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EACON

Conference Theme:
Strengthening Regional
Cooperation In East
African Community

**SOMALIA'S LEGAL INTEGRATION
INTO THE EAST AFRICA COMMUNITY
(EAC)**

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Policy Brief

1.0. Executive Summary

The legal and institutional implications of Somalia's prospective integration into the East Africa Community (EAC) are the focus of this policy brief. The analysis is based on a review of existing literature and research on the topic. Key findings point to potential economic and geopolitical benefits from Somalia's membership in the

EAC, but successful integration requires resolving significant legal and institutional challenges.

These policy recommendations focus on strengthening institutional capacity, harmonizing legal frameworks, and establishing a phased approach to integration that is specific to Somalia's unique context.



2.0 Introduction

2.1 Context

The East African Community (EAC) is a regional intergovernmental organisation of eight (8) Partner States, comprising the Republic of Burundi, Democratic Republic of Congo, Republic of Kenya, Republic of Rwanda, Federal Republic of Somalia, Republic of South Sudan, Republic of

Uganda and United Republic of Tanzania, with its headquarters in Arusha, Tanzania.

The Federal Republic of Somalia was admitted into the EAC bloc on 24th November 2023 and became a full member on 4th March 2024.

2.2 Purpose

The objective of this policy brief is to evaluate the legal and institutional factors that relate to Somalia's integration into the EAC.

Its objective is to furnish policymakers

and stakeholders with practical recommendations and evidence-based analyses to facilitate the integration process.

2.3 Audience and Structure

This policy brief is intended for EAC policymakers, Somali government officials, and regional and international organizations involved in the integration process.

This policy brief is structured as follows:

a literature review providing background on the issue, a description of the research methodology, an analysis of the key findings, and policy recommendations for the way forward.



3.0 Literature Review

3.1 Background

The Treaty establishing the East African Community was signed on 30th November 1999 and entered into force on 7th July 2000 by the Partner States the East African Community (EAC) was founded with the objective of enhancing economic, political, social, and cultural integration among its constituent nations.

Since 2012, Somalia's indicated interest

in joining the regional grouping has sparked discussions about its future membership to the East African Community (EAC).

Nevertheless, the prolonged political instability, limited institutional capability, and disparities in legal frameworks in Somalia have presented substantial obstacles to its inclusion.

3.2 Importance

Integrating Somalia into the EAC has the potential to yield substantial economic and geopolitical advantages for the region. The strategic position, substantial population, and abundant natural resources of Somalia have the potential to enhance the economic

and political power of the East African Community (EAC). Moreover, the integration of Somalia in the EAC might bolster regional security and stability, a vital factor for the long-term progress of the organization.



4.0 Methodology

4.1 Design

This policy brief is derived from an extensive literature assessment of panel discussion, Questions and queries discussed before, during and after the conference, publications, policy reports, and official documents pertaining to the potential integration of Somalia into the East African

Community (EAC).

The study procedure focused on the identification of crucial legal and institutional factors, together with the adoption of successful strategies from previous endeavors in regional integration.

4.2 Data

The data for this analysis were gathered from a variety of sources, including academic/expert opinion, think tank publications, and reports

from international organizations such as the World Bank and the African Union.



5.0 Findings and Analysis

5.1 Evidence-Based Findings

a) **Harmonization of Law:** Somalia's legal framework is substantially different from that of the East Africa Community generally in reference to the legal system, particularly in the areas of intellectual property rights, commercial law, and dispute resolution mechanisms. To achieve successful integration, it is imperative to align these legal systems.

b) **Institutional Capacity:** Somalia's lack of robust government institutions

in comparison to other East Africa Community member states may impede its capacity to effectively engage in and contribute to regional decision-making processes.

c) **Phased Approach:** The rapid, one-size-fits-all integration may not be as feasible as a phased approach to Somalia's integration, which would be characterized by distinct milestones and timelines, due to the complexities involved.

5.2 Discussion

Taking into consideration the findings, Somalia's legal and institutional integration into the East Africa Community requires an approach that is both comprehensive and well

prepared. It will be essential to address the legal and capability gaps to guarantee that Somalia's membership in the EAC would be mutually beneficial and sustainable.





6.0 Conclusion and Policy Recommendations

6.1 Summary of Key Points

- Somalia's legal framework is substantially different from that of the EAC, which presents obstacles to integration.
- The effective participation of Somalia in the EAC may be impeded by its inadequate institutional capacity.
- Rapid integration may not be the most suitable approach; rather, a phased approach with evident milestones and timelines may be more suitable.

6.2 Policy Options

- 1) **Harmonize Legal Frameworks:** Establish a joint task force to review and align Somalia's legal systems with the EAC's, focusing on areas such as trade, investment, and dispute resolution.
- 2) **Strengthen Institutional Capacity:** Provide technical assistance and capacity-building programs to improve the performance of Somali government institutions and enhance their ability to engage with the EAC.
- 3) **Implement a Phased Integration Approach:** Adopt a step-by-step integration process that allows Somalia to gradually align its policies, institutions, and legal frameworks with the EAC, while ensuring a smooth and sustainable transition.

6.3 Implementation Strategies

1. Ensure a collaborative and inclusive integration approach by facilitating a consultative process that involves Somali policymakers, East African Community member states, and regional and international organizations.
2. Obtain funding and technical assistance from international development partners to finance the legal harmonization, institutional capacity-building, and phased integration initiatives.
3. Develop a comprehensive surveillance and evaluation framework to monitor progress, identify obstacles, and implement the requisite modifications during the integration process.



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