring.

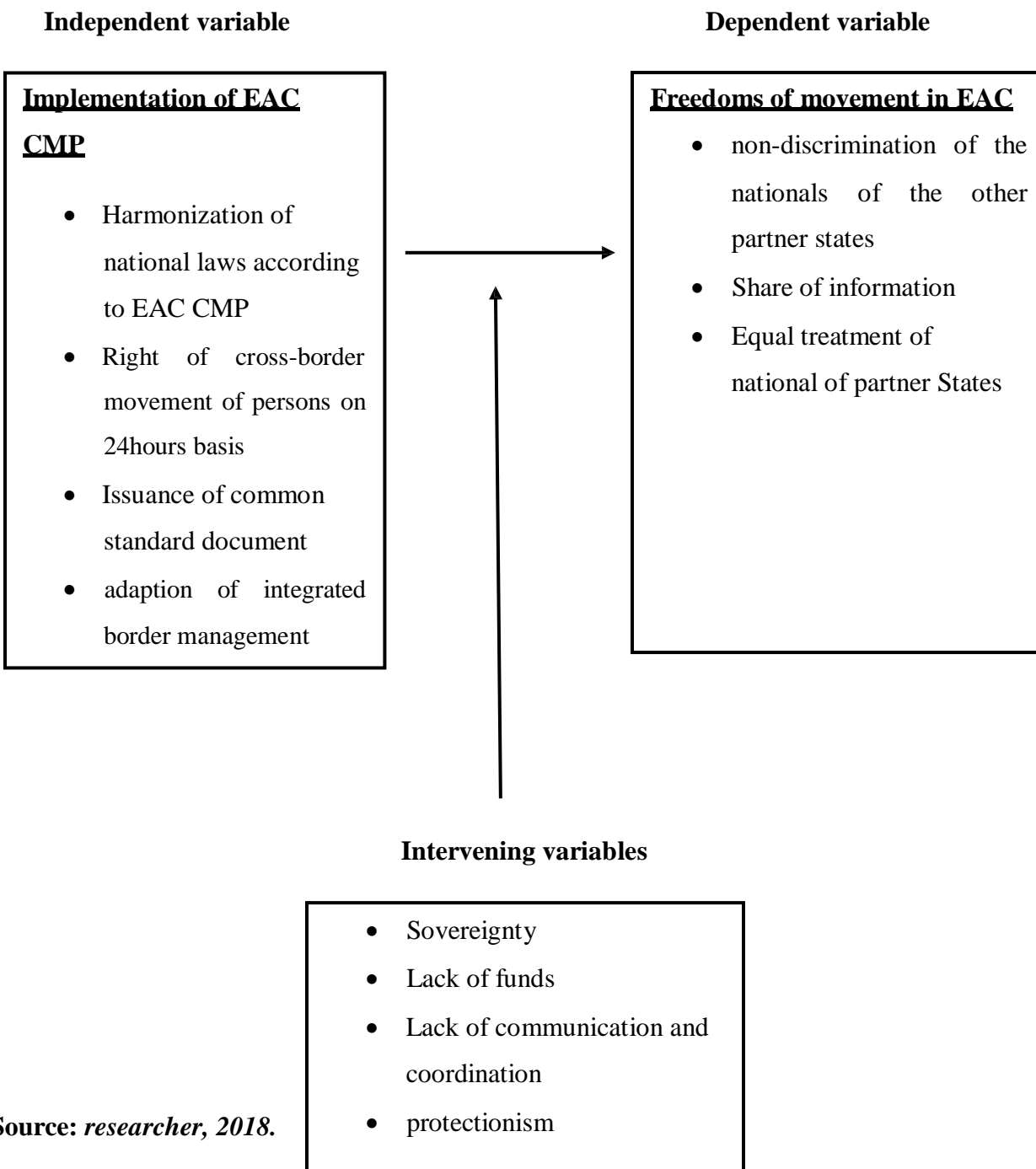
De Melo et al (2013) also a serious barrier to effective free movement is the absence of regional enforcement mechanisms and legal remedies and provided relevant existing examples to this problem. However he did not mention on how to strengthen the rights laid down for the free movement of persons in Burundi and all EA Common Protocol Market member states

De Lombaerde et al., (2007) explained that many believe that free movement of people in turn yields much in terms of tangible contributions to nation's economic development, social empowerment and technological progress. The research however failed to mention the level of political contribution or implication to all member states and whether this political contribution can lead to proper governance. Ezekiel (2009) revealed that a purely economic or socio-political approach to, or analysis of, economic integration should be viewed with caution as this can bring about the importance of law as an instrument for economic growth. He did not mention how Burundi and other member states are ensuring these issues are handled cautiously.

2.5 Conceptual Framework

The conceptual framework illustrates the relationship between the independent variable and dependent variable of the study.

Figure 2: Conceptual framework



Source: *researcher, 2018.*

Explanation

The independent variable (East African Community Common Market) has a direct influence on the dependent variable of the study (freedoms of movement in EAC). It is therefore conceptualised that the freedoms of movement in EAC depend on the implementation of East African Community Common Market Protocol. However, despite the direct impact of the independent variable on the dependent variable there are also intervening elements that can greatly play a role on the implementation of EAC.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter presented the methodology that was used in the research study. This included the research design, area of the study, sample size and sample selection sampling methods and techniques, data collection methods and instruments, validity of instruments, reliability of instruments, research procedures and analysis of data.

3.1 Research Design

According to Robson, C. (1993), the study used a cross sectional design to collect data over a period of time in order to study the implementation of the EAC Common Market Policies of Free Movement of Persons in Burundi. In order to collect adequate data, qualitative and quantitative research designs were used. Quantitative data is data presented in form of descriptive statistics using frequency tables. While Qualitative data is data sorted and grouped into themes and presented using narrative text. The researcher also evaluated and analysed the adequacy of information in answering the research questions identifying categories and parameters that emerge in the responses to the variables of the study.

3.2 Study Population

According to Koffi (2002), this is the total number of respondents from which the sample size is derived. Using statistic in Burundian Public Government archives there is a total population of about 570 peoples. The roles and responsibilities of the people in the ministries are related to the Common Market Protocol of East Africa Community and for purposes of this study, the interest in free movement of persons.

3.2.1 Target Population

The target population of this study consisted of officials from MDAs of Ministry to the office of the President responsible of East African Community Affairs, *Ministère de la sécurité publique et gestion des catastrophes* and top officials whose roles are a direct link rights under the Common Market Protocol. The target population for this study is 75. This constituted of an approximate $(75/570*100)$ which is 13.26% who could provide the most relevant and reliable information among the total population of people in the ministries. The focus on this segment of

the population is justified with the mere fact that only employees whose job description is directly linked to the affairs of the East African Community Common Market have more knowledge and understanding about the study variables and as such provides most relevant and reliable information (Koffi, 2002).

3.3 Sample Size and Selection

Koffi (2002) states this is the act of choosing the number of observations or replicates to include in a statistical sample. The sample of three (3) MDAs of Ministry to the Office of the President Responsible of East African Community Affairs, *Ministère de la sécurité publique et gestion des catastrophes*; and one (1) from civil organizations actor discussed with two respondents from each.

The researcher used judgmental sampling selecting respondents deemed knowledgeable and positioned to provide policy issues on the study. Rapport was developed with respondents to build confidence in that the study is intended for good purpose as to fulfill the objective of the study.

The study used the Yamane formula of sampling because the target population from which the sample size is to be determined is more than 5% of the study population hence the study used the Yamane (1967:886) formula of sample determination.

