

**A critical analysis of the legal and institutional framework for participatory democracy in
the east African community organs and institutions**

Milka Wahu Kuria

Master of Laws

University of Dar es Salaam, Law School, 2011

This study critically examines the place of the 'people-centered integration principle in the practical operations of the East African Community (EAC) organs and institutions. As such, the legal and institutional framework for involvement of the civil society, private sector and general East African citizenry and current participatory practices of the Community are analysed. It asks, to what extent does the East African Community Treaty and other applicable laws, rules and regulations herald a viable framework for participatory democracy? How far have the current integration initiatives ensured the realisation of a people-centered integration?

Chapter one is introduction while chapter two analyses the concept of participatory democracy through the lenses of throughput Legitimacy which asks how decisions are taken, who is responsible for it and which issues at stake. It emphasis on equal opportunities to participate in decision making by means of transparency of procedures and negotiation and public access to documents and information with only justified and legitimate restrictions.

To set the ground for a comparative analysis of participatory democracy at the EAC, chapter three looks at some EU participatory frameworks and practices. Particularly, the EU social dialogue and citizens' initiative are expansively canvassed, Additionally, the chapter briefly but precisely appraises the institutional balance of the EU institutions as a principle of governance relevant to effective functioning of participatory democracy.

Chapter four focuses on the place of participatory democracy in the day to day running of the EAC organs and institutions drawing insights from the EU. Further, the chapter critically scrutinised the institutional balance amongst the EAC's organs and between the Community and Partner States.

In conclusion, the study observes that the legal and institutional framework necessary to foster participatory democracy at the Community is wanting. The situation is exacerbated by the domination of the Community by the Partner States executives and indirect elections of EALA

members. As such, since this study view people- centeredness as qua of a successful integration, it proposes an ambitious participatory framework with extensive participatory rights for all interest parties in addition to institutional review to address the institutional imbalance between the Community organs.