The sample size was determined using the following formula by Yamane (1967:886)

$$n = \frac{N}{1 + N(e^2)}$$

$$n = \frac{75}{1 + 75(0.05^2)}$$

$$n = \frac{75}{1 + 75(0.0025)}$$

$$n = 63$$

Where

n = Sample size

N= Population size

e = margin of error at 95% confidence level

3.4 Sampling Method

According to McCabe (2005), sampling methods are important in identifying the population of interest. In this study, the following are the sampling methods that were employed. The researcher used purposive method of sampling. This method is important because it is dictated by the nature of the study which aims at getting information from specific respondents.

Convenience sampling was also used by the researcher for convenience purposes just in case the selected staffs are not available at the time of the interview.

Simple random sampling was also used. This method is important because it gives respondents equal chances of participating in the study and as such eliminating elements of bias.

3.5 Data Collection Sources

According to Weiner, (1995), data collection is a standout amongst the most essential stages in carrying on a research. It helps in figuring out what sort of data is needed

Primary data

The study used face to face interviews in order to save time and the primary data was collected by using structured questionnaires that were self-administered by the respondents.

Secondary data

Secondary data was collected through document reviews and other sources such as textbooks, business reports/ manuals, journals so as to get enough relevant information about the research topic.

3.6 Data Collection Methods

Ormrod, (2001) states that data collection methods are an important aspect of any type of research study. Inaccurate data collection can impact the results of a study and ultimately lead to invalid results.

3.6.1 Questionnaire

According to Allen (2010), a questionnaire is a data collection method consisting of a series of questions and other prompts for the purpose of gathering information from respondents. The

study used this data collection method because it is limited to the fact that respondents must be able to read questions and respond to them and it saves time.

3.6.2 Interviewing

In this study, the researcher used unstructured interviews on the entire distribution of the sample size. The unstructured interviews contained both closed-ended and open-ended questions that were asked in any order because this interview method is more flexible as questions can be adapted and changed depending on the respondent's answer. This method of interviewing was used to make sure the group interact with each other and not drift off topic (Ibid)

3.7 Data Collection Instruments

According to Abawi (2014), these are important in collecting valid and reliable information of the study.

3.7.1 Self-Administered Questionnaire Forms

This was the main research instrument that was used to gather primary data from the individual respondents. The study made cross ended questions and sought information from the respondents to get information about the current trend of democracy in the area of study using self-administered questions (Ibid).

3.7.2 Interview Guide

Face to face interviews were conducted alongside self administered questionnaires so as to enhance response to questions generally regarded as sensitive. The researcher used structured and face to face interviews because they provide first-hand information; data was collected because it is less costly and has the ability to clarify questions. In this method, interview guides were drafted and questions were asked and then note responses corresponding to the asked questions (Ibid).

3.7.3 Validity of the Instrument

Rankin (2013) states that this is a pre-test of the research instrument to establish its validity was done. The instrument will be given to two experts who will give their opinions on the relevance of the questions using a 5- point scale of relevant to not relevant. It was further pre-tested by administering it to probable respondents (n=10) and test their understandability of the items.

Items that were found not to be relevant were then eliminated and those found not to be understood were adjusted for understandability for the final research instrument that was used.

3.7.4 Reliability of the Instrument

To ascertain reliability of the instrument, the study referred to Cronbach (1951). This was important because it enabled the researcher to make conclusions of the study. Reliability of the questionnaire items was tested using the Cronbach's alpha coefficient. Reliability of this study's instruments was ascertained by pre-testing the questionnaires and interview guide in the field. The researcher established the reliability of the questionnaire by using pre-testing. The researcher gave questionnaire guides to the same groups of respondents and re-testing was done. This indicates that the instrument to be used to collect data from the respondents was dependable and reliable and also yields good results.

3.8 Data Analysis Techniques

Rankin (2013) states that this is a process of inspecting, cleansing, transforming, and modeling data with the goal of discovering useful information, suggesting conclusions, and supporting decision-making. Data was analyzed after making reference to the available literature so as to compare and contrast opinions presented to statistical analysis to generate descriptive statistics in order to draw conclusions and make recommendations. The data collected was presented and used in explaining the relationship between the two variables of the research study. The researcher then presented the findings qualitatively and quantitatively in a research report

3.8.1 Data Processing

The study used scaling techniques to process data. According to Carl (1996), this is the collection and manipulation of items of data to produce meaningful information. It was further noted that in research, the most commonly used scaling techniques are comparative scales, where the respondent might be asked directly about his/her preference. There are also non-comparative scales in which each object is scaled independently of the other objects in the stimulus set under study. However, for purposes of this study, a Likert scale was used where respondents specified their level of agreement or disagreement on a symmetric agree-disagree scale for a series of statements, and the range captured the intensity of the respondents' feelings about the various items or questions. The response rate was carried out using tables, percentages and frequencies. After the data was collected, the researcher recorded the percentage responses and the rate of

these results in relation to the phenomenon. By use of the response rate, the researcher established the extent to which the independent variable affected the dependent variable.

3.9 Ethical Considerations

It is important for a researcher to conduct research in an ethical manner. The researcher ensured voluntary participation of the respondents and must avoid the use of offensive, discriminatory, or other unacceptable language in the formulation of data collection instruments. In addition, the researcher maintained the highest level of objectivity in discussions and analysis throughout the research (Kumar, 2011).

3.10 Limitations of the Study

Financial constraint: The researcher faced a problem of inadequate funds to cater for transport and stationery. The researcher therefore consulted a relatively small sample of respondents because of the difficulties.

Non response: some respondents did not answer the questionnaire they were too busy also some of the information I was looking for were judged to be classified by respondents and that limited the findings

Time constraint: Time was inadequate for the research study. Comprehensive research study usually involves a great deal of collecting, analyzing and processing hence requires a lot of time which is likely was not enough for the researcher

CHAPTER FOUR

PRESENTATION, ANALYSIS AND INTERPRETATION OF STUDY FINDINGS

4.0 Introduction

This chapter presents the findings on the General Objective of the Study, namely, “To examine the implementation of the EAC Common Market policies in Burundi using the case study of free movement of persons” and the three specific objectives of the study, namely first, To assess the effectiveness of policies instituted by Burundi emanating from the Protocol of the EAC Common Market for the free Movement of persons from East Africa Countries, second, To examine the practices by Burundi emanating from the Protocol of the EAC Common Market that promotes the free Movement of persons from East Africa Countries third, To analyse challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Protocol for the free Movement of persons from East Africa countries. In order to effectively conduct a valid analysis of data, the researcher used descriptive statistics like tables and charts to depict the relevant data.

4.1 Background Information of Respondents

This section presents the background information of respondents with an intention of establishing the reliability and relevance of information provided and to also eliminate elements of bias by ensuring all respondents are well represented in terms of gender, age and education

4.1.1 Gender of Respondents

Respondents were asked to identify their gender category. The gender of the respondents of the study is important as a person’s gender can have a huge effect on their way of thinking. Gender is to ensure all genders are fairly represented in the study to eliminate elements of bias. Responses to this question are shown in Table 4.1.

Table 4.1: Gender of Respondents

Gender	Frequency	Percentage	Valid percentage
Male	34	54.0	54.0
Female	29	46.0	100
Total	63	100	

Source: Primary data, 2018

As seen in Table 4.1, results indicate that majority of the respondents were male as represented by 54.0% and 46.0% were females. This can be interpreted to mean that both male and female were well represented in this study and thus the finding of the study did not suffer from gender bias.

4.1.2 Age Group

Respondents were asked to state the age group in which they belonged and information. Age of the respondents of the study is important as it reveals the maturity of a respondent. For purposes of determining relevance of data collected from respondents, the study examined the age of respondents. The results are presented in Table 4.2.

Table 4.2: Age group

Age	Frequency	Percentage	Valid percentage
20-25	25	39.7	39.7
26-31	24	38.1	77.8
32-40	11	17.5	95.2
40 and above	3	4.8	100
Total	63	100	

Source: Primary data, 2018

According to results in Table 4.2, it is indicate that 38.1% were aged between 26-31 years and 39.7% were aged between 20-25 years. This can be interpreted to mean that respondents were of mature age and thus provide relevant and reliable information about the study. This is an indication that respondents were well represented in terms of age.

4.1.3 Highest Level of Education

Respondents were asked to state the highest levels of education attained. The level of education of the respondents of the study is important for purposes of determining the understandability and knowledge of respondents about the topic. That helps to present results which are more consistent. The results are captured in Table 4.3.

Table 4.3: Highest Level of Education

Statement	Frequency	Percentage	Valid percentage
Certificate	2	3.2	3.2
Diploma	5	7.9	11.1
Degree	27	42.9	54.0
Master	24	38.1	92.1
Others	5	7.9	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.3, results indicate that 38.1% had diploma level and 42.9% had degree level. Since this was the majority it can be interpreted to mean that majority of the respondents had university degree as their highest level of education. It also means that they have enough knowledge about the study variables.

Objective one: To Assess the Effectiveness of Policies Instituted by Burundi Emanating from the Protocol of the EAC Common Market for the Free Movement of Persons

4.2 Understanding of the East African Community Common Market Protocol

Respondents were asked whether they have an understanding or knowledge about the East African Common Market Protocol. This was to determine the reliability of the information that was to be collected from the respondents. Responses to this question are presented in Table 4.4.

Table 4.4: Understanding the East African Community Common Market Protocol

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	-	-	-
Disagree	-	-	-
Not sure	9	14.3	14.3
Agree	25	39.7	54.0
Strongly agree	29	46.0	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.4, results indicate that majority of the respondents generally agreed, this was represented by 39.7% who agreed and 46.0% who strongly agreed. This can be interpreted to mean that the various categories of the respondents had information about the study variables. During one of the interview sessions, one respondent from Ministry to the office of the president responsible of East African Community affairs stated that:

“The East African Common Market in general is a representation of a higher level of regional economic integration of two or more countries that encompasses the free movement of goods, services, labour and capital plus the right of establishment and residence. The entire process involves greater harmonisation of macroeconomic policies including tax regimes to minimise distortions in the market. This was the foundation on which Article 5(2), 76 and 104 of the Treaty on the Establishment of the East African

Community was based with a primary benefit of fostering and enhancing of a faster economic growth rate”.

This can be interpreted to mean that most of the respondents were eligible in provision of reliable and relevant data for the study.

4.2.1 Status of the Right to Free Movement of Persons in Burundi

Respondents were asked to identify the current status on the right of free movement of persons in Burundi. Responses to this question are presented in Table 4.5.

Table 4.5: Status of the Right to Free Movement of Persons in Burundi

Statement	Frequency	Percentage	Valid percentage
Very Ineffective	4	6.3	6.3
Ineffective	7	11.1	17.4
Not sure	4	6.3	23.7
Effective	23	36.5	60.2
Very effective	25	39.8	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.5, it is revealed that 11.1% and 6.3% of the respondents generally disagreed; these respondents stated that the progress of free movement of persons in Burundi is still low due to lack of civil liberties and restrictions on freedom of movement. However, majority of the respondents that is 36.5% and 39.8% stated that the status of free movement of persons is active and effective. Respondents also opined that Burundi adapted to the common standard system of issuing national identification documents like passport and had also been issuing normal passport *Laissez-passer* which the population can use while travelling in EAC Member States. It was also revealed that Burundi still have one border operating for 24hours(International Airport of Bujumbura).It was also revealed that the country updates data which helps to formulate informed policies to deal with issues of migration and free movement

of persons. This can be interpreted to mean that the status of free movement of persons in Burundi is active and effective.

4.2.2. Compliance of Burundi on Enhancing Successful Implementation of Free Movement Of Persons

Respondents were asked whether Burundi has been compliant with enhancing the successful implementation of the right to free movement of persons. Responses to this question are presented in Table 4.6

Table 4.6: Implementation of Free Movement of Persons in Burundi

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	6	9.5	9.5
Disagree	9	14.3	23.8
Not sure	5	7.9	31.7
Agree	19	30.2	61.9
Strongly agree	24	38.1	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.6, results revealed that majority of the respondents that is 38.1% and 30.2% strongly agreed and agreed respectively. This can be interpreted to mean that Burundi has over the years approved strategies and policies that foster the free movement of persons. Respondents stated that the country of Burundi welcomes an estimated number of 332 students who are granted gratis student passes. It was also stated that Burundi was also one of the first countries to ratify the removal of visa requirements for almost all African countries and has since then implemented some aspects of the protocol. This means that Burundi can be applauded on how progressive it has eased on visa restriction as a huge step forward towards full regional integration through free movement of persons.

4.2.3. Responsiveness of Population of Member States in Relation to Free Movement of Persons In Burundi

Respondents were asked to identify how responsive people have been on the issue of free movement of persons. Responses to this question are presented in Table 4.7.

Table 4.7: Responsiveness of Population of Member States in Relation to Free Movement of Persons in Burundi

Statement	Frequency	Percentage	Valid percentage
Good	30	47.6	47.6
Very Good	19	30.2	77.8
Fair	12	19.0	96.8
Bad	2	3.2	100
Very bad	-	-	-
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.7, the results revealed that majority of the respondents generally stated the responsiveness of population was good and very good represented by 47.6% and 30.2% respectively. Respondents from *Ministère de la sécurité publique et gestion des catastrophes* stated that it is very important that all the citizens of the EAC member states acquire national identity cards since we are moving towards the implementation of the Common Market protocol and as such the government of Burundi provided initiative and infrastructure to enable all its citizens to be involved in the process. High responsiveness of the population has ensured that people from other countries can have easy entrance into Burundi as well as Burundians being welcomed into other partner states.

4.2.4 Burundi has clear Effective Policies Under CMP About the Right to Free Movement of Persons

Respondents were asked as to whether Burundi has clear effective policies under CMP about the free movement of persons. Responses to this question are presented in Table 4.8.

Table 4.8: Burundi has clear Effective Policies under CMP about the Right to Free Movement of Persons

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	28	44.4	44.4
Disagree	24	38.1	82.5
Not sure	6	9.5	92.1
Agree	2	3.2	95.2
Strongly agree	3	4.8	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.8, it is indicated that majority of respondents generally disagreed (44.4% and 38.1%). this can be interpreted to mean that the right to free movement of persons under the CMP is still at its early stage of progress. Respondents expressed that the Government has had challenges in having effective policies due to various factors such as lack of coordination and communication between national authorities of different partner states, there is also lack of knowledge of the applicable rules by citizens. It was also established the right to free movement of persons is faced with an obstacle of ignorance of the rules determining the applicable legislation in the constitution to incorporate it under the rules of CMP.

4.2.5 Right of free movement of persons and the right of establishment and residence in Burundi

Respondents were asked whether the right of free movement of persons extends to the functioning of the right of establishment and residence. The responses to this question are presented in Table 4.9.

Table 4.9: Right of Free Movement of Persons and the Functioning of the Right of Establishment and Residence in Burundi

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	-	-	-
Disagree	-	-	-
Not sure	6	9.5	9.5
Agree	27	42.9	52.4
Strongly agree	30	47.6	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.9, results revealed that majority of the respondents generally agreed, this is represented by 42.9% and 47.6% who agreed and strongly agreed respectively. This can be interpreted to mean that individuals are not only permitted to move in and out of the country but are also permitted to register for settlement. Respondents stated that under the CMP, partner states are required to issue residence permits to holders of work permits and their families, however Burundian Government due to limitations imposed on grounds of public policy, public security or public health can decide otherwise by restricting the right of residence. It was also revealed that the Government of Burundi, despite the rules of CMP, has control on issues relating to the right of permanent residence as per their national policies and law of state. This can be interpreted to mean that as much as an individual may be permitted both rights of free movement and residence, the right of residence is a right preserved for individuals with work permits.

4.2.6 Efforts made by Burundi in response to the right of free movement of persons

Respondents were asked whether Burundi has made efforts in response to the right of free movement of persons. Responses to this question are presented in Table 4.10.

Table 4.10: Efforts made by Burundi in response to the right of free movement of persons

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	10	15.9	15.9
Disagree	5	7.9	23.8
Not sure	4	6.3	30.2
Agree	19	30.2	60.3
Strongly agree	25	39.7	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.10, it is revealed that majority of the respondents generally agreed, this is presented by 30.2% and 39.7% who agreed and strongly agreed respectively. This can be interpreted to mean that the Government of Burundi has taken steps in fostering success in the practice of free movements of persons. Respondents stated that Burundi was among the first countries that ratified the use of a common standard identification system that grants access of citizens of other partner states entry into other countries. The country also removed restrictions from the borders to ease the right of movement, as such the country has had an increasing number of people that are given passes to enter and most of these are students. Even though it is still at its early stage of progress Burundi is also equipping borders with modern infrastructure relevant to free movement of persons

Objective two: To Examine the Practices by Burundi Emanating from the Protocol of the EAC Common Market that Promotes the Free Movement of Persons

4.3 Legislature of Burundi Has a Provision to the Right of Free Movement of Persons

Respondents were asked whether Burundian legislature has a provision to the right of free movement of persons. Responses to this question are presented in Table 4.11.

Table 4.11: Legislature of Burundi has a Provision to the Right of Free Movement of Persons

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	-	-	-
Disagree	-	-	-
Not sure	2	3.2	3.2
Agree	16	25.4	28.6
Strongly agree	45	71.4	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.11, results indicate that majority of the respondents generally agreed, this was represented by 71.4% and 25.4% who strongly agreed and agreed respectively. This can be interpreted to mean that as per rules of the CMP, the Government of Burundi had to comply by making provisions of the rights into their legislature. During one of the interview sessions, a respondent from Ministry to the Office of the President Responsible of East African Community noted:

“In Burundi, citizens of other countries enter and travel within Burundi provided they fulfill the entry conditions, among others to be in possession of a valid travel document or a visa if required for a period of up to three months. Of course this comes with special but favorable rules that apply all citizens”.

4.3.1. Burundi has Prohibition Laws Relating to Immigrants that Have a Direct Negative Impact on the Right to Free Movement of Persons

Respondents were asked whether the country of Burundi has prohibition laws to immigrants that have a direct negative impact on the right of free movement of persons. Responses to this question are presented in Table 4.12.

Table 4.12: Burundi has Prohibition Laws Relating to Immigrants that Have a Direct Negative Impact on the Right to Free Movement of Persons

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	9	14.3	14.3
Disagree	11	17.5	31.7
Not sure	10	15.9	47.6
Agree	15	23.8	71.4
Strongly agree	18	28.6	100
Total	63	100	

Source: *Primary data, 2018*

As seen in table 4.12, results indicate that majority of the respondents generally agreed, this was represented by 23.8% and 28.6% who agreed and strongly agreed respectively. This can be interpreted to mean that migration into Burundi depends on the lawfulness record of an individual. Respondents also stated that despite the implementation of the right to free movement, the Government enacted legislation that facilitate or limit criminal's entry through the boarder. This is possible since each individual is required to carry a national identification which details in database whether one has a criminal record or not.

4.3.2 Poor Administration in Burundi About the Right of Free Movement of Persons

Respondents were also asked whether Burundi has poor administration about the right of free movement of persons. Responses to this question are presented in Table 4.13.

Table 4.13: Poor Administration in Burundi About the Right of Free Movement of Persons

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	-	-	-
Disagree	-	-	-
Not sure	6	9.5	9.5
Agree	29	46.0	55.6
Strongly agree	28	44.4	100
Total	63	100	

Source: *Primary data, 2018*

According to results in table 4.13, it is indicated that majority of the respondents generally agreed, this was represented by 46.0% who agreed and 44.4% who strongly agreed respectively. 9.5% of the respondents were not sure and these stated that their roles were not directly related to the source of providing such information. In response to poor administration of free movement of persons, respondents stated that the official language of Burundian's is French, this is a challenge to other partner states as most of them use English, this has created problems of language barrier to the people granted access into Burundi. As response to that, respondents stated that Government has instituted since 2006 a new system in Burundi education where Swahili and English will be taught from primary school It was also stated that some government officials at the borders are corrupt, this has led to increased rate of criminal rate, illegal practices, smuggling, and this has led to political effects to most partner states.

4.3.3 Immigration Office Is Effective in Executing Provisions in Relation to the Free Movement of Persons

Respondents were also asked to rate the effectiveness of immigration office in executing provisions in relation to the free movement of persons. Responses to this question are presented in Table 4.14.

Table 4.14: Immigration Office is Effective in Executing Provisions in Relation to the Free Movement of Persons

Statement	Frequency	Percentage	Valid percentage
Very effective	21	33.3	33.3
Effective	17	26.9	60.2
Not sure	5	7.9	68.1
Ineffective	9	14.3	82.4
Very ineffective	11	17.6	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.14, results revealed that majority of the respondents generally agreed, this was represented by 33.3% and 26.9% who stated that the immigration office is very effective and effective respectively. Respondents stated that it is the role of the immigration officers to keep the country free from those who try to breach the country illegally by monitoring people who arrive at the border in pursuit to exercise the right to free movement of persons. Respondents from the *Ministère de la sécurité publique et gestion des catastrophes* (PAFE) stated that immigration officers routinely conduct investigations and interviews while coming for registration or getting student passes in order pursue illegal immigrants who falsify information, they also analyse policies and procedures in relation to the right of free movement of persons.

4.3.4 Right to Free Movement of Persons Are Clearly Understood by Foreigners Who Travel To Burundi

Respondents were asked whether laws and regulation about the right of free movement of persons are clearly understood by foreigners who travel to Burundi. Responses to this question are presented in Table 4.15.

Table 4.15: Right to Free Movement of Persons Are Understood By Foreigners Who Travel To Burundi

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	16	25.4	25.4
Disagree	25	39.7	65.1
Not sure	4	6.3	71.4
Agree	12	19.0	90.5
Strongly agree	6	9.5	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.15, results revealed that majority of the respondents generally disagreed; this was represented by 25.4% and 39.7% who strongly disagreed and disagreed respectively. This can be interpreted to mean that most people are ignorant about the East African Community Common Market Protocol rights in particular the free movement of persons. Respondents stated that most of the people believed the issuing of national identity cards was a national government requirement only, they did not realize that the national identity card was CMP requirement and that these identity cards can be used to gain access into another partner state, this eliminated the use of visas. It was also stated that the ignorance about the CMP in general is a common characteristic in most partner states.

4.3.5 Challenges Facing the Practices by Burundi in Ensuring Functioning Under CMP

Respondents were asked whether Burundi is facing challenges in functioning as per obligations under CMP. Responses to this question are presented in table 4.16.

Table 4.16: Challenges Facing the Practices by Burundi in Ensuring Functioning Under CMP

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	4	6.3	6.3
Disagree	2	3.2	9.5
Not sure	6	9.5	19.0
Agree	19	30.2	49.2
Strongly agree	32	50.8	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.16, results indicate that majority of the respondents generally agreed, this was represented by a combined percentage of 81%. This can be interpreted to mean that the current slow level of integration into CMP by Burundi is due to factors that the country faces. Respondents stated that most of those factors are corruption, insecurity and poverty. It was also stated that the unstable economic situation of the country with a very poor population doesn't provide enough funding for establishment of infrastructure that can ensure smooth operation of CMP in particular free movement of persons. Respondents stated also that Government has made effort to help nationals to get documents easily and cheaply. Inside PAFE there has been creation of private organ called *contec-global* in order to facilitate the issuing of common standard document passport, CEPGL and *laissez-passer* to nationals. The *laissez-passer* can be taken as ordinary passport and can be used while travelling in EAC member States only. The advantage of the *laissez passer* is that is cheaper (30.000 Fbu or 12\$) than ordinary passport and can be used for 1 years

Objective three: To Analyse Challenges in Policy and Activity Frameworks that Burundi Faces in Order to Implement the EAC Protocol for the Free Movement of Persons

4.4 Policy and Activity Frameworks of Burundi Face Challenges

Respondents were asked whether Burundi’s policy and activity frameworks face challenges. Responses to this question are presented in Table 4.17.

Table 4.17: Policy and Activity Frameworks of Burundi Face Challenges

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	6	9.5	25.4
Disagree	12	19.0	65.1
Not sure	4	6.3	71.4
Agree	25	39.7	90.5
Strongly agree	16	25.4	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.17, it is revealed that majority of respondents generally agreed, this was represented by 39.7% and 25.4% who agreed and strongly agreed. This can be interpreted to mean that the policy framework implementation of CMP in Burundi has not yet achieved success. Respondents stated that some of the major challenges range from limited resources being committed to the implementation of the CMP Ministries since they are given budget ceilings by the Ministry of Finance, Planning and Economic Development, thereby leaving little room for maneuver as there are many other competing demands, lack of a proper monitoring and evaluation system which makes it difficult to track the implementation and framework progress and one common challenge being the lack of standardized format for data capture and some MDAs operate manual system of data collection and processing, there by inhibiting data exchange.

4.4.1 Authoritative Bodies Under CMP in Burundi Come Up with Solutions to Tackle the Challenges Affecting the Policy Framework

Respondents were asked whether the authorities under CMP have come up with solutions to tackle the challenges affecting the policy framework. Responses to this question are presented in Table 4.18.

Table 4.18: Authoritative Bodies Under CMP in Burundi Come Up With Solutions to Tackle the Challenges Affecting the Policy Framework

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	19	30.2	30.2
Disagree	25	39.7	69.8
Not sure	8	12.7	82.5
Agree	8	12.7	95.2
Strongly agree	3	4.8	100
Total	63	100	

Source: *Primary data, 2018*

As seen in Table 4.18, it is indicated that majority of the respondents generally disagreed; this is represented by 30.2% and 39.7% who strongly disagreed and disagreed respectively. This can be interpreted to mean that the existing situation of challenges facing the policy framework have high possibility to escalate. Respondents stated that the Government has internal challenges where most of the resources are allocated, this has left the challenges facing the policy framework of CMP unattended and hence unresolved. The economy of Burundi is also in a bad state that the country does not have enough funds to allocate to resolving existing challenges.

4.4.2 Burundi has Delayed to Fully Integrate and Implement Policies in Relation to CMP

Respondents were asked whether Burundi has delayed in fully integrating and implementing policies in relation to CMP. Responses to this question are presented in Table 4.19

Table 4.19: Burundi has Delayed to Fully Integrate and Implement Policies in Relation to CMP

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	-	-	-
Disagree	-	-	-
Not sure	4	6.3	6.3
Agree	26	41.3	47.6
Strongly agree	33	52.4	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.19, results reveal that majority of respondents generally agreed, this was represented with a combined percentage of 93.7%. This can be interpreted to mean that since the ratification of the common market protocol, the East African Legislative Assembly is still concerned that Burundi (and other partner states) is not moving as faster as they should in the implementation process. Respondents stated that Burundi has not done enough to sensitize activities in order to raise awareness and showcase benefits to citizens of the region. In addition, it was observed that Burundi has not yet adopted phased implementation of the protocol by prioritizing aspects that can carry quick wins or deliver immediate multiple effects. The main focus is the delayed issue on security related matters such as illegal bad blocks, arrests and the ever worrying trend of terrorism gaining entry through the free movement of persons.

4.4.3 Collaboration Effort Amongst other Member States and Burundi in Enhancing the Free Movement of Persons

Respondents were asked whether there is collaboration amongst partner states and Burundi in enhancing the free movement of persons. Responses to this question are presented in Table 4.20

Table 4.20: Collaboration Effort Amongst Other Member States and Burundi in Enhancing The Free Movement of Persons

Statement	Frequency	Percentage	Valid percentage
Strongly disagree	-	-	-
Disagree	-	-	-
Not sure	2	3.2	3.2
Agree	31	49.2	52.4
Strongly agree	30	47.6	100
Total	63	100	

Source: *Primary data, 2018*

According to results in Table 4.20, it is indicated that majority of respondents generally agreed, this is presented by 49.2% and 47.6% who agreed and strongly agreed respectively. This can be interpreted to mean that all partner states have mutual understanding on requirements for success of free movement of persons. Respondents stated that all partner states government discourage discrimination of non-nationals, this is aimed at widening and deepening cooperation so as it should be among partner states in terms of political, economic, social and cultural fields. Partner states have further exhibited collaboration through provision of employment opportunities to citizens of other countries and also permitting right to residence and establishment.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter is divided into three sections. The first section discusses the summary findings of the study and the second section looks at the conclusions on the basis of the findings of the study. The last section draws recommendations from the study.

5.1 Summary of Findings

Objective one: To Assess the Effectiveness of Policies Instituted by Burundi Emanating from the Protocol of the EA Common Market for the Free Movement Of Persons

Basing on the study findings, results in Table 4.4 indicated that majority of the respondents had an understanding about the East Africa Community Common Market; this was interpreted to mean that the various categories of the respondents had information about the study variables.

Results in Table 4.5 respondents (11.1% and 6.3%) stated that the progress of free movement of persons in Burundi is still low due to lack of civil liberties and restrictions on freedom of movement. However majority of respondents (36.5% and 39.8%) opined that Burundi adapted to the valid common standard system of issuing national identification documents like passport and had also been issuing normal passport *Laissez-passer* which can be used by nationals while travelling in EAC Member States. This can be interpreted to mean that the status of free movement of persons in Burundi is active.

Findings in Table 4.6 showed that majority of the respondents that is 38.1% and 30.2% strongly agreed and agreed that Burundi has been compliant about enhancing the successful implementation of free movement of persons. This can be interpreted to mean that Burundi has over the years approved strategies and policies that foster the free movement of persons. Respondents stated that the country of Burundi welcomes an estimated number of 332 students who are granted gratis student passes and also have been among one of the first countries that ratified the removal of visa requirements for EAC member states.

Table 4.7 results revealed that High responsiveness of the population has ensured that people from other countries can have easy entrance into Burundi as well as Burundians being welcomed into other partner states.

In addition, results in Table 4.8 showed that majority of respondents generally disagreed (44.4% and 38.1%) that Burundi has clear effective policies under CMP about the right to free movement of persons. Respondents expressed that the Government has had challenges in having effective policies due to various factors such as lack of coordination and communication between national authorities of different partner States.

Findings in Table 4.9 showed that majority of the respondents generally agreed that the right of free movement of persons extend to the functioning of the right of establishment and residence. Lastly, results in Table 4.10 showed that the Government of Burundi has taken steps in fostering success in the practice of free movements of persons and this was presented by 30.2% and 39.7% who agreed and strongly agreed respectively. They justified it by saying that the country (Burundi) has had an increasing number of people that are given passes to enter and most of these are students, it is also equipping borders with modern infrastructure even if it is still at its early stage of progress.

Objective two: To Examine the Practices by Burundi Emanating from the Protocol of the EAC Common Market that Promotes the Free Movement of Persons

Basing on the study findings, results in Table 4.11 revealed that Legislature of Burundi has a provision to the right of free movement of persons; this can be interpreted to mean that as per rules of the CMP, the Government of Burundi had to comply by making provisions of the rights into their legislature. Results in Table 4.12 indicated that 23.8% and 28.6% agreed and strongly agreed respectively that Burundi has prohibition laws to immigrants that have a direct negative impact on the right to free movement of persons. In addition, results in Table 4.13, showed that majority of respondents stated that there is poor administration in Burundi about the right of free movement of persons, respondents stated that the official language of Burundian's is French, this is a challenge to other partner states as most of them use English, this has created problems of language barrier to the people granted access into Burundi. It was also revealed that some officials at the borders are corrupt this has led to increased illegal practices. Findings in Table 4.14 showed that the extent to which immigration office is effective in executing provisions in relation to free movement of persons, 33.3% and 26.9% stated that it is the role of the immigration officers to keep the country free from those who try to breach the country illegally by monitoring people who arrive at the border. Results in Table 4.15 showed that majority of the

respondents disagreed indicating that most people are ignorant about the East African Common Market Protocol rights in particular the free movement of persons. Respondents stated that most of the people believed the issuing of national identity cards were a national government requirement only; they did not realize that the national identity card was EAC CMP requirement.

Results in Table 16 indicate that majority of the respondents generally agreed, with a combined percentage of 81%. This can be interpreted to mean that the current slow level of integration into CMP by Burundi is due to factors such as corruption, insecurity and poverty. It was also stated that the unstable economic situation of the country with a very poor population doesn't provide enough funding for establishment of infrastructure that can ensure smooth operation of CMP in particular free movement of persons. Respondents stated also that Government has made effort to help nationals to get documents easily and cheaply. Inside PAFE there has been creation of private organ called *contec-global* in order to facilitate the issuing of common standard document passport, CEPGL and *laissez-passer* to nationals. The *laissez-passer* can be taken as ordinary passport and can be used while travelling in EAC member States only. The advantage of the *laissez passer* is that is cheaper (30.000 Fbu or 12\$) than ordinary passport and can be used for 1 year.

Objective three: To Analyse Challenges in Policy And Activity Frameworks that Burundi Faces in Order to Implement the EAC Protocol for the Free Movement of Persons

Basing on the results in Table 4.17, it was revealed that 39.7% and 25.4% generally agreed that the policy framework implementation of CMP in Burundi has not yet achieved success. Respondents stated that some of the major challenges range from limited resources being committed to the implementation of the CMP Ministries since they are given budget ceilings by the Ministry of Finance. Also, they stated lack of a proper monitoring and evaluation system which makes it difficult to track the implementation and framework progress. It was also revealed under Table 4.18 that authorities have not come up with solutions to tackle challenges facing the policy framework, it was revealed that the Government has internal challenges where most of the resources are allocated, this has left the challenges facing the policy framework of CMP unattended and hence unresolved.

It was also revealed under Table 4.19, that Burundi has delayed to fully integrate and implement policies in relation to CMP, since the ratification of the common market protocol, the East

African Legislative Assembly is still concerned that Burundi (and other partner states) is not moving as fast as they should in the implementation process. The ever worrying trend can be the entry of terrorist or those who may enter the country with the purpose of disturbing peace and security gaining entry through the free movement of persons. Lastly, Table 20 revealed that 49.2% and 47.6% agreed that there is collaboration effort amongst other member states and Burundi in enhancing the free movement persons.

5.2 Conclusion

Objective one: To assess the effectiveness of policies instituted by Burundi emanating from the Protocol of the EA Common Market for the free Movement of persons

In conclusion, the study has revealed that Burundi has been compliance about enhancing the successful implementation of free movement of persons. Burundi has taken steps in fostering success in the practice of free movement of persons. That can be demonstrated by a number of students that have been granted free student passes to come and study in Burundi and number of EAC citizens entering in Burundi regularly. Burundi adapted to the common standard system of issuing national identification documents like passport and had also been issuing normal passport (*Laissez-passer*) which the population can use while travelling in EAC Member States. Even if it is still at its early stage, The Government is equipping different borders with modern equipment. For now those equipment are found at International Airport of Bujumbura. It has been revealed that there is no restriction of people from other countries to enter into Burundi as well as Burundians being welcomed into other partner states. The Government has had challenges in having effective policies due to various factors such as lack of coordination and communication between national authorities of different partner States

Objective two: To examine the Practices By Burundi Emanating from the Protocol of The EAC Common Market that Promotes the Free Movement Of Persons

In conclusion, the Government of Burundi has to comply by making provisions of the rights into their legislature. It has revealed also that Burundi has prohibition laws to immigrants that have a direct negative impact on the right to free movement of persons and most people are ignorant about the East African Community Common Market protocol rights in particular the free movement of persons. It has been revealed that there is poor administration in Burundi due to

language barrier, the official language of Burundian“s is French, and this is a challenge to other partner states as most of them use English. Another cause of poor administration is the corruption of some officials which led to increased illegal practices. However there has been creation of immigration office responsible of protecting the country from those who try to breach the country illegally by monitoring people who want to cross the border. Inside PAFE there has been creation of private organ called Contec-global since 2011 in order to facilitate the issuing of common standard document passport, *laissez-passer* and CEPGL to nationals. The government has responded to the need of the population by introducing the “laissez-passer” which is cheaper than ordinary passport (30.000 Fbu or 12\$) and can be used for 1 year and reserved only to EAC member States.

Objective three: To Analyse Challenges In Policy And Activity Frameworks That Burundi Faces in Order to Implement the EAC Protocol for the Free Movement of Persons

In conclusion, it has revealed that authorities have not come up with solutions to tackle challenges facing the policy framework. It was revealed that the Government has internal challenges where most of the resources are allocated this has left the challenges facing the policy framework of CMP unattended and hence unresolved. The economy of Burundi is also in a bad state that the country does not have enough funds to allocate to resolving existing challenges. Also there is ever worrying trend that they might be entry of terrorist or those who may enter the country with the purpose of disturbing peace and security gaining entry through the free movement of persons.

5.3 Recommendations

Burundi should consider the establishment of a High Level Forum or Authority on regional integration for a better coordination and implementation of the initiatives and programmes of all regional integration bodies to which the country subscribes.

The study suggests for better collaboration between the National Planning Authority, Ministry of Finance and Economic Development; Ministry of Trade, Industry and Cooperatives; Ministry of East African Community Affairs; and other MDAs in order to ensure that regional integration is mainstreamed in the National Development Plan, as well as the national budget framework.

Burundi should ensure that relevant Ministries, Departments and Agencies mainstream regional integration in their work plans, programmes and budgets. This could be achieved by requiring MDAs to prepare medium term Sector Strategy Plans that should be incorporated in the National Development Plans.

The monitoring and evaluation system being developed by the Ministry to the office of Presidents in charge of East African Community Affairs should incorporate all the relevant MDAs and should highlight accountability and good governance.

5.4 Areas for further research

The research was done on the implementation of EAC Common Market policies basing on the responsibility of Burundi Government. Therefore, a study on the contribution (specifically in term of fund) of the Secretariat of EAC towards the full implementation of EAC Common Market can shed more light on to which extent the secretariat is helping member States to fully implement Common Market policies on free movement of persons in their respective countries.

REFERENCES

Abawi (2014): Economic Cooperation and Regional Integration in Africa: First Experiences and Prospects, Nairobi: African Academy of Sciences.

Abdelrahim (2017): In Partnership With The World Bank And East African Community Secretariat East African Common Market Scorecard: Tracking EAC compliance in the movement of persons, Services and Goods, Arusha

Adar K. G. (2011): East Africa Community. Center for studies on federalism.

African economic outlook (2012): Burundi. available on www.africaneconomicoutlook.org

Article 24(2) of the East African Community Protocol for the Establishment of the East African Community Common Market

Adepoju (2009): Protocol on the establishment of the East African Community Common Market

Allen.N. (2010): Constructing questions for interviews and questionnaires: Theory and practice in social research (New ed.). Published by Cambridge University Press

Arndt (2013): India's Foreign Policy and Regional Multilateralism. Basingstoke: Palgrave Macmillan.

Barkland T.A. (2005): Models of the policy process. In J.Rabin(Ed.).Encyclopedia of public Administration and public policy. New York, USA:Taylor&Francis group

Bennett R. (2009): Trade Openness and Economic Growth: A Cross-country Empirical Investigation, Journal of Development Economics, 72(1), 57-89.

Beveridge, W. (1944): Full Employment in a Free Society. London: Allen & Unwin.

Carl, K. (1996): Data Processing and Information Technology (10th ed.). Published by ISBN COMESA, 2000.

Clarke, S. (2005): "The Neoliberal Theory of Society". London: Pluto Press.

Cronbach, .A. (1951): Understanding a widely misunderstood statistic: Cronbach's alpha". Published by Southwestern Educational Research Association

Dalimov (2009): The dynamics of the trade creation and diversion effects under international economic integration, *Current Research Journal of Economic Theory*, 2009, vol. 1, issue 1

Daniels, J. et al. (2011): *International Business environments and operations*. Pearson, Boston, 13th Edition.

De Lombaerde, et al. (2007): *Regional Integration, Poverty and Social Policy*. *Global Social Policy*, 7(3), pp. 377-383.

De Melo, et.al. (2013): *Institutions, Institutional Change and Economic Performance*. Cambridge, MA: Cambridge University Press

Economic Commission for Africa, (2013): *EAC Development Strategy (2011/12 – 2015/16) – Deepening and Accelerating Integration*. Lusaka: East African Community

EAC (2010): *Protocol on the establishment of East African Community Common Market*. Tanzania, Arusha

EAC (1999): *Regionalism in Africa: A Part of Problem or a part of Solution*. *Polis/RCSP/CPSR*, 9

The East African Development Strategy report (2011): *Deepening and accelerating integration*. East African Community, Arusha, Tanzania

Egan, D. (2001): *Democracy and the Global Order: From the Modern State to Democratic Governance*. Cambridge, Policy Press.

Ezekiel, R.B. (2009): *Compliance with ILO Conventions Concerning Social Security for Migrant Workers in Tanzania: A critique with emphasis on equality of treatment*, LL.M Dissertation. University of Dar es salaam.

Friedman, T. (2006): *The World is Flat: The Globalized World in the Twenty-First Century*. London: Penguin.

Friedrich E.S., (2012): *The East African Community Common Market protocol for movement of Labour: Achievements and challenges of implementation of the protocol*. Conference report, Kenya, Nairobi Safari club

Fuchs, D. (2003): Economic Integration in the Caribbean: The development towards a common labour market. Geneva: International Labour Office.

Fuster (2011): Council Regulation 1612/68: A Significant Step in Promoting the Right of Freedom of Movement within the EAC. Boston College International and Comparative Law Review

Gray, J. (1995): Liberalism. 2nd Edition. Buckingham: Open University Press.

Haarlow, J. (1997): Regional cooperation and integration within industry and trade in Southern Africa: General approaches SADCC and the world bank. Aldershot, Avebury

Haas (1970): Law, Power, Politics and Economics: Critical Issues Arising out of the New ECOWAS Treaty.

Harvey, D. (2005): A Brief History of Neoliberalism. Oxford: Oxford University Press.

Hartzenberg, T. (2011): Regional Integration in Africa. Trade Law Centre for Southern Africa (tralac)

Haywood, K. (2010): The Ministry of East African Community Common Market Protocol: Legal & Regulatory Effects. Kampala: Ministry of East African Community Affairs

Hayek, F. A. (1973): Law, Legislation and Liberty: A new Statement of the Liberal Principles and Political Economy. Volume I: Rules and Order. London: Routledge

Iyoha M. A. (2005): Enhancing Africa's Trade: From Marginalization to an Export-Led Approach to Development

Jumuiya (2018): What is the common market; East African Community

Kamanga (2010): Some Constitutional Dimensions of East African Cooperation, Paper prepared for presentation to Kituo cha Katiba within the „State of Constitutional Development in East Africa“ project.

Kanyangoga, J. (2010): Integrating Migration with Development in EAC: Policy Challenges and Recommendations. Kampala: s.n.

Kinyua, T. K., (2015): institutional challenges facing the East Africa Community Common Market in Kenya. [Unpublished] Kenya, University of Nairobi

Koffi (2002): The constant comparative method of qualitative analysis. *Social Problems*, 12, 436–445

Kristol (1983): *Reflections of a Neoconservative: Looking Back, Looking Ahead*. New York: Basic Books.

Kumar, R., (2011): *Research Methodology a step-by-step guide for beginners*. 3rd edition, SAGE

Kyambalesa et al., (2001): Domestication and mainstreaming of regional integration processes, instruments and decisions into national policies, legal and regulatory frameworks: issue, challenges and opportunities. Kigali, Rwanda

Legislative drafting & Research Consultants (2013): *Realignment of relevant laws with the EAC Common Market protocol*. Kampala, Uganda

McCabe (2005): *Populations and Selection: Limitations of Statistics (Presidential address)*". Published by Royal Statistical Society

Nyamoya et al., (2010): *Trade Flows: a facet of regionalism or globalization?* Cambridge, Journal of Economics

Ngangu et al (2004): Ministry of Water, Environment, Land Management and Urban Planning (2010), PROJECT: Burundi empowerment to prepare its second national communication to the United Nations framework agreement on climate change. Executive summary of the second national communication on climate change, Bujumbura, Republic of Burundi-UNDP

Nkurunziza, et al., (2010): *The Financial Sector in Burundi: An Investigation of its Efficiency in Resource Mobilization and Allocation*.

Norberg, J. (2001): *Till världskapitalismens försvar*. Stockholm: Timbro. <http://www.timbro.se/bokhandel/pdf/9175664917.pdf>

Ogalo, V., (2012): *Achievements and challenges of Implementation of the EAC Common Market Protocol in Kenya: Case of Free Movement of Labour*. Nairobi: s.n

Ogalo, V. (2012): domestication of the EAC Common Market in Burundi: challenges and opportunities in implementation of movement of labour. Nairobi:s.n

Omara et al.,(2010): Civil society and Good governance in Burundi Promoting inclusiveness and people participation in the East African Community. Kampala, Fountain Publishers

Ombudo (2014): Relational issues of law and economic integration in Africa: Perspectives from Constitutional, Public and Private International Law: Vancouver: s.n.

Ormrod, (2001): Advantages and disadvantages of various data collection methods. Jupp publishers

Othieno et al., (2012): Opportunities, Challenges and Way Forward for Uganda's Trade in Education services within the East African Community. Kampala, Economic Policy Research Centre (EPRC)

Rankin, (2013): How data Systems & reports can either fight or propagate the data analysis error epidemic, and how educator leaders can help. Published by African studies

Ravenhill, J. (2016) Regional integration in Africa: Theory and practice. Available from: https://www.researchgate.net/publication/303394566_Regional_Integration_in_Africa_Theory_and_Practice [accessed Oct 13 2018]

Rawls, J. (1993): *Political Liberalism*. New York: Columbia University Press.

Robson, C. (1993): Educational research: Planning, conducting, and evaluating quantitative and qualitative research. Upper Saddle River.Published by Prentice Hall.

Ryan, A. (1993): "Liberalism"; pp. 291-311 in Robert E. Goodin and Philip Pettit (eds.): *A Companion to Contemporary Political Philosophy*. Oxford: Blackwell

Sartori, G. (1987): *The Theory of Democracy Revisited*. Chatham, New Jersey: Chatham House.

Shenz. M, (2007) Constructing European Market. Oxford, Oxford University press

Waffubwa .I. (2012): Cooperation in political affairs. How far have six years down the line? In the drive towards political integration in East Africa

Weimer, J. (1995): *Research Techniques in Human Engineering*. Englewood Cliffs: Published by NJ Prentice Hall

World Bank (2012): *East African Community reshaping Economic Geography of East Africa: from Regional to Global Integration, poverty Reduction and Economic Management Unit Africa Region*, Report No. 65699-AFR

Yamane, Taro (1967): *Statistics, An Introductory Analysis*, 2nd Ed., New York: Harper and Row.

APPENDIX B: Map of East Africa Community



APPENDIX C: QUESTIONNAIRE

DEAR SIR/MADAM

I am Niyomwungere Fabiola pursuing a Degree of Master of International Relation and Diplomacy in Nkumba University. I am carrying out a research on the topic “the implementation of the East African Community Common Market Policies in Burundi. It focuses on a case of the Free Movement of Persons. You have been randomly selected to respond to this questionnaire. In order to accomplish this research study, I kindly request you to spare your precious time to respond to the questions below. The information requested for is purely for accordance purposes and will be treated with confidentiality.

Part 1: please tick or fill where applicable.

BACKGROUND INFORMATION

What is your gender?

Male

b) Female

2) Age of respondent

a) 20-25

b) 26-40

c) 35-45

d) 46 and above

3) Education background level

Certificate

Diploma

Degree

Other specify

Section B: To assess the effectiveness of policies instituted by Burundi emanating from the Protocol of the EA Common Market for the free Movement of persons from East Africa

1. Do you have an understanding about the East African Common Market Protocol?

Yes No

2. What is the status of the right to free movement of persons in Burundi?

.....
.....

3. Burundi has been compliant about enhancing the successful implementation of free movement of persons?

Agree

Strongly agree

Disagree

Strongly disagree

Others specify

.....

4. How responsive has the population of member status been in relation to free movement persons in Burundi?

Good

Very good

Fair

Bad

Very bad

5. Does Burundi have clear effective policies under CMP about the right to free movement of persons?

Yes No

6. How responsive has the government of Burundi been in establishing strategies to implement the free movement of persons?

Good

Very good

Fair

Bad

Very bad

7. The right of free movement of persons extend to the functioning of the right of establishment and residence.

Agree

Strongly agree

Disagree

Strongly disagree

Others specify

.....

8. What are the efforts made by Burundi in response to the right of free movement of persons?

.....
.....
Section C: To examine the practices by Burundi emanating from the Protocol of the EAC Common Market that promotes the free Movement of persons from East Africa.

1. Does the legislature of Burundi have a provision to the right of free movement of persons?

Agree

Strongly agree

Disagree

Strongly disagree

2. Burundi has prohibition laws to immigrants that have a direct negative impact on the right to free movement of persons?

Agree

Strongly agree

Disagree

Strongly disagree

Others specify

3. Are you in agreement with the statement there is poor administration in Burundi about the right of free movement of persons?

Yes No

4. What are the efforts by Burundi in response to Article 2 (4) of the Common Market Protocol?

.....
.....

.....
.....
5. To what extent is the immigration office effective in executing provisions in relation to the free movement of persons?

Very effective

Effective

Not sure

Ineffective

Very ineffective

6. Regulations and laws relating to exercising the right to free movement of persons are cleared understood by foreigners who travel to Burundi?

Agree

Strongly agree

Disagree

Strongly disagree

7. Are there challenges facing the practices by Burundi in ensuring effective functioning and response to the obligations under CMP?

Yes No

Please explain.

.....
.....

Section D: To seek solutions to challenges in policy and activity frameworks that Burundi faces in order to implement the EAC Protocol for the free Movement of persons from East Africa.

1. Does the policy and activity framework of Burundi face challenges?

Yes No

2. Have the authoritative bodies under CMP in Burundi come up with solutions to tackle the challenges affecting the policy framework?

Agree

Strongly agree

Disagree

Strongly disagree

3. Why is there a delay under Burundi to fully integrate and implement policies in relation to CMP?

.....
.....

4. Does poor democracy have an effect on socio-economic situation?

.....
.....
.....

5. Is there any collaborative effort between other member states and Burundi in enhancing the free movement persons?

Yes No

6. What lessons and experience have been drawn from the EAC partner states on cooperation about the Common Market Protocol?

.....
.....

7. How is a common understanding instigated among the partner states in dealing with the East African Common Market Protocol?

.....
.....

THANK YOU FOR YOUR CO-OPERATION

APPENDIX D: INTERVIEW GUIDE
GUIDE LINES DISCUSSIONS AMONG RESPONDENTS

Location: _____

Date: _____

Time discussion started: _____ Time ended _____

Introduction

1. Introduce myself (my name and the University I study from)
2. Introduce respondents
3. Explain the purpose of the visit: “I want to understand the implementation of East African Common Market Policies in Burundi focusing on a case of free movement of persons”.
4. Explain how answers will be treated confidentially: “I will treat all answers with respect and will not share them except as general answers combined from all people who participate in the study. I will not give names of respondents as this will make them feel uncomfortable talking with me. Participation in the discussions will completely be voluntary and do not have to answer any questions that they don’t feel like responding to.

Hereto, ask respondents if they are willing to participate in the group discussions.

Question:

1. Do you have an understanding about the East African Common Market Protocol?
2. What is the status of the right to free movement of persons in Burundi?
3. Does Burundi have clear effective policies under CMP about the right to free movement of persons?
4. What are the efforts made by Burundi in response to the right of free movement of persons?
5. Does the legislature of Burundi have a provision to the right of free movement of persons?
6. Are you in agreement with the statement there is poor administration in Burundi about the right of free movement of persons?

7. What are the efforts by Burundi in response to Article 2 (4) of the Common Market Protocol?
8. To what extent is the immigration office effective in executing provisions in relation to the free movement of persons?
9. Are there challenges facing the practices by Burundi in ensuring effective functioning and response to the obligations under CMP?
10. Why is there a delay under Burundi to fully integrate and implement policies in relation to CMP?

APPENDIX E: Expenses Incurred

Activity	Amount (Burundi Francs)	Amount (Uganda Shillings)
Consultancy fee	100,000	150,000
Printing and photocopy	20,000	30,000
Transport	180,000	270,000
Meals	53,333	80,000
Stationary	43,333	65,000
TOTAL	396,666	595,000

APPENDIX F: Time framework

Formulating and approval of topic	November 2017
Supervision of research study	May 2018
Submission of research study	May 2018
Approval of research study by supervisor	July 2018